



KENTUCKY BOARD OF PHARMACY

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OPINION AND DECLARATORY RULING: SCREENING OF GRIEVANCES REGARDING OUT OF STATE DISCIPLINARY ACTIONS

Issued on:

The Kentucky Board of Pharmacy issues this declaratory ruling to clarify the process of screening out of state disciplinary actions and under what circumstances out of state disciplinary actions shall be accepted by the Board of Pharmacy as a grievance pursuant to KRS 315.121 (1)(c)(2). The Board of Pharmacy is authorized to issue Opinion and Declaratory Judgments pursuant to KRS 13A.130(3) and 13A.010(2)(b). A declaratory ruling does not create a new law or modify an existing one. Board of Pharmacy declaratory rulings are not binding, and are only offered as a guideline to licensees, permit-holders and registrants who wish to engage in a safe practice of pharmacy that promotes, preserves and protects public health, safety and welfare of the citizens of the Commonwealth.

The Kentucky Board of Pharmacy is authorized by Kentucky Revised Statute (KRS) 315 to regulate pharmacies, pharmacists, pharmacist interns, pharmacy technicians, manufacturers, wholesalers, outsourcing facilities and third-party logistics providers within the Commonwealth of Kentucky or transacting business within the Commonwealth of Kentucky in order to promote, preserve, and protect public health, safety and welfare of the citizens of the Commonwealth.

The Kentucky Board of Pharmacy has been asked to clarify the process utilized for screening out of state disciplinary actions and under what circumstances out of state disciplinary actions shall be accepted by the Board of Pharmacy as a grievance pursuant to KRS 315.121 (1)(c)(2).

The Board of Pharmacy may discipline any licensee, permit holder, or certificate holder, who has been disciplined by another state for a violation of the pharmacy or drug laws, rules, or administrative regulations pursuant to KRS 315.121 (1)(c)(2). Since KRS 315.121 (1)(c)(2) states that the Board of Pharmacy “may” discipline any licensee, permit holder, or certificate holder, the Board of Pharmacy shall not accept out of state discipline as a grievance unless the circumstances present a nexus to a Kentucky patient.

Sincerely,

Christopher Harlow, Executive Director
Kentucky Board of Pharmacy

APPLICABLE LAW

KRS 315.121(1)

(c)(2) The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (c) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to, irrespective of an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of such plea, one (1) or more of the following, if in accordance with KRS Chapter 335B: 2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

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