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**OPINION AND DECLARATORY RULING:
ROLE OF OTHER HEALTHCARE PROVIDERS WITHIN A PHARMACY SETTING**

Issued on: January 28, 2021

The Kentucky Board of Pharmacy issues this declaratory ruling to clarify what constitutes the safe practice of pharmacy within the Commonwealth of Kentucky. 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 Statutes (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 by a pharmacy if they could utilize licensed nurses and other licensed healthcare professionals to administer the COVID-19 vaccination within a pharmacy.

KRS 315.020 permits licensed healthcare professionals practicing within the statutory scope of their professional license to be utilized by a pharmacy in providing non-pharmacy, healthcare-related services so long as the licensed healthcare professional is operating under their own independent authority given to them pursuant to their professional license. KRS 315.020 prohibits a healthcare professional from being utilized by a pharmacy if the healthcare professional is participating in the practice of pharmacy as defined by KRS 315.010(22) without being registered with the Board of Pharmacy as a technician, intern or pharmacist.

Should the pharmacy wish to utilize nurses and other healthcare professional to administer vaccinations, the non-pharmacy healthcare professional must comply with the laws and regulations of their specific scope of practice in which they are licensed. The pharmacist in charge must ensure that no licensed healthcare professional is being permitted to practice pharmacy without being licensed or registered with the Board of Pharmacy. Other healthcare professionals may not have access to a drug or vaccine until the drug is dispensed from the pharmacy. A licensed healthcare professional may have access to a drug for administration after pharmacy dispensing with the consent of the patient. Consent between the patient and licensed healthcare professional may be obtained orally from the patient or in writing with the patient or patient's guardian's signature.

In conclusion, KRS 315.020 permits licensed healthcare professionals practicing within the statutory scope of their professional license to be utilized by a pharmacy to provide healthcare related services under the licensed healthcare provider's own independent authority. The healthcare professional being utilized must not participate in the practice of pharmacy. If the licensed healthcare professional is to receive a prescription drug for a patient, there must be consent between the patient and the licensed healthcare professional for the licensed healthcare professional to receive the drug for the patient. The drug must be dispensed from the pharmacy to the licensed healthcare professional in a suitable container that is appropriately labeled for subsequent administration.

Sincerely,



Larry A. Hadley, R.Ph.
Executive Director
Kentucky Board of Pharmacy

APPLICABLE STATUTES FROM KENTUCKY PHARMACY LAW

315.020 Only pharmacists to supervise manufacturing of pharmaceuticals or practice pharmacy -- Exceptions -- Persons employed to assist practice of pharmacy after April 1, 2009, to be registered pharmacy technicians or exempt under KRS 315.135. (1) No owner of a pharmacy who is not a pharmacist shall fail to place a pharmacist in charge of his pharmacy or shall permit any person to compound or dispense prescription drugs, medicines, or pharmaceuticals in his place of business except in the presence and under the immediate supervision of a pharmacist. (2) No manufacturer of pharmaceuticals who is not a pharmacist shall fail to place a pharmacist in charge of his place of business or shall permit any person to compound prescription drugs, medicines, or pharmaceuticals in his place of business, except as provided by the board through the promulgation of administrative regulations pursuant to KRS Chapter 13A. (3) Except as provided in subsection (4) of this section, no person shall engage in the practice of pharmacy unless licensed to practice under the provisions of KRS Chapter 315. (4) The provisions of subsection (3) of this section shall not apply to: (a) Pharmacist interns performing professional practice activities under the immediate supervision of a licensed pharmacist. The nature and scope of the activities referred to in this paragraph shall be determined by the board through administrative regulation promulgated pursuant to KRS Chapter 13A; (b) Pharmacist interns and pharmacy technicians performing specifically identified pharmacy practice activities while under the supervision of a pharmacist. The nature and scope of the activities referred to in this paragraph shall be determined by the board through administrative regulation promulgated pursuant to KRS Chapter 13A; (c) Other licensed health care professionals practicing within the statutory scope of their professional practices; or (d) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366. (5) Effective April 1, 2009, an owner of a pharmacy shall not employ a person to assist in the practice of pharmacy unless the person is registered as a pharmacy technician by the board or exempt under KRS 315.135.

315.010 Definitions for chapter. As used in this chapter, unless the context requires otherwise:

(9) "Dispense" or "dispensing" means to deliver one (1) or more doses of a prescription drug in a suitable container, appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

315.002 Declarations of public policy -- Construction of chapter. The practice of pharmacy within the Commonwealth is declared to be a professional practice affecting the public health, safety, and welfare, and is subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of pharmacy, as defined in this chapter, should merit and receive the confidence of the public, and only qualified persons shall be permitted to engage in the practice of pharmacy and ensure the quality of drugs and related devices distributed within the Commonwealth. This chapter shall be liberally construed to carry out these objectives and purposes. The persons entrusted through this chapter to engage in the practice of pharmacy shall be pharmacists. They shall be recognized by the Commonwealth as health care professionals, and, within their statutory scope of practice, providers of pharmacy-related primary care.