

KENTUCKY BOARD OF PHARMACY
State Office Building Annex, Suite 300
125 Holmes Street
Frankfort KY 40601

Memorandum of Understanding and Agreement

I have read, understand, and agree to abide by KRS Chapters 315, 217, and 218A; 201 KAR Chapter 2; and 902 KAR Chapter 55. In addition, I specifically acknowledge and agree to the following:

I understand that the Board of Pharmacy ("board") may refuse to issue or renew a license or permit, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of actions against a licensee or permit holder for knowingly making or causing to be made any false, fraudulent, or forged statement or misrepresentation of a material fact in securing issuance or renewal of a license or permit. **KRS 315.121(1) (e)**

Every out-of-state pharmacy granted an out-of-state pharmacy permit by the board shall disclose to the board the location, names and titles of all principal corporate officers and all pharmacists who are dispensing prescription drugs to residents of the Commonwealth. A report containing this information shall be made to the board on an annual basis and within thirty (30) days after any change of office, corporate officer, or pharmacist. **KRS 315.0351(2)**

The pharmacist-in-charge shall be responsible for providing written notification to the board within fourteen (14) days of any change in the employment of the pharmacist-in-charge, staff pharmacists, and pharmacy hours. **201 KAR 2:205, Section 2(3)(d)**

The out-of-state pharmacy shall maintain at all times a valid unexpired permit, license, or registration to conduct the pharmacy in compliance with the laws of the jurisdiction in which it is a resident. **KRS 315.0351(3)**

The out-of-state pharmacy granted a permit shall submit to the board a copy of any subsequent inspection report on the pharmacy conducted by the regulatory or licensure body of the jurisdiction in which it is located. **KRS 315.0351(3)**

Every out-of-state pharmacy granted an out-of-state pharmacy permit shall maintain records of any controlled substances or dangerous drugs or devices dispensed to patients in Kentucky so that the records are readily retrievable from the records of other drugs dispensed. **KRS 315.0351(4)**

Records for all prescriptions delivered into Kentucky shall be readily retrievable from the other prescription records of the out-of-state pharmacy. **KRS 315.0351(5)**

Each out-of-state pharmacy shall, during its regular hours of operation, but not less than six (6) days per week and for a minimum of forty (40) hours per week, provide a toll-free telephone service directly to the pharmacist in charge of the out-of-state pharmacy and available to both the patient and each licensed and practicing in-state pharmacist for the purpose of facilitating communication between the patient and the Kentucky pharmacist with access to the patient's prescription records. The toll-free number shall be placed on a label affixed to each container of drugs dispensed to patients within Kentucky. **KRS 315.0351(6)**

Each out-of-state pharmacy shall have a pharmacist in charge who is licensed to engage in the practice of pharmacy in Kentucky that shall be responsible for compliance by the pharmacy. **KRS 315.0351(7)**

Each out-of-state pharmacy shall comply with KRS 218A.202:

- Every dispenser who is licensed by the Kentucky Board of Pharmacy shall report required data to the Cabinet for Health Services in a timely manner. **KRS 218A.202(3)**
- Data for each controlled substance shall include but not be limited to patient identifier, drug dispensed, date of dispensing, quantity dispensed, prescriber, and dispenser. **KRS 218A.202(4)**
- The data shall be provided in the electronic format specified by the Cabinet for Health Services unless a waiver has been granted by the cabinet to an individual dispenser. **KRS 218A.202(5)**
- Knowing failure by a dispenser to transmit data to the cabinet as required shall be a Class A misdemeanor. **KRS 218A.202(9)**

Any out-of-state pharmacy doing business, primarily or exclusively by use of the Internet shall, prior to obtaining a permit, receive and display in every medium in which it advertises itself a seal of approval for the National Association of Boards of Pharmacy certifying that it is a Verified Internet Pharmacy Practice Site (VIPPS). VIPPS certification shall be maintained and remain current. **KRS 315.0351(9)**

Any out-of-state pharmacy doing business primarily or exclusively by use of the Internet shall certify the percentage of its annual business conducted via the Internet and submit such supporting documentation as requested by the board, and in a form or application required by the board, when it applies for permit or renewal. **KRS 315.0351(10)**

I hereby certify that I have read and agree to abide by the provisions referenced within this *Memorandum of Understanding and Agreement*.

Signature of Pharmacist-in-Charge _____ Date

I hereby certify that the above *Memorandum of Understanding and Agreement* was signed, subscribed and sworn to before me this _____ day of _____, 20____

Signature _____

My Commission Expires _____ State of _____

Signature of Owner _____ Date

I hereby certify that the above *Memorandum of Understanding and Agreement* was signed, subscribed and sworn to before me this _____ day of _____, 20____

Signature _____

My Commission Expires _____ State of _____

