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LEGISLATIVE RESEARCH COMMISSION

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MEMORANDUM

TO: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy

FROM: Emily Caudill, Regulations Compiler

RE: Proposed Amendment or New Regulation – 201 KAR 002:015, 201 KAR 002:020, 201 KAR 050 & 201 KAR 002:225

DATE: April 4, 2022

A copy of each administrative regulation listed above is enclosed for your files. These regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **July 2022** meeting. We will notify you of the date and time of this meeting once it has been scheduled.

Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration or a one-month extension request for these regulations is due **by noon on July 15, 2022**. Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures

FILED WITH LRC
TIME: 8:30 am
APR - 5 2022
Emily B Caudill
REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Pharmacy

3 (Amendment)

4 201 KAR 2:050. Licenses and permits; fees.

5 RELATES TO: KRS 218A.205(3)(g), 315.035(1), (2), (4), 315.0351(1), 315.036(1),

6 315.050(5), 315.060, 315.110, 315.120, 315.191, 315.402 STATUTORY AUTHORITY:

7 KRS 218A.205(3)(g), 315.035(1), (2), (4), 315.036(1), 315.050(5), 315.060, 315.110(1),

8 315.120(4), 315.191(1)(i), 315.402(1) NECESSITY, FUNCTION, AND CONFORMITY:

9 KRS 315.191(1)(i) authorizes the board to assess reasonable fees for services ren-

10 dered to perform its duties and responsibilities. This administrative regulation estab-

11 lishes reasonable fees for the board to perform all the functions for which it is responsi-

12 ble.

13 Section 1. The following fees shall be paid in connection with pharmacist examinations

14 and licenses, pharmacy permits, intern certificates, and the issuance and renewal of li-

15 censes and permits:

16 (1) Application for initial pharmacist license [~~a licensee for pharmacist examination~~] -

17 \$150;

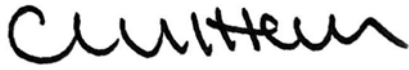
18 (2) Application and initial license for a pharmacist license by license transfer - \$250;

19 (3) Annual renewal of a pharmacist license – ninety-five (95) dollars;

20 (4) Delinquent renewal penalty for a pharmacist license – ninety-five (95) dollars;

21 (5) Annual renewal of an inactive pharmacist license – ten (10) dollars;

- 1 (6) Pharmacy intern certificate valid six (6) years –twenty-five (25) dollars;
- 2 (7) Duplicate of original pharmacist license wall certificate - seventy-five (75) dollars;
- 3 (8) Application for a permit to operate a pharmacy - \$125;
- 4 (9) Renewal of a permit to operate a pharmacy - \$125;
- 5 (10) Delinquent renewal penalty for a permit to operate a pharmacy – \$100 dollars;
- 6 (11) Change of location or change of ownership of a pharmacy or manufacturer permit -
- 7 seventy-five (75) dollars;
- 8 (12) Application for a permit to operate as a manufacturer - \$125;
- 9 (13) Renewal of a permit to operate as a manufacturer - \$125;
- 10 (14) Delinquent renewal penalty for a permit to operate as a manufacturer - \$125;
- 11 (15) Change of location or change of ownership of a wholesale distributor license - sev-
- 12 enty-five (75) dollars;
- 13 (16) Application for a license to operate as a wholesale distributor - \$125;
- 14 (17) Renewal of a license to operate as a wholesale distributor - \$125;
- 15 (18) Delinquent renewal penalty for a license to operate as a wholesale distributor - \$125;
- 16 and
- 17 (19) Query to the National Practitioner Data Bank of the United States Department of
- 18 Health and Human Services – twenty-five (25) dollars.



Christopher Harlow, Pharm.D.
Executive Director
Board of Pharmacy

April 4, 2022

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall be held on June 22, 2022 at 9:00 a.m. Eastern Time via zoom teleconference with the physical address of the meeting being at 125 Holmes Street, Suite 300, Frankfort, KY 40601. A link to the public hearing shall be provided on the Board's website no fewer than (5) days before the hearing. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) work-days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request is received. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 2:050 Licenses and Permits; fees.

Contact person: Christopher Harlow, Phone 502-564-7910, email

christopher.harlow@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the fees associated with Board of Pharmacy licensure.

(b) The necessity of this administrative regulation: KRS 315.191(1)(i) authorizes the Board of Pharmacy to assess reasonable fees for services rendered to perform its duties and responsibilities. This administrative regulation establishes reasonable fees for the board to perform all the functions for which it is responsible.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes reasonable fees for the board to perform all the functions for which it is reasonable.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation amendment cleans up the language and does not change the fee for the initial licensure of pharmacists. It simply changes the language from “application for a licensee for pharmacist examination” to “application for initial pharmacist license.”

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: It simply changes the language from “application for a licensee for pharmacist examination” to “application for initial pharmacist license.”

(b) The necessity of the amendment to this administrative regulation: This administrative regulation amendment cleans up the language to be more appropriate to board licensure processes.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.191(1)(i) authorizes the Board of Pharmacy to assess reasonable fees for services rendered to perform its duties and responsibilities. This administrative regulation amendment does not change fees, it just amends language to more clearly articulate what the fee is utilized for.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective characterization of the initial pharmacist license fees.

(3) List the type and number of individuals, businesses, organizations, or state and

local governments affected by this administrative regulation: The board anticipates pharmacists will be affected minimally by this regulation amendment.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no increased cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Pharmacists will be better served by the Board of Pharmacy with a more active characterization of what the initial fee is utilized for.

(5) Provide an estimate of how much it will cost to implement this administrative Regulation:

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees is necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no new fees established.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 2:050 Licenses and Permits; fees.

Contact Person: Christopher Harlow

Contact Phone No.: 502-564-7910

Contact email: Christopher.harlow@ky.gov

1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Pharmacy will be the only entity impacted by this administrative regulation.

2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(i); 315.035(4); 315.036(1); 315.110(1).

3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendment does not impact fees.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendment does not impact fees.

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. N/A

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation: