

1 BOARDS AND COMMISSIONS

2 Kentucky Board of Pharmacy

3 (Amended After Comments)

4 201 KAR 2:450. Unprofessional Conduct of a Pharmacy Permit Holder.

5 RELATES TO: KRS 315.030, 315.025, 315.0351, 315.121, 315.131, 337.355, 337.365

6 STATUTORY AUTHORITY: KRS 315.191(1)(a)

7 NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is  
8 necessary to ensure that permit holders are provided notice of what may be considered  
9 unprofessional conduct. This administrative regulation is required to ensure that the  
10 public is protected from pharmacy practices that lead to errors and patient harm,  
11 including practices that stem from demands a permit holder places on pharmacists that  
12 prevents them from responsibly practicing pharmacy.

13 Section 1. **Definitions.**

14 **(1) Provision of pharmacy services means the services provided to a patient from**  
15 **a licensee, permit holder or registrant.**

16 **(2) Safe practices mean practices that aim to prevent and reduce risks, errors and**  
17 **harm or threat of harm to the public.**

18 **Section 2. Unprofessional Conduct.** ~~[It shall be]~~ unprofessional conduct for a  
19 pharmacy permit holder **includes, but is not limited** to:

- 1 (1) **Introducing or enforcing** ~~[Introduce or enforce]~~ policies and procedures related  
2 to the provision of pharmacy services in a manner that results in deviation from safe  
3 practices;
- 4 (2) Unreasonably **preventing or restricting** ~~[prevent or restrict]~~ a patient's timely  
5 access to patient records or **[essential]** pharmacy services;
- 6 (3) **Failing** ~~[Fail]~~ to identify and resolve conditions that interfere with a pharmacist's  
7 ability to practice **competently** ~~[with competency]~~ and **safely** ~~[safety]~~ or **creating**  
8 ~~[create]~~ an environment that jeopardizes patient care, including by failing to provide  
9 **appropriate staffing, training and** appropriately requested rest and meal periods as  
10 permitted by KRS 337.355 and KRS 337.365; **[and]**
- 11 (4) Repeatedly~~[, habitually,]~~ or knowingly **failing** ~~[fail]~~ to provide resources appropriate  
12 for a pharmacist of reasonable diligence to safely complete professional duties and  
13 responsibilities **under state and federal laws and regulations; and** ~~[, including, but~~  
14 **not limited to:**
- 15 **a. drug utilization review;**
- 16 **b. immunization;**
- 17 **c. counseling;**
- 18 **d. verification of the accuracy of a prescription; and**
- 19 **e. all other duties and responsibilities of a pharmacist under state and federal**  
20 **laws and regulations.]**
- 21 (5) **Requiring** a pharmacist to operate a pharmacy with policies and procedures  
22 that deviate from safe practices; and

1 **(6) Taking disciplinary action or otherwise retaliating against a licensee or**  
2 **registrant that reports or refuses to operate a pharmacy that deviates from safe**  
3 **practices or a pharmacy that deviates from state and federal laws and**  
4 **regulations.**

