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**LEGISLATIVE RESEARCH COMMISSION**

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**MEMORANDUM**

TO: Eden Davis, General Counsel, Board of Pharmacy

FROM: Emily Caudill, Regulations Compiler

RE: Proposed Amendment or New Regulation – 201 KAR 002:480.

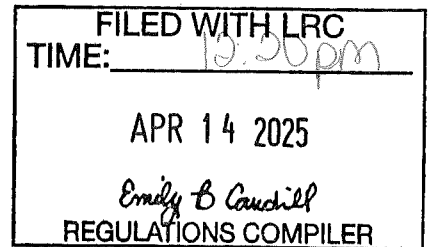
DATE: April 14, 2025

A copy of the administrative regulation listed above is enclosed for your files. This regulation is **tentatively** scheduled for review by the Administrative Regulation Review Subcommittee at its **JULY 2025** 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 this regulation is due **by noon on July 15, 2025**. 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](mailto:RegsCompiler@LRC.ky.gov) or (502) 564-8100.

Enclosures



1   BOARDS AND COMMISSIONS

2   Kentucky Board of Pharmacy

3   (Amendment)

4   201 KAR 2:480 Telework and Electronic Supervision for Remote Prescription Processing.

5   RELATES TO: KRS 315.020(5), 315.310

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

7   CERTIFICATION STATEMENT: This is to certify that the administrative regulation complies with  
8   the requirements of 2025 RS HB 6, Section 8. The Board of Pharmacy is not one of the agencies  
9   that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

10   NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to  
11   promulgate administrative regulations to regulate and control all matters prescribed in KRS  
12   Chapter 315. KRS 315.020(5) authorizes order entry, order entry verification, and drug regimen  
13   review as tasks that may be performed outside of the permitted space of the pharmacy by a  
14   pharmacist licensed in Kentucky, or a pharmacy technician registered in Kentucky or a pharmacy  
15   intern certified in Kentucky. This administrative regulation establishes the minimum requirements  
16   for pharmacies located in Kentucky engaged in remote prescription processing [~~conducted via~~  
17   ~~telework~~] and the requirements for electronic supervision.

18   Section 1. Definitions.

1 (1) "Electronic Supervision" means the oversight provided by a pharmacist licensed in Kentucky  
2 and supervising, by means of a real-time electronic communication system, a pharmacist intern  
3 or registered pharmacy technician who is working for a permitted pharmacy.

4 (2) "Telework" means the practice or assistance in the practice of pharmacy by a pharmacist  
5 licensed in Kentucky or a pharmacy technician registered in Kentucky or a pharmacy intern  
6 certified in Kentucky ~~[contractor or an employee of the pharmacy]~~ from a remote location outside  
7 of the permitted pharmacy.

8 (3) "Telework Functions" means:

9 (a) For a pharmacist includes:

- 10 1. Receiving, interpreting, or clarifying medical orders or prescription drug orders;  
11 2. Order entry and order entry verification;  
12 3. Transfer of prescription information;  
13 4. Prospective drug utilization reviews;  
14 5. Interpretation of clinical data;  
15 6. Refill authorizations;  
16 7. Performing therapeutic intervention; and  
17 8. Patient counseling; and

18 (b) For a pharmacy technician are limited to tasks authorized under KRS 315.020(5).

19 (4) "Telework Site" means a location within the United States where a Kentucky registered  
20 pharmacy technician assists in the practice of pharmacy, or a Kentucky licensed pharmacist or  
21 Kentucky certified pharmacist intern engages in the practice of pharmacy ~~[as a contractor or an~~  
22 ~~employee]~~ outside of the pharmacy that is located and permitted in Kentucky.

23 Section 2. ~~[Registration. The pharmacy and the pharmacist in charge of the pharmacy shall~~  
24 ~~ensure individuals at telework sites are licensed or registered with the board.~~

1    ~~Section 3.~~ Requirements.

2    ~~(1) [The pharmacy and pharmacist in charge, or the designee appointed by the pharmacist in~~  
3    ~~charge shall ensure that interns and pharmacy technicians working under electronic supervision~~  
4    ~~are supervised by a Kentucky licensed pharmacist.~~

5    ~~(2) A pharmacist or intern that engages in the practice of pharmacy and a pharmacy technician~~  
6    ~~that assists in the practice of pharmacy at a telework site shall be licensed or registered by the~~  
7    ~~board and shall comply with all applicable federal and state law.~~

8    ~~(3)~~ Prescription drugs and related devices shall not be at a telework site.

9    ~~(2)~~~~[(4)]~~ The pharmacy utilizing telework functions shall:

10    (a) Possess a written agreement with the licensee or registrant that includes all conditions,  
11    duties, and policies governing the licensee or registrant engaged in telework activities;

12    (b) Maintain a continuously updated, readily retrievable, list of all licensees and registrants  
13    engaged in telework and the:

14    1. Address and phone number for each telework site;

15    2. Functions being performed by licensees or registrants engaged in telework; and

16    3. The name of the pharmacist providing supervision for each non-pharmacist registrant.

17    ~~(3)~~~~[(5)]~~ The pharmacist-in-charge or the designee appointed by the pharmacist in charge of a  
18    pharmacy utilizing telework functions shall:

19    (a) Develop, implement, and enforce a continuous quality improvement program designed to  
20    objectively and systematically:

21    1. Monitor, evaluate, and document the quality and appropriateness of patient care;

22    2. Improve patient care;

23    3. Identify, resolve, and establish the root cause of dispensing and drug utilization review errors;

24    and

1 4. Implement measures to prevent recurrence;

2 (b) Develop, implement, and enforce a procedure for identifying the pharmacist, intern, and

3 pharmacy technician responsible for telework functions; and

4 (c) Develop, implement, and enforce a process for a virtual inspection of each telework site

5 where a pharmacist technician is assisting in the practice of pharmacy or a pharmacist intern is

6 engaged in the practice of pharmacy by a pharmacist at least once every twelve (12) months or

7 more frequently as determined necessary by the pharmacist. The inspection shall be

8 documented and records retained. Board staff may request and participate in virtual inspections.

9 Section 3[4]. Electronic Supervision Requirements. The pharmacy, pharmacist-in-charge, or the

10 designee appointed by the pharmacist in charge and the supervising pharmacist from the

11 pharmacy shall:

12 (1) Utilize an electronic communication system and have appropriate technology or interface to

13 allow access to information required to complete assigned duties;

14 (2) Ensure a pharmacist is supervising and directing each intern and pharmacy technician and

15 that the electronic communication system is operational;

16 (3) Ensure that a pharmacist, using professional judgment, determines the frequency of check-

17 ins with registrants to ensure patient safety, competent practice, and compliance with federal

18 and state laws.

19 (4) Ensure that a pharmacist is readily available to answer questions and be fully responsible for

20 the practice and accuracy of the registrant; and

21 (5) Ensure the intern or pharmacy technician knows the identity of the pharmacist who is

22 providing supervision and direction.

1 Section 4 [5]. Confidentiality. The [~~Kentucky permitted~~] pharmacy, pharmacist-in-charge of the  
2 pharmacy, or the designee appointed by the pharmacist in charge, and the pharmacist, intern,  
3 and pharmacy technician shall:

4 (1) Ensure patient and prescription information is managed in compliance with current state and  
5 federal law;

6 (2) Ensure the security and confidentiality of patient information and pharmacy records;

7 (3) Document in writing and report to the board within ten (10) days of discovery any confirmed  
8 breach in the security of the system or breach of confidentiality; and

9 (4) Report any breach of security or confidentiality to the Kentucky permitted pharmacy within  
10 twenty-four (24) hours of discovery and to the board within ten (10) days.

11 Section 5. [6.] Technology. The pharmacist-in-charge or the designee appointed by the  
12 pharmacist in charge shall:

13 (1) Test the electronic communication system with the telework site and document that it  
14 operates properly before the intern or pharmacy technician engages in telework at the telework  
15 site;

16 (2) Develop, implement, and enforce a plan for responding to and recovering from an interruption  
17 of service which prevents a pharmacist from supervising and directing the intern and pharmacy  
18 technician at the telework site;

19 (3) Ensure access to appropriate and current pharmaceutical references based on the services  
20 offered and shall include Kentucky Revised Statutes, Kentucky Administrative Regulations,  
21 United States Code, Code of Federal Regulations, standards adopted by reference, and the  
22 Board of Pharmacy quarterly newsletters; and

23 (4) Train the pharmacists, interns, and pharmacy technicians in the operation of the electronic  
24 communication system.

1 Section 6 [7]. Security.

2 (1) The pharmacist-in-charge or the designee appointed by the pharmacist in charge and each  
3 pharmacist supervising a telework site shall ensure the telework site has a designated work area  
4 that is secure and has been approved by a pharmacist prior to utilization.

5 (2) Confidentiality shall be maintained so that patient information cannot be viewed or overheard  
6 by anyone other than the pharmacist, intern, or pharmacy technician.

7 (3) All computer equipment used for telework shall:

8 (a) Establish and maintain a secure connection to the pharmacy and patient information;

9 (b) Utilize a program that prevents unauthorized access to the pharmacy and patient information;  
10 and

11 (c) Ensure the pharmacy and patient information is not accessed if:

12 1. There is not a pharmacist actively supervising the intern or pharmacy technician at a telework  
13 site;

14 2. There is not an intern or pharmacy technician present at the electronically supervised telework  
15 site; or

16 3. Any component of the electronic communication system is not functioning; or

17 (d) Be configured so information from any patient or pharmacy records are not duplicated,  
18 downloaded, or removed from the electronic database if an electronic database is accessed  
19 remotely.

20 (4) A record shall be maintained with the date, time, and identification of the licensee or registrant  
21 accessing patient or pharmacy records at a telework site.

22 (5) All records shall be stored in a secure manner that prevents access by unauthorized persons.

23 Section 7 [8]. Policies and Procedures.

1 (1) The pharmacy and the pharmacist-in-charge, or the designee appointed by the pharmacist  
2 in charge shall be accountable for establishing, maintaining, and enforcing written policies and  
3 procedures for the licensees working via telework. The written policies and procedures shall be  
4 maintained at the pharmacy and shall be available to the board upon request.

5 (2) The written policies and procedures shall include the services and responsibilities of the  
6 licensee or registrant engaging in telework including:

7 (a) Security;

8 (b) Operation, testing, training, and maintenance of the electronic communication system;

9 (c) Detailed description of work performed;

10 (d) Pharmacist supervision and direction of interns and pharmacy technicians;

11 (e) Recordkeeping;

12 (f) Patient confidentiality;

13 (g) Continuous quality improvement;

14 (h) Plan for discontinuing and recovering services if the electronic communication system is  
15 disrupted;

16 (i) Confirmation of secure telework sites;

17 (j) Documenting the identity, function, location, date, and time of the licensees engaging in  
18 telework at a telework site;

19 (k) Written agreement with contracted licensees engaging in telework outlining the specific  
20 functions performed and requirement to comply with telework policies and procedures; and

21 (l) Equipment.

22 Section 8 [9]. Records.

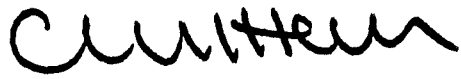
23 (1) The recordkeeping requirements of this administrative regulation shall be in addition to 201

24 KAR 2:171.



- 1 (2) A pharmacy utilizing registrants or licensees via telework shall be able to produce a record  
2 of each pharmacist, pharmacist intern, or pharmacy technician involved in each order entry  
3 function. The record shall include the date and time when each step function was completed.
- 4 (3) Physical records shall not be stored at the telework site.
- 5 (4) Records shall not be duplicated, downloaded, or removed if accessed via telework.
- 6 (5) Records shall be stored in a manner that prevents unauthorized access.
- 7 (6) Records shall include items such as:
- 8 (a) Patient profiles and records;
- 9 (b) Patient contact and services provided;
- 10 (c) Date, time, and identification of the licensee or registrant accessing patient or pharmacy  
11 records;
- 12 (d) If processing prescriptions, date, time, and identification of the licensee or registrant and the  
13 specific activity or function of the person performing each step in the process;
- 14 (e) Training records;
- 15 (f) Virtual inspections;
- 16 (g) List of employees performing telework that includes:
- 17 1. Name;
- 18 2. License or registration number and expiration date;
- 19 3. Address of telework site; and
- 20 4. Name of the [~~Kentucky-licensed~~] pharmacist who:
- 21 a. Supervised the intern or pharmacy technician;
- 22 b. Approved licensee to telework; and
- 23 c. Approved each telework site; and
- 24 (h) Electronic communication system testing and training.

- 1 Section\_9 [10]. Prohibited Practices. Final product verification and dispensing from a location
- 2 outside of or other than a permitted pharmacy shall not occur in telework.



April 14, 2025

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

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall be held on June 25, 2025, at 10:00 a.m. Eastern Time via zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays 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 for a transcript is made. 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, 2025. 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](mailto:christopher.harlow@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 2:480 Telework and Electronic Supervision for Remote Prescription Processing.  
Contact person: Christopher Harlow, Phone 502-564-7910, email [chrisopher.harlow@ky.gov](mailto:chrisopher.harlow@ky.gov)

(1) Provide a brief summary of:

(a) What this administrative regulation does: The purpose is to provide minimum requirements for pharmacies located in Kentucky engaged in remote prescription processing conducted via telework and to establish rules for electronic supervision.

(b) The necessity of this administrative regulation: To codify the process referenced in KRS 315.020(5) regarding remote order entry and electronic supervision.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes rules regarding telework and electronic supervision for remote prescription processing as KRS 315.020(5) authorizes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 315.191(1) authorizes the board to promulgate administrative regulations to regulate pharmacists, pharmacies, wholesalers and manufacturers. KRS 315.020(5) authorized remote prescription processing under electronic supervision. This regulation outlines what electronic supervision is and how it is to be utilized.

(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: This amendment ensures that the amendment the regulation is not interpreted to exceed what is required by KRS 315.020(5).

(b) The necessity of the amendment to this administrative regulation: To ensure that the Board's statutory grant of authority is not exceeded.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment mirrors the language found in KRS 315.020(5) to ensure conformance to the authorizing statute.

(d) How the amendment will assist in the effective administration of the statutes: This amendment makes it clear that the Board is not attempting to require something beyond what is statutorily authorized.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Pharmacies, pharmacists, technicians, and interns are effected by this regulation.

(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: The regulated entities will need to familiarize themselves with this regulation and ensure compliance with the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): nothing unless they have to modify internal processes to ensure compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will have greater clarity about the rules concerning telework and remote prescription processing, including electronic supervision.

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

(a) Initially: There is no cost.

(b) On a continuing basis: There is no cost.

(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 fee increase will be needed.

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

(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 equally.

## FISCAL IMPACT STATEMENT

201 KAR 2:480 Telework and Electronic Supervision for Remote Prescription Processing.

Contact person: Christopher Harlow, Phone 502-564-7910, email [chrisopher.harlow@ky.gov](mailto:chrisopher.harlow@ky.gov)

1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(a) and KRS 315.020(5).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 315.191(1)(a) and KRS 315.020(5).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: none.

For subsequent years: none.

2. Revenues:

For the first year: none.

For subsequent years: none.

3. Cost Savings:

For the first year: none.

For subsequent years: none.

(4) (a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected state unit, part, or division identified in (4)(a):

1. Expenditures:

For the first year: n/a

For subsequent years: n/a

2. Revenues:

For the first year: n/a

For subsequent years: n/a

3. Cost Savings:

For the first year: n/a

For subsequent years: n/a

(5) (a) Identify additional regulated entities not listed in questions (3)(a) or (4)(a): pharmacies, pharmacists and technicians participating in telework as authorized in KRS 315.020(5).

(b) Estimate the following for each entity identified in (5)(a):

1. Expenditures:

For the first year: none.

For subsequent years: none.

2. Revenues:

For the first year: none.

For subsequent years: none.

3. Cost Savings:

For the first year: This could be substantial because a pharmacy can have a smaller footprint since some staff can work remotely.

For subsequent years: This could be substantial because a pharmacy can have a smaller footprint since some staff can work remotely.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: There is no fiscal impact from this regulation but there is potential cost-savings for pharmacies.

(b) Methodology and resources used to reach this conclusion: Consultation with regulated entities.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) whether this administrative regulation will have a "major economic impact" as defined in KRS 13A.010(13): This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion: Consultation with regulated entities and reviewing the Board's own budget and expenditures to enforce the regulation.