GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 427

WEDNESDAY, MARCH 3, 2010

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 30, 2010
4:00 pm

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

AN ACT relating to pharmacist administration of immunizations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔Section 1. KRS 315.010 is amended to read as follows:

2 As used in this chapter, unless the context requires otherwise:

3 (1) "Administer" means the direct application of a drug to a patient or research subject
4 by injection, inhalation, or ingestion, whether topically or by any other means;

5 (2) "Association" means the Kentucky Pharmacists Association;

6 (3) "Board" means the Kentucky Board of Pharmacy;

7 (4) "Collaborative care agreement" means a written agreement between a specifically
8 identified individual practitioner and a pharmacist who is specifically identified,
9 whereby the practitioner outlines a plan of cooperative management of a specifically
10 identified individual patient's drug-related health care needs that fall within the
11 practitioner's statutory scope of practice. The agreement shall be limited to
12 specification of the drug-related regimen to be provided and any tests which may be
13 necessarily incident to its provisions; stipulated conditions for initiating, continuing,
14 or discontinuing drug therapy; directions concerning the monitoring of drug therapy
15 and stipulated conditions which warrant modifications to dose, dosage regimen,
16 dosage form, or route of administration;

17 (5) "Compound" or "compounding" means the preparation or labeling of a drug
18 pursuant to or in anticipation of a valid prescription drug order including, but not
19 limited to, packaging, intravenous admixture or manual combination of drug
20 ingredients. "Compounding," as used in this chapter, shall not preclude simple
21 reconstitution, mixing, or modification of drug products prior to administration by
22 nonpharmacists;

23 (6) "Confidential information" means information which is accessed or maintained by a
24 pharmacist in a patient's record, or communicated to a patient as part of patient
25 counseling, whether it is preserved on paper, microfilm, magnetic media, electronic

1 media, or any other form;

2 (7) "Continuing education unit" means ten (10) contact hours of board approved
3 continuing pharmacy education. A "contact hour" means fifty (50) continuous
4 minutes without a break period;

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

8 (9) "Drug" means any of the following:

9 (a) Articles recognized as drugs or drug products in any official compendium or
10 supplement thereto;

11 (b) Articles, other than food, intended to affect the structure or function of the
12 body of man or other animals;

13 (c) Articles, including radioactive substances, intended for use in the diagnosis,
14 cure, mitigation, treatment or prevention of disease in man or other animals;
15 or

16 (d) Articles intended for use as a component of any articles specified in
17 paragraphs (a) to (c) of this subsection;

18 (10) "Drug regimen review" means retrospective, concurrent, and prospective review by
19 a pharmacist of a patient's drug-related history, including but not limited to the
20 following areas:

21 (a) Evaluation of prescription drug orders and patient records for:

22 1. Known allergies;

23 2. Rational therapy contraindications;

24 3. Appropriate dose and route of administration;

25 4. Appropriate directions for use; or

26 5. Duplicative therapies.

27 (b) Evaluation of prescription drug orders and patient records for drug-drug, drug-

1 food, drug-disease, and drug-clinical laboratory interactions;
2 (c) Evaluation of prescription drug orders and patient records for adverse drug
3 reactions; or
4 (d) Evaluation of prescription drug orders and patient records for proper
5 utilization and optimal therapeutic outcomes;
6 (11) "Immediate supervision" means under the physical and visual supervision of a
7 pharmacist;
8 (12) "Manufacturer" means any person, except a pharmacist compounding in the normal
9 course of professional practice, within the Commonwealth engaged in the
10 commercial production, preparation, propagation, compounding, conversion, or
11 processing of a drug, either directly or indirectly, by extraction from substances of
12 natural origin or independently by means of chemical synthesis, or both, and
13 includes any packaging or repackaging of a drug or the labeling or relabeling of its
14 container;
15 (13) "Medical order" means a lawful order of a specifically identified practitioner for a
16 specifically identified patient for the patient's health care needs. "Medical order"
17 may or may not include a prescription drug order;
18 (14) "Nonprescription drugs" means nonnarcotic medicines or drugs which may be sold
19 without a prescription and are prepackaged and labeled for use by the consumer in
20 accordance with the requirements of the statutes and regulations of this state and the
21 federal government;
22 (15) "Pharmacist" means a natural person licensed by this state to engage in the practice
23 of the profession of pharmacy;
24 (16) "Pharmacist intern" means a natural person who is:
25 (a) Currently certified by the board to engage in the practice of pharmacy under
26 the direction of a licensed pharmacist and who satisfactorily progresses
27 toward meeting the requirements for licensure as a pharmacist;

1 (b) A graduate of an approved college or school of pharmacy or a graduate who
2 has established educational equivalency by obtaining a Foreign Pharmacy
3 Graduate Examination Committee (FPGEC) certificate, who is currently
4 licensed by the board for the purpose of obtaining practical experience as a
5 requirement for licensure as a pharmacist;
6 (c) A qualified applicant awaiting examination for licensure as a pharmacist or
7 the results of an examination for licensure as a pharmacist; or
8 (d) An individual participating in a residency or fellowship program approved by
9 the board for internship credit;
10 (17) "Pharmacy" means every place where:
11 (a) Drugs are dispensed under the direction of a pharmacist;
12 (b) Prescription drug orders are compounded under the direction of a pharmacist;
13 or
14 (c) A registered pharmacist maintains patient records and other information for
15 the purpose of engaging in the practice of pharmacy, whether or not
16 prescription drug orders are being dispensed;
17 (18) "Pharmacy technician" means a natural person who works under the immediate
18 supervision, or general supervision if otherwise provided for by statute or
19 administrative regulation, of a pharmacist for the purpose of assisting a pharmacist
20 with the practice of pharmacy;
21 (19) "Practice of pharmacy" means interpretation, evaluation, and implementation of
22 medical orders and prescription drug orders; responsibility for dispensing
23 prescription drug orders, including radioactive substances; participation in drug and
24 drug-related device selection; administration of medications or biologics in the
25 course of dispensing or maintaining a prescription drug order; the administration of
26 adult immunizations pursuant to prescriber-approved protocols; ***the administration***
27 ***of immunizations to individuals fourteen (14) to seventeen (17) years of age***

1 ***pursuant to prescriber-approved protocols with the consent of a parent or***
2 ***guardian;*** drug evaluation, utilization, or regimen review; maintenance of patient
3 pharmacy records; and provision of patient counseling and those professional acts,
4 professional decisions, or professional services necessary to maintain and manage
5 all areas of a patient's pharmacy-related care, including pharmacy-related primary
6 care as defined in this section;
7 (20) "Practitioner" has the same meaning given in KRS 217.015(35);
8 (21) "Prescription drug" means a drug which:
9 (a) Under federal law is required to be labeled with either of the following
10 statements:
11 1. "Caution: Federal law prohibits dispensing without prescription";
12 2. "Caution: Federal law restricts this drug to use by, or on the order of, a
13 licensed veterinarian";
14 3. "Rx Only"; or
15 4. "Rx"; or
16 (b) Is required by any applicable federal or state law or administrative regulation
17 to be dispensed only pursuant to a prescription drug order or is restricted to
18 use by practitioners;
19 (22) "Prescription drug order" means an original or new order from a practitioner for
20 drugs, drug-related devices or treatment for a human or animal, including orders
21 issued through collaborative care agreements. Lawful prescriptions result from a
22 valid practitioner-patient relationship, are intended to address a legitimate medical
23 need, and fall within the prescribing practitioner's scope of professional practice;
24 (23) "Pharmacy-related primary care" means the pharmacists' activities in patient
25 education, health promotion, assistance in the selection and use of over-the-counter
26 drugs and appliances for the treatment of common diseases and injuries as well as
27 those other activities falling within their statutory scope of practice;

1 (24) "Society" means the Kentucky Society of Health-Systems Pharmacists;
2 (25) "Supervision" means the presence of a pharmacist on the premises to which a
3 pharmacy permit is issued, who is responsible, in whole or in part, for the
4 professional activities occurring in the pharmacy; and
5 (26) "Wholesaler" means any person who legally buys drugs for resale or distribution to
6 persons other than patients or consumers.
7 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 315 IS CREATED TO
8 READ AS FOLLOWS:
9 ***Upon the request of an individual or his or her parent or guardian, a pharmacist who***
10 ***administers an immunization to an individual who is fourteen (14) to seventeen (17)***
11 ***years of age, as authorized in subsection (19) of Section 1 of this Act, shall provide***
12 ***notification of the immunization to the individual's primary care provider.***

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date March 30, 2010