

KENTUCKY BOARD OF PHARMACY
COVID-19 FREQUENTLY ASKED QUESTIONS AND BOARD GUIDELINES

March 26, 2020

The Kentucky Board of Pharmacy is committed to its mission to protect the health and safety of citizens of the Commonwealth of Kentucky during the COVID-19 outbreak.

Please refer to the additional links on the Board's website for more information, including kycovid19.ky.gov

The COVID-19 pandemic is fluid and evolving. These questions and answers will be constantly monitored and updated as new information becomes available.

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I. OPERATING PHARMACIES IN A SAFE ENVIRONMENT:

1. What are the recommendations to continue operating a pharmacy?

A: The Board strongly supports efforts by pharmacies and pharmacists to adjust work flows and processes within a pharmacy to reduce the risk of COVID-19 transmission. Such efforts might include, but are not limited to: not physically handling patient identifications at the point of dispensing; not requiring a physical signature for pick-up of a prescription; increasing use of prescription delivery, drive-thru, and curb services;

limiting the number of patients physically entering a pharmacy; and enforcing social distancing within a pharmacy. We want pharmacists and staff to remain healthy and able to serve their patients.

Law/Guidance Reference:

[Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

[OSHA Guidance on Preparing Workplaces for COVID-19.pdf](#)

[CDC Steps Healthcare Facilities Can Take](#)

2. Who determines the appropriate measures to take to operate the pharmacy in a safe manner?

A: The Board emphasizes that the pharmacist-in-charge is the person authorized by law to ensure compliance with pharmacy safety standards. Improper interference with a pharmacist-in-charge's fulfillment of these duties and responsibilities subjects a pharmacy permit holder to potential disciplinary action, up to and including revocation. Likewise, a person licensed by, or registered with, the Board who improperly interferes with a pharmacist-in-charge's fulfillment of these duties and responsibilities is subject to potential disciplinary action, up to and including revocation.

Law/Guidance Reference: 201 KAR 2:205 and KRS 315.121 and

[Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

[OSHA Guidance on Preparing Workplaces for COVID-19.pdf](#)

[CDC Steps for Healthcare Facilities to Take](#)

3. What if the pharmacy is not complying with requests from the pharmacist-in-charge or other employees to operate the pharmacy in a safe environment?

A: Kentucky has a website and toll free hot line number to report businesses not complying with the Governor's directives. Issues may also be reported to the Kentucky Board of Pharmacy Executive Director and Inspection Staff.

Law/Guidance Reference: Contact information:

Website: [KYSAFER](#)

Toll free hot line number: 1-833-KYSAFER (1-833-597-2337)

Board of Pharmacy contacts: [Kentucky Board of Pharmacy Staff](#)

4. Can pharmacy staff wear personal protective equipment (PPE) such as masks?

A: Pharmacists and staff are welcome to use PPE but are encouraged to read the CDC guidance documents on appropriate PPE use. Pharmacists and staff are encouraged to wash their hands frequently and clean and disinfect counters, credit/debit card machines, waiting areas and any other areas on a regular and routine basis.

Law/Guidance Reference: [CDC Recommendation Healthcare Supply of PPE](#)
[OSHA Guidance on Preparing Workplaces for COVID-19.pdf](#)
[EPA Disinfectants for Use Against COVID-19](#)

II. EMPLOYEES DEVELOP SYMPTOMS AND RETURNING TO WORK:

1. Should employees be monitored for COVID-19 symptoms?

A: Recommend following the CDC Guidance for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with COVID-19.

Law/Guidance Reference: [CDC Guidance for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with COVID-19](#)

2. What if a pharmacist or technician develops symptoms or is diagnosed with COVID-19?

A: Recommend following CDC Guidelines for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with COVID-19.

Law/Guidance Reference: [CDC Guidance for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with COVID-19](#)

3. When should an employee who tested positive for COVID-19 or are suspected positive for COVID-19 return to work?

A: Recommend following the CDC Guidance on Criteria for Return to Work for Healthcare Personnel with Confirmed or Suspected COVID-19.

Law/Guidance Reference: [CDC Guidance on Return to Work for Healthcare Personnel with Confirmed or Suspected COVID-19](#)

III. WORKING REMOTELY:

1. Are pharmacists and technicians allowed to work remotely?

A: Pharmacists licensed by the Kentucky Board of Pharmacy may perform the practice of pharmacy remotely providing the on-site pharmacy has a pharmacy software system with a closed network and a pharmacist present to conduct the final verification and in-person counseling to their patients. All patient personal health information will be protected with the same confidentiality laws in effect today. In addition, pharmacy technicians registered with the Kentucky Board of Pharmacy may perform all duties and tasks authorized under current statutes and regulations remotely. A licensed pharmacist shall provide oversight of all tasks and duties performed by the pharmacy technician. This modification does not interfere with the requirements of KASPER, which remain in effect. These items shall remain in effect throughout the duration of the State of Emergency.

Law/Guidance Reference: Pursuant to [Executive Order 2020-243.pdf](#)

2. Are technicians allowed to work in a permitted pharmacy without a pharmacist present on site?

A: No. The Executive Order does not allow technicians to work in a permitted pharmacy without a pharmacist on site. All compounding and dispensing of any drug shall be performed in a Kentucky permitted pharmacy under the supervision of a Kentucky licensed pharmacist who is actively supervising the activities of the technician.

Law/Guidance Reference: 201 KAR 2:100

IV. CHANGING HOURS/ CLOSING PHARMACIES/ OPENING PHARMACIES:

1. What is required if a pharmacy has to change operating hours?

A: It may be necessary to reduce pharmacy hours. Pharmacies are not required to notify the Board of a temporary change of hours during the State of Emergency.

Law/Guidance Reference: Pursuant to [Executive Order 2020-243.pdf](#).

2. What is required if a pharmacy has to temporarily close?

A: Pharmacies are required to notify the Board of temporary closure of a pharmacy during State of Emergency; however, the fifteen day advanced notice has been waived. Pharmacies are required to submit notification of closure within 72 hours.

Law/Guidance Reference: Pursuant to [Executive Order 2020-243.pdf](#)

3. Under the State of Emergency (SOE), can a pharmacy open a second location, staffed with a pharmacist and drugs, without obtaining a pharmacy permit from the Kentucky Board of Pharmacy?

A: No, the SOE declaration does not allow a pharmacy to open a second location without obtaining a pharmacy permit from the Kentucky Board of Pharmacy. It does allow a pharmacy to temporarily relocate provided 201 KAR 2:330 is followed. It does not allow for the pharmacy to stay open and open a second location without a pharmacy permit.

Law/Guidance Reference: 201 KAR 2:330 Section 2

V. NON-KENTUCKY LICENSED PHARMACISTS AND NON-REGISTERED TECHNICIANS WORKING IN KENTUCKY:

1. Is the Kentucky Board of Pharmacy allowing pharmacists licensed in other jurisdictions to practice pharmacy in Kentucky?

A: Yes. The Kentucky Board of Pharmacy is issuing temporary Kentucky pharmacist's licenses for pharmacists not licensed in Kentucky to be able to practice in Kentucky provided the pharmacist is in good standing in his or her original/home state. The temporary license is valid for a period of 90 days, but is renewable if the State of Emergency continues. The fee for licensure is waived.

Law/Guidance Reference: [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

2. Is the Kentucky Board of Pharmacy allowing technicians from other jurisdictions to assist with the practice pharmacy in Kentucky?

A: Yes. The Kentucky Board of Pharmacy is issuing temporary registrations for technicians from other jurisdictions not registered in Kentucky to be able to assist with the practice of pharmacy in Kentucky provided the technician is in good standing in his

or her original/home state. The temporary registration is valid for a period of 90 days, but is renewable if the State of Emergency continues. The fee for registration is waived.

Law/Guidance Reference: [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

VI. FILLING AND REFILLING NON-CONTROLLED SUBSTANCE PRESCRIPTIONS:

1. Does the State of Emergency (SOE) allow Kentucky pharmacists to refill non-controlled maintenance medications for non-Kentucky residents?

A: No. The Governor of Kentucky must declare the SOE, and state the geographical areas it covers, which could not be out of state. Other states may have declared a similar state of emergency, and those pharmacists can check with the other states.

Law/Guidance Reference: KRS 315.500

2. During a declared State of Emergency (SOE), if a physician's office is still open and operating and refill requests have been sent but the pharmacist has not heard back, what is the acceptable time frame to wait for authorization before the pharmacist being able to authorize the 30 day refill under the emergency prescription authority?

A: There is not a clear answer. Per the regulation, if the pharmacist is unable to readily obtain refill authorization, the pharmacist may dispense up to a 30 day supply. There is not a definition of readily. This is a professional call that each pharmacist will have to make on a case by case basis.

Law/Guidance Reference: 201 KAR 2:330, Section 1

3. Is Medicare allowing early refills on prescriptions and allowing for a greater than 30 day supply to be dispensed?

A: Yes. Due to the Governor's State of Emergency (SOE) declaration and guidance from CMS, the "refill too soon" is being relaxed as is the limit to a 30 day supply. As always, the pharmacist should exercise professional judgement to determine if this is appropriate and patients are not inappropriately hoarding medications.

Law/Guidance Reference: [CMS Guidance.pdf](#)

4. Is Medicaid relaxing the proof of delivery requirements for receipt of prescriptions?

A: Yes.

Law/Guidance Reference: [Medicaid FAQs, page 5.pdf](#)

5. Is Medicare allowing prescriptions to be mailed?

A: Yes.

Law/Guidance Reference: [CMS Guidelines.pdf](#)

VII. PRESCRIPTIONS FOR OFF-LABEL USE FOR COVID-19

1. Prescribers are writing prescriptions for the drugs that are in trial to treat COVID-19, such as chloroquine, hydroxychloroquine, mefloquine, and azithromycin. What are the requirements for a pharmacist to dispense these prescriptions?

A: Prescriptions for chloroquine, hydroxychloroquine, mefloquine, and azithromycin may only be dispensed if:

1. The prescription or medication order bears a written diagnosis from the prescriber consistent with its use.
2. The prescription or medication order is limited to no more than a ten (10) day supply, unless the patient was previously established on this medication prior to March 25, 2020.
3. No refills may be permitted unless a new prescription or medication order is furnished with established written diagnosis and indication for continuation of therapy.
4. The Board of Pharmacy shall have authority to set limitations on any medications for use in the treatment of the COVID-19 coronavirus.

Law/Guidance Reference: [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

2. Does this mean pharmacists will not see prescriptions from prescribers (physicians, physician's assistants, advanced registered nurse practitioners, dentists, podiatrists, veterinarians) for large quantities of chloroquine, hydroxychloroquine, mefloquine, and azithromycin written in large quantities for the prescriber, prescriber's family and prescriber's friends?

A: No. It is possible prescribers may continue to write these types of prescriptions, however, pharmacists may not dispense them.

Law/Guidance Reference: [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

- 3. Are prescribers allowed to verbally authorize prescriptions for chloroquine, hydroxychloroquine, mefloquine, and azithromycin since the diagnosis will not be written on the prescription by the prescriber?**

A: Yes. Prescribers may verbally authorize these prescriptions, however, the pharmacist will need to obtain the diagnosis and document it on the verbally authorized prescription.

Law/Guidance Reference: [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

- 4. Are pharmacists allowed to verbally obtain the diagnosis for prescriptions for chloroquine, hydroxychloroquine, mefloquine, and azithromycin on e-prescribed prescriptions or hand written prescriptions if the diagnosis is not written on it by the prescriber?**

A: Yes. The pharmacist may verbally obtain the diagnosis for these prescriptions and document on the prescription. The Board Directive does not state the diagnosis must be written on the prescription by the prescriber.

Law/Guidance Reference: [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

- 5. If a patient was previously established on chloroquine, hydroxychloroquine, mefloquine, and azithromycin for a non-COVID-19 therapy, does the pharmacist have to obtain a new prescription as of March 25, 2020, for these patients?**

A: No. A pharmacist may continue to refill prescriptions for these drugs for patients previously established on the drug therapy for non-COVID-19 treatment as long as a diagnosis is obtained.

Law/Guidance Reference: [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

- 6. What if the prescription for chloroquine, hydroxychloroquine, mefloquine, or azithromycin meets the requirements issued by the Kentucky Board of Pharmacy, except that the prescription is for a 14 day supply? May a pharmacist dispense that prescription?**

A: No. The pharmacist may only dispense a 10 day supply.

Law/Guidance Reference: [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

- 7. What if the directions or duration of therapy on the prescription for chloroquine, hydroxychloroquine, mefloquine, or azithromycin differ from the clinical guidelines for the diagnosis provided? May a pharmacist dispense that prescription?**

A: A pharmacist is required to perform drug utilization review (DUR) on every prescription including a review of dosing and rationale for use. As always, the pharmacist should exercise professional judgement to determine if this is appropriate therapy for the diagnosis provided.

Law/Guidance Reference: 201 KAR 2:210 and [Directives from Kentucky Board of Pharmacy Special Called Board Meeting March 25, 2020.pdf](#)

- 8. Prescribers are writing prescriptions for lopinavir and ritonavir (Kaletra), sirolimus (Rapamune) and/or sarilumab (Kevzara) for off labeled use to treat or for prophylaxis for COVID-19. Are the requirements the same for these prescriptions as for the prescriptions for chloroquine, hydroxychloroquine, mefloquine, and azithromycin (diagnosis required, quantity limited, etc.)?**

A: No. The Kentucky Board of Pharmacy only placed dispensing limitations on chloroquine, hydroxychloroquine, mefloquine, and azithromycin prescriptions. For other drugs being prescribed for off-label use for COVID-19, pharmacists must use professional judgement to determine if a valid patient-prescriber relationship exists, if the quantity prescribed is appropriate, and may need to obtain a diagnosis. There are patients receiving these medications on a regular basis for their FDA indicated use or literature supported use, therefore, pharmacists need to consider the amount of drug in stock when determining which prescriptions to dispense.

Law/Guidance Reference: Recommendation

VIII. COMPOUNDING:

1. **Is the Kentucky Board of Pharmacy allowing pharmacists compound hand sanitizer that is not for a patient specific prescription?**

A: Yes. Please follow the FDA, USP and WHO guidance documents.

Law/Guidance Reference: [FDA Guidance on Compounded Hand Sanitizer.pdf](#)
[USP Compounding Alcohol-Based Hand Sanitizer.pdf](#)
[WHO Guide to Local Production of Hand Sanitizer.pdf](#)

2. **Is the Kentucky Board of Pharmacy allowing pharmacists to reuse Personal Protective Equipment (PPE) in sterile compounding?**

A: Yes. During this time of shortage of equipment and supplies for sterile compounding, please use available resources from CDC, USP, Critical Point, ASHP, and other peer networks as well as your own organization to develop a plan that takes care of patients but maintains the integrity of the preparations. The Kentucky Board of Pharmacy Inspection staff will be exercising appropriate risk based enforcement discretion during the time of PPE shortage.

Law Reference/Guidance: [CDC Recommendation Healthcare Supply of PPE](#)
[USP Response to Shortages of Garb and PPE Sterile Compounding.pdf](#)

3. **Is the Kentucky Board of Pharmacy allowing pharmacists to reuse Personal Protective Equipment (PPE) in non-sterile compounding?**

A: Yes. While there is not specific guidance addressing PPE used in non-sterile compounding at this time, some of the available resources regarding sterile compounding and PPE in general as well as other peer networks and your own organization may be used to develop a plan that takes care of patients but maintains the integrity of the preparations. The Kentucky Board of Pharmacy Inspection staff will be exercising appropriate risk based enforcement discretion during the time of PPE shortage.

Law Reference/Guidance: [CDC Recommendation Healthcare Supply of PPE](#)
[USP Response to Shortages of Garb and PPE Sterile Compounding.pdf](#)

IX. CONTROLLED SUBSTANCES:

1. **Does the DEA waiver allow for verbal authorization of Schedule II prescriptions?**

A: No, not at this time. The DEA stated, due to the public health emergency, telemedicine can be used to prescribe controlled substances and the requirement for an in-person medical evaluation has been waived. But, the prescription must be for a legitimate purpose issued in the practitioner's normal course of business, the telemedicine communication is audio-visual, real time, two way; and the practitioner must follow state and federal laws.

The notice further states controlled substance prescriptions may be e-prescribed, or verbally authorized, including for an emergency Schedule II prescription.

Kentucky law does not allow for an emergency Schedule II prescriptions except in limited scenarios, Hospice and LTC.

Recommendations:

- E-prescribe (will have to by January 1, 2021 anyway);
- If it is a continuation of therapy, have the patient telemedicine seen and mail the prescription to the pharmacy in advance;
- If the patient is going to travel to the pharmacy to have the prescription filled, have the patient come to the practitioner's office and have someone bring it to the patient's car to take to the pharmacy;
- Have someone from the practitioner's office or a courier take it to the pharmacy
- Have someone from the pharmacy pick it up.

Like everything, this will be re-evaluated by CHFS to determine if it will be allowed in the future.

Law/Guidance Reference: 902 KAR 55:095 Section 2 and [DEA Coronavirus Information](#)

2. May a pharmacist dispense or refill a controlled substance prescription early?

A: Yes, as long as the prescriber has not indicated a "do not fill until" date. There is no Federal or Kentucky law dictating how early a controlled substance prescription refill may be dispensed or how early a continuation of therapy on a Schedule II controlled substance prescription may be dispensed. Pharmacists are to use professional judgement in making the determination of when to dispense a controlled substance prescription. If pharmacists are determining it is appropriate to dispense a controlled substance prescription early due to issues such as patient's self-isolation during the State of Emergency, it is recommended that the pharmacists document the situation.

Law/Guidance Reference: Recommendation

- 3. If a physician issues multiple Schedule II prescriptions for a patient, all dated the date issued with instructions to not fill some of the prescriptions until a certain date (a “do not fill until” date), can the pharmacist contact the physician and change the “do not fill until” date?**

A. No. When the prescription contains instructions from the physician stating the prescription cannot be filled until a certain date, a pharmacist may not fill the prescription before that date.

Law/Guidance Reference: 21 CFR 1306.14(e)

X. QUARTERLY SITE VISITS FOR MANUFACTURERS AND MEDICAL GAS FACILITIES:

- 1. Does the pharmacist have to complete the quarterly site visit inspections for manufacturers and medical gases?**

A: RECOMMENDATION: If facility is closed to anyone other than employees or limiting access, the pharmacist should do what is practical remotely, such as have the facility take pictures, review orders if confidentiality can be maintained, review other records such as COA, purchase records, tracking logs, etc., and document that as well as document why the quarterly inspection was not on-site. Perform an on-site inspection as soon as the situation has abated. During our next inspection time, we will not cite them as non-compliant for this quarter or later if it extends.

Law/Guidance Reference: Recommendation

XI. PSEUDOEPHEDRINE

- 1. A person buying pseudoephedrine has an expired driver’s license. May the pharmacist sell the pseudoephedrine?**

A: Yes. Governor Beshear issued an Emergency 90-day extension on renewing driver’s licenses.

Law/Guidance Reference: [Official Order No. 112155 Emergency 90-Day Extension of Operator's Licenses](#)

XII. TECHNICIANS

1. Is there a waiver for pharmacies to allow people to work as a technician without registering with the Kentucky Board of Pharmacy?

A: No, not at this time. Technician registration is done electronically and can be done in less than 30 minutes. If the person has not been registered as a technician before, there is a 30 day time period in which to register the person.

Law/Guidance Reference: KRS 315.135 (2)(a)

2. Can a non-certified technician fill an Automated Dispensing System (ADS) in a hospital?

A: No, not at this time. This was discussed at the March 18, 2020, Special Called Board Meeting, but the Board of Pharmacy did not act at this time to waive the requirement of a certified pharmacy technician filling the ADSs. Filling the ADSs is one of the few tasks requiring a certified technician.

Law/Guidance Reference: 201 KAR 2:074 Section 7(3) and (4)

XIII. IMMUNIZATIONS:

1. Should pharmacists continue to immunize patients?

A: The Kentucky Department of Public Health is recommending pharmacists continue influenza vaccinations. However, if the immunization can be delayed, such as a child vaccine booster or an adult second Shingrix shot, the recommendation is to delay.

Law/Guidance Reference: Kentucky Department of Public Health Recommendation