

STATE OF KANSAS
KANSAS PHARMACY BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED ARTICLE

A public hearing will be conducted at 9:00 a.m., on the 9th day of September, 2010, at the Via Christi Hospital on Harry Street, Conference Room A, 3600 E. Harry, Wichita, KS 67218 to consider the adoption of 68-22-1 through 68-22-5 of the Kansas Pharmacy Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed 68-22-1 through 68-22-5. All parties may submit written comments prior to the hearing to the Executive Secretary of the Kansas Pharmacy Board, Debra Billingsley, pharmacy@pharmacy.ks.gov or Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting the Kansas Pharmacy Board, Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231, (785) 296-4056. Handicapped parking is available.

A summary of the proposed regulations is as follows:

Article 22- Electronic Supervision of Medical Care Facility's Pharmacy Personnel

68-22-1. Definitions. This regulation defines terms as used in the electronic supervision of medical care facility's pharmacy personnel regulations.

68-22-2. Application for approval to utilize electronic supervision. This regulation sets forth the application requirements for pharmacists who wants to seek approval for electronic supervision of a pharmacy student or pharmacy technician in that medical care facility pharmacy the pharmacist is in charge of.

68-22-3. Prior approval and training required. This regulation requires prior approval by the board and training under the pharmacy's electronic supervision training course before electronic supervision of a pharmacy student or technician.

68-22-4. Electronic supervision. This regulation sets forth the limits of electronic supervision.

68-22-5. Minimum operating requirements. This regulation sets forth the minimum operating requirements for electronic supervision.

The above regulations will have minimal economic impact.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Pharmacy Board, Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231, (785) 296-4056, or by accessing the Board's website at <http://www.accesskansas.org/pharmacy/leg.html>.

Debra Billingsley
Executive Secretary

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ECONOMIC IMPACT STATEMENT

Pursuant to K.S.A. 77-420(b), the Kansas Pharmacy Board submits the following description of the economic impact of K.A.R. 68-22-1 through 68-22-5.

1. These are new regulations relating to electronic supervision of medical care facility's pharmacy personnel. These regulations allow, after Board approval, licensed pharmacists to electronically supervise a pharmacy student or pharmacy technician working in a medical care facility's pharmacy. The regulations require prior approval by the board and training in the pharmacy's electronic supervision training course. The regulations set forth minimum operating standards.
2. The proposed regulation is not mandated by federal laws.
3. No new costs will be borne by pharmacists, pharmacy technicians, or others.
4. The Board is not aware of any less costly or less intrusive methods to achieve the stated purpose and thus none were considered.
5. This is not a proposed environmental regulation.

**Article 22. – ELECTRONIC SUPERVISION OF MEDICAL CARE FACILITY'S
PHARMACY PERSONNEL**

68-22-1. Definitions. (a) "Medical care facility" shall have the meaning provided in K.S.A. 65-1626(w), and amendments thereto.

(b) "Pharmacy student" shall have the meaning provided in K.S.A. 65-1626(ee), and amendments thereto, and shall include a pharmacy intern registered with the board.

(c) "Pharmacy technician" shall have the meaning provided in K.S.A. 65-1626(ff), and amendments thereto.

(d) "Real-time," when used to describe the transmission of information through data, video, and audio links, shall mean that the transmission is sufficiently rapid that the information is available simultaneously to the electronically supervising pharmacist and the pharmacy student or pharmacy technician being electronically supervised in the medical care facility's pharmacy.

(e) "Electronic supervision" shall mean the oversight provided by a pharmacist licensed in Kansas and supervising, by means of real-time communication equipment that meets the operating requirements listed in K.A.R. 68-22-5, a registered pharmacy student or pharmacy technician who is working in a Kansas medical care facility's pharmacy.

(Authorized by K.S.A. 65-1630; implementing K.S.A. 2009 Supp. 65-1626, K.S.A. 2009 Supp. 65-1642, K.S.A. 65-1648, and K.S.A. 2009 Supp. 65-1663; effective P-

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68-22-2. Application for approval to utilize electronic supervision. The pharmacist in charge of any medical care facility's pharmacy located in Kansas and registered by the board who wants to seek approval for electronic supervision of a pharmacy student or pharmacy technician in that medical care facility pharmacy shall submit an application to the board. Each application shall be submitted on a form provided by the board and shall include the following:

(a) Identifying information concerning the applying medical care facility's pharmacy;

(b) the type and operational capabilities of the computer, video, and communication systems to be used for the electronic supervision; and

(c) a copy of the electronic supervision procedures manual and training manual approved by the pharmacist in charge of the medical care facility's pharmacy.

(Authorized by K.S.A. 65-1630; implementing K.S.A. 2009 Supp. 65-1626, K.S.A. 2009 Supp. 65-1642, K.S.A. 65-1648, and K.S.A. 2009 Supp. 65-1663; effective P-
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68-22-3. Prior approval and training required. (a) The pharmacist in charge of a medical care facility's pharmacy shall not permit a pharmacy student or pharmacy technician to be in the pharmacy working under electronic supervision unless the pharmacy has a current approval for electronic supervision from the board.

(b) The pharmacist in charge of a medical care facility's pharmacy shall not permit a pharmacy student or pharmacy technician to be in the pharmacy working under electronic supervision before completing the pharmacy's electronic supervision training course. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2009 Supp. 65-1626, K.S.A. 2009 Supp. 65-1642, K.S.A. 65-1648, and K.S.A. 2009 Supp. 65-1663; effective P- _____.)

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68-22-4. Electronic supervision. (a) Only a pharmacist licensed by the board may electronically supervise a pharmacy student or pharmacy technician working in a medical care facility's pharmacy.

(b) A pharmacist licensed by the board may be electronically connected to multiple medical care facility pharmacies at one time for the purpose of electronically supervising.

(c) A pharmacist licensed by the board may electronically supervise no more than one pharmacy technician working in any medical care facility's pharmacy at one time.

(d) No more than one pharmacy student or pharmacy technician that is being electronically supervised may work in a medical care facility's pharmacy at one time.

(e) Electronic supervision conducted in conformance with these regulations shall constitute direct supervision. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2009 Supp. 65-1626, K.S.A. 2009 Supp. 65-1642, K.S.A. 65-1648, and K.S.A. 2009 Supp. 65-1663; effective P- _____.)

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68-22-5. Minimum operating requirements. (a) A pharmacy student or pharmacy technician may enter the pharmacy without a pharmacist present for purposes of turning on the data, video, or audio links and determining if a pharmacist is available for electronic supervision.

(b) Electronic supervision shall not be permitted if an interruption occurs in any of the data, video, or audio links. Whenever an interruption in any of the data, video, or audio links occurs, no medication order shall be filled or dispensed using electronic supervision.

(c) Data entry may be performed by the electronically supervising pharmacist or the pharmacy student or pharmacy technician being electronically supervised. Each entry performed by an electronically supervised pharmacy student or pharmacy technician shall be verified by the electronically supervising pharmacist before the drug leaves the pharmacy.

(d) All medication orders processed by a pharmacy student or a pharmacy technician being electronically supervised shall be capable of being displayed on a computer terminal at both the location of the electronically supervising pharmacist and the medical care facility's pharmacy. The quality of the image viewed by the pharmacist shall be sufficient for the pharmacist to be able to determine the accuracy of the work of the pharmacy student or pharmacy technician.

(e) All patient demographic information shall be viewable in real time at both the location of the electronically supervising pharmacist and the medical care facility's pharmacy.

(f) Before a drug leaves the medical care facility's pharmacy, all of the following

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requirements shall be met:

(1) The electronically supervising pharmacist shall utilize the data, audio, and video links and review the patient profile, the original scanned medication order, and the drug to be dispensed to ensure accuracy.

(2) The supervising pharmacist, pharmacy student, or pharmacy technician shall cause an electronic or paper image of the medication order and the drug, as seen by the electronically supervising pharmacist, to be captured and retained in the electronic or paper records of the medical care facility's pharmacy for the same time period as that required for the written medication order.

(3) The supervising pharmacist, pharmacy student, or pharmacy technician shall cause a paper or electronic record that includes the patient's name, the medication order number, the name of the pharmacy student or pharmacy technician, and the name of the electronically supervising pharmacist to be made.

(4) The pharmacist in charge of the medical care facility's pharmacy shall ensure that controls exist to protect the privacy and security of confidential records.

(5) The supervising pharmacist, pharmacy student, or pharmacy technician shall cause a permanent digital record of all duties electronically supervised and all data transmissions associated with the electronic supervision to be made. Each record shall be maintained for at least five years. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2009 Supp. 65-1626, K.S.A. 2009 Supp. 65-1642, K.S.A. 65-1648, and K.S.A. 2009 Supp. 65-1663; effective P- _____.)

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