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Pharmacist Statewide Protocol

The Collaborative Drug Therapy Management Advisory Committee has adopted the following Protocol for Testing and Initiation of Therapy for Suspected Influenza in Adult Patients as well as a Protocol for Patients under 18 years of age. During the 2022 legislative session, the Kansas Legislature adopted K.S.A. 65-16,131, which authorizes the Committee to adopt a statewide protocol for testing and initiation of therapy for patients presenting with influenza, streptococcal pharyngitis, and urinary tract infection. The Committee recently completed the influenza protocol, which is now available on the Board website for review and participation: <https://pharmacy.ks.gov/resources-consumer-info-2/collaborative-practice>.

To participate, pharmacists must complete the following:

1. Complete the training and obtain necessary credentials
2. Review and Sign the Protocol

[Influenza Protocol - Adult](#)
[Influenza Protocol - Under 18](#)

3. Maintain a copy of the Protocol for 10 years at each location where it is used by the pharmacist. (Copies do not need to be sent to the Board office.)

The Board has also published answers to [frequently asked questions](#) and will update that document with additional information as necessary. Participating pharmacists are required to exercise standard of care in addition to following the protocol in providing services.

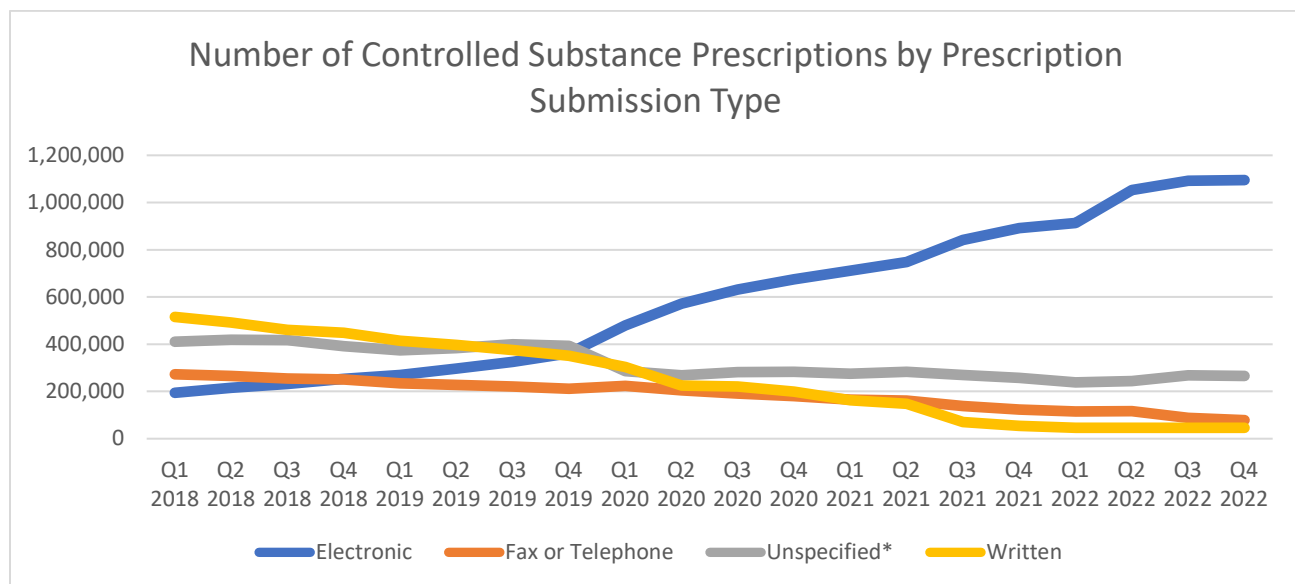
e-Prescribing Fraud Now Prevalent

Electronic prescriptions were originally intended to deter prescription drug abuse and address the issue of fraudulent and stolen prescription pads. However, electronic prescribing is now the target of bad actors attempting to send fraudulent prescriptions to pharmacies.

Many states are receiving reports of e-prescribing fraud. This is typically happening in two ways: by individuals associated with the prescriber who are able to obtain authentication criteria and pose as the prescriber within the e-prescribing software and by bad actors who are able to spoof a prescriber’s credentials.

Three components are required to confirm the prescriber’s identity: identity proofing, digital signature, and two-factor authentication. However, because the e-prescribing software vendors are not highly regulated, identity proofing (confirming the prescriber’s identity when setting up the software) has not proven to be as secure as necessary to avoid fraud.

According to K-TRACS data, 74% of controlled substance prescriptions reported to K-TRACS were transmitted electronically in Q4 2022. State law began requiring controlled substance opiates to be prescribed electronically on July 1, 2021.



**Unspecified is due to K-TRACS not requiring pharmacies to report this data element as part of the prescription record.*

Pharmacies are encouraged to evaluate electronic prescriptions for potential fraud, particularly for promethazine with codeine prescriptions, which are frequently targeted by bad actors.

Look at the sent times on the prescription. For example, if the sent time is 4 a.m. from a primary care provider, that may be a red flag.

Be cautious of calling the prescriber to validate the prescription. Some states have reported that bad actors are able to intercept phone calls to the prescriber’s office to ensure their fraudulent prescriptions are filled.

If you discover fraudulent prescriptions, contact your law enforcement agency. They may request specific information such as whether the patient used an insurance card or discount card when picking up the medication, the SPI number on electronic prescriptions, sender message ID on prescription, and whether a text message was sent when the prescription was ready for pickup. All of these items may help law enforcement identify bad actors.

Additional Information about E-Prescribing

- [CMS EPCS Program Guidance Regarding the Role of the Pharmacy/Pharmacist](#)
- [List of Approved Kansas Waivers for Electronic Prescribing](#) (pursuant to K.S.A. 65-16,128)

Notice of Hearing for Proposed Regulatory Changes

A public hearing will be conducted on Thursday, April 27, 2023, at 9:00 a.m. at the Office of Administrative Hearings, 1020 S Kansas Ave, Topeka, Kansas, and virtually on the [Microsoft Teams](#) platform, to review and consider the adoption of proposed permanent regulations of the Kansas State Board of Pharmacy.

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 regulations. All interested parties may submit written comments to the Board prior to the public hearing. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Meeting information, proposed regulations, and economic impact statements are available on the Board website at <https://pharmacy.ks.gov/statutes-regs/proposed-changes>.

The Notice of Hearing on Proposed Administrative Regulations is available in the February 2, 2023, issue of the Kansas Register at <https://www.sos.ks.gov/publications/Register/Volume-42/Issues/Issue-05/02-02-23-50848.html>.

*Statutes
& Regs*

View the current Kansas Pharmacy Statutes and Regulations
>> [View Kansas Pharmacy Statutes and Regulations](#)



Terica Gatewood, PharmD, was appointed to the Board of Pharmacy in 2019. She is currently serving as a pharmacy policy consultant and previously worked as a mental health pharmacist. She received her doctor of pharmacy from the University of Kansas School of Pharmacy in 2007. She has served as the investigative member of the Board for the past two years, and in December, was elected as Board President for 2023.

Terica's goals as Board President include continuing to strengthen communication and collaboration with other boards of pharmacy, other Kansas state agencies and boards, and professional organizations in the state. She also wants to see the Board increase involvement in NABP matters and committees.

Terica believes continued education of the legislature on the pharmacy profession and the role of the Board is critical, and she hopes to see the Board work to increase and ensure access to pharmacy services and care throughout the state.

Reading Recommendations:

- "Fierce Conversations: Achieving Success at Work and In Life, One Conversation at a Time" by Susan Scott
- "Life as a Day Maker: How to Change the World by Simply Making Someone's Day" by David Wagner

Board Updates Application Question Related to Impairment, Substance Use Disorder, and Recovery

In conjunction with the Kansas Pharmacists Recovery Network (KsPRN), the Board directed staff to review all original and renewal applications for pharmacists, pharmacist interns, and pharmacy technicians with the goal of balancing applicant health privacy with the protection of the public. Specifically, staff reviewed questions related to impairment, substance use disorder, and those participating in a recovery program including KsPRN.

To ensure that application questions can be answered honestly without divulging protected health information or voluntary participation in a recovery program, the Board has consolidated and rephrased the relevant application question as follows: "Do you have any physical or mental health condition (including but not limited to alcohol or substance use) that currently impairs your ability to practice your profession in a competent, ethical, and professional manner?"

When submitting applications to the Board office, please use the most current forms available on the Board website at <https://pharmacy.ks.gov/resources-consumer-info-2/forms>.

Individuals may voluntarily and confidentially enroll in the KsPRN program. This information is not provided to the Board. If you or someone you know is struggling with substance use disorder, mental health concerns, or any physical or mental condition that impairs your ability to practice pharmacy, please contact KsPRN: <https://kansaspharmacistsassociation.wildapricot.org/Kansas-Pharmacists-Recovery-Network>.

2023 Pharmacy and Facility Renewals

Pharmacy and other facility permits are eligible for renewal from mid-May through June 30, 2023. Use the [eLicense portal](#) to renew each permit through an automated process and pay using the secure portal.

Nonresident Pharmacies and Outsourcing Facilities should allow 15 business days for Board review and approval. Once approved, the facility can log back in and print/download a copy of the renewed permit.

All other facilities may immediately print the 2023-2024 renewal permit. If additional copies are needed, the facility can log back in and print/download a copy of the renewed permit.

2023 Pharmacist Renewal

Pharmacists are required to complete 30 hours of ACPE continuing education for each biennial renewal period. The hours must be completed within the licensed period, i.e., July 1, 2021-June 30, 2023 (for licenses expiring June 30, 2023).

Employment or Contact Information Update

Every registered pharmacy technician and intern within 30 days of obtaining new employment or ceasing employment shall notify the Board of Pharmacy office by logging into the [eLicense portal](#).

- Create a username and password in the eLicense portal.
- Sign into [eLicense](#).
- Click "Update Account/Employer Information."
- Click "Add" in the employer section.
- Add the pharmacy information.
- Click "Save."

Every pharmacist, technician, and intern who changes their residential address, email address or legal name shall, within 30 days thereof, notify the Board of Pharmacy office by logging into the [eLicense portal](#).

- Create a username and password in the eLicense portal.
- Sign into [eLicense](#).
- Click "Update Account/Employer Information."

- Click “Edit Info” to update your address, email, or phone number.
- Click “Save.”

Licensees who are wanting to update their name must complete the [LA-40 form](#), and the form must be accompanied by a copy of the legal document authorizing or granting the change.

Any licensee that is unable to use the eLicense portal to update the Board with employment or contact information may use the [LA-50](#) or [LA-40](#) forms, respectively.

DEA Drug Take Back Day Scheduled for April 22

The next DEA Drug Take Back Day will be Saturday, April 22, 2023. During the last event in October, 71 participating Kansas takeback sites collected 7,464 pounds of unused prescriptions. To learn more about partnering with law enforcement agencies to participate in these events or to locate an event near you, visit the [DEA’s website](#).

Prescriptions Valid for 1 Year

K-TRACS has identified pharmacies reporting prescriptions for controlled substances with dispense dates more than one year past the date the prescription was issued by the prescriber. K.S.A. 65-1637 (i) states:

“If a prescription order contains a statement that during any particular time the prescription may be refilled at will, there shall be no limitation as to the number of times that such prescription may be refilled, except that **it may not be refilled after the expiration of the time specified or one year after the prescription was originally issued**, whichever occurs first.”

Pharmacies should request a new prescription from the prescriber when the prescription exceeds one year, which means a new prescription number will be issued along with a new written date and number of refills authorized (if applicable).

COMPLIANCE CORNER

Removal of DATA Waiver Requirement

The federal government has removed the requirement for practitioners to have a DATA waiver to prescribe narcotic drugs in schedule III, IV, or V for maintenance or detoxification treatment. This means that practitioners holding an active DEA registration that includes Schedule III authority can now prescribe buprenorphine for opioid use disorder without an X-waiver. Please visit the [DEA’s informational documents](#) web page for more information.

Immunizing Interns and Floaters

Pharmacies that have interns or floating staff performing immunizations need to make sure they obtain copies of each person's immunization training certificate and unexpired CPR card. These documents need to be available at the pharmacy for five years after the intern or floater last administered an immunization for that pharmacy. Interns are issued a certificate by APhA upon successful completion of a pharmacy-based immunization delivery course that is typically completed in the fall semester of the P1 year.

Loss, Theft and Diversion of Controlled Substances

This is a reminder that K.A.R. 68-20-15b requires pharmacies to notify the board in writing within one day of a suspected loss, theft or diversion of a controlled substance and submit a copy of the DEA Form 106 when it is completed. The initial notifications and Form 106 submissions can be emailed (pharmacy@ks.gov) or faxed (785-296-8420) to the board office.

K-TRACS UPDATE

Drugs of Concern Required to be Reported to K-TRACS

K.A.R. 68-21-7 requires dispensers to report drugs of concern to K-TRACS in addition to controlled substances in schedules II through IV. Those drugs of concern are:

- Any product containing all three of these drugs: **butalbital, acetaminophen, and caffeine**;
- Any compound, mixture, or preparation that contains any detectable quantity of **ephedrine**, its salts or optical isomers, or salts of optical isomers and is exempt from being reported to the statewide electronic logging system for the sale of methamphetamine precursors;
- Any compound, mixture, or preparation that contains any detectable quantity of **pseudoephedrine**, its salts or optical isomers, or salts of optical isomers and is exempt from being reported to the statewide electronic logging system for the sale of methamphetamine precursors;
- **Promethazine with codeine**; and
- Any product, compound, mixture, or preparation that contains **gabapentin**.

These prescriptions are required to be reported by dispensers who meet the requirements of K.S.A. 65-1682.

K-TRACS Prescriptions Must Be Reported Within 24 Hours

K.A.R. 68-21-2 requires pharmacies to report controlled substance and drug of concern dispensations to K-TRACS within 24 hours of dispensing the drugs. K-TRACS is beginning outreach to pharmacies that are not in compliance with this regulation. Reporting prescriptions to K-TRACS in a timely manner is important to prevent potential "pharmacy shopping" behavior by patients and ensure healthcare providers who use K-TRACS have complete patient prescription history available for review. Delays in reporting this information may impact patient safety.

An example of a pharmacy’s reporting patterns for the month of January is below. The days highlighted in yellow would result in a pharmacy being non-compliant with state regulation. No prescriptions or zero reports were received for 1/2 or 1/5, and the submission for 1/24 was received past the 24-hour mark. Pharmacies should work with their vendors and/or data submitters to ensure all prescriptions are reported in a timely manner.

January 2023 Reporting History: Retail Pharmacy Example						
Pharmacy closed on Sundays – no reports required	2	3	4	5	6	Pharmacy closed on Saturdays – no reports required
		Submitted 1/3	Submitted 1/4		Submitted 1/6	
	9	10	11	12	13	
	Submitted 1/9	Submitted 1/11	Submitted 1/11	Submitted 1/12	Submitted 1/16	
	16	17	18	19	20	
	Submitted 1/16	Submitted 1/17	Submitted 1/18	Submitted 1/19	Submitted 1/20	
	23	24	25	26	27	
	Submitted 1/23	Submitted 1/26	Submitted 1/26	Submitted 1/26	Submitted 1/27	
	30	31				
	Submitted 1/31	Submitted 1/31				

National News

Read the latest news from the National Association of Boards of Pharmacy >> [Read National News](#)

REVOKED LICENSES & REGISTRATIONS

In an effort to provide greater transparency to pharmacists, the Board will publish a list of revocations and suspensions against Kansas pharmacists, interns, and technicians in its quarterly Newsletter. The Board encourages the pharmacist-in-charge to verify the registration status of all employed technicians at least twice a year (June and November are recommended). The Board’s license verification website is a secure and primary source of credential verification information, as authentic as a direct inquiry to the Board.

Please take notice of the Board’s revocation action taken on these licenses, permits, and registrations:

- Brillhart, Molly, 24-118266 Case 23-010
- Fonseca, Jae, 24-118266 Case 23-030
- Horsley, Ryan, 24-114831 Case 23-006
- Kaberlein, Reed, 24-111430 Case 23-011

Please take notice of the Board’s suspension action taken on these licenses, permits, and registrations:

- Ciambra, Kristina, 14-19162 Case 22-281
- Tichy, Morgan, 1-16729 Case 23-038