



KANSAS STATE BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Announcements

- Regular updates regarding Kansas State Board of Pharmacy guidance and information on the coronavirus disease 2019 can be found on the Board [website](#). This includes information about operations, waivers, renewals, exams, inspections, frequently asked questions (FAQs), and more.
- Nonresident facilities should be registered in Kansas as they are registered in their home state.
- Beginning January 1, 2022, the Board will no longer waive any facility application or renewal requirements. Facilities filing original or change applications will need to meet all statutory and regulatory requirements. Facilities renewing in May or June 2022 will need to meet all standard renewal requirements prior to the expiration date (June 30, 2022).
- The Board is currently accepting submissions from Kansas-licensed pharmacists interested in serving on the Kansas Medicaid Drug Utilization Review Board. Interested applicants should submit a cover letter and resume to the Board by January 28, 2022, detailing their practice training and background, as well as their specific experience providing Medicaid pharmacy services to patients in adult care homes. The Board will review applications at its next meeting and select two or more pharmacists for nomination to the Kansas Department of Health and Environment. From this list of nominees, an individual pharmacist will be appointed to the position. Submissions may be sent to pharmacy@ks.gov.

Pharmacy Technicians With Expired Registrations

Any pharmacy technician who lets their technician registration expire must pass the Pharmacy Technician Certification Exam or the Exam for the Certification of Pharmacy Technicians prior to reapplying with the Board.

What Does Compliance Look Like?

Corresponding Responsibility/Professional Judgment

Kansas Statutes Annotated (K.S.A.) 65-1637(a) requires the pharmacist to “exercise professional judgment regarding the accuracy, validity, and authenticity of any prescription order consistent with federal and state laws and rules and regulations.” In determining the validity of a prescription, a pharmacist is encouraged to use all available resources, which may include calling the prescriber, accessing K-TRACS, and looking for red flags or indications that the prescription is not accurate, valid, or authentic. If the pharmacist determines that the prescription does not meet the requirement or they cannot verify the prescription, it should not be filled.

K.S.A. 65-1637(n) states “. . . nothing contained in this section shall be construed as preventing a pharmacist from refusing to fill or refill any prescription if, in the pharmacist’s **professional judgment** and discretion, such pharmacist is of the opinion that it should not be filled or refilled.” (emphasis added)

Beyond-Use Date

- Do you use drugs returned to stock to fill new prescriptions and not change the beyond-use date (BUD) when labeling?
- Do you place return to stock drugs back into the original bottle without changing the expiration date on the bottle?
- Do you return drugs to an automated drug delivery system (Parata, ScriptPro, etc) and not change the BUD on all prescriptions coming from that cell?

Any time a drug leaves the original manufacturer’s bottle, the expiration date is replaced with a BUD. The BUD stays with the drug and is placed on the prescription label. If the drug is not picked up by the patient or the drug is returned from a long-term care facility (LTCF), the original BUD must be maintained for subsequent labeling and any further dispensing.

Records and Documents

There are many records that are required to be maintained by the pharmacy in a manner that makes them readily retrievable:

- incident reports
- continuous quality improvement (CQI)
- prescriptions
- invoices for all drugs
- inventories for controlled substances (CS)

- vaccination records, including vaccine administration record, protocol, and CPR certifications for immunizers
- compounding – master formulation and compounding worksheets
- licenses and registrations of personnel
- training records for employees

Readily retrievable is defined in K.S.A. 65-1626(mmm) and requires that these records “can be separated out from all other records quickly and easily during an inspection or investigation, or within a reasonable time not to exceed 48 hours of a written request from the board or other authorized agent.”

Failure to respond or furnish the Board or its investigators/inspectors with requested documents, required to be maintained by the pharmacy, is a violation of K.S.A. 65-1627(a)(15). **Does your pharmacy staff know where to find the documents if the pharmacist-in-charge (PIC) is not available?**

Did You Know?

- Email is an official means of communication from the Board. Be sure to add @ks.gov and @list.ks.gov to your approved sender list so emails do not end up in a spam folder.
- Email and physical addresses must be updated within 30 days for all pharmacists, pharmacist interns, and technicians. Use Form LA-40 to change contact information. LA-40 is located on the Board’s website under [Forms](#).
- The FAQs on the home page answer many questions. Please review them before emailing a question or calling an inspector.
- The [Kansas Pharmacy Statutes and Regulations](#) may be found under the Legal tab on the home page. The documents are searchable and provide an easy way to answer questions about the practice of pharmacy.
- CS that are lost, diverted, or stolen must be reported to the Board and Drug Enforcement Administration (DEA) within one day. Once the DEA Form 106 is completed, a copy must be sent to the Board and DEA. One should also be maintained with the CS records.
- *Newsletter* review during the CQI meeting must be documented.
- Automated drug delivery systems in LTCFs, medical care facilities, and institutional drug rooms must be inspected at least monthly to ensure the accuracy of the contents of the automated drug delivery system and ensure that the loading and unloading of medications is correct. The inspections must be documented per Kansas Administrative Regulations (K.A.R.) 68-9-3(f)(9).

Shared Services

Does your pharmacy use “shared order processing” like order entry, order verification, filling of the prescription, or dispensing of a prescription prepared by another pharmacy? If so, please take time to review the shared services requirements found in **K.A.R. 68-7-20**.

- Can the pharmacy identify all personnel involved with the processing of the prescription?
- Are both pharmacy names on the label to show multiple pharmacies were involved in the processing of the prescription?
- Does the pharmacist dispensing the prescription to the patient perform the required counseling?
- While reviewing self-inspections conducted during the pandemic, Board inspectors noticed several pharmacies that indicated utilization of shared services but did not demonstrate accurate understanding of or compliance with the process or requirements.

Recent Legislative Changes

- **Adaptation of prescriptions** – A pharmacist may use professional judgment to make the following adaptations to a prescription for non-controlled substances, if the patient consents and the prescriber has not indicated that the prescription must be dispensed as written:
 - (A) Change the prescribed quantity if:
 - (i) The prescribed quantity or package size is not commercially available;
 - (ii) the change in quantity is related to a change in dosage form; or
 - (iii) the change extends a maintenance drug for the limited quantity necessary to coordinate a patient’s refills in a medication synchronization program;
 - (B) change the prescribed dosage form, strength or directions for use if it is in the best interest of the patient and the change achieves the intent of the prescriber; or
 - (C) complete missing information on the prescription order if there is evidence to support the change.
- **Address**, in respect to prescriptions, is now defined as the physical address where a patient resides, including street address, city, and state.
- **Dispense or dispensing** means to deliver prescription medication to the ultimate user . . . including, but not limited to, delivering prescription medication to a patient by mail, common carrier, personal delivery, or third-party delivery, to any location requested by the patient.
- **Diversions** means the transfer of a controlled substance from a lawful to an unlawful channel of distribution or use.

- **Medication order** means a written or oral order by a prescriber or the prescriber's authorized agent for administration of a drug or device to a patient in a Kansas-licensed medical care facility or in a Kansas-licensed nursing facility or nursing facility for mental health, as such terms are defined by K.S.A. 39-923, and amendments thereto.
- **Preceptor** means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises and is responsible for the actions of pharmacist interns obtaining pharmaceutical experience.
- **Prescription or prescription order** means the **front and back of a lawful written**, electronic, or facsimile order from a prescriber or an oral order from a prescriber or the prescriber's authorized agent that communicates the prescriber's instructions for a prescription drug or device to be dispensed.
- **Continuation of therapy** – A registered pharmacy technician may receive a refill, renewal, or order for continuation of therapy that contains no changes from the original prescription from a prescriber or transmitting agent if such registered pharmacy technician's supervising pharmacist has authorized that function.

CE Credit Available for K-TRACS Pharmacist Education

Up to 1.5 hours of continuing education (CE) credit is available for Kansas pharmacists participating in a peer-to-peer pharmacy outreach education program. This educational opportunity, also known as academic detailing, allows pharmacists to work one-on-one with the K-TRACS pharmacist, Dr LaTonyua Rice, to learn how to incorporate the use of the state prescription drug monitoring program in their clinical decision making.

A variety of topics are available related to K-TRACS use, including how to implement best practices, how to use patient information found in K-TRACS to improve patient care coordination, and patient education. Pharmacists can participate in multiple sessions of 15 to 30 minutes to earn up to a total of 1.5 CEU. Virtual meetings are available.

To learn more about the program and request education in your pharmacy, email latonyua.rice2@ks.gov or call 785/200-7216.

2022 Retail Dealer Renewals

The Board retail dealer permits expire February 28, 2022. Permits may be renewed either online or by mail from mid-January through February 28, 2022. For renewal instructions, visit www.pharmacy.ks.gov.

Use the Board's secure online payment portal via the eLicensing [quick link](#) to renew each permit. If you do not have a username and password, or have forgotten, under Existing Licensee Registration,

click "Sign-Up" and create a username and password. Large corporate entities can batch-renew all relevant permits at the same time. Log in to the account and select "Renew License," where you can complete your renewal, pay the renewal fee by credit/debit card or electronic check, and **immediately print the 2022 permit(s)**.

National Pharmacy Compliance News Now Available!

Visit NABP's website for the latest regulatory updates and news from FDA, USP, NABP, and more.

[Read National News](#)

Revoked Licenses and Registrations

In an effort to provide greater transparency to pharmacists, the Board will publish a list of revocations against Kansas pharmacists, interns, and technicians in its quarterly *Newsletter*. The Board encourages the PIC 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: <https://ksbop.elicensesoftware.com/portal.aspx>.

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

- Brown, Shasity 14-10151, Case 20-190
- O'Neal, Kayla 24-110873, Case 21-153
- Shirley, Tera 14-05231, Case 21-175
- Singh, Amanprett 24-111170, Case 21-216

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