

SENATE BILL No. 431

By Committee on Public Health and Welfare

1-30

AN ACT concerning health and healthcare; relating to the practice of pharmacy; allowing a pharmacy to employ certain remote workers to engage in the remote practice of pharmacy; providing for the supervision and duties of remote pharmacy workers.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section:

(1) "Employ" means the same as defined in K.S.A. 44-1202, and amendments thereto.

(2) "Employing pharmacy" means a pharmacy that employs a remote worker and receives tangible work product from such remote worker.

(3) "Remote practice of pharmacy" or "remote practice" means the practice of pharmacy conducted at any location other than an employing pharmacy.

(4) "Remote worker" means a pharmacist, pharmacist intern or pharmacy technician who is engaged in the remote practice of pharmacy.

(5) "Pharmacy intern" means the same as defined in K.S.A. 65-1626(zz), and amendments thereto.

(b) Any pharmacy may employ a remote worker to engage in the remote practice of pharmacy, provided that all requirements of this act are met.

(1) The pharmacist-in-charge shall ensure that the pharmacy displays a notice of remote work on the premises of the pharmacy if such pharmacy employs remote workers.

(2) Each pharmacy owner and pharmacist-in-charge shall ensure that all records required by the pharmacy act of the state of Kansas are maintained for a period of five years by the employing pharmacy and that such records are stored under the employing pharmacy's direct control.

(3) Each pharmacy owner and pharmacist-in-charge shall maintain a record of each remote worker that was engaged in the remote practice of pharmacy for the last two years. The record shall include the following:

(A) The first and last name of the remote worker;

(B) the license, registration or permit number of such remote worker;

(C) each address where the remote worker is located when engaged in remote practice; and

(D) the current contact information of the remote worker.

(4) Personally identifying information collected under paragraph (3), such as a remote worker's address and phone number, shall be confidential and not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2031, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

(5) Each pharmacy owner, pharmacist-in-charge and remote worker engaged in the remote practice of pharmacy shall ensure the following:

(A) Each remote practice area is free from third-party interference or observation;

(B) each remote work device used to engage in the remote practice of pharmacy shall:

(i) be provided and maintained by the employing pharmacy;

(ii) be configured and properly equipped to engage in the remote practice of pharmacy and be secure from unauthorized access; and

(iii) have the ability to maintain all prescription and patient information in a manner that protects the integrity and confidentiality of such information; and

(C) all communication to any third-party outside the employing pharmacy is made on a remote work device that complies with paragraph (B).

(c) Each pharmacy owner and pharmacist-in-charge of a pharmacy that employs remote workers shall maintain a written policy and procedure manual. Each pharmacist-in-charge shall review, update and revise such manual, at minimum, annually and as necessary to ensure the manual remains up-to-date. Documentation of such review shall be maintained at the pharmacy.

(1) The policy and procedure manual shall include the following:

(A) Procedures for the operation of the remote practice of pharmacy;

(B) maintenance of security for remote work devices;

(C) procedures to ensure that the remote practice of pharmacy is conducted in a manner in which patient privacy and confidentiality are maintained, including provisions that patient information shall not:

(i) Be printed at a remote practice area;

(ii) exist in any nonelectronic format at a remote practice area; and

(iii) exist in any electronic format except on a remote work device that complies with subsection (b)(4)(B);

(D) an acknowledgment that a physical or virtual inspection may be conducted by the board or the employing pharmacy at any location where each remote worker engages in remote practice;

(E) procedures for routine audits of a remote worker's activity;

(F) procedures to ensure compliance with an ongoing continuous quality improvement program pursuant to K.S.A. 65-1695, and

1 amendments thereto, review of incident reports and necessary training or
2 education of remote workers in response to any incident;

3 (G) procedures to ensure that the employing pharmacy maintains an
4 updated list of each remote worker engaged in the remote practice of
5 pharmacy. The list shall include each remote worker's name and current
6 contact information;

7 (H) procedures for any pharmacist intern or pharmacy technician
8 engaged in the remote practice of pharmacy to contact a supervising
9 pharmacist;

10 (I) procedures for any pharmacist intern or pharmacy technician to
11 follow if a supervising pharmacist is no longer able to supervise.

12 (2) Before engaging in the remote practice of pharmacy, each
13 pharmacist intern, shall complete the first year of pharmacy school and be
14 in good standing.

15 (3) Each pharmacy technician shall complete the following education,
16 experience and training before engaging in the remote practice of
17 pharmacy:

18 (A) At least 240 clock hours of training in the pharmacy either with
19 the current pharmacist-in-charge or the pharmacist-in-charge's designee;

20 (B) an acknowledgment of understanding of the policy and procedure
21 manual for the remote practice of pharmacy; and

22 (C) documentation of passing a certification examination approved by
23 the board.

24 (4) Each pharmacist-in-charge shall ensure that each pharmacist
25 intern has completed the requirements in subsection (c)(2) before engaging
26 in the remote practice of pharmacy.

27 (5) The pharmacy owner and the pharmacist-in-charge shall ensure
28 that documentation of the requirements of subsection (b)(2) through (3) is
29 maintained at the pharmacy for each pharmacist intern and pharmacy
30 technician engaged in remote practice. Each pharmacist intern or
31 pharmacy technician engaged in remote practice shall be supervised by a
32 pharmacist working in the pharmacy's physical location or a pharmacist
33 engaged in remote practice.

34 (6) Supervision conducted in accordance with this subsection shall
35 constitute direct supervision.

36 (d) A pharmacist actively engaged in the remote practice of pharmacy
37 shall not perform any of the following:

38 (1) Handling or possessing any drug or device owned by the
39 pharmacy;

40 (2) packaging or prepackaging; and

41 (3) compounding, dispensing or labeling.

42 (e) Any pharmacist intern or pharmacy technician engaged in the
43 remote practice of pharmacy may perform the following:

- 1 (1) The prescription process; and
2 (2) send communications and requests to prescribers through
3 automated methods.
- 4 (f) Any pharmacist intern or pharmacy technician engaged in the
5 remote practice of pharmacy may, if supervised, perform the following:
- 6 (1) Contact prescribers or prescriber offices;
7 (2) contact patients for clarification of personal data and payment
8 processing information; and
9 (3) transfer a prescription.
- 10 (g) A pharmacist engaged in the remote practice of pharmacy may
11 supervise a pharmacist intern or pharmacy technician engaged in the
12 remote practice of pharmacy in accordance with the technician-to-
13 pharmacist ratio specified by K.A.R. 68-5-16, but shall not supervise any
14 pharmacist intern or pharmacy technician located in the pharmacy.
- 15 (h) This section shall not apply to medical care facility pharmacies or
16 medical care facility pharmacy personnel.
- 17 (i) Nothing in this act shall affect the requirements or allowances in
18 K.A.R. 68-22-1 through 68-22-5.
- 19 (j) Hours spent in the remote practice of pharmacy by a pharmacist
20 intern shall not count towards the intern hours required by the board unless
21 the supervising pharmacist is continuously present and observing the
22 intern by video and audio link.
- 23 (k) This section shall be a part of and supplemental to the pharmacy
24 act of the state of Kansas.
- 25 Sec. 2. This act shall take effect and be in force from and after its
26 publication in the statute book.