

## SENATE BILL No. 431

By Committee on Public Health and Welfare

1-30

1 AN ACT concerning health and healthcare; relating to the practice of  
2 pharmacy; allowing a pharmacy to employ certain remote workers to  
3 engage in the remote practice of pharmacy; providing for the  
4 supervision and duties of remote pharmacy workers.  
5

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

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

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

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

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

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

17 (5) "Pharmacy intern" means the same as defined in K.S.A. 65-  
18 1626(zz), and amendments thereto.

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

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

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

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

32 (A) The first and last name of the remote worker;  
33 (B) the license, registration or permit number of such remote worker;  
34 (C) each address where the remote worker is located when engaged in  
35 remote practice; and  
36 (D) the current contact information of the remote worker.

1       (4) Personally identifying information collected under paragraph (3),  
2 such as a remote worker's address and phone number, shall be confidential  
3 and not be subject to the open records act, K.S.A. 45-215 et seq., and  
4 amendments thereto. The provisions of this paragraph shall expire on July  
5 1, 2031, unless the legislature reviews and reenacts this provision pursuant  
6 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

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

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

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

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

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

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

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

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

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

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

30              (B) maintenance of security for remote work devices;

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

34                  (i) Be printed at a remote practice area;

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

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

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

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

42              (F) procedures to ensure compliance with an ongoing continuous  
43 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 pharmacist 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.