Kansas Administrative Regulations

State Board of Pharmacy

Article 2.—Drugstores

68-2-20. Pharmacist's function in filling a prescription.

(a) As used in this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Prescriber" means a "practitioner" as defined by K.S.A. 65-1626 and amendments thereto, a "mid-level practitioner" as defined by K.S.A. 65-1626 and amendments thereto, or a person authorized to issue a prescription by the laws of another state.

(2) "Legitimate medical purpose," when used regarding the dispensing of a prescription drug, means that the prescription for the drug was issued with a valid preexisting patient-prescriber relationship rather than with a relationship established through an internet-based questionnaire.

(b) Except as provided in subsection (c), judgmental functions that constitute the filling or refilling of a prescription shall be performed only by a pharmacist or by a pharmacist intern under the direct supervision of a licensed pharmacist and shall consist of the following steps:

(1) Read and interpret the prescription of the prescriber;

(2) limit any filling or refilling of a prescription to one year from the date of origin, except as provided by K.S.A. 65-1637 and K.S.A. 65-4123, and amendments thereto;

(3) verify the compounding, counting, and measuring of ingredients and document the accuracy of the prescription;

(4) personally offer to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications and, if the pharmacist deems appropriate, with prescription refills in accordance with subsection (e);

(5) ensure the proper selection of the prescription medications, devices, or suppliers as authorized by law; and

(6) interpret and verify patient medication records and perform drug regimen reviews.

(c) The pharmacist-in-charge shall prohibit all other pharmacy personnel from performing those judgmental functions restricted to the pharmacist. The following judgmental functions shall be performed only by a pharmacist and shall not be delegated:

(1) Final verification of the accuracy of a completed compound or prescription;

(2) documentation of the pharmacist's final verification in the pharmacy record; and

(3) direct supervision of a pharmacist intern or pharmacy technician.

(d) Any pharmacist may delegate nonjudgmental functions to a pharmacist intern or pharmacy technician. Each pharmacist shall conduct in-process and final checks associated with the preparation of medications, except as provided by K.A.R. 68-7-11.

(e) In order to comply with subsection (b), the pharmacist or the pharmacist intern under the pharmacist's direct supervision shall perform the following:

(1) Personally offer to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications and, if the pharmacist deems appropriate, with prescription refills. Any pharmacist may authorize an exception to the verbal counseling requirement on a case-by-case basis for the continuation of therapy prescriptions issued more frequently than once yearly;

(2) provide the verbal counseling required by this regulation in person or by the utilization of a telephone or other communication service available to the patient or patient's agent if the prescription is not collected at the pharmacy;

(3) when appropriate, provide alternative forms of patient information to supplement verbal patient counseling. These supplemental forms of patient information may include written information, leaflets, pictogram labels, video programs, and auxiliary labels on the prescription vials. However, the supplemental forms of patient information shall not be used as a substitute for the verbal counseling required by this regulation;

(4) encourage proper patient drug utilization and medication administration. The pharmacist shall counsel the patient or patient's agent on those elements that, in the pharmacist's professional judgment, are significant for the patient. These elements may include the following:

(A) The name and a description of the prescribed medication or device;

(B) the dosage form, dosage, route of administration, and duration of therapy;

(C) special directions and precautions for preparation, administration, and use by the patient;

(D) common side effects, adverse effects or interactions, or therapeutic contraindications that could be encountered; the action required if these effects, interactions, or contraindications occur; and any activities or substances to be avoided while using the medication;

(E) techniques for self-monitoring drug therapy;

(F) proper storage requirements and disposal instructions; and

(G) action to be taken in the event of a missed dose; and

(5) expressly notify the patient or the patient's agent if a brand exchange has been exercised.

(f) Except as required by K.S.A. 65-16,127 and amendments thereto for the dispensing of an emergency opioid antagonist, nothing in this regulation shall be construed to require a pharmacist to provide the required patient counseling if either of the following occurs:

(1) The patient or the patient's agent refuses counseling.

(2) The pharmacist, based upon professional judgment, determines that the counseling could be detrimental to the patient's care.

(g) Each pharmacist shall make a reasonable effort to ensure that any prescription, regardless of the means of transmission, has been issued for a legitimate medical purpose by a prescriber.

(Authorized by K.S.A. 65-1630; implementing K.S.A. 2021 Supp. 65-1626 and 65-1637; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1988; amended Nov. 30, 1992; amended March 20, 1995; amended Aug. 14, 1998; amended Dec. 27, 1999; amended Feb. 7, 2003; amended Jan. 8, 2010; amended June 2, 2023.)