

Kansas Administrative Regulations

State Board of Pharmacy

Article 7.—Miscellaneous Provisions

68-7-8. Records.

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

(1) "Digital image" means the electronic record produced when a hard-copy prescription is scanned by a computer and converted from human-readable format to a computer-readable digital format and maintained as part of the prescription record in a pharmacy prescription application.

(2) "Electronic annotation" means a method to mark up a digital image or electronic prescription to allow both notes and clarifications to be added to the prescription record without altering the original digital image.

(b) Each pharmacy owner and pharmacist-in-charge shall keep a book or file that records every prescription order filled at the pharmacy.

(c)(1) A digital image of the prescription may constitute the original prescription order. A hard copy of the prescription order shall not be required to be maintained if all of the following conditions are met:

(A) The prescription is not for a controlled substance.

(B) The pharmacy prescription application can capture and store an exact and legible image of the original prescription.

(C) The digital image includes the front and back of the prescription and retains all colors and graphics on the prescription.

(D) The digital image is unalterable.

(E) The digital image and all electronic annotations are readily retrievable and can be immediately reproduced by the pharmacy prescription application in electronically viewable and paper formats. In lieu of reproducing the digital image in a color paper format, the digital image may be provided in color in an electronic portable document format (PDF).

(F) Policies and procedures for the use of digital images are developed and implemented to include capturing, making, storing, retrieving, and recovering digital images and electronic annotations, and destruction of the original hard-copy prescription.

(G) The pharmacy maintains a back-up copy of the digital image and all electronic annotations stored in the pharmacy prescription application and updates the back-up copy at least once every seven days.

(H) A secure destruction method is used to dispose of the hard-copy prescription to ensure privacy and confidentiality.

(2) If the pharmacy prescription application data is automatically entered by a prescription order received by electronic transmission, the automated record shall constitute the original prescription order and a hard copy shall not be required if all of the following conditions are met:

(A) The electronic prescription and its means of transmission meet all requirements of the pharmacy act of the state of Kansas and the state and federal controlled substance acts, and amendments thereto.

(B) The pharmacy prescription application can capture and store all prescription information received.

(C) The prescription information is readily retrievable, and the pharmacy prescription application can immediately reproduce all prescription information received in both electronically viewable and paper formats.

(D) The pharmacy maintains a back-up copy of the electronic prescription record and all electronic annotations stored in the pharmacy prescription application and updates the back-up copy at least once every seven days.

(3) Nothing in paragraph (c)(1) shall be construed as requiring a pharmacy to maintain a digital image in lieu of hard-copy prescription.

(d) Any digital image may contain electronic annotations if the original image is still available for review and the name of the individual who made the annotations is documented.

(e) The pharmacist shall ensure that each printout of a digital image provided to a patient or the patient's representative is conspicuously marked "Copy Only" or "Not Valid for Dispensing Purposes."

(f) Each pharmacy owner shall establish policies and procedures in accordance with this regulation and shall ensure that all policies and procedures comply with the pharmacy act of the state of Kansas, and amendments thereto, and the implementing regulations. Each pharmacist-in-charge shall document an annual review of the policies and procedures for compliance with the pharmacy act, and amendments thereto, and the implementing regulations.

(g) Each of the following individuals shall be responsible for ensuring that each digital image is a complete, accurate, and legible representation of the corresponding hard-copy prescription:

(1) The pharmacist, pharmacist intern, or pharmacy technician who generates the digital image;

(2) the pharmacist, pharmacist intern, or pharmacy technician who enters the prescription information into the pharmacy prescription application; and

(3) the pharmacist who verifies the prescription.

(Authorized by K.S.A. 65-1630; implementing K.S.A. 65-1626a, as amended by L. 2022, ch. 74, sec. 2, K.S.A. 2021 Supp. 65-1637, K.S.A. 65-1642, and K.S.A. 2021 Supp. 65-1656; effective, E-76-31, Aug. 11, 1975; effective May 1, 1976; amended June 2, 2023.)

***** Authenticated Kansas Administrative Regulation *****