

APPLICABLE KENTUCKY CONTROLLED SUBSTANCES LAWS

This information is current as of April 2, 2020.

Although the DEA has relaxed Federal controlled substances laws, Kentucky Drug Enforcement and Professional Practices Branch of the Kentucky Office of Inspector General in the Cabinet for Health and Family Services has not. Therefore, Kentucky laws, since they are more stringent, must be followed.

Please contact the Drug Enforcement and Professional Practices Branch of the Kentucky Office of Inspector General in the Cabinet for Health and Family Services at 502-564-7985 with any questions.

Pharmacists are required to use professional judgement in determining the legitimacy of any controlled substance prescription.

Verbal Authorization of Schedule II Controlled Substances Kentucky Law 902 KAR 55:095 Sections 1 and 2

A pharmacist may dispense a Schedule II controlled substance prescription upon receiving oral authorization from a prescribing practitioner under the following **two (2) very limited situations**:

- It is needed for immediate administration for a **patient in hospice.**
- It is needed for immediate administration for a **patient in a long term care facility.**
- The amount is limited to the quantity needed to treat the patient.
- It must be communicated by the prescriber.
- It must contain all the elements of a written prescription with the exception of the prescriber's signature.
- The prescriber must send a written prescription for the emergency quantity verbally authorized, to the pharmacy within 7 days of the verbal authorization.

Faxing of Schedule II Controlled Substances Kentucky Law 902 KAR 55:095 Section 3

A prescription for a Schedule II controlled substance may be faxed in **three (3) very limited situations**:

- It is a **compounded Schedule II narcotic** for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.
- It is for a **patient in hospice.**
- It is for a **patient in a long term care facility.**
- For the three situations listed above, the facsimile shall serve as the original prescription and a written follow-up prescription is not required.

Verbal Authorization of Schedule III-V Controlled Substances

Kentucky Law KRS 218A.180(6)

All oral, verbally authorized prescriptions for Schedule III-V controlled substances shall be immediately reduced to writing, dated, and signed by the pharmacist.

Faxing of Schedule III-V Controlled Substances

Kentucky Law 902 KAR 55:105, Section 4(4)

A prescription for Schedule III-V controlled substances may be faxed, if:

- It is written on a green security prescription blank meeting the requirements of 902 KAR 55:105
- It has “FAXED” written or stamped on the face of the original prescription, along with the date and the person’s initials that is doing the faxing.
- The practitioner has to file the original prescription in the patient’s chart.

Pharmacist Responsibility for Faxed Schedule III-V Controlled Substances that do not meet the requirements in 902 KAR 55:105, Section 4(4)

If the faxed Schedule III-V controlled substance prescription does not meet the requirements of 902 KAR 55:105, a pharmacist must exercise due diligence to verify the prescription. This includes telephoning the prescriber’s office and taking the prescription as a verbal authorization from the prescriber or the prescriber’s agent.

E-prescribing of All Controlled Substances

Kentucky Law KRS 218A.171

All controlled substance prescriptions, Schedule II-V, are allowed to be e-prescribed as long as the e-prescribing software system meets DEA requirements.

Per KRS 218A.182, all controlled substance prescriptions in Kentucky must be e-prescribed by January 1, 2021, with some exceptions outlined in the statute.

Telehealth for Prescribing Controlled Substances

Kentucky Board of Medical Licensure [Advisory of Prescribing During Declaration of Emergency](#)

The Kentucky Board of Medical Licensure has issued an Advisory of Prescribing During Declaration of Emergency. If in the opinion of the physician, it is his professional decision that he would be unable to fulfill the professional standards, to document the reason thoroughly. Please read the entire Advisory.

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