



# KENTUCKY

## State-Specific Controlled Substance Requirements

Updated 5/31/23

<p><b>Biennial Inventory (DEA):</b></p>	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. <a href="#">[21 CFR 1304.11]</a></p> <p>NOTE:</p> <ul style="list-style-type: none"> <li>▪ Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances.</li> <li>▪ Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your state biennial inventory.</li> <li>▪ Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness.</li> </ul> <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p> <p><b>Kentucky follows the same biennial inventory requirements as the DEA.</b> <a href="#">KRS 218A.200(7)</a></p>
<p><b>CE:</b></p>	<p><u>Veterinarian</u>: Thirty (30) hours of CE are due each renewal. All CE can be earned online. Per <a href="#">201 KAR 16:590</a>, Section 3, licensees are responsible for keeping original certificates of completion (including the license name, license number, and signature) on file for four (4) years in case of a CE audit by the Board. Ten (10) percent of licensees are audited each year. In the event of an audit, copies (not originals) of CE certificates should be provided to the KBVE for review. For more information on renewal and CE requirements, visit the KBVE <a href="#">Continuing Education</a> page.</p> <p><u>Veterinarian Tech</u>: Six (6) hours of CE are due each renewal. All CE can be earned online. Per <a href="#">201 KAR 16:590</a>, Section 3, licensees are responsible for keeping original certificates of completion (including the license name, license number, and signature) on file for four (4) years in case of a CE audit by the Board. Ten (10) percent of licensees are audited each year. In the event of an audit, copies (not originals) of CE certificates should be provided to the KBVE for review. For more information on renewal and CE requirements, visit the KBVE <a href="#">Continuing Education</a> page.</p> <p><b>No mandatory controlled substance CE requirements</b></p>
<p><b>Compounding:</b></p>	<p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> <li>• Mixing two injectable drugs in the same syringe</li> <li>• Creating an oral suspension from crushed tablets or an injectable solution</li> <li>• Adding flavoring to a commercially available drug</li> <li>• Creating a transdermal gel for a drug typically taken through other routes</li> <li>• Mixing two solutions for instilling into the ear</li> </ul> <p><u>KY Compounding</u>:</p> <p>(6) "<u>Compound</u>" or "<u>compounding</u>" means the preparation or labeling of a drug pursuant to or in anticipation of a valid prescription drug order, including but</p>



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	<p>not limited to packaging, intravenous admixture or manual combination of drug ingredients. "Compounding," as used in this chapter, shall not preclude simple reconstitution, mixing, or modification of drug products prior to administration by nonpharmacists.</p> <p>Section 1. The pharmacist shall receive a written, verbal, facsimile, or electronic request for a compounded drug from a practitioner, indicating the formulation, strength, and quantity ordered.</p> <p>Section 2. A compounded drug containing a controlled substance shall only be compounded for patient specific dispensation from the pharmacy to the ultimate user.</p> <p>Section 3.</p> <p>(1) A pharmacist, pharmacist intern, or pharmacy technician may prepare a non-controlled compounded drug to be dispensed for veterinary use or administration that is either institutional or ambulatory, and which does not designate a specific patient for the purpose of direct administration to patients for:</p> <ul style="list-style-type: none"> <li>(a) Emergency treatment;</li> <li>(b) Situations when a time delay would negatively affect a patient outcome; or</li> <li>(c) Diagnostic purposes.</li> </ul> <p>(2) The compounded drug shall have a beyond use date.</p> <p>(3) The veterinary institution or ambulatory unit shall maintain only an emergency stock supply.</p> <p>(4) A veterinarian or licensed veterinary technician, as defined in KRS 321.441, may administer a compounded drug for veterinary use.</p> <p><a href="#">201 Ky. Admin. Regs. 2:311</a></p>
<p><b>Dispensing:</b></p>	<p>(9) "<u>Dispense</u>" or "<u>dispensing</u>" means to deliver one (1) or more doses of a prescription drug in a suitable container, appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug;</p> <p>Prescribing Prescription</p> <p>(1) A veterinary prescription shall include all of the following:</p> <ul style="list-style-type: none"> <li>(a) The name and address of the veterinarian and, if the prescription is a written order, the signature of the veterinarian;</li> <li>(b) The name and address of the client;</li> <li>(c) The species and identity of the patient for which the prescription is issued;</li> <li>(d) The name, strength, and quantity of the drug prescribed;</li> <li>(e) The date on which the prescription is issued;</li> <li>(f) The directions for administering the drug;</li> <li>(g) If the patient is a food producing animal, the withdrawal time for the veterinary drug;</li> <li>(h) If the prescription authorizes extra-label use, the manner in which the client may use the drug;</li> <li>(i) Any cautionary statements required by law; and</li> <li>(j) Number of refills allowed, not to exceed the limitations established in Section 6(2) of this administrative regulation.</li> </ul> <p><u>VCPR</u>: A veterinarian may dispense a prescription drug only if the prescribing veterinarian has established a VCPR.</p> <p>(2) If the dispensing veterinarian does not have a VCPR, a licensed veterinary technician or a veterinary assistant may assist in the delivery of a veterinary drug, legend drug, or veterinary prescription drug only while he or she is under the direct supervision of a licensed veterinarian.</p>



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	<p>(3) If the dispensing veterinarian does have a VCPR, a licensed veterinary technician or veterinary assistant may assist in the delivery of a veterinary drug, legend drug, or veterinary prescription drug while he or she is under the indirect supervision of a licensed veterinarian.</p> <p>(4) If a licensed veterinary technician or a veterinary assistant acts under the provisions of this section, the licensed veterinarian shall ensure that the requirements of this administrative regulation are met.</p> <p><a href="#">201 Ky. Admin. Regs. 16:600</a></p> <p>(2) A veterinarian shall not prescribe for or dispense to a client a veterinary prescription drug or a drug for extra-label use without first personally examining the patient unless a veterinarian-client-patient relationship (VCPR) already exists between the prescribing veterinarian, client and patient, and the veterinarian determines that the client has sufficient knowledge to administer the drug properly.</p> <p><u>Documentation:</u> (3) A veterinarian shall not prescribe or dispense a veterinary prescription drug to a client unless the veterinarian indicates in the appropriate records described in Section 4 of this administrative regulation, within seventy-two (72) hours after the prescription is issued or the drug is dispensed, that the prescription has been issued or that the drug has been dispensed.</p>
<p><b>Diversion Reporting:</b></p>	<p>a robbery or theft of a controlled substance shall immediately following the robbery or discovery of the theft report the incident to a law enforcement agency serving the geographic area in where you are located.</p> <p><a href="#">Ky. Rev. Stat. § 315.335</a></p>
<p><b>Euthanasia:</b></p>	<p>Euthanasia may be performed by a Licensed Veterinarian, a Registered Veterinary Technician or Technologist employed by and functioning under the direct supervision of a Licensed Veterinarian or a Certified Animal Euthanasia Specialist (<a href="#">AVMA Guidelines for the Euthanasia of Animals: 2020 Edition</a>).</p> <p>KY law permits non-DVMS to euthanize a domestic animal in the following scenarios:</p> <ol style="list-style-type: none"> <li>1) under direct supervision of a Licensed Veterinarian by a Registered Veterinary Technician</li> <li>2) under direct supervision of a Licensed Veterinarian by a Technologist employed by and functioning under the Licensed Veterinarian</li> <li>3) by a Certified Animal Euthanasia Specialist (shelters only)</li> </ol> <p><a href="#">201 KAR 16:560REG</a></p>
<p><b>Ownership:</b></p>	<p>No legislation exists limiting practice ownership to veterinarians in whole or in part.</p>
<p><b>PMP - Kentucky All Schedule Prescription Electronic Reporting System (KASPER):</b></p>	<p>Veterinarians <b>are not</b> required to register or report controlled substance dispensing to KASPER.</p>
<p><b>Prescribing:</b></p>	<p>“<u>Prescription</u>” means an order from a veterinarian to a pharmacist or other veterinarian authorizing the dispensing of a veterinary prescription drug to a client for use on or in a patient.</p> <p><u>E-prescribing:</u> <b>Prescriptions issued by veterinarians are exempt</b> from the e-prescribing of controlled substances mandate that went into effect on January 1, 2021.</p> <p>(5) A veterinarian shall not transmit a prescription electronically unless the client approves the transmission and the prescription is transmitted to a pharmacist or veterinarian designated by the client.</p>



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	<p>(1) A veterinary prescription shall include all of the following:</p> <ul style="list-style-type: none"> <li>(a) The name and address of the veterinarian and, if the prescription is a written order, the signature of the veterinarian;</li> <li>(b) The name and address of the client;</li> <li>(c) The species and identity of the patient for which the prescription is issued;</li> <li>(d) The name, strength, and quantity of the drug prescribed;</li> <li>(e) The date on which the prescription is issued;</li> <li>(f) The directions for administering the drug;</li> <li>(g) If the patient is a food producing animal, the withdrawal time for the veterinary drug;</li> <li>(h) If the prescription authorizes extra-label use, the manner in which the client may use the drug;</li> <li>(i) Any cautionary statements required by law; and</li> <li>(j) Number of refills allowed, not to exceed the limitations established in Section 6(2) of this administrative regulation.</li> </ul> <p>(4) A veterinarian shall not prescribe a drug to a client for extra-label use on a patient unless all of the following apply:</p> <ul style="list-style-type: none"> <li>(a) The VCPR exists between the veterinarian, client and patient, and the veterinarian has made a careful medical diagnosis of the condition of the patient within the context of that VCPR;</li> <li>(b) The veterinarian determines that there is no drug that is marketed specifically to treat the patient's diagnosed condition, or determines that all of the drugs that are marketed for that purpose are clinically ineffective;</li> <li>(c) The veterinarian recommends procedures to ensure that the identity of the patient receiving the drug can be readily ascertained in the future; and</li> <li>(d) If the patient is a food producing animal, the veterinarian prescribes a sufficient time period for drug withdrawal before the food from the patient may be marketed.</li> </ul> <p>(6) A veterinarian shall not refuse to write an otherwise appropriate prescription for a patient with a valid VCPR solely because the prescription may be filled at an establishment other than the veterinarian's own clinic or pharmacy.  <a href="#">201 Ky. Admin. Regs. 16:600</a></p>
<b>Power of Attorney Notarization:</b>	Power of attorney documents must be notarized in Kentucky. <a href="#">KRS 457.050</a>
<b>Premises Permit:</b>	N/A
<b>State Scheduled CS's:</b>	<ul style="list-style-type: none"> <li>▪ Pentazocine is a schedule II</li> <li>▪ Gabapentin is a schedule V</li> <li>▪ Nalbuphine is a schedule IV</li> </ul>
<b>State CS License:</b>	Kentucky <b>does not</b> require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in Kentucky.
<b>Supervision:</b>	<p>"<u>Direct supervision</u>" means the veterinarian is on the premises, and is quickly and easily available, and the animal has been examined by a veterinarian at the times acceptable veterinary medical practice requires, consistent with the particular delegated animal health care tasks (<a href="#">KRS § 321.181</a>).</p> <p>"<u>Indirect supervision</u>" means the veterinarian does not have to be on the premises as long as a valid veterinary/client/patient relationship has been established and the veterinary technician or veterinary assistant has been instructed on the applicable animal health care tasks in accordance with <a href="#">KRS 321.441</a> and <a href="#">321.443</a> (<a href="#">KRS § 321.181</a>).</p>



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<b>Recordkeeping:</b>	Controlled substance records including invoices must be kept for <u>five years</u> . <a href="#">KRS 218A.200</a>
<b>Telemedicine:</b>	No existing laws. Where telemedicine occurs is not defined.
<b>Veterinary Professional License:</b>	<p><u>Veterinarians</u>  <a href="#">Veterinary Application</a>            Fee: \$100</p> <p><u>Renewal:</u> Renewal period opens July 1<sup>st</sup>. Veterinarian license holders must renew their license <b>every two years (even years only) by September 30<sup>th</sup></b>, or with a late fee by November 30. Failure to renew by the deadline will cause the license to expire.</p> <p><u>Fees:</u></p> <ul style="list-style-type: none"> <li>▪ \$200 Renewal Fee for Active License</li> <li>▪ \$100 Renewal Fee for Inactive License</li> <li>▪ Add \$100 Fee for Late Renewal</li> </ul> <p><a href="#">Vet Renewal Form</a></p> <p>In order to expedite the renewal process, license holders should apply to renew a license online through the <a href="#">KBVE eServices Portal</a>, also accessible from the Board homepage by clicking on the icon next to the "Online Services" heading. If a license holder needs assistance creating an account online, please email <a href="mailto:Vet@ky.gov">Vet@ky.gov</a></p> <p><u>Veterinary Technicians</u>            In KY, vet techs must register with the Kentucky Board of Veterinary Examiners in order to work. Vet techs must have an associate degree in veterinary technology (or a board-approved equivalent) and must be registered.  <a href="#">Vet Tech Application</a>            Fee: \$25</p> <p><u>Renewal:</u> annually by Sept. 30<sup>th</sup> (grace period until Nov. 30<sup>th</sup>)</p> <p><u>Fees:</u></p> <ul style="list-style-type: none"> <li>▪ \$30 Renewal Fee for Active License</li> <li>▪ \$10 Renewal Fee for Inactive License</li> <li>▪ Add \$15 Fee for Late Renewal</li> </ul> <p><a href="#">Vet Tech Renewal Form</a></p>
<b>VCPR:</b>	<p>VCPR must be established in-person and only applies to one veterinarian.</p> <p>(1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. "<u>Veterinarian-client-patient relationship</u>" means that:</p> <p>(a) The veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian;</p> <p>(b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and</p> <p>(c) The practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of</p>



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	<p>therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal. <a href="#">321.185 Veterinarian-client-patient relationship</a></p> <p>A veterinarian shall not prescribe, dispense or administer controlled substances except in the course of his professional practice and when a bona fide veterinarian-client-patient relationship has been established (<a href="#">201 KAR 16:010</a>).</p>
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### Information and Resources

#### **FEDERAL:**

Drug Enforcement Administration, Louisville Division  
600 Dr Martin Luther King Jr Pl #1006  
Louisville, KY 40202  
Phone: (502) 582-5908

#### **DEA Local Offices:**

- Lexington - (859) 977-6100
- London - (606) 862-4500
- Madisonville - (270) 821-6899

Federal Law: [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC drug: [www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829](http://www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829)

Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>

#### **STATE:**

Kentucky Board of Veterinary Examiners website: <https://kybve.com>

Kentucky Board of Pharmacy website: <https://pharmacy.ky.gov/Pages/contact.aspx>