

## PHYSICAL THERAPY AND PHARMACY

At the April 1988 meeting of the board, Executive Director Richard Ross and Board Member Michael Sheets of the Board of Pharmacy were present to discuss the manner in which physical therapists may use legend drugs in their practice. Prior to this meeting, Mr. Ross had sent the board pharmacy laws which define "dispense", "prescription", "wholesaler", "legend drugs" and "practitioner". We had shared scenarios with him prepared by physical therapists who use legend drugs in their practice. In those scenarios, bulk drugs were purchased from a pharmacy by MD prescription or even under the therapist's name.

Mr. Ross stated that legend drugs are governed by Federal Law. Only a practitioner (defined in KY law) may have, prescribe, distribute and use federal legend drugs. Physical Therapists are not included in the definition of practitioner. \*KRS 217.905 "(1) 'Legend Drug' means any drug defined by the Federal Food, Drug and Cosmetic Act, as amended, and under which definition its label is required to bear the statement 'Caution: Federal law prohibits dispensing without prescription'."

Because Federal Law is involved, the problem of physical therapists stocking legend drugs for use with individuals should not be considered a state by state problem. To change the status of Kentucky physical therapists, the KY Pharmacy law would have to be amended to include the physical therapist as a "practitioner". If a pharmacist is supplying a PT a one or two pound jar for use in his practice, that pharmacist is breaking the law.

Licensed acute care facilities (hospitals), may have stock drugs; PTs in this situation still need a prescription or order on the chart from a practitioner to USE the drug. Outpatients must have their own Rx properly labeled by the pharmacy.

Pharmaceutical companies sending promotional materials to Kentucky Physical Therapists suggesting the PT purchase bulk drugs from them are in violation of Kentucky Pharmacy laws. The Pharmacy board requests any such materials be sent to them at:

Richard L. Ross, R.Ph., Executive Director  
KENTUCKY BOARD OF PHARMACY  
1228 US 127, South  
Frankfort, KY 40601

At it's May 1988 meeting, the Kentucky Board of Pharmacy adopted an opinion which states, "A physical therapist shall not possess legend drugs legally unless prescribed by a currently licensed practitioner. Legend drugs must then be properly dispensed and labeled for the individual."

KSBT synopsis: A legend drug must be ordered by a licensed practitioner for an individual patient, purchased by that patient or his agent, and labeled by the pharmacist for that individual patient. In Kentucky, a physical therapist is not a practitioner under KY pharmacy laws.

Inpatients in an acute care facility, must have legend drug ordered by a currently practitioner and signed by him prior to use by the PT.

\*KRS (Kentucky Revised Statute)

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May 19, 1988

Nancy Brinly  
Kentucky Board of Physical Therapy

Louisville, KY

Dear Nancy:

The Kentucky Board of Pharmacy at its regular meeting May 18, 1988, discussed concerns expressed regarding legend drugs and the physical therapist.

An opinion of the board was included in the Minutes of the above meeting. This states that a physical therapist shall not possess legend drugs legally unless prescribed by a currently licensed practitioner. Legend drugs must then be properly dispensed and labeled for the individual patient.

"Practitioner," as used above, is defined in KRS 217.015 (23). The Board suggested an alternative allowing the physical therapist to maintain legend drugs would be obtain a legislative change and include a physical therapist in the above statute. As you know, the optometrists were recently included with limited authority.

The Board, in the near future, plans to send each member school of the Kentucky High School Athletic Association material concerning prohibition of stock legend drugs used for physical therapy and also information on the misuse or abuse of anabolic steroids.

Should this information appear in the Kentucky Board of Pharmacy Newsletter, I will include you in any mailing.

If you need additional interpretation of the Board's opinion, please feel free to contact me.

**RECEIVED**

MAY 23 1988

KY BOARD OF  
PHYSICAL THERAPY

Sincerely,

Richard L. Ross, R. Ph.  
Executive Director

RLR:cls