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Monique Whitney <monique@truthrx.org>

March 30, 2020 Letter - COVID-19 Requests

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To: "monique@truthrx.org" <monique@truthrx.org>

Wed, Apr 8, 2020 at 6:29 AM

Ms. Whitney,

This email is in response to your letter dated March 30, 2020, to Commissioner Sharon Clark requesting assistance to temporarily halt practices related to pharmacies until the COVID-19 pandemic has been contained. The Department has reviewed the requests in your letter and offers the following response.

Through Executive Order 2020-220, the Department of Insurance has the authority to temporarily waive, suspend, and/or modify the operation of any statute or administrative regulation within the Insurance Code to best serve the interest of the public health, safety, and welfare during the state of emergency. In accordance with that authority, the Department of Insurance issued guidance halting pharmacy audits on March 27, 2020. The guidance is available at the following link: <http://insurance.ky.gov/ppc/Documents/GuidanceSuspensionPharmacyAudits.pdf>.

The recommendation that pharmacists be allowed to administer FDA-approved vaccines and/or to allow pharmacies to provide for COVID-19 testing relates to the pharmacist's scope of practice. It is more appropriate for the Board of Pharmacy to respond to that request, and the Department of Insurance respectfully defers to the Board on this recommendation.

The other requests relate to amounts that are set through private contract negotiations between the insurer, PBM, and pharmacies rather than amounts that are set by statute. As such, the Department of Insurance does not have the authority to waive or modify these amounts.

Thank you for your recommendations as we all work together to ensure the health and safety of our citizens. Please contact me if you have additional questions.

DJ Wasson, AIE, MCM

Executive Advisor

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