

217.822 Substitution of equivalent drug -- Substitute must be lower in price than prescribed drug -- Selection by pharmacist not practice of medicine -- Liability of pharmacist -- Duty of pharmacist.

- (1) When a pharmacist receives a prescription for a brand name drug which is not listed by generic name in the nonequivalent drug product formulary prepared by the board, he shall select a lower priced therapeutically equivalent drug which he has in stock, unless otherwise instructed by the purchaser or his physician, provided however that if such selection is made, the label on the container of the drug shall show the name of the drug dispensed.
- (2) When an equivalent drug product is dispensed in lieu of a brand name drug prescribed, the price of the equivalent drug product dispensed shall be lower in price to the purchaser than the drug product prescribed.
- (3) If, in the opinion of a practitioner, it is to the best interest of his patient that an equivalent drug should not be dispensed, he may indicate in the manner of his choice on the prescription "Do Not Substitute," except that the indication shall not be preprinted on a prescription.
- (4) The selection of any drug by a pharmacist under the provisions of this section shall not constitute the practice of medicine.
- (5) A pharmacist who selects an equivalent drug product pursuant to KRS 217.815 to 217.826 assumes no greater liability for selecting the dispensed drug product than would be incurred in dispensing a prescription for a drug product prescribed by its generic name.
- (6) When a pharmacist receives a generically written prescription for a multiple source drug product, he shall dispense an equivalent drug product in accordance with the provisions of KRS 217.815 to 217.826.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 399, sec. 4, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 274, sec. 2. -- Created 1972 Ky. Acts ch. 126, sec. 8.