

315.4106 Eligibility factors for initial licensure and renewal for third-party logistics provider.

- (1) The board shall consider, at a minimum, the following factors in determining the eligibility for initial licensure and renewal of third-party logistics providers:
 - (a) A finding by a law enforcement agency or regulatory agency that the applicant or any owners of an applicant has violated federal, state, or local laws;
 - (b) Suspension, revocation, or any other sanction against a license currently or previously held by the applicant or any of its owners for a violation of federal or state law;
 - (c) A finding that the applicant or any of its owners are guilty of or pleaded guilty or nolo contendere to violating federal, state, or local laws;
 - (d) The furnishing by the applicant of false or fraudulent material in any application;
 - (e) Failure to maintain or make available to the board or to federal, state, or local law enforcement officials the records required to be maintained by third-party logistics providers; and
 - (f) Any other factors or qualifications that the board considers relevant to and consistent with the public health and safety. Any factors inconsistent with federal standards shall not be applied.
- (2) A licensee who has no record of providing third-party logistics services involving prescription drugs during a routine inspection may have its subsequent renewal application referred to the board for review and possible discipline, and the board may require the licensee to appear before the board at the review.
- (3) A third-party logistics provider shall have and follow a diversion detection and loss prevention plan that includes all prescription drugs, which shall be immediately available to the board or its agents upon request.
- (4) The board shall have the right to deny licensure if it determines that granting the license would not be consistent with public health and safety.

Effective: June 29, 2017

History: Created 2017 Ky. Acts ch. 136, sec. 7, effective June 29, 2017.