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New Kentucky Laws on Schedule II Drug Prescriptions

Under provisions contained in the new law, if such drugs are being prescribed to treat a patient for pain as an acute medical condition, providers will be limited to prescribing no more than a three-day supply. In the wake of the national opioid epidemic, the new law is aimed at curbing the risk of persons recovering from surgeries and other medical procedures from becoming addicted to pain killers. The three-day limitation, though, is subject to a number of exceptions:

- In the provider's professional judgment, more than a three day supply is necessary to treat the patient's pain as an acute medical condition, which the provider adequately documents in the patient's medical record.
- The drug is prescribed —
 - To treat chronic pain as opposed to acute pain.
 - To treat pain associated with a valid cancer diagnosis.
 - To treat pain while the patient is receiving hospice or end-of-life treatment.
 - As part of a state-licensed narcotic treatment program.
 - To treat pain following a major surgery or the treatment of a significant trauma.
- The drug is dispensed or administered directly to an ultimate user in an inpatient setting.

The Kentucky Board of Medical Licensure ("KBML"), in conjunction with the state Office of Drug Control Policy, will be [promulgating regulations](#) to further define certain provisions in the new law; in particular, what constitutes "major surgery or the treatment of a significant trauma." Also, the state Office of Inspector will be conducting quarterly reviews to identify patterns of potentially improper prescribing or dispensing of controlled drugs. Clearly, this new law places a burden on providers to familiarize themselves with the prescribing restriction and the various exceptions so they can

remain in compliance while at the same time adequately meeting the treatment needs of their patients. For more information on this new law, contact [James Dietz](#) or any [health care attorney](#) at Frost Brown Todd.

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