

## HOUSE BILL No. 2456

By Committee on Health and Human Services

2-8

---

AN ACT relating to obtaining prescription-only drugs by fraudulent means; concerning certain privileges and communications; providing immunity from liability under certain circumstances.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) If a person attempts to obtain a prescription-only drug through any fraudulent means, including providing false or misleading information to a physician, pharmacist, dentist or other health care provider, the communication between such person and physician, pharmacist, dentist or other health care provider shall not be a confidential communication for purposes of K.S.A. 60-427 and amendments thereto or K.S.A. 65-1654 and amendments thereto or any other law which relates to confidential communications between a health care provider and the provider's patients or clients. A physician, pharmacist, dentist or other health care provider may report to other physicians, pharmacists, dentists or health care providers or law enforcement officials any information they reasonably believe to be related to an attempt, or suspected attempt, by a person to fraudulently obtain a prescription-only drug. Any physician, pharmacist, dentist, health care provider or their employee or agent who in good faith furnishes, receives, disseminates or otherwise acts upon such a report, without knowledge of the falsity of any information contained in the report, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. No person shall have a privilege in any prosecution for obtaining a prescription-only drug by fraudulent means under K.S.A. 21-4214 and amendments thereto to refuse to disclose or to prevent a witness from disclosing any communication with a physician, pharmacist, dentist or other health care provider which is relevant to such prosecution.

(b) As used in this section:

(1) "Dentist" means a person licensed in the state to practice dentistry.

(2) "Health care provider" shall have the same meaning ascribed to such term under K.S.A. 65-4921 and amendments thereto.

(3) "Pharmacist" means a person licensed in this state to engage in the practice of pharmacy.

1 (4) "Physician" means a person licensed in the state to practice med-  
2 icine and surgery.

3 Sec. 2. This act shall take effect and be in force from and after its  
4 publication in the statute book.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43