

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Jan Meyers at
Chairperson

10 a.m./~~p.m.~~ on March 29, 1983 in room 526-S of the Capitol.

All members were present except:

Senator Bogina, excused

Committee staff present:

Norman Furse, Revisor of Statutes office
Bill Wolff, Legislative Research Department

Conferees appearing before the committee:

Ken Schafermeyer, Kansas Pharmacists Association
Elizabeth Carlson, State Board of Healing Arts
Charles L. Lutz, State Board of Barber Examiners
Rev. Richard Taylor, Topeka
Others present: see attached list

Senators Meyers called the meeting to order and asked for conferees on HCR 5012.

HCR 5012 - concerning nuclear pharmacy

Ken Schafermeyer, Kansas Pharmacists Association, distributed testimony explaining the intent of these regulations. He stated that the regulations are being rejected because they exceed statutory authority. KPhA feels that the proposed regulations would give better control of radioactive pharmaceuticals, and that the citizens of Kansas would benefit from the same types of controls that are present in community and hospital pharmacies. The proposed regulations are being rejected for technical reasons and not because they were not necessary or good. (Attachment #1). Mr. Schafermeyer also distributed to the committee a Nuclear Pharmacy Fact Sheet. (Attachment #2).

Senator Morris moved that HCR 5012 be approved. Senator Vidricksen seconded the motion and it carried.

HCR 5016 - concerning the State Board of Healing Arts

Elizabeth Carlson, State Board of Healing Arts, testified in support of HCR 5016 and stated that this will revoke two regulations which the committee feels are unlawful.

Senator Morris moved that HCR 5016 be approved. Senator Johnston seconded the motion and it carried.

HCR 5018 - concerning barbers

Charles L. Lutz, State Board of Barber Examiners, distributed testimony stating that the Board supports HCR 5018, but would like to include neck dusters because they are unsanitary. (Attachment #3).

Senator Johnston moved that HCR 5018 be approved. Senator Francisco seconded the motion and it carried.

HCR 5023 - relating to health and safety problems of alcohol consumption

Rev. Richard Taylor, Topeka, testified in support of HCR 5023, and distributed an excerpt from an address to the Addiction Research Foundation's Summer Course, Toronto, Canada, August 12, 1973. Rev. Taylor stated that liberalization of control laws has a bearing on disease and death caused by greater use of alcohol. (Attachment #4).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10 a.m. ~~p.m.~~ on March 29, 1983

Senator Meyers read a letter from Rep. Harold Dyck, urging approval of HCR 5023. (Attachment #5).

Senator Meyers asked the committee to turn its attention to HB 2012, 2013, and 2014.

HB 2012 - Health Planning Review Commission created

Senator Johnston moved that the House amendment in HB 2012 be stricken. Senator Francisco seconded the motion and it carried.

Senator Johnston moved that HB 2012 be reported favorably, as amended. Senator Ehrlich seconded the motion and it carried.

HB 2013 - Kansas Health Plan and Development Act expiration. Re Proposal No. 27

Senator Ehrlich moved that HB 2013 be reported favorably. Senator Francisco seconded the motion and it carried.

HB 2014 - Certificate of need for health facilities applied to reductions in beds and services

Senator Francisco moved that HB 2014 be reported favorably. Senator Johnston seconded the motion.

Senator Francisco withdrew his motion.

There was discussion concerning the amendment suggested by KHA.

Senator Francisco again moved that HB 2014 be reported favorably. Senator Johnston seconded the motion and it carried.

HB 2294 - Emergency medical services, certification of emergency medical technician-intermediate personnel

Senator Francisco moved that HB 2294 be reported favorably, retaining the word "may" in line 191. Senator Ehrlich seconded the motion.

Senator Johnston offered a substitute motion to change the word "may" to "shall" in line 191. Senator Morris seconded the motion and it carried.

Senator Johnston moved to make this effective in the register. Senator Hayden seconded the motion and it carried.

Senator Johnston moved that HB 2294 be reported favorably, as amended. Senator Francisco seconded the motion and it carried.

Senator Johnston moved that the minutes of March 28, 1983, be approved. Senator Morris seconded the motion and it carried.

Senator Meyers announced that the committee would meet again at noon today.

The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 8-29-83 10. a.m

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

NAME AND ADDRESS	ORGANIZATION
KEITH R LANDIS Topeka	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Richard Joyla Topeka	Life at Best
Elizabeth Carlson	Board of Healing Arts
Charles L. Lutz	State Bar Board
Gale Hill Wichita	Eagle Beacon
Jeanne Muller Topeka	Ks Pharmacists Assn.
Ken Schafemeier Topeka	Ks Pharmacists Assoc.
Harold Kienka "	Ks Assn of OSTEOPATHIC MED
Lynelle King "	K. State Nurses' Assn
Marilyn Bradth Lawrence	Kansas for Improvement of ^{Nursing} Homes
Nickie Stein Topeka	Ks St. Nurses' Assn.
Worley Hubbard ✓	Drorman - Devote

10 am 3-29-83 EL



THE KANSAS PHARMACISTS ASSOCIATION

1308 WEST 10TH
PHONE (913) 232-0439
TOPEKA, KANSAS 66604

KENNETH W. SCHAFERMEYER, M.S., CAE
PHARMACIST
EXECUTIVE DIRECTOR

TO: Senate Public Health & Welfare Committee
FROM: Kenneth W. Schafermeyer, M.S., CAE
Executive Director
SUBJECT: HCR5012 - Nuclear Pharmacies and Institutional Drug Rooms
DATE: March 29, 1983

The Joint Committee on Administrative Rules and Regulations recommended that Kansas Administrative Regulations 68-10-1 through 68-10-3 and 68-12-1, as adopted by the Board of Pharmacy, be rejected. This recommendation was made because the Joint Committee felt that the Board of Pharmacy has exceeded its statutory authority.

Although we agree with the Joint Committee that these regulations exceed statutory authority, we feel that they are important and that you might see legislation on these issues next year. For this reason, I would like to briefly explain the intent of these regulations.

First, I would like to explain the regulations regarding nuclear pharmacies. These proposed regulations closely follow the model state pharmacy regulations drafted by the National Association of Boards of Pharmacy. It was felt that uniformity of educational and legal requirements for nuclear pharmacies throughout the country would be beneficial to the delivery of quality health care. These regulations are not being rejected because they are bad or not needed but only because they exceed statutory authority. In the interim, you may be assured that the Kansas Bureau of Radiation Control will retain jurisdiction over the disposal, safety, and storage of radioactive pharmaceuticals. We feel that the proposed regulations would give better control of these drug products - especially the proposed labeling requirements. It is likely that the Board of Pharmacy will introduce a bill next year which will give them this authority. We will be working with the Department of Health and Environment and the Bureau of Radiation Control to define the areas of responsibility for radioactive pharmaceuticals.

An information sheet on nuclear pharmacy is attached for your review. If you have other questions, I would be glad to answer them for you.

(OVER)



AFFILIATED WITH
THE AMERICAN PHARMACEUTICAL ASSOCIATION

Atch. 1

The second issue, involving institutional drug rooms has a similar problem. The Pharmacy Practice Act authorizes the Board of Pharmacy to adopt rules and regulations "relating to record-keeping and storage of drugs by institutional drug rooms as necessary for proper control of drugs." (65-16-37a) The Joint Committee on Administrative Rules and Regulations felt that these regulations exceeded statutory authority because they not only addressed record-keeping and storage but also packaging, labeling and dispensing of these drugs. We feel that these proposed regulations are very good and are badly needed. Because of this, we expect the Board of Pharmacy to propose a bill next year which will allow these regulations to be enacted. We feel that there is not adequate control of the distribution of drugs through these facilities and that the citizens of Kansas would benefit from the same types of controls that are present in community and hospital pharmacies in Kansas.

Thank you very much for this opportunity to explain these issues. We felt that it was important that you understand that these proposed regulations were being rejected for technical reasons and not because they were not necessary or good. We look forward to working with you on this and other issues.



THE KANSAS PHARMACISTS ASSOCIATION

1308 WEST 10TH

PHONE (913) 232-0439

TOPEKA, KANSAS 66604

KENNETH W. SCHAFERMEYER, M.S., CAE
PHARMACIST
EXECUTIVE DIRECTOR

Nuclear Pharmacy Fact Sheet

Q: What is a nuclear pharmacy?

A: A nuclear pharmacy is a specialized pharmacy which compounds and dispenses radioactive pharmaceutical products and services.

Q: Why is a pharmacist involved in preparing radiopharmaceuticals?

A: As with other drugs, these products are potent chemicals which are designed to alter some bodily function. All drugs have potential side effects and adverse reactions for the patient and must be closely controlled by a knowledgeable expert in drug therapy. That is why a pharmacy must be involved in the compounding and dispensing of these products. Because of the radioactive nature of these products, nuclear pharmacists must have additional education and experience in a preparation and dispensing of radiopharmaceuticals. Several colleges of pharmacy across the country offer graduate programs in this area. It is important that these pharmacists not only understand the radioactive principals involved but also the effect these products have on the human body. In the last decade nuclear pharmacy has become an important and growing specialty in the pharmacy profession.

Q: What are radiopharmaceuticals used for?

A: They are used primarily for diagnostic procedures such as enabling an image of the kidneys to be seen. A physician uses the images to determine extent of kidney impairment. Different radioactive isotopes have an affinity for various tissues or organs and allow diagnosis without expensive or painful surgery. Radiopharmaceuticals are sometimes used for therapeutic procedures such as for the treatment of thyroid cancer. A great majority of these products are diagnostic, however.

Q: How much radioactivity do these pharmaceuticals contain?

A: Doses are usually extremely small - only enough to be traced in the body and measured accurately. These levels of radiation are much lower than those received during most X-ray procedures.

Q: How does the nuclear pharmacist prepare these radiopharmaceuticals?

A: The nuclear pharmacist prepares the radioactive isotopes for administration. Because most radiopharmaceuticals are administered intravenously, they must be prepared under sterile conditions. Each dose is calibrated to provide a precise amount of radioactivity at the time of administration. Since the half-lives of these products are very short, timely compounding, dispensing and administration is critical.



Q: Do these radiopharmaceuticals need to be treated differently than other pharmaceuticals?

A: Yes, because they contain radioactivity they must be handled carefully. They must be stored, transferred, and disposed of in accordance with the federal and state laws. Presently, the state pharmacy regulations do not adequately define the labeling and dispensing of these products.

Q: Where are these nuclear pharmacies located?

A: Within Kansas, nuclear pharmacies are currently associated with hospitals in Kansas City and Wichita.

10 am 2-29-73

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THE STATE OF KANSAS



STATE BOARD OF BARBER EXAMINERS

630 Kansas Avenue
Phone (913) 296-2211
TOPEKA 66603

March 29, 1983

The Honorable Jan Meyers
Chairperson, Public Health & Welfare Committee
Senate Chamber, Statehouse
Topeka, KS 66612

Dear Senator Meyers:

The Board of Barber Examiners has no opposition to House Concurrent Resolution No. 5018.

The regulation 61-1-31 was amended by the Board at the public hearing held on November 1, 1982, because of a recommendation by the Department of Health and Environment.

According to Dr. Wilcox of the Department of Health and Environment, that agency has been trying to get the Board of Barber Examiners to abolish the use of neckdusters for approximately twenty years. The Department feels that the use of neckdusters is unsanitary.

However, in a recent discussion with Dr. Wilcox after the House Concurrent Resolution was introduced, he stated it was possible that the Department would not be able to prove the use of neckdusters as unsanitary. Because of this statement the Board at its Board Meeting held on Sunday, February 6, 1983, voted to back House Concurrent Resolution No. 5018.

If you have any questions, please let us know.

Sincerely,

Charles L. Lutz
Administrative Officer

CLL:rw

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The Addiction Research Foundation, established in 1949, is financed by annual provincial grants. Representatives from the business and professional community, appointed by the Lieutenant-Governor in Council, establish all Foundation policies. The Foundation's Professional Advisory Board is responsible for advising on scientific development and professional programs.

MEMBERS OF THE FOUNDATION

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- G. A. Allen
- C. O. Bick
- L. C. Bonnycastle
- Gregory Gorman
- J. D. Hamilton, M.D.
- R. L. Kellock, Q.C.
- G. H. McVean
- Austin Moran
- C. D. Shepard, Q.C.
- Vernon Taylor

EXECUTIVE DIRECTOR

H. David Archibald, M.S.W., D.Sc. (Hon.)

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- I. M. Hilliard, M.D.
- W. E. Keil, M.D.
- R. St. J. Macdonald, LL.M.
- C. R. Myers, Ph.D.
- H. R. S. Ryan, Q.C.

This booklet is the reason for HCR 5023. Liberalization of control laws has a bearing on disease and death caused by greater use of alcohol.

Rev. Taylor

Foundation offices located throughout Ontario offer advice and assistance on drug-related problems. Consult your telephone book for the office nearest you, or call the Information Centre located at the Foundation's provincial headquarters, 33 Russell Street, Toronto (416) 595-6100.



Mr. Archibald is Executive Director of the Addiction Research Foundation. This article is adapted from the keynote address to the Foundation's Advanced Summer Course, Toronto, August 12, 1973, and originally appeared in *Addictions*, Fall 1973.

I believe our course is clear: if we are to serve society in the most responsible manner possible we must take a more active role in the development of future social policy and this means going well beyond the collection and dispensation of data. People must know the consequences they will face in terms of economic, health, and social costs if we continue on our present course to make alcohol an essential component of our everyday lives.

In all the vast scientific literature concerning alcohol and its use, there is no more thoroughly researched area than that showing the relationships between alcohol consumption levels and the alcohol-related damage.

Without exception, nations that have high alcohol consumption levels have the greatest prevalence of alcohol-related illness. The more people there are in any society who drink—even though most may drink moderately—the more alcoholics there will be, and the greater the incidence of alcohol-related damage. There is simply no country in the world where this equation has been upset.

More liberalization means greater use of alcohol, and greater prevalence of disease and death as a consequence. Even though the specific components of liberalization—such as permitting alcohol at sidewalk cafes and park picnics—might seem innocuous in themselves, they add up to a pattern that predisposes to saturation.

The development of social policy does not begin and end with isolated actions such as licensing one specific social club to serve beer or liquor. But it is dependent upon an integration of all these actions into a discernible pattern and into a clearly developed thrust.

Consequently, though it may seem backward to hold the line at extending liberalization in certain isolated cases, we must look at the whole picture and we must decide what it is we want relative to the role that alcohol is to play in our lives.

It is imperative that now, with so many decisions about control legislation facing us and with a public still largely unaware of the potential consequences of these decisions, we stop and look around us and decide what we want for ourselves and our children. And if that means placing a moratorium on further steps toward liberalization until we can make these decisions on the basis of information, and sound judgment, then we should not be afraid of making that proposal.

10 am 3-29-83

HB

STATE OF KANSAS

HAROLD P. DYCK
REPRESENTATIVE, NINETY-NINTH DISTRICT
BUTLER, HARVEY, McPHERSON COUNTIES
BOX 547
HESSTON, KANSAS 67062



COMMITTEE ASSIGNMENTS
CHAIRMAN: COMMERCIAL AND FINANCIAL INSTITUTIONS
MEMBER: WAYS AND MEANS
PENSIONS AND INVESTMENTS
INTERSTATE COOPERATION

TOPEKA
HOUSE OF REPRESENTATIVES

March 29, 1983

Madam Chairman and Members of the Committee:

I believe in goals and guidelines! Planning provides direction and control for maximum results!

The "Whereas's" in HCR 5023 are reminders of alcohol's potential health hazards. It also points to the high cost of alcohol-related problems. The misery caused is enormous and hard to qualify.

Approval of HCR 5023 by your committee and the entire Senate is most desirable. This action would indicate your concern and acceptance of responsibility to protect the citizens of this great state.

Thank you for your time!

HAROLD P. DYCK

Governments cannot give to people what they do not first take away from the people.

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Public Health and Welfare

Recommends that House Concurrent Resolution No. 5012

"A CONCURRENT RESOLUTION concerning nuclear pharmacy; rejecting Kansas administrative regulations 68-10-1 through 68-10-3 and 68-12-1, as adopted by the board of pharmacy and filed with the revisor of statutes on December 9, 1982."

Be adopted.

_____Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Public Health and Welfare

Recommends that House Concurrent Resolution No. 5016

"A CONCURRENT RESOLUTION concerning the state board of healing arts; modifying K.A.R. 1982 Supp. 100-42-2 and revoking K.A.R. 100-43-1."

Be adopted.

_____Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Public Health and Welfare

Recommends that House Concurrent Resolution No. 5018

"A CONCURRENT RESOLUTION concerning barbers; modifying Kansas administrative regulation 61-1-31, as adopted by the board of barber examiners and filed with the revisor of statutes on November 2, 1982."

Be adopted.

-----Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2012 (As Amended by House Committee of the Whole)

"AN ACT creating the health planning review commission; providing for the duties and functions thereof."

Be amended:

On page 1, by striking all of lines 31 to 36, inclusive; in line 37, by striking all before the semicolon;

And the bill be passed as amended.

Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2013

"AN ACT concerning the expiration of the Kansas health planning and development act; amending K.S.A. 1982 Supp. 65-4734 and repealing the existing section."

Be passed.

_____Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2014,

"AN ACT relating to health facilities; concerning certificates of need for such facilities; amending K.S.A. 1982 Supp. 65-4801, 65-4805 and 65-4822 and repealing the existing sections; and also repealing K.S.A. 65-4814."

Be passed.

Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2294 (As Amended by House Committee of the Whole)

"AN ACT concerning emergency medical services; authorizing emergency medical technician-intermediate certificates; authorizing certain acts to be performed by persons so certified; requiring the appointment of a medical advisor for certain ambulance services; amending K.S.A. 65-4307 and 65-4317 and K.S.A. 1982 Supp. 65-4301, 65-4306, 65-4314 and 65-4321 and repealing the existing sections."

Be amended:

On page 5, in line 191, by striking "may" and inserting in lieu thereof "shall";

On page 8, in line 289, by striking "statute book" and inserting in lieu thereof "Kansas register";

And the bill be passed as amended.

Chairperson