

Approved 3-19-91
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m. ~~p.m.~~ on March 8, 1991 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research
Emalene Correll, Legislative Research
Norman Furse, Revisor's Office
Jo Ann Buntten, Committee Secretary
Conferees appearing before the committee:

Tom Hitchcock, Kansas State Board of Pharmacy
Carl Schmitthenner, Kansas Dental Association
Cynthia Barrett, Administrative Secretary, Kansas Dental Board

Chairman Ehrlich called the meeting to order at 10:00 a.m.

Hearing and Final Action on:

SB 342 - Controlled substances scheduling conformity changes.

Tom Hitchcock, Executive Secretary, Kansas State Board of Pharmacy, submitted written testimony and appeared in support of SB 342. The bill was requested by the Board of Pharmacy which would update the five statutes in the Kansas Controlled Substances Act that contain the five different schedules for drugs in the Act. The requested changes would bring the Kansas statutes into conformity and uniformity with the federal Drug Enforcement Administration scheduling of controlled substances. (Attachment 1) A technical correction was discussed by Staff Furse. Senator Salisbury made the motion to recommend SB 342 as amended favorably for passage, seconded by Senator Hayden. The motion carried. The bill will be carried by Senator Salisbury.

Chairman Ehrlich called upon Senator Hayden to introduce his pages from Satanta who served in the Senate and assisted at the committee meeting.

SB 343 - Kansas dental board grounds for disciplinary action.

Carl Schmitthenner, Kansas Dental Association, appeared before the committee in support of SB 343 and stated he was asked by the Kansas Dental Association to introduce the bill which addresses unprofessional conduct. Cynthia Barrett, Administrative Secretary, Kansas Dental Board, submitted written testimony and appeared in support of SB 343. Ms. Barrett explained amendments that clarify and define within the statute certain acts which constitute unprofessional conduct. (Attachment 2) After discussion, the committee deferred action on the bill

SB 105 - Providing for registration of athletic trainers.

Staff Furse explained amendments to SB 105. After considerable committee discussion regarding the proposed amendments, fiscal impact of the bill, definition of athletic trainers and other concerns, no action was taken.

The meeting was adjourned at 11:00 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-8-91

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Donald Ingle

KATS Topets

Lynn Bott

KATS Lawrence

Kelly Kuitala

NOW KCKS

Carl Schmittbauer

Kansas Dental Assn

CYNTHIA BARRETT

KANSAS DENTAL BOARD

GARY Robbins

Ks Optometric Assn

Tom Hitchcock

Ks Pharmacy

7

Kansas State Board of Pharmacy

LONDON STATE OFFICE BUILDING
900 JACKSON AVENUE, ROOM 513
TOPEKA, KANSAS 66612-1220
PHONE (913) 296-4056

*Legislative Case
may be necessary*

STATE OF KANSAS



~~W. H. HAYDEN~~
GOVERNOR

JOAN FINNEY

SB 342 Testimony

Senate Public Health
and Welfare Committee

March 8, 1991

MEMBERS

DANA L. CREITZ, JR., PARSONS
LAURENCE L. HENDRICKS,
WAKEENEY
HOYT A. KERR, TOPEKA
KARLA K. KNEEBONE, NEODESHA
KATHLEEN M. MAHANNA, HOXIE
BARBARA A. RENICK, GARDEN CITY

EXECUTIVE SECRETARY

TOM C. HITCHCOCK

BOARD ATTORNEY

DANA W. KILLINGER

Mr. Chairman, Members of the Committee, my name is Tom Hitchcock and I serve as Executive Secretary of the Board of Pharmacy. I appear before you today on behalf of the Board in support of 342 which was introduced by this Committee at the request of the Board.

This bill will update the five statutes in the Kansas Controlled Substances Act which contain the five different schedules for drugs in the Act. The requested changes will bring the Kansas statutes into conformity and uniformity with the federal Drug Enforcement Administration (DEA) scheduling of controlled substances.

The changes include: 1) moving two drugs within the same schedule; 2) the addition of eleven drugs in four different schedules; 3) the change of some verbage on one drug; and 4) correction of a four digit code number which is in error on one drug.

In printing the bill, there were four printing errors that would prevent conformity with the federal controlled substances printed document. The errors which need correcting are: 1) on page 4, lines 11 and 14, the end parentheses were left out, as you may note on attachment page 1 at the arrows; 2) on page 5, line 30, the brackets were left out and there is a spelling error, as you may note on attachment page 2 at the arrow at the top; 3) on page 6, lines 10 and 11, the (\pm) only shows as (+), as you may note on attachment page 2 at the arrow at the bottom;

Senate P H&W
Attachment #1
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SB 342 Testimony
Senate Public Health and Welfare Committee
March 8, 1991

and 4) on page 15, line 4, the four digit code needs to be corrected, as you may note on attachment page 3 at the arrow.

Finally, the anabolic steroid definition and listings have been moved from schedule IV to schedule III. They were also updated to conform with the new federal listing under DEA of the anabolic steroids.

The Board respectfully requests the above listed corrections and favorable passage out of committee of SB 342.

Thank you.

Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.

- (3) 4-methoxyamphetamine 7411
Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA.
- (4) 5-methoxy-3,4-methylenedioxy-amphetamine 7401
- (5) 4-methyl-2,5-dimethoxy-amphetamine 7395
Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; "STP".

- (6) 3,4-methylenedioxy amphetamine 7400
- (7) 3,4-methylenedioxymethamphetamine (MDMA) 7405

(8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA). 7404

(9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA). 7402



- ~~(8)~~ (10) 3,4,5-trimethoxy amphetamine 7390
- ~~(9)~~ (11) Bufotenine 7433

Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.

- ~~(10)~~ (12) Diethyltryptamine. 7434

Some trade or other names: N,N-Diethyltryptamine; DET.

- ~~(11)~~ (13) Dimethyltryptamine 7435

Some trade or other names: DMT

- ~~(12)~~ (14) Ibogaine 7260

Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2]azepino [5,4-b]indole; Tabernanthe iboga.

- ~~(13)~~ (15) Lysergic acid diethylamide 7315

- ~~(14)~~ (16) Marihuana. 7360
- ~~(15)~~ (17) Mescaline. 7381

- ~~(16)~~ (18) Parahexyl. 7374

Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo-[b,d]pyran; Synhexyl. 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo-[b,d]pyran; Synhexyl.

- ~~(17)~~ (19) Peyote 7415

Meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

- ~~(18)~~ (20) N-ethyl-3-piperidyl benzilate. 7482

- ~~(19)~~ (21) N-methyl-3-piperidyl benzilate 7484

- ~~(20)~~ (22) Psilocybin 7437

- ~~(21)~~ (23) Psilocyn 7438

- ~~(22)~~ (24) Tetrahydrocannabinols. 7370

Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances



is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered), expect dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product.

- ~~(23)~~ (25) Ethylamine analog of phencyclidine. 7455
Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine;
(1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
ethylamine; cyclohexamine; PCE.
- ~~(24)~~ (26) Pyrrolidine analog of phencyclidine. 7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine;
PCPy; PHP.
- ~~(25)~~ (27) Thiophene analog of phencyclidine. 7470
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]
-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP
- (28) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine 7473
Some other names: TCPy

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Mecloqualone 2572
- (2) Methaqualone 2565

(f) Unless specifically expected or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Fenethylamine 1503
- (2) N-ethylamphetamine 1475
- ~~(3) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-
alpha-methyl-3,4-(methylenedioxy)phenethylamine, N-ethyl-MDA,
MDE, and MDEA) 7404~~
- ~~(4) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-
hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine,
and N-hydroxy-MDA) 7402~~
- (5) (3) (±)cis-4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-
2-oxazoline) ((±)cis-4,5-dihydro-4-methyl-5-phenyl-
2-oxazolamine) 1590
- (4) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-
benzeneethanamine; N,N-alpha-trimethylphenethylamine). 1480

(g) Any material, compound, mixture or preparation which contains any quantity of the following substances:

- (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
its optical isomers, salts and salts of isomers. 9818
- (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
(thenylfentanyl), its optical isomers, salts and salts of
isomers. 9834

(47) Triazolam.2887

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine) . . . . .	.1230
(1) (2) Diethylpropion . . . . .	.1610
(3) Fencamfamin . . . . .	.1760
(4) Fenproporex . . . . .	.1575
(2) (5) Mazindol . . . . .	.1605
(6) Mefenorex . . . . .	.1580
(3) (7) Pemoline (including organometallic complexes and chelates thereof) . . . . .	.1530
(4) (8) Phentermine . . . . .	.1640
(5) (9) Pipradrol . . . . .	.1750
(6) (10) SPA((-)-1-dimethylamino-1,2-diphenylethane) . . . . .	.1635

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

(1) Pentazocine9709

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit. . . 9167

→ (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane). ~~9273~~ 9278

(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

~~(h) Anabolic steroid. (1) Except as provided in paragraph (2) of this subsection, "anabolic steroid" means any material, compound, mixture or preparation containing an anabolic steroid, including, but not limited to, the following:~~

- ~~(A) Methandrestenolone;~~
- ~~(B) stanozolol;~~
- ~~(C) ethylestrenol;~~
- ~~(D) nandrolone phenpropionate;~~
- ~~(E) nandrolone decanoate;~~
- ~~(F) testosterone propionate; and~~
- ~~(G) chorionic gonadotropin.~~

L. THAYER, D.D.S.
PRESIDENT
109 W. M. STREET
LYONS, KANSAS 67554-1927
TELEPHONE NO. (316) 257-5104

KENNETH R. RILEY, D.D.S.
VICE PRESIDENT
107 S. 6TH STREET
HIAWATHA, KANSAS 66434-2223
TELEPHONE NO. (913) 742-3512

DENISE C. MASEMAN, R.D.H.
SECRETARY-TREASURER
7627 E. 37TH STREET, APT. #1102
WICHITA, KANSAS 67226-2801
TELEPHONE NO. (316) 636-5176

RICHARD W. RADKE, D.D.S.
BOARD MEMBER
1441 EAST 151ST STREET
OLATHE, KANSAS 66062-2854
TELEPHONE NO. (913) 829-8381

JACQUELYN STRAUB
BOARD MEMBER
ROUTE #2, BOX #134-D
EMPORIA, KANSAS 66801-9571
TELEPHONE NO. (316) 343-1608

STATE OF KANSAS



BOARD OF DENTAL EXAMINERS

KANSAS DENTAL BOARD
BUSINESS OFFICE
4301 HUNTOON, SUITE 4, LL
TOPEKA, KANSAS 66604-1996
TELEPHONE NO. (913) 273-0780

CYNTHIA G. BARRETT
ADMINISTRATIVE SECRETARY-TREASURER

MARIANNE SPANO
STAFF SECRETARY

GENERAL COUNSEL
H. PHILIP ELWOOD
215 E. 8TH STREET
TOPEKA, KANSAS 66603-3999
TELEPHONE NO. (913) 233-0593

March 8, 1991

Mr. Chairman and Members of the Committee:

My name is Cynthia Barrett and I am the Administrative Secretary for the Kansas Dental Board. The Board offers this proposed amendment for your consideration.

Discussion by the Board leading to this proposal involved concern with the licensure process in attempting to evaluate the credentials of an applicant. The Board determined it has little basis for the denial of an application or for disciplinary action when there are concerns as to unprofessional conduct.

The intent of this amendment is to clarify and define within the statute certain acts which constitute unprofessional conduct. The language is similar to that of the Board of Healing Arts' statute. Each enumeration is straight forward and rather self-explanatory. If there are questions, I will attempt to provide additional information.

Thank you for time and consideration.

Senate P H&W
Attachment #2
3-8-91

PROPOSED AMENDMENT TO DENTAL PRACTICE ACT

K.S.A. 65-1436

1. Amend K.S.A. 65-1436 as follows:

K.S.A. 65-1436(a) The Kansas dental board may refuse to issue the license provided for in this act, or may take any of the actions with respect to any dental or dental hygiene license as set forth in subsection (b), whenever it is established, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that any applicant for a dental or dental hygiene license or any licensed dentist or dental hygienist practicing in the state of Kansas has:

(12) ~~after becoming a licensee~~ engaged in unprofessional conduct or any conduct which is detrimental to the public health, safety or welfare as defined by rules and regulations of the board; or

2. Subsection (d) to K.S.A. 65-1436 as follows:

(d) As used in K.S.A. 65-1436 and amendments thereto and in this section, "Unprofessional conduct" means:

(1) Representing to a patient that a dental disease, condition or injury can be permanently cured,

WHEN A LICENSEE KNOWS OR SHOULD KNOW THAT A CURE IS NOT POSSIBLE UNDER CURRENT SCIENTIFIC KNOWLEDGE.

(2) Assisting in the care or treatment of a patient without the consent of the patient or the patient's legal representative.

(3) The use of any letters, words, or terms, as an affix, on stationery, in advertisements, or otherwise indicating that such person is entitled to practice a branch of dentistry or dental hygiene for which such person is not licensed or, with respect to specialty representations, does not hold a specialist's certificate.

(4) Willful betrayal of confidential information.

(5) Conduct likely to deceive, defraud or harm the public.

(6) Making a false or misleading statement regarding the licensee's skill or the efficacy or value of the drug, treatment or remedy prescribed by the licensee or at the licensee's direction in the treatment of any dental disease or other dental condition.

(7) Aiding or abetting the practice of dentistry, ^{OR} dental hygiene ~~or any of the healing arts~~ by an unlicensed, incompetent or impaired person. For the purposes of this statute, the term "impaired" is defined as: unable to perform the duties of the discipline for which the person in question is licensed, ~~certified~~ or otherwise credentialed.

(8) Allowing another person or organization to use licensee's license to practice dentistry or dental hygiene.

(9) Commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice.

(10) The use of any false, fraudulent or deceptive statement in any document connected with the practice of dentistry or dental hygiene, to include the systematic non-disclosure of waiver of patient co-payment or co-insurance.

(11) Directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, other than through the legal functioning of lawful professional partnerships, corporations or associations.

(12) Failure to transfer a copy of dental records to another dentist when requested to do so by the subject patient or by such patient's legally designated representative with reasonable costs of copying and transfer to be paid by the patient or the patient's representative.

(13) Performing unnecessary tests, examinations or services which have no legitimate dental purpose.

(14) Prescribing, ~~dispensing~~, administering, distributing a prescription drug or substance, including

a controlled substance, in an excessive, improper or inappropriate manner or quantity or not in the course of the licensee's professional practice as authorized under K.S.A. 65-1444, as amended.

(15) Repeated failure to practice dentistry or dental hygiene with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances.

(16) Failure to keep permanent written dental records which describe the services rendered to the patient.

(17) Delegating professional responsibilities to a person when the licensee knows or has reason to know that such person is not qualified by training, experience or licensure to perform them.

(18) Using experimental forms of dental treatment without proper informed patient consent, without conforming to generally accepted criteria or standard protocols, without keeping detailed legible records or without having periodic analysis of the study and results reviewed by a committee of peers as established by the American Dental Association or a comparable body.