

Approved _____

Date

4-2-91

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

10:00 a.m./p.m. on March 25, 1991 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research
Norman Furse, Revisor's Office
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Tom Hitchcock, Board of Pharmacy
Bob Williams, Kansas Pharmacists Association
Richard Gannon, Board of Healing Arts

Chairman Ehrlich called the meeting to order at 10:00 a.m. and announced the minutes of March 18, 19, 20 and 21, 1991, were distributed to the committee for review.

HB 2073 - Pharmacy act amendments.

Tom Hitchcock, Kansas State Board of Pharmacy, submitted written testimony and appeared in support of HB 2073. The bill encompassed four pharmacy statutes and included changes which were requested by the Board of Pharmacy to clarify compliance enforcement portions of the statutes. (Attachment 1)

Bob Williams, Kansas Pharmacists Association, submitted written testimony and appeared before the committee in support of HB 2073. Mr. Williams stated the Kansas Pharmacists Association supports the changes in existing law as proposed in the bill. HB 2073 would allow the Board of Pharmacy appropriate authority to deny, revoke or suspend licensure to an applicant, if the applicant had been censured, denied licensure, or had other disciplinary action taken in another state. (Attachment 2) Fee changes were discussed, and the Chairman asked for the wishes of the committee on HB 2073. Senator Walker made the motion to recommend HB 2073 favorably for passage, seconded by Senator Hayden. No discussion followed. The motion carried. Senator Walker will carry the bill.

HB 2128 - Qualifications of physicians' assistants.

Richard Gannon, Board of Healing Arts, submitted written testimony and appeared in support of HB 2128. The bill was requested by the Board to correct inadvertent errors which had been made in the adoption of K.S.A. 1990 Supp. 65-2896a and 65-2986b as enacted by the 1989 legislature. Amendments by the House were also discussed. (Attachment 3) Discussion followed regarding concern with suggested language by W.S.U. dealing with traditional delegation problem. The wishes of the committee were asked on HB 2128. Senator Walker made the motion to recommend HB 2128 favorably for passage, seconded by Senator Langworthy. No discussion followed. The motion carried. Senator Walker will carry the bill.

The Chairman announced an error was made regarding re-referral of SB 82. The wishes of the committee were asked on SB 82. Senator Anderson stated action should be the same as taken at the committee meeting March 21, 1991, which was to table the bill. Chairman Ehrlich announced SB 82 would be tabled.

Senator Hayden distributed an article regarding AIDS from the March 22, 1991, Hutchinson News. (Attachment 4)

The meeting was adjourned at 10:30 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-25-91

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Tom Hitchcock

Bd. of Pharmacy

Robert S. Lauer

Bd. of Pharmacy

Bobby Williams

Ks. Pharmacists Assoc.

Kelly Kuitala

NOW

Lisa

KPhA

HEATHER SWANSON

KPhA

Nancy Zogelman

BC/BS of Ks

Kansas State Board of Pharmacy

LONDON STATE OFFICE BUILDING
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STATE OF KANSAS



JOAN FINNEY
GOVERNOR

HOUSE BILL 2073

SENATE PUBLIC HEALTH
AND WELFARE COMMITTEE

MARCH 25, 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 THE EXECUTIVE SECRETARY OF THE BOARD OF PHARMACY. I APPEAR BEFORE YOU TODAY ON BEHALF OF THE BOARD IN SUPPORT OF HB 2073.

THIS BILL ENCOMPASSES FOUR PHARMACY STATUTES AND INCLUDES CHANGES WHICH ARE REQUESTED BY THE BOARD TO CLARIFY COMPLIANCE ENFORCEMENT PORTIONS OF THE STATUTES. ON PAGE 1, LINES 29 AND 30 INCLUDES THE FACT THAT VIOLATIONS OF RULES AND REGULATIONS OF FEDERAL OR STATE FOOD, DRUG AND COSMETIC ACT OR THE CONTROLLED SUBSTANCES ACT OF KANSAS ARE PUNISHABLE THE SAME AS UNDER THE ACT. ON PAGE 2, LINES 6 THROUGH 13 WOULD ALLOW THE BOARD TO DISCIPLINE A DUAL LICENSED PHARMACIST IN LIKE MANNER AS ACTION TAKEN IN ANOTHER JURISDICTION OR TO DISCIPLINE A PHARMACIST FOR SELF-ADMINISTERING CONTROLLED SUBSTANCES. ON PAGE 4, LINES 17 THROUGH 19 WOULD ALLOW THE BOARD TO DENY A RECIPROCAL LICENSURE FOR ANY OF THE REASONS THEY COULD DISCIPLINE A LICENSEE.

THE NEXT TWO REQUESTED CHANGES WOULD FIRST STRIKE THE VERBAGE ON PAGE 6, LINE 1 "BETWEEN JULY 1 AND AUGUST 1" WHICH RELATES TO THE TIME FRAME WHICH EACH LICENSEE SHALL RENEW. THIS IS UNNECESSARY AND CONFUSING BECAUSE IN THE SAME STATUTE, IT ALREADY CORRECTLY DENOTES ON PAGE 5, LINE 31 THAT THE LICENSE EXPIRES ON JUNE 30 AND ON PAGE 7, LINE 2 THAT IF NOT RENEWED BY AUGUST 1 THE LICENSE IS VOIDED. ALSO ON PAGE 7, STRIKE THE VERBAGE ON LINE 4 AND AGAIN ON LINES 12 AND 13 WHICH

HOUSE BILL 2073
STATE PUBLIC HEALTH
AND WELFARE COMMITTEE
MARCH 25, 1991

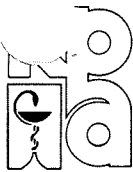
RELATES TO THE LATE PENALTY FEE. IT IS DESIRED THAT THE BOARD HAVE THE FLEXIBILITY TO CHANGE THIS PENALTY FEE BY RULES AND REGULATIONS TO BETTER EFFECT COMPLIANCE OF PHARMACISTS.

THE FINAL TWO CHANGES WOULD ADD VERBAGE ON PAGE 7, LINE 42 THROUGH PAGE 8, LINE 1 WHICH WILL BRING THIS REGISTRATION INTO CONFORMITY WITH SUCH REGISTRATION FOUND ELSEWHERE IN THE STATUTE. THE LAST REQUESTED CHANGE ON PAGE 8, LINE 7 WOULD INCREASE THE MAXIMUM, NOT THE SPECIFIC FEE, WHICH COULD BE SET BY REGULATION TO CHARGE AN APPLICANT IN TAKING THE LICENSURE EXAM. THIS IS REQUESTED BECAUSE THE BOARD WISHES TO REINSTATE A PORTION OF SUCH EXAM WHICH WAS ELIMINATED TWO YEARS AGO.

FINALLY, THE HOUSE COMMITTEE AMENDMENTS MOVE FOUR OF THE FEES INTO THE FEE SECTION OF THE STATUTE ON PAGE 8, LINES 10 THROUGH 13. THE BOARD APPRECIATES THIS CHANGE BECAUSE THE FEE SECTION IS WHERE THEY BELONG.

THE BOARD OF PHARMACY RESPECTFULLY REQUESTS THE FAVORABLE PASSAGE OUT OF COMMITTEE OF HB 2073.

THANK YOU.



THE KANSAS PHARMACISTS ASSOCIATION

1308 WEST 10TH

PHONE (913) 232-0439

TOPEKA, KANSAS 66604

ROBERT R. (BOB) WILLIAMS, M.S., C.A.E.
EXECUTIVE DIRECTOR

TESTIMONY

Senate Public Health and Welfare Committee
HB2073

March 25, 1991

My name is Bob Williams, Executive Director of the Kansas Pharmacists Association. Thank you for this opportunity to address the committee regarding HB2073.

The Kansas Pharmacists Association supports the changes in existing law as proposed in HB2073. The Kansas Board of Pharmacy has licensure reciprocity with 48 different states. The Board therefore needs the appropriate authority to deny, revoke or suspend licensure to an applicant if the applicant has been censured, denied licensure, or had other disciplinary action taken in another state. We believe the protection of the public merits these revisions.

We urge the committee to support HB2073.

Thank you.

Senate P H&W
Attachment #2
3-25-91

State of Kansas

Office of

RICHARD G. GANNON, EXECUTIVE DIRECTOR
LAWRENCE T. BUENING, JR., GENERAL COUNSEL
STEVE A. SCHWARM, LITIGATION COUNSEL
MICHELLE M. TORRES, DISCIPLINARY COUNSEL
SUSAN M. LAMBRECHT, LICENSING SUPERVISOR



Kansas State Board of Healing Arts

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TOPEKA, KS 66603
913-296-7413
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Board of Healing Arts

MEMORANDUM

TO: Senate Committee on Public Health and Welfare
FROM: Richard G. Gannon, Executive Director
RE: Testimony on HB 2128
DATE: March 25, 1991

rdg
Madam Chairperson and Members of the Committee, thank you the opportunity to appear before you as a proponent of House Bill 2128. This bill, as amended, passed the House by a vote of 124 to 0.

This bill was requested by the Board primarily to correct inadvertent errors which had been made in the adoption of KSA 1990 Supp. 65-2896a and 65-2986b as enacted by the 1989 Legislature. However, amendments made by the House on page one at lines 23 through 27 would also make the language for Board approval of physicians' assistants educational programs similar to that which exists for other professions regulated by the Board such as occupational, physical, and respiratory therapists.

Senate P H&W
Attachment #3
3-25-91

MEMBERS OF BOARD

FRANKLIN G. BICHLMEIER, M.D., PRESIDENT
OVERLAND PARK
JOHN P. WHITE, D.O., VICE PRESIDENT
PITTSBURG

DONALD B. BLETZ, M.D., OVERLAND PARK
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EDWARD J. FITZGERALD, M.D., WICHITA
PAUL T. GREENE, JR. D.C., GREAT BEND
HAROLD GULDNER, SYRACUSE
MARK HATESOHL, D.C., MANHATTAN
GLENN I. KERBS, DODGE CITY

CAMERON D. KNACKSTEDT, D.O., PHILLIPSBURG
GRACIELA MARION, EUDORA
JOHN PETERSEN, OVERLAND PARK
JOSEPH PHILIPP, M.D., MANHATTAN
IRWIN WAXMAN, D.P.M., PRAIRIE VILLAGE
KENNETH D. WEDEL, M.D., MINNEAPOLIS
RON ZOELLER, D.C., TOPEKA

Senate Committee on Public Health and Welfare

HB 2128

The changes made at page 2, line 10, and at page 3, line 7, are purely technical in nature and serve only to correct obvious errors in the Legislation as it was enacted by the Legislature in 1989.

Again, thank you for the opportunity to appear before you. I hope you would consider HB 2128 favorably for passage. I would certainly be willing to answer any questions you might have.

RGG;LTB;pd

Man who beat gays contracted AIDS virus

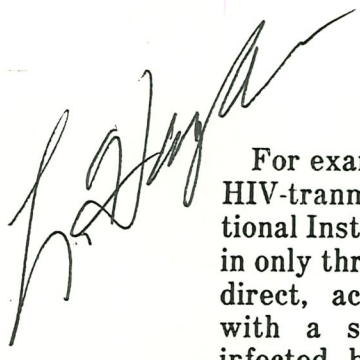
By Malcolm Gladwell
The Washington Post

A man who says he spent six years beating up gay males may have contracted the AIDS virus from the blood of his victims, according to his personal physician.

In a report published Friday in the British medical journal *Lancet*, a Nebraska doctor describes the case of a 49-year-old married man who claims to have had no possible exposure to the AIDS virus, or HIV, except for a stint as a truck driver in New York when he and his colleagues beat up gay males "too many times to count."

The account, which drew immediate skepticism from a wide variety of AIDS experts, said the man drew substantial quantities of blood from his victims and also sustained cuts on his own hands, which his doctors speculated allowed the virus to pass into the attacker's bloodstream. The man's doctor, University of Nebraska AIDS specialist Paul Carson, said he hoped the experience would serve as a "deterrent" to the "dreadful practice of bashing people because they belong to a particular minority."

But Carson stressed in an interview that his conclusion was only a "possibility." Other experts said the chances of contracting HIV simply by contact with infected blood through a cut were remote.



For example, David Henderson, a HIV-transmission expert at the National Institutes of Health, said that in only three cases out of 1,000 does direct, accidental "needle stick" with a syringe containing HIV-infected blood result in infection with the AIDS virus.

Other kinds of less-direct exposures, like blood on an open cut or scratch, "are likely to be associated with substantially less risk," he said.

More likely, said AIDS experts, was that the truck driver had engaged in other, riskier behaviors — like unprotected sex or intravenous drug use — to which he was not admitting.

"Someone that violent and that full of hate is simply not trustworthy," said Tom Stoddart of the *irely* be relied upon ought not be the basis for a published account in a major medical journal. ... This story could do a lot of damage. It could once again summon up irrational fears about AIDS."

Few experts agreed with Carson that the truck driver's condition would serve as a deterrent to the increasingly common practice of "gay bashing."

"My first thought was that maybe they will stop beating us up," said Larry Kramer, the New York city playwright who founded the AIDS activist group ACT-UP. "But then again maybe they won't. Maybe they'll just start using guns."

"It serves him right," Kramer added.

Carson said that the case arose because the truck driver, who had recently moved from the New York area, found out that he was HIV-positive during a routine blood test. The man had been married for 25 years and had three children. His wife did not test positive for HIV.