

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Carlos Mayans, at 1:30 p.m. on February 18, 1998 in Room 423-S-of the State Capitol.

All members were present except: Representative John Morrison - excused  
Representative Tony Powell - excused

Committee staff present: Robin Kempf, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:  
Ron Hein, Baxter International  
Larry Froelich, Kansas Pharmacy Board

Others attending: See Guest List (Attachment 1)

Chairperson Mayans opened the hearing on **HB 2835** (exemption from pharmacy act of dialysates, devices and drugs used to treat chronic kidney failure). Ron Hein, Legislative Counsel for Baxter International, testified in support of the bill. (See written testimony, Attachment 2.) Mr. Hein explained the unique characteristics of the drugs involved and their distribution, and noted that without **HB 2835** the Board of Pharmacy may be required to have pharmacists monitor the distribution of the various drug items covered by the bill. He indicated the purpose of the bill is to insure that manufacturers and distributors of these drugs in Kansas are performing in accordance with Kansas law.

Representative Geringer asked Larry Froelich, of the Kansas Pharmacy Board, if the drug formulary for these listed items were changed, would the Board come to the Legislature each time to approve the change. Mr. Froelich said the Board of Pharmacy feels comfortable with this bill, and any such change could be handled through the Board's rules and regulations. Mr. Froelich stated it was admirable that Baxter International voluntarily came forward to note the existing disparity in their operations with Kansas law.

The hearing on **HB 2835** was closed. Representative Geringer moved that **HB 2835** be passed favorably and recommended that it be placed on the consent calendar. Representative Long seconded the motion; and the motion carried.

In considering if the committee may want to take action on bills previously heard, Chairperson Mayans noted that the committee looked at several amendments to **HB 2681** (actions against licensees under the Kansas healing arts act) at the bill's hearing and sensed that the interested organizations were not in agreement, so unless the committee feels it should take action, the bill will remain in committee. Also, for the same reasons, **HB 2670** (investigations and proceedings conducted by board of healing arts) will remain in committee. Chairperson Mayans noted seven bills have been recently assigned to the committee, and two of them will be worked later as they were introduced by another committee.

Chairperson Mayans stated that if there is no objection, **HB 2669** (investigations of abuse, neglect or exploitation of certain persons) will be considered at the February 19 meeting.

The meeting was adjourned at 2:10 p.m.

The next meeting is scheduled for February 19, 1998.



# HEIN AND WEIR, CHARTERED

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## House Health and Human Services Committee

TESTIMONY RE: HB 2835

Presented by Ronald R. Hein

on behalf of

**Baxter International**

February 18, 1998

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for Baxter International. Baxter is a diversified healthcare corporation providing medical services, equipment, and supplies in many areas of healthcare. Among other services, Baxter is one of the industry providers of dialysis solutions and supplies to chronic end-stage renal disease patients. These services include hemodialysis and peritoneal dialysis.

HB 2835 amends the Kansas Pharmacy Act to establish the role of the Board of Pharmacy in the regulation of companies that distribute dialysis products to patients suffering from chronic kidney failure.

For those of you unfamiliar with peritoneal dialysis or home hemodialysis, such services permit chronic renal failure patients to live as normal a life as possible given their kidney failure. Dialysis is the means by which a kidney patient is able to perform the functions normally performed by a healthy, functioning kidney. Baxter has been a provider of home dialysis supplies, equipment, and solutions for 25 years. Baxter delivers 500-1,000 pounds of dialysis solutions and supplies monthly to approximately 325 Kansas home peritoneal dialysis patients upon order of their physician.

Baxter had thought that they delivered product on behalf of physicians. A couple of years ago, Baxter's lawyers reviewed state laws and thought they were technically dispensing drugs directly to consumers. So, they have approached state Boards of Pharmacy and legislatures to help craft language so that Baxter would be in full compliance. After discussions with the Kansas Board of Pharmacy, HB 2835 was the recommended solution to insure full compliance with the Kansas Statutes.

The bill provides that the distribution of such home dialysis solutions, devices and supplies as are designated by the Board, and which meet the other criteria set out in Section 1, are exempt from the provisions of the Kansas Pharmacy Act. However, the Board of Pharmacy retains control over which drugs qualify for such home distribution, and the wholesale distributor continues to be required to be registered with the Board. The wholesale distributor is also required to be supervised by a pharmacist consultant pursuant to rules and regulations adopted by the Board.

It is my understanding that the Board of Pharmacy agrees with this legislation, and that the Kansas Pharmacists Association has no objection to this bill. On behalf of Baxter International, I would urge the committee to recommend HB 2835 favorably for passage.

Thank you very much for permitting me to testify, and I will yield to questions.

HOUSE HHS COMMITTEE  
Attachment 2  
2 - 18 - 98