

Approved: 3-30-98  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on March 23, 1998 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department  
Robin Kempf, Legislative Research Department  
Norman Furse, Revisor of Statutes  
JoAnn Bunten, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

**Action on HB 2835 - Exemptions from pharmacy act of dialysates, devices and drugs used to treat chronic kidney failure**

Staff briefed the Committee on a balloon of **HB 2835** showing proposed amendments to the bill. (Attachment 1) The Committee discussed changing language on page 1, line 16, of the balloon of the bill after the stricken language, "to perform dialysis" to now read, "relating to the treatment of a person with chronic kidney failure receiving dialysis". Senator Becker made a motion to recommend inserting the proposed language change on page 1, line 16 of the balloon of the bill, and that the balloon of the bill be adopted, seconded by Senator Salmans. The motion carried.

Senator Becker made a motion that the Committee recommend **HB 2835 as amended** favorably for passage, seconded by Senator Jones. The motion carried.

**Action on HCR 5042 - Establishing a task force on providers of mental health**

Senator Salmans made a motion to amend **HCR 5042** on page 1, line 37 and 38, by striking "Legislative Coordinating Council" and inserting "Governor", seconded by Senator Hardenburger. The motion carried.

Senator Salmans made a motion that the Committee recommend **HCR 5042 as amended** be adopted, seconded by Senator Hardenburger. The motion carried.

**Action on Sub HB 2630 - Qualified mental health professionals defined**

Staff briefed the Committee on **Sub HB 2630**. After Committee discussion on additional educational requirements and training of qualified mental health professionals, Senator Salmans made a motion that the Committee recommend **Sub HB 2630** favorably for passage, seconded by Senator Hardenburger. The motion carried.

**Adjournment**

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

The next meeting is scheduled for March 24, 1998.

# SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 3-23-98

NAME	REPRESENTING
Susan Anderson	Heim + Weir
Carolyn Druce	KDHE
Chip Wheelen	Ks Psychiatric Society
Whitney Damron	KS Psychological Assn
Susan Linn	Ks Psychological Assn.
Callie Hill Denton	KAMP
Ron Heim	Baxter International + Mental Health Credentialing Coalition
LINDA McGill	PMA
Stan Langhofeg	Kansas Dialysis Services
Guy McGee	Dist. Hospit Assoc
Jacques Cuen	Intern. Sen. Tyson
Rich Pittman	Health Midwest
LARRY FROELICH	Board of Pharmacy
Michelle Peterson	Peterson Public Affairs Group
Ron Pawelka	Kansas Advocacy & Protective Services
Amy A. Campbell	Kansas State Ophthalmological Society
Ellen Beck Johnson	Assoc. of CHCs
John Kiefhaber	Ks. Health Care Assn.
Preston Barton	DD Council

# HOUSE BILL No. 2835

By Committee on Health and Human Services

2-6

9 AN ACT concerning the pharmacy act of the state of Kansas; dialysates,  
10 devices or drugs for chronic kidney failure.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) Except as otherwise provided in this section, the pro-  
14 visions of the pharmacy act of the state of Kansas shall not apply to di-  
15 alysates, devices or drugs which are designated by the board for the pur-  
16 poses of this section as necessary ~~to perform dialysis~~ and which are  
17 prescribed or ordered by a physician for administration or delivery to a  
18 person with chronic kidney failure if:

19 (1) The wholesale distributor is registered with the board and lawfully  
20 holds the drug or device; and

21 (2) the wholesale distributor (A) delivers the drug or device to: (i) A  
22 person with chronic kidney failure for self-administration at the person's  
23 home or specified address ~~as ordered by a physician; or~~ (ii) a physician  
24 for administration or delivery to a person with chronic kidney failure; and  
25 (B) has sufficient and qualified supervision to adequately protect the pub-  
26 lic health.

27 (b) The wholesale distributor pursuant to subsection (a) shall be su-  
28 pervised by a pharmacist consultant pursuant to rules and regulations  
29 adopted by the board.

30 (c) The board shall adopt such rules or regulations as are necessary  
31 to effectuate the provisions of this section.

32 ~~(d)~~ This section shall be part of and supplemental to the pharmacy  
33 act of the state of Kansas.

34 Sec. 2. This act shall take effect and be in force from and after its  
35 publication in the ~~statute book~~

*relating to a person with*

~~in the treatment of chronic kidney failure~~

*receiving dialysis*  
; or (iii) a medicare approved renal dialysis facility for administering or delivering to a person with chronic kidney failure

(d) As used in this section, "physician" means a person licensed to practice medicine and surgery.

(e)

See attached

Renumber the existing section accordingly

Kansas register

Sec. 2. (a) A medicare approved renal dialysis facility which keeps prescription drugs as a part of the services provided by such facility shall obtain a registration from the board as a renal dialysis facility pharmacy. Application for such registration shall be made in accordance with procedures established by the board. All fees applicable to registration of a pharmacy, and the renewal of such registration, shall apply to the registration of a renal dialysis facility pharmacy.

(b) A registered renal dialysis facility pharmacy shall be supervised by a pharmacist consultant. The pharmacist consultant shall act as the pharmacist in charge. If a pharmacist consultant is not available to a registered renal dialysis facility pharmacy, the board shall provide or make arrangements for a pharmacist to act as a pharmacist consultant for such pharmacy and in the interim shall assist such pharmacy in locating a suitable pharmacist consultant.

(c) A renal dialysis facility pharmacy which is part of a medicare approved renal dialysis facility shall be deemed to be in compliance with rules and regulations of the state board of pharmacy, except that the board may adopt rules and regulations applicable to such pharmacy which establish labeling requirements for prescription medications delivered by such pharmacy.

(d) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

1-2