

Approved: 2-23-99
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Sandy Praeger at 10:00 a.m. on February 15, 1999 in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Norman Furse, Revisor of Statutes

JoAnn Bunten, Committee Secretary

Conferees appearing before the committee:

Larry Froelich, Kansas State Board of Pharmacy

Others attending: See attached list

Hearing on: SB 267 - Pharmacy act amendments including board of pharmacy procedures and definition of prescription-only drugs

Larry Froelich, Executive Director, Kansas State Board of Pharmacy, testified before the Committee in support of **SB 267** which relates to allowing the Board of Pharmacy to use subpoena powers in investigations and disciplinary matters. The proposed bill would also permit the Board to take disciplinary action against a licensee for failure to cooperate with an investigation and revoke licenses on an emergency basis. Mr. Froelich noted that if passed, the bill would also change language referring to prescription-only drugs to correspond with language in federal statutes. (Attachment 1)

During Committee discussion on the bill, staff called attention to language on page 4, subsection (bb) of the bill pertaining to definition of "Prescription-only drugs" and questioned Mr. Froelich on the source and to what effect this would have on veterinarians. Mr. Froelich noted that the language from USC 353 does not change the definition of prescription-only drugs, but only how they are referred to in state law. Staff also called attention to K.S.A 65-1627 that was amended last year and needed to be reconciled in **SB 267**. The Chair suggested that Mr. Froelich confer with the Board of Veterinary Medicine regarding the bill, as well as requesting staff draft the necessary amendments before the bill is worked in Committee. There were no opponents to the bill.

Action on: SB 190 - Healing Arts licenses and expiration date

After Committee discussion on **SB 190**, Senator Steineger made a motion to strike all references to "annual" in the statutes, and that staff be authorized to make any other necessary language changes as noted, seconded by Senator Becker. The motion carried.

Senator Salmans requested an amendment be written by staff that would allow physicians at Topeka State Hospital practice in other facilities after Topeka State Hospital closed. The Chair noted that further action on the bill would be taken after the amendments are drafted by staff.

Action on: SB 194 - Actions against licensees under the healing arts act

After Committee discussion, Senator Langworthy made a motion to strike language on page 3, subsection (m) in the bill regarding the issue of distributing information on alternative methods of treatment of breast cancer, seconded by Senator Salmans. The motion carried.

Senator Salmans made a motion that the Committee recommend SB 194 as amended favorably for passage, seconded by Senator Lee. The motion carried.

Adjournment

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

The next meeting is scheduled for February 16, 1999.

Kansas State Board of Pharmacy

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STATE OF KANSAS

EXECUTIVE DIRECTOR
LARRY FROELICH



BILL GRAVES
GOVERNOR

1999 KANSAS LEGISLATIVE SESSION SENATE BILL No. 267

PHARMACY PRACTICE ACT

Senate Committee on Public Health and Welfare
Senator Sandy Praeger, Chairperson
Committee Members

The Kansas Board of Pharmacy requests favorable passage of **SB 267**.

SB 267 has two distinct areas that are addressed:

1.) Changing the definition of prescription-only drug:

The current Federal definition of prescription-only drug is changing from using the "caution" legend to "Rx only". Although this definition and description on prescription products is being phased in over several years (by the year 2002), the Board is requesting changing the Kansas definition to follow that which the *21 United States Code Annotated* defines prescription drug. In the event that subsequent changes are done federally, Kansas Law will already include that definition.

2.) Additional administrative avenues that the Board may utilize:

- A.) The Board is requesting the power of a subpoena in obtaining records during investigations. The Kansas Administrative Procedures Act (KAPA) allows for subpoenas after filing a notice of hearing. There are instances when the subpoenas are needed during an investigation. The Board currently relies upon the Attorney General's Office or associated agencies.
- B.) Adding verbiage to discipline a pharmacist who fails to furnish information that is legally requested by the Board, and
- C.) Additional language to suspend or limit a pharmacists' license under KAPA if the Board believes there is a danger to public health and safety.

The Kansas Board of Pharmacy respectfully requests **favorable passage of SB 267**.

Senate Public Health & Welfare
Date: 2-15-99
Attachment No. 1