

## MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:36 P.M. on March 9, 2006 in Room 231-N of the Capitol.

All members were present.

Late Arrival

Jordan	1:39
Journey	1:42
Haley	1:50-Excused

Committee staff present:

Emalene Correll, Kansas Legislative Research Department  
 Terri Weber, Kansas Legislative Research Department  
 Norm Furse, Office of Revisor of Statutes  
 Diana Lee, Office of Revisor of Statutes  
 Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Debra Billingsley, Executive Secretary- Kansas Board of Pharmacy

Others attending:

See attached list.

**Hearing on HB 2830—Concerning pharmacists and pharmacy; relating to registration of pharmacies**

Upon calling the meeting to order, Chairman Barnett opened the hearing on **HB 2830**, and asked Norm Furse to read and explain the language in **HB 2830**.

Chairman Barnett called upon proponent conferee, Debra Billingsley, Executive Secretary of the Kansas Board of Pharmacy stated **HB 2830** would amend a portion of the statute that sets requirements for pharmacy technician registration, and that the language be amended to permit the technician to register first with the Board and then the technician would have 30 days to take and pass a test. She also stated that the second portion of the bill would require the Board to have a unanimous vote before they can make any changes to the pharmacy technician ratio regulation. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair asked for questions or comments from the Committee. Questions came from Senators Brungardt, V. Schmidt, Palmer, Wagle, and Emalene Correll and Norm Furse regarding ratio, rules and regulations, board votes, national certification ratio, testing, prescription verification, locations, other state's ratios, and registration.

With no further discussion or conferees, Chairman Barnett closed the hearing on **HB 2830**.

The motion was made by Senator V. Schmidt to move the bill out favorably. It was seconded by Senator Brungardt and the motion carried.

**Hearing on HB 2831—concerning pharmacists and pharmacy; relating to the accreditation council for pharmacy.**

Chairman Barnett opened the hearing on **HB 2831**, and asked Norm Furse to review and explain **HB 2831** for the Committee.

The Chair called upon proponent conferee, Debra Billingsley, Executive Secretary of the Kansas Board of Pharmacy stated that HB 2831 is a housekeeping matter that changes the name of the American Council on Pharmaceutical Education to Accreditation Council for Pharmacy. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair asked for questions or comments from the Committee. Questions came from Senator Palmer

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:36 P.M. on March 9, 2006 in Room 231-N of the Capitol.

regarding pharmacists giving vaccines.

With no further discussion or conferees, Chairman Barnett closed the hearing on **HB 2831**.

The motion was made by Senator V. Schmidt to move the bill out favorably on the consent calendar. It was seconded by Senator Jordan and the motion carried.

**Discussion took place on SB 546—An act concerning the board of emergency medical services; establishing a statewide data collection system**

Chairman Barnett directed the Committee's attention to **SB 546** with a balloon that has been passed out to each member. A copy of the balloon is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Various parts of the bill especially section 3, concerned the conferees with Emergency Medical Services. The Chair called upon Robert Waller, Administrator, Kansas Board of Emergency Medical Services to come before the Committee to hear from him for an update on what has transpired currently with the bills changes.

Waller states that **SB 546** is a data collection bill. Essentially what he did in relation to the concerns that the regions had, they held a Kansas Emergency Medical Service Association Meeting the Friday after the bill's hearing. A discussion took place with members of the six regions and it was collectively decided that in this point of time, putting the penalty in the bill, without a data collection system up and running would be fruitless. So they are deleting section three relating to penalties and those attending the meeting fully supports this measure.

The Chair asked for questions from the Committee. There was a discussion between Senators Palmer, Haley, V. Schmidt, Barnett, Emalene Correll, Norm Furse, and Diana Lee regarding section two's identification, HIPAA regulations, HIPAA incorporated into bill, HIPAA confidentiality, actual reason for bill, links to receive data collection flow, data's existence to improve training, surrounding states language of similar bill, grants, rural options health grants, American Medical Response concern, technicalities with Emergency Medical Operators, existing budget, and the meaning of the word "criminal" in bill language. Senators Schmidt and Haley specifically stated that Penalty could be enacted at a later date.

Due to other conferees working on **SB 546** with the Emergency Medical Services, who are working on call and unable to attend this discussion, the Chair asks the Committee if this bill can be further discussed in the March 15, 2006 meeting and the Committee agreed.

**Adjournment**

As there was no further business, the meeting was adjourned at 2:20 p.m.

The next meeting is scheduled for Wednesday, March 15, 2006.

March 9, 2006 PH&W

Sign In

Robert Waller	KBEMS
Mary E. Mulyan	KBEMS
Joe Moreland	KBEMS
Michelle Peterson	Capital Strategies
Betty Wright	KS Dental Board
Debra Billingsley	KS Bd of Pharmacy
<del>Estelle</del> Estelle Montgomery	Hein Law Firm
PHILIP A. HURLEY	PHILIP HURLEY & CO.

# KANSAS

BOARD OF PHARMACY  
DEBRA L. BILLINGSLEY, EXECUTIVE DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR

**Testimony concerning HB 2830: relating to registration  
of pharmacy technicians  
Senate Public Health and Welfare Committee  
Presented by Debra Billingsley  
On behalf of  
The Kansas State Board of Pharmacy  
March 9, 2006**

Mr. Chairman, Members of the Committee:

My name is Debra Billingsley, and I am the Executive Secretary for the Kansas State Board of Pharmacy. Our Board is created by statute and is comprised of six members, each of whom are appointed by the Governor. Of the six, five are licensed pharmacists and one is a member of the general public.

HB 2830 would amend a portion of the statute that sets requirements for pharmacy technician registration. Our current law requires a pharmacy technician to take a test prior to being registered with the Board. The technician would get hired by a pharmacy, take a test and then the application for registration requires the pharmacist in charge to certify that the technician took and passed the test. The technician can not go into the pharmacy until he receives his registration card from the Board.

The Board is asking that the language be amended to permit the technician to register first with the Board and then the technician would have 30 days to take and pass a test. It would allow for training of the technician prior to their having to take a test. The Board has found the current language to be awkward for most pharmacies that would train the technician prior to their taking a test.

The second portion of the bill would require the Board to have a super majority vote before they can make any changes to the pharmacy technician ratio regulation. Therefore, the Board would have to vote 5-0 in order to raise or lower the technician ratio. The Board added this language in order to show their good faith to the licensees when reviewing the ratio issue and making any changes that would affect everyone's practice.

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

*Senate Public Health & Welfare  
Committee*

*Date: March 9, 2006*

*unanimous 5 out of 6  
Pres - no vote  
but need be  
Present*

# KANSAS

BOARD OF PHARMACY  
DEBRA L. BILLINGSLEY, EXECUTIVE DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR

**Testimony concerning HB 2831: relating to Accreditation  
Council for Pharmacy  
Senate Public Health and Welfare Committee  
Presented by Debra Billingsley  
On behalf of  
The Kansas State Board of Pharmacy  
March 9, 2006**

Mr. Chairman, Members of the Committee:

My name is Debra Billingsley, and I am the Executive Secretary for the Kansas State Board of Pharmacy. Our Board is created by statute and is comprised of six members, each of whom are appointed by the Governor. Of the six, five are licensed pharmacists and one is a member of the general public.

HB 2831 is a housekeeping matter that changes the name of American Council on Pharmaceutical Education to Accreditation Council for Pharmacy. ACPE is the national agency for the accreditation of professional degree programs in pharmacy and a provider of continuing education.

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

Senate Public Health & Welfare  
Committee

Date: March 9, 2006

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Attachment # 2

Thurs., March 9, 2006

SENATE BILL No. 546

By Committee on Ways and Means

2-10

9 AN ACT concerning the board of emergency medical services; establish-  
10 ing a statewide data collection system.

11

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

13 Section 1. (a) The board of emergency medical services shall develop  
14 and maintain a statewide data collection system to collect and analyze  
15 emergency medical services information, including, but not limited to,  
16 dispatch, demographics, patient data, assessment, treatment, disposition,  
17 financial and any other pertinent information that will assist the board in  
18 improving the quality of emergency medical services.

19 (b) Each operator of an ambulance service shall collect and report to  
20 the board emergency medical services information pursuant to rules and  
21 regulations adopted by the board. The board shall adopt rules and reg-  
22 ulations which use the most efficient, least intrusive means for collecting  
23 emergency medical services information consistent with ensuring the  
24 quality, timeliness, completeness and confidentiality of the system.

25 Sec. 2. (a) Any emergency medical services information provided to  
26 the board shall be confidential and shall not be disclosed or made public,  
27 upon subpoena or otherwise, except such information may be disclosed  
28 if:

29 (1) No person can be identified in the information to be disclosed  
30 and the disclosure is for statistical purposes;

31 (2) all persons who are identifiable in the information to be disclosed  
32 consent in writing to its disclosure; or

33 (3) the disclosure is necessary, and only to the extent necessary, to  
34 protect the public health and does not identify specific operators or am-  
35 bulance services.

36 (b) Except as provided in subsection (c), reports generated by the  
37 board utilizing emergency medical services information shall be available  
38 in accordance with K.S.A. 45-215 et seq., and amendments thereto.

39 (c) Notwithstanding subsection (b), individually identifiable health in-  
40 formation shall be confidential and shall not be disclosed except that the  
41 board may disclose such information to individuals, organizations or gov-  
42 ernmental agencies engaged in research that benefits the public's health,  
43 safety or welfare if the board is satisfied that such information will remain

Senate Public Health & Welfare Committee

Date: March 9, 2006

Attachment # 3

1 confidential and adequately protected from disclosure. For purposes of  
 2 this section, "individually identifiable health information" shall have the  
 3 same meaning as in 45 C.F.R. § 160.103.

4 ~~Sec. 2. (a) The board may, in accordance with the Kansas adminis-~~  
 5 ~~trative procedure act, restrict or prohibit eligibility for grants or may im-~~  
 6 ~~pose fines not to exceed \$1000 per occurrence, or both, for failure to~~  
 7 ~~submit emergency medical services information within time frames pre-~~  
 8 ~~scribed by the board in rules and regulations.~~

9 ~~(b) All fines assessed and collected under this section shall be remit-~~  
 10 ~~ted to the state treasurer in accordance with the provisions of K.S.A. 75-~~  
 11 ~~4215, and amendments thereto. Upon receipt of such such remittance,~~  
 12 ~~the state treasurer shall deposit the entire amount in the state treasury~~  
 13 ~~to the credit of the state general fund.~~

14 Sec. 4. Any operator who reports emergency medical services infor-  
 15 mation, in good faith, and in accordance with the requirements of this  
 16 act and the rules and regulations prescribed by the board, shall have  
 17 immunity from any liability, civil or criminal, which might otherwise be  
 18 incurred or imposed in an action resulting from such information. Noth-  
 19 ing in this section shall be construed to apply to the unauthorized disclo-  
 20 sure of confidential information when such disclosure is due to gross  
 21 negligence or willful misconduct.

22 Sec. 5. Sections 1 through 4, and amendments thereto, shall be part  
 23 of and supplemental to the provisions of article 61 of chapter 65 of the  
 24 Kansas Statutes Annotated and acts amendatory of the provisions thereof  
 25 or supplemental thereto.

26 Sec. 6. This act shall take effect and be in force from and after its  
 27 publication in the statute book.

STRIKE  
 SECTION 3