

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 33**

As Amended by House Committee of the Whole

**Brief\***

SB 33, as amended, would amend existing law concerning the regulation of pharmacy technicians and the membership of the State Board of Pharmacy.

Specifically, the bill would amend existing law concerning the Board of Pharmacy by requiring all pharmacy technicians to display a registration card in that part of the place of business in which they engage in pharmacy technician activities. The pharmacy would no longer be required to post the names of the pharmacy technicians who are currently on duty.

The bill also would increase the number of Board members for the Board of Pharmacy from six to seven, of which six would be licensed pharmacists. Also, effective July 1, 2009, the term of office of each Board member would be extended by one year and Board members appointed on and after July 1, 2009, would serve for terms of four years.

**Background**

SB 33 was introduced by the Senate Committee on Public Health and Welfare at the request of the State Board of Pharmacy. Proponents of the bill included the Executive Director, Kansas State Board of Pharmacy and the Executive Director, Kansas Pharmacists Association. The Executive Director of the Board of Pharmacy requested an additional amendment that would increase the maximum allowable fee for

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

pharmacy technicians from \$50 to \$100 to accommodate the \$49 cost for fingerprinting and a background check should it be required.

Written testimony in support of the bill was provided from the Legislative Counsel, Kansas Pharmacy Coalition, and the Vice President, Kansas Hospital Association.

There were no opponents of the bill at the Senate Committee hearing.

The Senate Committee of the Whole amended the language of SB 222 concerning the Board of Emergency Medical Services and fingerprinting and criminal history record checks into SB 33. Additionally, language concerning the remittance to the State Treasurer of fees collected by the Board of Pharmacy for fingerprinting and criminal history record checks was added to the bill.

The House Committee on Health and Human Services made several amendments to the bill. The amendments:

- Replace the term “licensure” with “certificate.” The Emergency Medical Services Board currently issues certificates to its applicants.
- Make technical amendments to the references to the Emergency Medical Services Board.
- Clarify the fee that may be charged by the Emergency Medical Services Board and the Board of Pharmacy must be equal to the cost of fingerprinting and the criminal history record check.
- Restore the existing registration fee for pharmacy technician applicants (\$50).
- Clarify a Board of Pharmacy membership provision for members appointed on and after July 1, 2009.

The House Committee of the Whole amended the bill to delete the fingerprinting and related state and national criminal history record check provisions that would have applied to certain licensees and registrants of the Emergency Medical Services Board and the State Board of Pharmacy. The subject matter of the bill is limited by the amendment to the display of registration cards by pharmacy technicians and the membership of the State Board of Pharmacy.

For the fiscal note prepared by the Division of the Budget on the original bill, the Board of Pharmacy indicated that the increase in the number of Board members would create additional costs for the Board. The cost of fingerprinting and criminal history record checks would be the responsibility of the individual undergoing the fingerprinting and criminal history check and would be paid to the Board. The Kansas Bureau of Investigation indicated that any additional funding the Bureau may need would be obtained from the fees paid by the Board of Pharmacy. No fiscal note was available for SB 222. (The cost estimates associated with the fingerprinting and criminal history record check requirements would no longer be applicable under the House Committee of the Whole amendment.)