

**Senate Substitute for HOUSE BILL No. 2146**

By Committee on Public Health and Welfare

3-20

1 AN ACT concerning the board of pharmacy; relating to pharmacists,  
2 pharmacy technicians and pharmacist interns; amending K.S.A. 65-  
3 1626a, 65-1632 and 65-1644 and K.S.A. 2013 Supp. 65-1637b, 65-  
4 1643, 65-1645 and 65-1663 and repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-1626a is hereby amended to read as follows: 65-  
8 1626a. (a) For the purpose of the pharmacy act of the state of Kansas, the  
9 following persons shall be deemed to be engaged in the practice of  
10 pharmacy:

11 (1) Persons who publicly profess to be a pharmacist, or publicly  
12 profess to assume the duties incident to being a pharmacist and their  
13 knowledge of drugs or drug actions, or both; *and*

14 (2) persons who attach to their name any words or abbreviation  
15 indicating that they are a pharmacist licensed to practice pharmacy in  
16 Kansas.

17 (b) (1) "Practice of pharmacy" means the interpretation and  
18 evaluation of prescription orders; the compounding, dispensing and  
19 labeling of drugs and devices pursuant to prescription orders; the  
20 administering of vaccine pursuant to a vaccination protocol; the  
21 participation in drug selection according to state law and participation in  
22 drug utilization reviews; the proper and safe storage of prescription drugs  
23 and prescription devices and the maintenance of proper records thereof in  
24 accordance with law; consultation with patients and other health care  
25 practitioners about the safe and effective use of prescription drugs and  
26 prescription devices; performance of collaborative drug therapy  
27 management pursuant to a written collaborative practice agreement with  
28 one or more physicians who have an established physician-patient  
29 relationship; and participation in the offering or performing of those acts,  
30 services, operations or transactions necessary in the conduct, operation,  
31 management and control of a pharmacy. Nothing in this ~~subsection~~ *section*  
32 shall be construed to add any additional requirements for registration or for  
33 a permit under the pharmacy act of the state of Kansas or for approval  
34 under subsection (g) of K.S.A. 65-1643, and amendments thereto, or to  
35 prevent persons other than pharmacists from engaging in drug utilization  
36 review, or to require persons lawfully in possession of prescription drugs

1 or prescription devices to meet any storage or record keeping requirements  
2 except such storage and record keeping requirements as may be otherwise  
3 provided by law or to affect any person consulting with a health care  
4 practitioner about the safe and effective use of prescription drugs or  
5 prescription devices.

6 (2) *"Collaborative drug therapy management" means a practice of*  
7 *pharmacy where a pharmacist performs certain pharmaceutical-related*  
8 *patient care functions for a specific patient which have been delegated to*  
9 *the pharmacist by a physician through a collaborative practice agreement.*  
10 *A physician who enters into a collaborative practice agreement is*  
11 *responsible for the care of the patient following initial diagnosis and*  
12 *assessment and for the direction and supervision of the pharmacist*  
13 *throughout the collaborative drug therapy management process. Nothing*  
14 *in this subsection shall be construed to permit a pharmacist to alter a*  
15 *physician's orders or directions, diagnose or treat any disease,*  
16 *independently prescribe drugs or independently practice medicine and*  
17 *surgery.*

18 (3) *"Collaborative practice agreement" means a written agreement*  
19 *or protocol between one or more pharmacists and one or more physicians*  
20 *that provides for collaborative drug therapy management. Such*  
21 *collaborative practice agreement shall contain certain specified*  
22 *conditions or limitations pursuant to the collaborating physician's order,*  
23 *standing order, delegation or protocol. A collaborative practice agreement*  
24 *shall be: (A) Consistent with the normal and customary specialty,*  
25 *competence and lawful practice of the physician; and (B) appropriate to*  
26 *the pharmacist's training and experience.*

27 (4) *"Physician" means a person licensed to practice medicine and*  
28 *surgery in this state.*

29 Sec. 2. K.S.A. 2013 Supp. 65-1637b is hereby amended to read as  
30 follows: 65-1637b. (a) The pharmacist shall exercise professional  
31 judgment regarding the accuracy, validity and authenticity of any  
32 prescription order consistent with federal and state laws and rules and  
33 regulations. A pharmacist shall not dispense a prescription drug if the  
34 pharmacist, in the exercise of professional judgment, determines that the  
35 prescription is not a valid prescription order.

36 (b) The prescriber may authorize an agent to transmit to the pharmacy  
37 a prescription order orally, by facsimile transmission or by electronic  
38 transmission provided that the first and last names of the transmitting  
39 agent are included in the order.

40 (c) (1) A new written or electronically prepared and transmitted  
41 prescription order shall be manually or electronically signed by the  
42 prescriber. If transmitted by the prescriber's agent, the first and last names  
43 of the transmitting agent shall be included in the order.

1 (2) If the prescription is for a controlled substance and is written or  
2 printed from an electronic prescription application, the prescription shall  
3 be manually signed by the prescriber prior to delivery of the prescription  
4 to the patient or prior to facsimile transmission of the prescription to the  
5 pharmacy.

6 (3) An electronically prepared prescription shall not be electronically  
7 transmitted to the pharmacy if the prescription has been printed prior to  
8 electronic transmission. An electronically prepared and transmitted  
9 prescription which is printed following electronic transmission shall be  
10 clearly labeled as a copy, not valid for dispensing.

11 (4) In consultation with industry, the state board of pharmacy shall  
12 conduct a study on the issues of electronic transmission of prior  
13 authorizations and step therapy protocols. The report on the results of such  
14 study shall be completed and submitted to the legislature no later than  
15 January 15, 2013.

16 (5) The board is hereby authorized to conduct pilot projects related to  
17 any new technology implementation when deemed necessary and  
18 practicable, except that no state moneys shall be expended for such  
19 purpose.

20 (d) An authorization to refill a prescription order or to renew or  
21 continue an existing drug therapy may be transmitted to a pharmacist  
22 through oral communication, in writing, by facsimile transmission or by  
23 electronic transmission initiated by or directed by the prescriber.

24 (1) If the transmission is completed by the prescriber's agent, and the  
25 first and last names of the transmitting agent are included in the order, the  
26 prescriber's signature is not required on the fax or alternate electronic  
27 transmission.

28 (2) If the refill order or renewal order differs in any manner from the  
29 original order, such as a change of the drug strength, dosage form or  
30 directions for use, the prescriber shall sign the order as provided by  
31 paragraph (1).

32 (e) Regardless of the means of transmission to a pharmacy, only a  
33 pharmacist or a pharmacist intern shall be authorized to receive a new  
34 prescription order from a prescriber or transmitting agent. A pharmacist, a  
35 pharmacist intern or a registered pharmacy technician may receive a refill  
36 or renewal order from a prescriber or transmitting agent if such registered  
37 pharmacy technician's supervising pharmacist has authorized that function.

38 (f) A refill is one or more dispensings of a prescription drug or device  
39 that results in the patient's receipt of the quantity authorized by the  
40 prescriber for a single fill as indicated on the prescription order.

41 ~~(1) A prescription for a prescription drug or device that is not a~~  
42 ~~controlled substance may authorize no more than 12 refills within 18~~  
43 ~~months following the date on which the prescription is issued.~~

1 (2) A prescription for a schedule III, IV or V controlled substance  
2 may authorize no more than five refills within six months following the  
3 date on which the prescription is issued.

4 (g) Prescriptions shall only be filled or refilled in accordance with the  
5 following requirements:

6 (1) All prescriptions shall be filled in strict conformity with any  
7 directions of the prescriber, except that a pharmacist who receives a  
8 prescription order for a brand name drug product may exercise brand  
9 exchange with a view toward achieving a lesser cost to the purchaser  
10 unless:

11 (A) The prescriber, in the case of a prescription ~~manually or~~  
12 ~~electronically signed by the prescriber and prepared on a form containing~~  
13 ~~two signature lines, signs the signature line following~~, includes the  
14 statement "dispense as written" *on the prescription*;

15 (B) the prescriber, in the case of a written prescription signed by the  
16 prescriber, writes in the prescriber's own handwriting "dispense as written"  
17 on the prescription;

18 (C) the prescriber, in the case of a prescription other than one in  
19 writing signed by the prescriber, expressly indicates the prescription is to  
20 be dispensed as communicated; or

21 (D) the federal food and drug administration has determined that a  
22 drug product of the same generic name is not bioequivalent to the  
23 prescribed brand name prescription medication.

24 (h) If a prescription order contains a statement that during any  
25 particular time the prescription may be refilled at will, there shall be no  
26 limitation as to the number of times that such prescription may be refilled  
27 except that it may not be refilled after the expiration of the time specified  
28 or one year after the prescription was originally issued, whichever occurs  
29 first.

30 (i) Prescription orders shall be recorded in writing by the pharmacist  
31 and the record so made by the pharmacist shall constitute the original  
32 prescription to be dispensed by the pharmacist. This record, if telephoned  
33 by other than the prescriber, shall bear the *full* name of the person so  
34 telephoning. Nothing in this section shall be construed as altering or  
35 affecting in any way laws of this state or any federal act requiring a written  
36 prescription order.

37 (j) (1) Except as provided in paragraph (2), no prescription shall be  
38 refilled unless authorized by the prescriber either in the original  
39 prescription or by oral order which is reduced promptly to writing and  
40 filled by the pharmacist.

41 (2) A pharmacist may refill a prescription order issued on or after the  
42 effective date of this act for any prescription drug except a drug listed on  
43 schedule II of the uniform controlled substances act or a narcotic drug

1 listed on any schedule of the uniform controlled substances act without the  
2 prescriber's authorization when all reasonable efforts to contact the  
3 prescriber have failed and when, in the pharmacist's professional  
4 judgment, continuation of the medication is necessary for the patient's  
5 health, safety and welfare. Such prescription refill shall only be in an  
6 amount judged by the pharmacist to be sufficient to maintain the patient  
7 until the prescriber can be contacted, but in no event shall a refill under  
8 this paragraph be more than a seven day supply or one package of the  
9 drug. However, if the prescriber states on a prescription that there shall be  
10 no emergency refilling of that prescription, then the pharmacist shall not  
11 dispense any emergency medication pursuant to that prescription. A  
12 pharmacist who refills a prescription order under this subsection (j)(2)  
13 shall contact the prescriber of the prescription order on the next business  
14 day subsequent to the refill or as soon thereafter as possible. No  
15 pharmacist shall be required to refill any prescription order under this  
16 subsection (j)(2). A prescriber shall not be subject to liability for any  
17 damages resulting from the refilling of a prescription order by a  
18 pharmacist under this subsection (j)(2) unless such damages are  
19 occasioned by the gross negligence or willful or wanton acts or omissions  
20 by the prescriber.

21 (k) If any prescription order contains a provision that the prescription  
22 may be refilled a specific number of times within or during any particular  
23 period, such prescription shall not be refilled except in strict conformity  
24 with such requirements.

25 (l) Any pharmacist who exercises brand exchange and dispenses a  
26 less expensive drug product shall not charge the purchaser more than the  
27 regular and customary retail price for the dispensed drug.

28 (m) Nothing contained in this section shall be construed as preventing  
29 a pharmacist from refusing to fill or refill any prescription if in the  
30 pharmacist's professional judgment and discretion such pharmacist is of  
31 the opinion that it should not be filled or refilled.

32 Sec. 3. K.S.A. 65-1632 is hereby amended to read as follows: 65-  
33 1632. (a) *Except as otherwise provided in this section*, each license to  
34 practice as a pharmacist issued by the board, shall expire ~~on June 30 of the~~  
35 ~~year specified by the board for the expiration of the license and shall be~~  
36 ~~renewed on a biennial basis in accordance with this section every two~~  
37 ~~years. The expiration date shall be established by rules and regulations~~  
38 ~~adopted by the board.~~ Each application for renewal of a license as a  
39 pharmacist shall be made on a form prescribed and furnished by the board.  
40 Except as otherwise provided in this subsection, the application, when  
41 accompanied by the renewal fee and received by the executive secretary of  
42 the board on or before the date of expiration of the license, shall have the  
43 effect of temporarily renewing the applicant's license until actual issuance

1 or denial of the renewal. If at the time of filing a proceeding is pending  
2 before the board which may result in the suspension, probation, revocation  
3 or denial of the applicant's license, the board may by emergency order  
4 declare that the application for renewal shall not have the effect of  
5 temporarily renewing such applicant's license. Every licensed pharmacist  
6 shall pay to the secretary of the board a renewal fee fixed by the board as  
7 provided in K.S.A. 65-1645, and amendments thereto.

8 (b) ~~Commencing with the renewal of licenses which expire on June~~  
9 ~~30, 1998, each license shall be renewed on a biennial basis.~~ To provide for  
10 a system of biennial renewal of licenses, the board may provide by rules  
11 and regulations that licenses issued or renewed may expire less than two  
12 years from the date of issuance or renewal. *License fees may be prorated*  
13 *for licensure periods which are less than biennial in accordance with rules*  
14 *and regulations of the board.*

15 (c) The board may deny renewal of any license of a pharmacist on  
16 any ground which would authorize the board to deny an initial application  
17 for licensure or on any ground which would authorize the board to  
18 suspend, revoke or place on probation a license previously granted. Orders  
19 under this section, and proceedings thereon, shall be subject to the  
20 provisions of the Kansas administrative procedure act.

21 (d) The payment of the renewal fee by a person who is a holder of a  
22 license as a pharmacist shall entitle the person to renewal of license if no  
23 grounds exist for denying the renewal of the license and if the person has  
24 furnished satisfactory evidence to the board that the person has  
25 successfully complied with the rules and regulations of the board relating  
26 to continuing professional education. These educational requirements shall  
27 be fixed by the board at not less than 20 clock hours nor more than 40  
28 clock hours biennially of a program of continuing education approved by  
29 the board. Continuing education hours may be prorated for licensure  
30 periods which are less than biennial in accordance with rules and  
31 regulations of the board. The maximum number of continuing education  
32 hours required by the board to meet the requirements for cancellation of  
33 inactive status licensure and renewal of license under subsection (e) or  
34 reinstatement of license because of nonpayment of fees under subsection  
35 (f) shall not exceed 60.

36 (e) The payment of the renewal fee by the person who is a holder of a  
37 license as a pharmacist but who has not complied with the continuing  
38 education requirements fixed by the board, if no grounds exist for denying  
39 the renewal of the license other than that the person has not complied with  
40 the continuing education requirements fixed by the board, shall entitle the  
41 person to inactive status licensure by the board. No person holding an  
42 inactive status license from the board shall engage in the practice of  
43 pharmacy in this state. Upon furnishing satisfactory evidence to the board

1 of compliance with the continuing education requirements fixed by the  
2 board and upon the payment to the board of all applicable fees, a person  
3 holding an inactive status license from the board shall be entitled to  
4 cancellation of the inactive status license and to renewal of licensure as a  
5 pharmacist.

6 (f) If the renewal fee for any pharmacist's license has not been paid  
7 ~~by August 1~~ *prior to the expiration of the license* of the renewal year, the  
8 license is hereby declared void, and no license shall be reinstated except  
9 upon payment of any unpaid renewal fee plus a penalty fee fixed by the  
10 board as provided in K.S.A. 65-1645, and amendments thereto, and proof  
11 satisfactory to the board of compliance with the continuing education  
12 requirements fixed by the board. The penalty fee established by this  
13 section immediately prior to the effective date of the act shall continue in  
14 effect until a different penalty fee is fixed by the board by rules and  
15 regulations as provided in K.S.A. 65-1645, and amendments thereto.  
16 Payment of any unpaid renewal fee plus a penalty fee and the submission  
17 of proof satisfactory to the board of compliance with the continuing  
18 education requirements fixed by the board shall entitle the license to be  
19 reinstated. The nonpayment of renewal fees by a previously licensed  
20 pharmacist for a period exceeding three years shall not deprive the  
21 previously licensed pharmacist of the right to reinstate the license upon the  
22 payment of any unpaid fees and penalties and upon compliance with the  
23 continuing education requirements fixed by the board, except that the  
24 board may require such previously licensed pharmacist to take and pass an  
25 examination approved by the board for reinstatement as a pharmacist and  
26 to pay any applicable application fee.

27 Sec. 4. K.S.A. 2013 Supp. 65-1643 is hereby amended to read as  
28 follows: 65-1643. It shall be unlawful:

29 (a) For any person to operate, maintain, open or establish any  
30 pharmacy within this state without first having obtained a registration from  
31 the board. Each application for registration of a pharmacy shall indicate  
32 the person or persons desiring the registration, including the pharmacist in  
33 charge, as well as the location, including the street name and number, and  
34 such other information as may be required by the board to establish the  
35 identity and exact location of the pharmacy. The issuance of a registration  
36 for any pharmacy shall also have the effect of permitting such pharmacy to  
37 operate as a retail dealer without requiring such pharmacy to obtain a retail  
38 dealer's permit. On evidence satisfactory to the board: (1) That the  
39 pharmacy for which the registration is sought will be conducted in full  
40 compliance with the law and the rules and regulations of the board; (2) that  
41 the location and appointments of the pharmacy are such that it can be  
42 operated and maintained without endangering the public health or safety;  
43 *and* (3) that the pharmacy will be under the supervision of a pharmacist, a

1 registration shall be issued to such persons as the board shall deem  
2 qualified to conduct such a pharmacy.

3 (b) For any person to manufacture within this state any drugs except  
4 under the personal and immediate supervision of a pharmacist or such  
5 other person or persons as may be approved by the board after an  
6 investigation and a determination by the board that such person or persons  
7 is qualified by scientific or technical training or experience to perform  
8 such duties of supervision as may be necessary to protect the public health  
9 and safety; and no person shall manufacture any such drugs without first  
10 obtaining a registration so to do from the board. Such registration shall be  
11 subject to such rules and regulations with respect to requirements,  
12 sanitation and equipment, as the board may from time to time adopt for the  
13 protection of public health and safety.

14 (c) For any person to distribute at wholesale any drugs without first  
15 obtaining a registration so to do from the board.

16 (d) For any person to sell or offer for sale at public auction or private  
17 sale in a place where public auctions are conducted, any drugs without first  
18 having obtained a registration from the board so to do, and it shall be  
19 necessary to obtain the permission of the board in every instance where  
20 any of the products covered by this section are to be sold or offered for  
21 sale.

22 (e) For any person to in any manner distribute or dispense samples of  
23 any drugs without first having obtained a permit from the board so to do,  
24 and it shall be necessary to obtain permission from the board in every  
25 instance where the samples are to be distributed or dispensed. Nothing in  
26 this subsection shall be held to regulate or in any manner interfere with the  
27 furnishing of samples of drugs to duly licensed practitioners, to mid-level  
28 practitioners, to pharmacists or to medical care facilities.

29 (f) Except as otherwise provided in this subsection (f), for any person  
30 operating a store or place of business to sell, offer for sale or distribute any  
31 drugs to the public without first having obtained a registration or permit  
32 from the board authorizing such person so to do. No retail dealer who sells  
33 12 or fewer different nonprescription drug products shall be required to  
34 obtain a retail dealer's permit under the pharmacy act of the state of Kansas  
35 or to pay a retail dealer new permit or permit renewal fee under such act. It  
36 shall be lawful for a retail dealer who is the holder of a valid retail dealer's  
37 permit issued by the board or for a retail dealer who sells 12 or fewer  
38 different nonprescription drug products to sell and distribute  
39 nonprescription drugs which are prepackaged, fully prepared by the  
40 manufacturer or distributor for use by the consumer and labeled in  
41 accordance with the requirements of the state and federal food, drug and  
42 cosmetic acts. Such nonprescription drugs shall not include: (1) A  
43 controlled substance; (2) a prescription-only drug; or (3) a drug product



1 intended for human use by hypodermic injection; but such a retail dealer  
2 shall not be authorized to display any of the words listed in subsection (dd)  
3 of K.S.A. 65-1626, and amendments thereto, for the designation of a  
4 pharmacy or drugstore.

5 (g) For any person to sell any drugs manufactured and sold only in  
6 the state of Kansas, unless the label and directions on such drugs shall first  
7 have been approved by the board.

8 (h) For any person to operate an institutional drug room without first  
9 having obtained a registration to do so from the board. Such registration  
10 shall be subject to the provisions of K.S.A. 65-1637a, and amendments  
11 thereto and any rules and regulations adopted pursuant thereto.

12 ~~(i) For any person to be a pharmacy student without first obtaining a~~  
13 ~~registration to do so from the board, in accordance with rules and~~  
14 ~~regulations adopted by the board, and paying a pharmacy student~~  
15 ~~registration fee of \$25 to the board.~~

16 ~~(j)~~—For any person to operate a veterinary medical teaching hospital  
17 pharmacy without first having obtained a registration to do so from the  
18 board. Such registration shall be subject to the provisions of K.S.A. 65-  
19 1662, and amendments thereto and any rules and regulations adopted  
20 pursuant thereto.

21 ~~(k)~~(j) For any person to sell or distribute in a pharmacy a controlled  
22 substance designated in subsection (e) or (f) of K.S.A. 65-4113, and  
23 amendments thereto, unless:

24 (1) (A) Such controlled substance is sold or distributed by a licensed  
25 pharmacist, a registered pharmacy technician or a pharmacy intern or clerk  
26 supervised by a licensed pharmacist;

27 (B) any person purchasing, receiving or otherwise acquiring any such  
28 controlled substance produces a photo identification showing the date of  
29 birth of the person and signs a log and enters in the log, or allows the seller  
30 to enter in the log, such person's address and the date and time of sale or  
31 allows the seller to enter such information into an electronic logging  
32 system pursuant to K.S.A. 2013 Supp. 65-16,102, and amendments  
33 thereto. The log or database required by the board shall be available for  
34 inspection during regular business hours to the board of pharmacy and any  
35 law enforcement officer;

36 (C) the seller determines that the name entered in the log corresponds  
37 to the name provided on such identification and that the date and time  
38 entered are correct; and

39 (D) the seller enters in the log the name of the controlled substance  
40 and the quantity sold; or

41 (2) there is a lawful prescription.

42 ~~(k)~~(k) For any pharmacy to allow customers to have direct access to  
43 any controlled substance designated in subsection (e) or (f) of K.S.A. 65-

1 4113, and amendments thereto. Such controlled substance shall be placed  
2 behind the counter or stored in a locked cabinet that is located in an area of  
3 the pharmacy to which customers do not have direct access.

4 ~~(m)~~(l) A seller who in good faith releases information in a log  
5 pursuant to subsection ~~(k)~~(j) to any law enforcement officer is immune  
6 from civil liability for such release unless the release constitutes gross  
7 negligence or intentional, wanton or willful misconduct.

8 ~~(n)~~(m) For any person to sell or lease or offer for sale or lease durable  
9 medical equipment without first obtaining a registration from the board, in  
10 accordance with rules and regulations adopted by the board, except that  
11 this subsection shall not apply to:

12 (1) Sales not made in the regular course of the person's business; or

13 (2) sales by charitable organizations exempt from federal income  
14 taxation pursuant to the internal revenue code of 1986, as amended.

15 Sec. 5. K.S.A. 65-1644 is hereby amended to read as follows: 65-  
16 1644. The board may issue duplicate licenses, registrations or permits  
17 upon return of the original, or upon a sworn statement that the original has  
18 been lost or destroyed, and has not been given away or disposed of to  
19 some other person. Applications for such duplicate licenses, registrations  
20 and permits and the affidavits required by this section shall be made on  
21 forms furnished by the board. The fee for the issuance of a duplicate  
22 registration or permit shall ~~be~~ *not exceed* \$1.25 for permits, and \$10 for  
23 certificates of registration.

24 Sec. 6. K.S.A. 2013 Supp. 65-1645 is hereby amended to read as  
25 follows: 65-1645. (a) Application for registrations or permits under K.S.A.  
26 65-1643, and amendments thereto, shall be made on a form prescribed and  
27 furnished by the board. Applications for registration to distribute at  
28 wholesale any drugs shall contain such information as may be required by  
29 the board in accordance with the provisions of K.S.A. 65-1655, and  
30 amendments thereto. The application shall be accompanied by the fee  
31 prescribed by the board under the provisions of this section. When such  
32 application and fees are received by the executive secretary of the board  
33 on or before the due date, such application shall have the effect of  
34 temporarily renewing the applicant's registration or permit until actual  
35 issuance or denial of the renewal. However, if at the time of filing a  
36 proceeding is pending before the board which may result in the  
37 suspension, probation, revocation or denial of the applicant's registration  
38 or permit, the board may declare, by emergency order, that such  
39 application for renewal shall not have the effect of temporarily renewing  
40 such applicant's registration or permit. Separate applications shall be made  
41 and separate registrations or permits issued for each separate place at  
42 which is carried on any of the operations for which a registration or permit  
43 is required by K.S.A. 65-1643, and amendments thereto, ~~except that the~~

1 ~~board may provide for a single registration for a business entity registered~~  
2 ~~to manufacture any drugs or registered to distribute at wholesale any drugs~~  
3 ~~and operating more than one facility within the state, or for a parent entity~~  
4 ~~with divisions, subsidiaries or affiliate companies, or any combination~~  
5 ~~thereof, within the state when operations are conducted at more than one~~  
6 ~~location and there exists joint ownership and control among all the entities.~~

7 (b) The nonrefundable fees required for the issuing of the licenses,  
8 registrations or permits under the pharmacy act of the state of Kansas shall  
9 be fixed by the board as herein provided, subject to the following:

10 (1) Pharmacy, new registration not more than \$150, renewal not more  
11 than \$125;

12 (2) pharmacist, new license by examination not more than \$350;

13 (3) pharmacist, reinstatement application fee not more than \$250;

14 (4) pharmacist, biennial renewal fee not more than \$200;

15 (5) pharmacist, evaluation fee not more than \$250;

16 (6) pharmacist, reciprocal licensure fee not more than \$250;

17 (7) pharmacist, penalty fee, not more than \$500;

18 (8) manufacturer, new registration not more than \$500, renewal not  
19 more than \$400;

20 (9) wholesaler, new registration not more than \$500, renewal not  
21 more than \$400, except that a wholesaler dealing exclusively in  
22 nonprescription drugs, the manufacturing, distributing or dispensing of  
23 which does not require registration under the uniform controlled  
24 substances act, shall be assessed a fee for registration and reregistration  
25 not to exceed \$50;

26 (10) special auction not more than \$50;

27 (11) samples distribution not more than \$50, *renewal not more than*  
28 *\$50*;

29 (12) institutional drug room, new registration not more than \$40,  
30 renewal not more than \$35;

31 (13) retail dealer selling more than 12 different nonprescription drug  
32 products, new permit not more than \$12, renewal not more than \$12;

33 (14) certification of grades for each applicant for examination and  
34 registration not more than \$25;

35 (15) veterinary medical teaching hospital pharmacy, new registration  
36 not more than \$40, renewal not more than \$35; or

37 (16) durable medical equipment registration fee, not more than \$300,  
38 *renewal not more than \$300*.

39 (c) For the purpose of fixing fees, the board may establish classes of  
40 retail dealers' permits for retail dealers selling more than 12 different  
41 nonprescription drug products, and the board may fix a different fee for  
42 each such class of permit.

43 (d) The board shall determine annually the amount necessary to carry

1 out and enforce the provisions of this act for the next ensuing fiscal year  
2 and shall fix by rules and regulations the fees authorized for such year at  
3 the sum deemed necessary for such purposes. The fees fixed by the board  
4 under this section immediately prior to the effective date of this act shall  
5 continue in effect until different fees are fixed by the board by rules and  
6 regulations as provided under this section.

7 (e) The board may deny renewal of any registration or permit  
8 required by K.S.A. 65-1643, and amendments thereto, on any ground  
9 which would authorize the board to suspend, revoke or place on probation  
10 a registration or permit previously granted pursuant to the provisions of  
11 K.S.A. 65-1643, and amendments thereto. Registrations and permits issued  
12 under the provisions of K.S.A. 65-1643 and 65-1644, and amendments  
13 thereto, shall be conspicuously displayed in the place for which the  
14 registration or permit was granted. Such registrations or permits shall not  
15 be transferable. All such registrations and permits ~~except retail dealer~~  
16 ~~permits shall expire on June 30 following date of issuance every year. The~~  
17 ~~expiration date shall be established by rules and regulations adopted by~~  
18 ~~the board. Retail dealers' permits shall expire on the last day of February.~~  
19 All registrations and permits shall be renewed annually. ~~Application blanks~~  
20 ~~for Notice of renewal of registrations and permits shall be mailed by the~~  
21 ~~board to each registrant or permittee at least 30 days prior to expiration of~~  
22 ~~the registration or permit. If application for renewal is not made before 30~~  
23 ~~days after such prior to expiration, the existing registration or permit shall~~  
24 ~~lapse and become null and void on the date of its expiration, and no new~~  
25 ~~registration or permit shall be granted except upon payment of the required~~  
26 ~~renewal fee plus a penalty equal to the renewal fee. Failure of any~~  
27 ~~registrant or permittee to receive such application blank notice of renewal~~  
28 ~~shall not relieve the registrant or permittee from the penalty hereby~~  
29 ~~imposed if the renewal is not made as prescribed.~~

30 (f) In each case in which a license of a pharmacist is issued or  
31 renewed for a period of time less than two years, the board shall prorate  
32 the nearest whole month the license or renewal fee established pursuant to  
33 this section.

34 (g) The board may require that fees paid for any examination under  
35 the pharmacy act of the state of Kansas be paid directly to the examination  
36 service by the person taking the examination.

37 Sec. 7. K.S.A. 2013 Supp. 65-1663 is hereby amended to read as  
38 follows: 65-1663. (a) It shall be unlawful for any person to function as a  
39 pharmacy technician in this state unless such person is registered with the  
40 board as a pharmacy technician. Every person registered as a pharmacy  
41 technician shall pass an examination approved by the board within 30 days  
42 of becoming registered. The board shall adopt rules and regulations  
43 establishing the criteria for the required examination and a passing score.

1 (b) All applications for registration shall be made on a form to be  
2 prescribed and furnished by the board. Each application for registration  
3 shall be accompanied by a registration fee fixed by the board by rule and  
4 regulation of not to exceed \$50.

5 (c) The board shall take into consideration any felony conviction of  
6 an applicant, but such conviction shall not automatically operate as a bar to  
7 registration.

8 (d) *Except as otherwise provided in this subsection, each pharmacy*  
9 *technician registration issued by the board shall expire ~~on October 31 of~~*  
10 *the year specified by the board every two years. The expiration date shall*  
11 *be established by rules and regulations adopted by the board. To provide*  
12 *for a system of biennial renewal of pharmacy technician registrations, the*  
13 *board may provide by rules and regulations that registrations issued or*  
14 *renewed may expire less than two years from the date of issuance or*  
15 *renewal. Each applicant for renewal of a pharmacy technician registration*  
16 *shall be made on a form prescribed and furnished by the board and shall be*  
17 *accompanied by a renewal fee fixed by the board by rule and regulation ~~of~~*  
18 *not to exceed \$25. Pharmacy technician registration renewal fees may be*  
19 *prorated for registration periods which are less than biennial in*  
20 *accordance with rules and regulations of the board. Except as otherwise*  
21 *provided in this subsection, the application for registration renewal, when*  
22 *accompanied by the renewal fee and received by the executive secretary of*  
23 *the board on or before the date of expiration of the registration, shall have*  
24 *the effect of temporarily renewing the applicant's registration until actual*  
25 *issuance or denial of the renewal registration. If at the time of filing a*  
26 *proceeding is pending before the board which may result in the*  
27 *suspension, probation, revocation or denial of the applicant's registration,*  
28 *the board may by emergency order declare that the application for renewal*  
29 *shall not have the effect of temporarily renewing such applicant's*  
30 *registration. If the renewal fee is not paid ~~by December 1~~ prior to the*  
31 *expiration date of the renewal year, the registration is void.*

32 (e) (1) The board may limit, suspend or revoke a registration or deny  
33 an application for issuance or renewal of any registration as a pharmacy  
34 technician on any ground, which would authorize the board to take action  
35 against the license of a pharmacist under K.S.A. 65-1627, and  
36 amendments thereto.

37 (2) The board may require a physical or mental examination, or both,  
38 of a person applying for or registered as a pharmacy technician.

39 (3) The board may temporarily suspend or temporarily limit the  
40 registration of any pharmacy technician in accordance with the emergency  
41 adjudicative proceedings under the Kansas administrative procedure act if  
42 the board determines that there is cause to believe that grounds exist for  
43 disciplinary action under this section against the registrant and that the

1 registrant's continuation of pharmacy technician functions would constitute  
2 an imminent danger to the public health and safety.

3 (4) Proceedings under this section shall be subject to the Kansas  
4 administrative procedure act.

5 (f) Every registered pharmacy technician, within 30 days of obtaining  
6 new employment, shall furnish the board's executive secretary notice of  
7 the name and address of the new employer.

8 (g) Each pharmacy shall at all times maintain a list of the names of  
9 pharmacy technicians employed by the pharmacy. A pharmacy technician  
10 shall work under the direct supervision and control of a pharmacist. It shall  
11 be the responsibility of the supervising pharmacist to determine that the  
12 pharmacy technician is in compliance with the applicable rules and  
13 regulations of the board, and the supervising pharmacist shall be  
14 responsible for the acts and omissions of the pharmacy technician in the  
15 performance of the pharmacy technician's duties. The ratio of pharmacy  
16 technicians to pharmacists in the prescription area of a pharmacy shall be  
17 prescribed by the board by rule and regulation. Any change in the ratio of  
18 pharmacy technicians to pharmacists in the prescription area of the  
19 pharmacy must be adopted by a vote of no less than six members of the  
20 board.

21 (h) A person holding a pharmacy technician registration shall display  
22 such registration in that part of the place of business in which such person  
23 is engaged in pharmacy technician activities.

24 (i) The board shall adopt such rules and regulations as are necessary  
25 to ensure that pharmacy technicians are adequately trained as to the nature  
26 and scope of their lawful duties.

27 (j) The board may adopt rules and regulations as may be necessary to  
28 carry out the purposes and enforce the provisions of this act.

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

31 New Sec. 8. (a) It shall be unlawful for any person to function as a  
32 pharmacist intern in this state unless such person is registered with the  
33 board as a pharmacist intern.

34 (b) All applications for registration shall be made on a form to be  
35 prescribed and furnished by the board. Each application for registration  
36 shall be accompanied by a registration fee fixed by the board by rule and  
37 regulation not to exceed \$25.

38 (c) Each pharmacist intern registration issued by the board shall  
39 expire six years from the date of issuance.

40 (d) (1) The board may limit, suspend or revoke a registration or deny  
41 an application for issuance or renewal of any registration as a pharmacist  
42 intern on any ground that would authorize the board to take action against  
43 the license of a pharmacist under K.S.A. 65-1627, and amendments

1 thereto.

2 (2) The board may temporarily suspend or temporarily limit the  
3 registration of any pharmacist intern in accordance with the emergency  
4 adjudicative proceedings under the Kansas administrative procedure act, if  
5 the board determines that there is cause to believe that grounds exist for  
6 disciplinary action under this section against the registrant and that the  
7 registrant's continuation of pharmacist intern functions would constitute an  
8 imminent danger to the public health and safety.

9 (3) Proceedings under this section shall be subject to the Kansas  
10 administrative procedure act.

11 (e) Every registered pharmacist intern, within 30 days of obtaining  
12 new employment, shall furnish the board's executive secretary notice of  
13 the name and address of the new employer.

14 (f) Each pharmacy shall at all times maintain a list of the names of  
15 pharmacist interns employed by the pharmacy. A pharmacist intern shall  
16 work under the direct supervision and control of a pharmacist. It shall be  
17 the responsibility of the supervising pharmacist to determine that the  
18 pharmacist intern is in compliance with the applicable rules and  
19 regulations of the board, and the supervising pharmacist shall be  
20 responsible for the acts and omissions of the pharmacist intern in the  
21 performance of the pharmacist intern's duties.

22 (g) A person holding a pharmacist intern registration shall display  
23 such registration in that part of the place of business in which such person  
24 is engaged in pharmacist intern activities.

25 (h) The board shall adopt such rules and regulations as are necessary  
26 to ensure that pharmacist interns are adequately trained as to the nature  
27 and scope of their lawful duties. The board may adopt rules and  
28 regulations as may be necessary to carry out the purposes of and enforce  
29 the provisions of this section.

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

32 New Sec. 9. (a) Not later than 90 days after the effective date of this  
33 act, the state board of pharmacy and the state board of healing arts shall  
34 appoint a seven-member committee to be known as the collaborative drug  
35 therapy management advisory committee for the purpose of promoting  
36 consistent regulation and to enhance coordination among such boards with  
37 jurisdiction over licensees involved in collaborative drug therapy  
38 management. Such committee shall advise and make recommendations to  
39 the state board of pharmacy and state board of healing arts on matters  
40 relating to collaborative drug therapy management.

41 (b) The collaborative drug therapy management advisory committee  
42 shall consist of seven members: (1) One member of the board of pharmacy  
43 appointed by the board of pharmacy, who shall serve as the nonvoting

1 chairperson; (2) three licensed pharmacists appointed by the state board of  
2 pharmacy, at least two of whom shall have experience in collaborative  
3 drug therapy management; and (3) three persons licensed to practice  
4 medicine and surgery appointed by the state board of healing arts, at least  
5 two of whom shall have experience in collaborative drug therapy  
6 management. The state board of pharmacy shall give consideration to any  
7 names submitted by the Kansas pharmacists association when making  
8 appointments to the committee. The state board of healing arts shall give  
9 consideration to any names submitted by the Kansas medical society when  
10 making appointments to the committee. Members appointed to the  
11 committee shall serve terms of two years, except that of the four members  
12 of the committee first appointed to the committee by the state board of  
13 pharmacy, two shall be appointed for terms of two years and two shall be  
14 appointed for terms of one year as specified by the state board of  
15 pharmacy and that of the three members of the committee first appointed  
16 to the committee by the state board of healing arts, two shall be appointed  
17 for terms of two years and one shall be appointed for a term of one year as  
18 specified by the state board of healing arts. Members appointed to the  
19 committee shall serve without compensation. All expenses of the  
20 committee shall be equally divided and paid by the state board of  
21 pharmacy and state board of healing arts.

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

24 Sec. 10. K.S.A. 65-1626a, 65-1632 and 65-1644 and K.S.A. 2013  
25 Supp. 65-1637b, 65-1643, 65-1645 and 65-1663 are hereby repealed.

26 Sec. 11. This act shall take effect and be in force from and after its  
27 publication in the statute book.