

Pharmacy Act Amendments; Collaborative Drug Therapy Management Committee; Senate Sub. for HB 2146

Senate Sub. for HB 2146 makes several amendments to the Kansas Pharmacy Act. Among the amendments, the bill adds the definitions of “collaborative drug therapy management,” “collaborative practice agreement,” “practice of pharmacy,” and “physician” to the Act; clarifies prescription refill restrictions; and creates the Collaborative Drug Therapy Management Advisory Committee. Additionally, the bill allows the Board of Pharmacy, through rules and regulations, to change the timing of expiration dates for licenses, registrations, and permits issued by the Board and to allow for the prorating of fees for license and registration periods. Finally, the bill modifies examination requirements and creates a requirement regarding continuing education program for pharmacy technicians.

Pharmacy Act—Definitions, Refills and Advisory Committee

The “practice of pharmacy” definition is amended to include performance of collaborative drug therapy management pursuant to a written collaborative practice agreement with one or more physicians who have an established physician-patient relationship.

The following definitions are added to the Act:

- Collaborative practice agreement:
 - A written agreement or protocol between one or more pharmacists and one or more physicians providing for collaborative drug therapy management;
 - The contents of the collaborative practice agreement will be required to contain conditions or limitations pursuant to the collaborating physician’s orders; and
 - The collaborative practice agreement will be required to be within the physician’s lawful scope of practice and appropriate to the pharmacist’s training and experience;
- Collaborative drug therapy management:
 - A pharmacist will be allowed to perform patient care functions for a specific patient delegated to the pharmacist by a physician through a collaborative practice agreement;
 - A physician who enters into a collaborative practice agreement will remain responsible for the care of the patient throughout the collaborative drug therapy management process; and
 - A pharmacist will not be permitted to alter a physician’s orders or directions, diagnose or treat any disease, independently prescribe drugs, or independently practice medicine and surgery; and
- Physician: A person licensed to practice medicine and surgery in Kansas.

Refills

The bill eliminates language stating no more than 12 refills are allowed within 18 months following the prescription issue date for a non-controlled substance prescription drug or device. (This language was in conflict with statutory language stating all prescriptions expire one year from the date written.)

Dispense as Written

The bill clarifies if a prescriber electronically signs a prescription and wants that prescription to be dispensed as written, disallowing a generic brand exchange, it must be so stated on the prescription.

Collaborative Drug Therapy Management Advisory Committee

The bill also creates the seven-member Collaborative Drug Therapy Management Advisory Committee for the purpose of promoting consistent regulation and enhancing coordination between the Kansas Board of Pharmacy and the Kansas Board of Healing Arts and with jurisdiction over licensees involved in collaborative drug therapy management. The Committee advises and makes recommendations to the boards on matters relating to collaborative drug therapy management.

The Committee's membership consists of the following:

- One member of the Board of Pharmacy, appointed by the Board of Pharmacy, who will serve as the nonvoting chairperson;
- Three licensed pharmacists appointed by the Board of Pharmacy, at least two of whom have experience in collaborative drug therapy management; and
- Three licensed physicians, appointed by the Board of Healing Arts, at least two of whom have experience in collaborative drug therapy management.

When making appointments to the Committee, the Board of Pharmacy is required to consider any names submitted by the Kansas Pharmacists Association, and the Board of Healing Arts is required to consider any names submitted by the Kansas Medical Society.

Initially, Committee members serve staggered terms, with one pharmacist and one physician serving for one year and two pharmacists and two physicians serving for two years. Thereafter, all members serve two-year terms. Committee expenses are to be divided equally between the boards.

License, Registration, and Permit Expiration and Renewal

Under the bill, the expiration dates for licenses, registrations, and permits set in statute as dates certain are removed and replaced with Board authority to establish expiration dates by rules and regulations. Registrations for pharmacy technicians will change to a system of biennial

renewals established by rules and regulations. Pharmacist licenses will continue to be renewed biennially, and all other registrations and permits issued by the Board will continue to expire annually, but the expiration dates for both groups are to be determined by rules and regulations.

The 30-day grace period for renewal of a pharmacist license, a pharmacy technician registration, and registrations and permits for other entities under the authority of the Board is removed. Payment of renewal fees is required prior to the expiration of the license or registration. Prorating of fees for pharmacist licenses or pharmacy technician registration periods less than those established by the Board by rules and regulations is allowed.

Application forms presently sent for the renewal of registrations and permits for pharmacies, drug manufacturers, wholesale drug distributors, sales at public auctions, samples distributors, retail distributors, institutional drug rooms, and veterinary medical teaching hospital pharmacies will be replaced with a mailed renewal notice.

The pharmacy student registration and fee requirements are eliminated.

Pharmacy Technicians—Examination Requirements

The bill amends this registration provision to allow the Board of Pharmacy to increase the number of examinations required to be passed by a pharmacy technician to one or more. Under previous law, a pharmacy technician was required to pass one examination which is approved by the Board.

The bill also allows the Board to determine the amount of time a pharmacy technician is allowed to pass the required examination(s) after becoming registered. Previous law required an examination be passed within 30 days of becoming registered.

Additionally, the bill requires any pharmacy technician applying for renewed registration to provide satisfactory evidence to the Board of compliance with rules and regulations of continuing pharmacy technician education.

Maximum Fees for Duplicate Permits and Certain Renewals

Fees for duplicate registrations or permits are limited to not more than \$1.25 for permits and \$10.00 for certificates of registration. Renewal fees for samples distribution permits are limited to not more than \$50.00. Renewal fees for durable medical equipment registrations are limited to not more than \$300.00.

Elimination of Single Registration for Multiple Facilities

The bill eliminates the single registration option for a manufacturer or distributor of any drugs operating more than one facility in the state or for a parent entity with divisions, subsidiaries, or affiliate companies within the state when operations are conducted in more than one location and there is joint ownership and control among all the entities.

Pharmacy Interns

The bill provides for the registration, discipline, training, and oversight of pharmacy interns. The new provisions relating to pharmacy interns are considered part of the Kansas Pharmacy Act.

Fees and Expiration of Registrations

The pharmacy intern registration fee will be fixed by rules and regulations of the Board in an amount not to exceed \$25.00, and the registration will expire six years from the date of issuance.

Discipline

The Board may limit, suspend, or revoke a registration, or deny an application for issuance or renewal of any pharmacy intern on the same grounds the Board would have authority to take action against the license of a pharmacist. The Board also is allowed to temporarily suspend or temporarily limit the registration of any pharmacist intern with an emergency adjudicative proceeding under the Kansas Administrative Procedure Act if grounds exist for disciplinary action and continuation of pharmacist intern functions would constitute an imminent danger to public health and safety.

Change in Employer and Posting Requirements

Pharmacy interns are required to provide the Board with the name and address of a new employer within 30 days of obtaining new employment. Each pharmacy is required to maintain a list of the names of pharmacy interns employed by the pharmacy. Pharmacy intern registrations are required to be displayed in the part of the business where the intern works.

Training; Oversight by Supervising Pharmacist

The bill authorizes the Board to adopt rules and regulations necessary to ensure pharmacy interns are adequately trained as to the nature and scope of their duties.

Pharmacy interns are required to work under the direct supervision and control of a pharmacist, who will be responsible to determine that the pharmacy intern is in compliance with applicable rules and regulations of the Board and who will be responsible for the acts and omissions of the pharmacist intern in performing the intern's duties.