

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 12, 2002 in Room 231-N, of the Capitol.

All members were present except: Senator Haley (EA)
Senator Steineger

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department
Ms. Lisa Montgomery, Revisor of Statute's Office
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Ms. Susan Linn, Executive Secretary/Director ,
KS Board of Pharmacy

Others attending: See attached guest list

Hearing on SB 482 - pharmacy act fees and civil fines

Chairperson Wagle opened the meeting by announcing there would be a hearing on **SB482** - an act concerning the pharmacy act of the state of Kansas; licensure and fees relating thereto; civil fines; amending K.S.A. 2001 Supp. 65-1631, 65-1632, 65-1645, and 65-1658 and repealing the existing sections. She asked Ms. Emalene Correll, Kansas Legislative Research Department to give a briefing on the bill.

Ms. Correll covered the changes in the bill ranging from deleting the 30-day requirement, changing examinations to licensure by examination, two fees - one going directly to the board and one to the Board of Pharmacy, expirations of licenses, pharmacists who fail to pay fee, maximum statutory fees, change names of fees not the dollar amount, to "assess civil penalties".

As there were no questions to be asked of Ms. Correll, Chairperson Wagle introduced Ms. Susan Linn, Executive Secretary/Director for the Kansas State Board of Pharmacy.

Ms. Linn stated that the bill has two distinct areas that are addressed:

1. Changing "examination fee" to application fee:
 - a. The Board no longer administers competency or jurisprudence tests prior to licensing pharmacists, and
 - b. The fees for these exams increased beyond the Board statutory limit. The Board essentially paid for pharmacy students to take the exams; and
2. Civil fines incurred by the Board (this would allow the Board to recoup the actual costs of the hearings).

A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes by reference.

Chairperson Wagle asked for questions or comments from the Committee. Questions were asked from Senators Salmans, Praeger, and Wagle and Ms. Correll ranging from why the increase in fees, why more court hearings, drug diversion cases, clarify the purpose of the dual fees, score transfer fees, mail orders or out-state pharmacists to not an application fee but a license fee. All questions were answered by Ms. Linn.

Action on SB 419 - an act concerning retail food stores and food processing plants; relating to the enforcement authority of the Secretary of the Department of Health and Environment

Chairperson then asked Senator Barnett to explain to the Committee his resolution to conflicting issues in **SB419**. Senator Barnett asked Ms. Correll to recap the changes to the bill. Ms. Correll stated that it amends a Supp. repealing the existing section, gives authority to the secretary to contract with other state agencies & other entities to conduct inspections of retail food stores and food processing plants in this state, amends definitions, and resolves issues of small meat packing facilities paying fees to two separate groups. A copy of the balloon is (Attachment 2) attached hereto and incorporated into the Minutes by reference.

Senator Barnett then asked for comments from the floor. Mr. Steve Paige, KDHE commented that this was a good opportunity to fix the bill now. Mr. Dan Riley from the Department of Agriculture concurred with Mr. Paige.

Chairperson Wagle then asked for questions from the Committee. Senator Salmans asked if there were any fiscal notes and will this bill comply with federal guidelines. Both questions were answered by Mr. Dan Riley with no fiscal notes and the bill will comply.

Senator Barnett moved to amend the bill and Senator Jordan seconded the motion. The motion carried. Senator Barnett then moved to move **SB 419** as amended and Senator Haley seconded the motion. The motion carried.

Adjournment

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

The next meeting is scheduled for February 13, 2002.