

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on February 5, 2009, in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Conferees appearing before the committee:

Robert Stiles, Primary Care Director, Kansas Department of Health and Environment
Debra L. Billingsley, Executive Director, Kansas State Board of Pharmacy
Mike Larkin, Executive Director, Kansas Pharmacists Association

Others attending:

See attached list.

Nobuko Folmsbee, revisor of statutes office, briefed committee members on **SB 16** and **SB 33**.

SB 16 is a bill that amends existing law to clarify that the donation, acceptance, transfer, distribution or dispensing of any drug in compliance with the provisions of the Cancer Drug Repository Program and the Utilization of Unused Medications Act do not violate the Kansas State Pharmacy Act.

SB 33 is a bill that allows the State Board of Pharmacy to require a person to be fingerprinted and to submit to a state and national criminal history record check as part of an original or reinstatement of any license, registration, permit or certificate. The bill's purpose is to verify identification and to determine qualification of individuals to practice under the Kansas State Board of Pharmacy. The bill allows the State Board of Pharmacy to fix and collect fees for the reimbursement of fingerprinting and criminal history record checks. The bill amends current statute by increasing the number of individuals serving on the Board of Pharmacy and their terms. In addition, it requires pharmacy technicians to display a registration card in that part of the place of business in which they engage in pharmacy technician activities.

Senator Barnett opened discussion on **SB 31 - Behavioral sciences; continuing education requirements** which was discussed on February 4, 2009. Senator Kelsey moved to pass out SB 31 to the full Senate; Senator Kelly seconded the motion. The motion carried.

Chairman Barnett opened the hearing on **SB 16 - Pharmacy act; violations; exemptions for donation and distribution of drugs under certain circumstances**, by recognizing Robert Stiles, primary care director of the Kansas Department of Health and Environment (Attachment 1). Mr. Stiles indicated KDHE holds responsibility for the unused medication program, and he indicated his support for the proposed legislation. He reported that forms are prepared, donating entities are ready to begin, and it is anticipated that in the next several weeks, hepatitis C drugs will be available for distribution. He indicated the program shows potential to assist indigent and needy Kansans. There were no opponents to **SB 16**. Upon a motion by Senator Schmidt to move out SB 16 favorably and a second by Senator Haley, the motion passed unanimously.

SB 33 - Board of pharmacy; fingerprinting and criminal history record checks; authority of pharmacists and regulating pharmacy technicians; term and membership of the board.

Chairman Barnett introduced Debra Billingsley, executive director of the Kansas State Board of Pharmacy. Ms. Billingsley discussed the four parts of the bill with committee members (Attachment 2). She indicated that it is quickly becoming a standard to require fingerprinting and criminal background checks for many allied health professionals. Ms. Billingsley reported such language is included in the Board of Nursing and the Board of Healing Arts statutes. In addition, many hospitals, long-term care

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facilities, and other areas are adopting similar practices. She discussed the fees for these activities. Ms. Billingsley indicated the amendment related to the display of pharmacy technicians' registration cards will simplify inspectors' processes. In addition, the increase in pharmacy board members will facilitate meetings, and term increases will allow board members the opportunity to actively participate at the national level.

Senators discussed the ratio of pharmacy technicians to registered pharmacists, training/education for pharmacy technicians, and whether the fee structure currently contained in **SB 33** was sufficient.

Chairman Barnett recognized Mike Larkin, executive director for the Kansas Pharmacist Association, who indicated his support of the provisions contained in **SB 33 (Attachment 3)**.

Senator Pilcher-Cook asked how many industries or areas require fingerprinting. Chairman Barnett indicated fingerprinting and criminal background checks are required of physicians, nurses, chiropractors, EMS technicians, physician assistants, and many other allied health professionals.

Senator Barnett indicated written testimony in favor of **SB 33** was received from Ron Hein, Kansas Pharmacy Coalition (Attachment 4), and Chad Austin, Kansas Hospital Association (Attachment 5).

Senator Schmidt moved to amend **SB 33** on page 2 line 12 by deleting \$50 and inserting \$100 in its place and to pass out **SB 33** favorably. Senator Kelsey seconded the motion which passed unanimously.

Senator Barnett adjourned the meeting at 2:06 p.m. The next meeting is scheduled for Monday, February 9, 2009.