

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 March 11, 2003 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Mr. Norm Furse, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mrs. Pamela Johnson-Betts, Candidate as Secretary of the Department of Aging

Others attending: See attached guest list

Confirmation Hearing

Upon calling the meeting to order, the Chair announced there would be a confirmation hearing. She then introduced Mrs. Pamela Johnson-Betts, candidate as Secretary of the Department of Aging.

Mrs. Johnson-Betts provided remarks as to her qualifications and background and then stood for questions. Senators Salmans, Harrington, Wagle, and Haley asked questions ranging from Senior Grandparenting Program funded through the federal government, Senior Citizens Program, eliminations regarding layoffs, Kansas African Advisory Committee, to commending her for her numerous accomplishments, especially Tiger Scout Coordinator.

A copy of Mrs. Johnson-Betts testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

Action on the Confirmation

As there were no further questions, Senator Haley made a motion to support the appointment to the full Senate. Senator Barnett seconded and the motion carried.

Action on HB2207 - an act concerning the State Board of Pharmacy; providing for registration of pharmacy technicians

The next order of business was action on HB2207, an act concerning the State Board of Pharmacy, providing for registration of pharmacy technicians. Senator Brungardt asked for clarification from the Committee, where the bill stood regarding the two-to-one ratio? The Chair stated, currently in the statute, there is a restriction shown on page 3, line 22 and 23 (the language is struck) and also on page 2, lines 37 through 39 (states the ratio of pharmacy technicians to pharmacists in the prescription area of a pharmacy will be fixed by rules and reg.) changing the ratio not exceed the two-to-one ratio (page 3, line 24). She said this language was struck. When she asked the House Chairperson Morrison why the required ratio was stricken, he said the Health and Human Services Committee was not aware that this was in the bill.

Senator Barnett had concerns regarding page 3, lines 24 through 26, stating this should be moved over to page 2, starting on line 36 after the period, because he would like to see the Committee retain this ratio. Chairperson Wagle commented that when session first started, the Board of Pharmacy came to her and

requested legislation regarding the need for licensure and never mentioning the desire to change the ratio

CONTINUATION SHEET

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE at on March 11, 2003 in Room 231-N of the Capitol.

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from two to one. Senator Haley asked for a clarification and the Chair said that on page 2, beginning with line 36 after the period, and through line 39, it is being proposed that they be deleted and inserted with information found on page 3 lines 22 and 23, which is current law (correcting the line number).

Senator Brungardt asked if Senator Barnett was offering this as an amendment and Senator Barnett said yes. The Chair then asked if everyone understood and was comfortable with the wording and change. Senator Steineger suggested that on line 38, page 2, they delete "shall be fixed by rules and regs the board" and leaving, "shall not exceed two-to-one." Senator Barnett withdrew his amendment and made a motion to accept Senator Steineger's suggestion (after line 38, after the word "shall," the Committee strikes "be fixed by rules and regs the board" and say it shall not exceed a two-to-one ratio).

Senator Steineger asked for a discussion, stating that this should be left in rules and regs rather than a statute, because rules and regs are firm but more flexible than a statute (allowing the situation to change or be updated as needed a little more easier than in a statute) and let the Board of Pharmacy decide what those ratios should be. Senator Salmans was somewhat in agreement, because he felt the Committee could not be sure how the ratio would work. Senator Steineger stated he has sat on all rules and regs committees for the last seven years and feels the review process of rules and regs is a good one so should be left with the rules and regs experts. Senator Barnett stated he had called pharmacists, because he also did not know the proper ratio (one-to-one ample, two-to-one, a stretch) and what compelled him was the testimony, noting the examples of harm and miscalculation, theft of drugs, and drug diversion and could see rules and regs if there were a definite set of standards of what a pharmacy technician should be. Senator Brungardt stated that one of his experts said three-to-one would be okay, so he felt in agreement with Senator Salmans who said opinions will vary, but the fact is, for various reasons the law states two-to-one. He did not feel there was compelling testimony given to change the ratio, and would not feel comfortable wiping it out all together. He stated that this is good policy as there needs to some range and as it is not set in stone, they can come back and change it next year. Senator Haley stated he saw merit to both points that are being taken and is prepared to rely somewhat on the Board. He also mentioned there was no ratio in Missouri in the statute. Senator Wagle also received a number of calls from pharmacists who desire the ratio be kept at two-to-one (safe for the public and easier to manage). She also mentioned her concern with the testimony regarding technicians who advise. Senator Harrington referred to the competition of businesses that have pharmacies within in their stores.

As there was no further discussion. The Chair asked the Committee to raise their hands if they were in favor of the amendment or leave it up to rules and regs. The Chair then asked for further action on the bill Senator Jordan made a motion for a technical change on page 1, line 23, striking "license" to "registration" fee. Senator Harrington seconded the motion and the motion carried

The Chair then asked what the will of the Committee was. Senator Brownlee made a motion, seconded by Senator Steineger, to pass the bill out as amended favorably. The motion carried.

Adjournment

As it was going on 2:30 p.m., time for Senate session, the Chair adjourned the meeting and announced to the Committee that they would meet tomorrow. The time was 2:30 p.m.

The next meeting is scheduled for March 12, 2003.