

March 10, 2020

The Honorable Brenda Landwehr, Chairperson
House Committee on Health and Human Services
Statehouse, Room 352C-S
Topeka, Kansas 66612

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2579 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2579 is respectfully submitted to your committee.

HB 2579 would amend the Kansas Prescription Monitoring Program Act. The bill would define “audit trail information” as confidential and privileged information within the K-TRACS system. Currently, prescribers and pharmacists may access and query K-TRACS. The bill would allow prescribers and pharmacists to designate delegates that may access and query the K-TRACS system on behalf of the prescriber or pharmacist and under direct supervision. The bill would also eliminate the waiver for submitting data to the K-TRACS program on paper. The bill would allow the K-TRACS Advisory Committee to enable additional features in K-TRACS, including date or fact of death, dispensation or administration of naloxone, or overdose event information. Amendments would expand the current limited access to K-TRACS for impaired provider programs, individuals conducting research approved by an institutional review board with individual patient consent, and an overdose fatality review board in Kansas. Further, the bill would add notification requirements to the Board of Pharmacy from prescribers, pharmacists, and regulatory agencies regarding prescriber, pharmacist, or delegate authorization to access K-TRACS. It would authorize the Advisory Committee to make confidential referrals to the Kansas Department for Aging and Disability Services for treatment outreach for patients without an identifiable healthcare team or contact, and to make referrals to the appropriate regulatory agency if a prescriber, pharmacist, or delegate has accessed K-TRACS data inappropriately. The Board could block access to K-TRACS upon suspicion or knowledge of inappropriate access. The bill would eliminate the five-year maximum record-retention for the Board and researchers and limit storage of program data. Finally, the bill would increase the number and nomination of members of the Advisory Committee.

The Board of Pharmacy anticipates that no changes to agency revenue or expenditures would result from enactment of HB 2579. The Board of Healing Arts states that in order to follow the notification requirements in the bill the agency will have to initiate policies and processes. However, the agency states this can be done within current resources. The Board of Nursing indicates that HB 2579 may require revisions to rules and regulations, but an estimate of the cost cannot be made and no changes in agency staffing should be required. The Board of Examiners in Optometry and the Kansas Dental Board state that the bill would have no fiscal effect on agency operations. Any fiscal effect associated with HB 2579 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

Larry L. Campbell
Director of the Budget

cc: Alexandra Blasi, Board of Pharmacy
Susan Gile, Board of Healing Arts
Jill Simons, Board of Nursing
Charity Carlat, Dental Board
Jan Murray, Optometry