

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 200

As Amended by House Committee on Health
and Human Services

Brief*

SB 200, as amended, would amend the Pharmacy Act of the State of Kansas to include point-of-care testing for and treatment of certain health conditions (therapy).

Therapies Covered

The bill would authorize a pharmacist to initiate therapy within the framework of new statewide protocols for the following health conditions:

- Influenza;
- Streptococcal pharyngitis; or
- Urinary tract infection.

Statewide Protocols

The bill would authorize the state Collaborative Drug Therapy Management Advisory Committee (Advisory Committee) to adopt a statewide protocol for each of the conditions listed above. In establishing such statewide protocols, the Advisory Committee would be required to specify:

- The medications or categories of medications included in the protocol for each health condition;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- The training and qualifications required for pharmacists to implement the protocols;
- Requirements for documentation and maintenance of records, including:
 - Patient inclusion and exclusion criteria;
 - Medical referral criteria;
 - Patient assessment tools based on current clinical guidelines;
 - Follow-up monitoring or care plans; and
 - The pharmacist's adherence to the applicable protocols; and
- Communication requirements, including, but not limited to, notification of the patient's personal or primary care provider.

Disciplinary Action

The bill would authorize the State Board of Pharmacy (Board) to deny a license application or renewal or revoke or suspend the license of a pharmacist if the Board finds the pharmacist has violated the provisions relating to the initiation of therapy or failed to practice within the framework of the new statewide protocols established by the Advisory Committee.

Definition

The bill would also amend the definition of "practice of pharmacy" to include the initiation of therapy for the conditions listed above.

The bill would also make technical amendments.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of Senator Erickson.

Senate Committee on Public Health and Welfare

At the Senate Committee hearing on February 25, 2021, representatives of Balls Food Stores, Kansas Association of Chain Drug Stores, and Walmart provided **proponent** testimony. Proponents stated the bill would expand health care access for individuals without easy access to urgent care providers.

Written-only proponent testimony was provided by Americans for Prosperity, Currus Independent Pharmacies of Kansas, Kansas State Board of Pharmacy, and Kansas Pharmacists Association.

Representatives of the Kansas Academy of Family Physicians, Kansas Chapter of the American Academy of Pediatrics, and Kansas Medical Society (KMS) provided **opponent** testimony. The opponents stated the bill, as introduced, grants unnecessarily broad authority to pharmacists.

Written-only opponent testimony was provided by the Kansas Association of Osteopathic Medicine and Kansas Chiropractic Association.

No neutral testimony was provided.

The Senate Committee amended the bill to:

- Allow a pharmacist to initiate therapy within the framework of a statewide protocol for influenza, streptococcal pharyngitis, or urinary tract infection;

- Allow the Advisory Committee to adopt a statewide protocol for each condition listed above;
- Require the Advisory Committee to consider appropriateness of therapy based upon the factors above; and
- Amend the definition of “practice of pharmacy” to include the initiation of therapy for the health conditions specific above.

House Committee on Health and Human Services

At the House Committee hearing on March 14, 2022, representatives of Americans for Prosperity, Balls Food Stores, and Kansas Association of Chain Drug Stores provided **proponent** testimony. Proponents stated the bill would expand health care access for individuals without easy access to urgent care providers.

Written-only proponent testimony was provided by Currus Independent Pharmacies of Kansas, The Kansas Chamber, Kansas State Board of Pharmacy, Kansas Pharmacists Association, Richey’s Drug Store, Inc., and Walmart.

Written-only opponent testimony was provided by the Kansas Academy of Family Physicians and the Kansas Chapter of the American Academy of Pediatrics.

Neutral testimony was provided by a representative of KMS, who provided background on the collaboration between the parties to arrive at a base compromise prior to the Senate Committee hearing during the 2021 Legislative Session. The representative noted the continued work to fine-tune the language of the compromise following the 2021 Session to address KMS concerns regarding the need to further refine the criteria the Advisory Committee would consider in determining the appropriateness of the therapy. The

representative stated the language of the further refined compromise is included in the KMS testimony as a proposed amendment.

The House Committee amended the bill to:

- Remove the items the Advisory Committee would be required to consider in determining the appropriateness of therapy;
- Insert items the Advisory Committee would be required to specify in establishing the statewide protocols; and
- Insert language allowing the Board to take disciplinary action against a pharmacist who violates of the provisions related to the initiation of therapy or fails to practice within the framework of the statewide protocols.

The House Committee amendment reflects the compromise language proposed by KMS, with a few technical changes to adhere to Kansas statutory drafting style.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Board of Pharmacy indicates enactment of the bill would likely increase the necessary staff time to carry out the requirements of the bill; however, those requirements could be completed by current staff and within the State Board of Pharmacy's current expertise, due to the prevalence of similar statewide protocols used in other states. Any fiscal effect associated with the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Pharmacy Act of the State of Kansas; Collaborative Drug Therapy Management Advisory Committee; health conditions