

Approved: February 9, 2005

Date

## MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:32 P.M. on February 8, 2005, in Room 526-S of the Capitol.

Committee members absent:

Representative Judy Showalter- excused

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department

Mary Galligan, Kansas Legislative Research Department

Renae Jefferies, Revisor of Statutes' Office

Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Kathy Greenlee, State Long-Term Care Ombudsman

Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy

Jerry Slaughter, Executive Director, Kansas Medical Society

Others attending:

See attached list.

The minutes for February 7 were approved.

The Chair opened the hearing on [HB 2153](#).

Kathy Greenlee, State Long-Term Care Ombudsman, explained that when the nursing home inspections unit was moved from Kansas Department of Health and Environment (KDHE) to Kansas Department of Aging, two ombudsman statutes were overlooked and one reference to the Secretary of KDHE and the Secretary of Social and Rehabilitative Services (SRS) needs to be changed to refer to the Secretary of Aging. ([Attachment 1](#))

Answering a question, a member commented that at one time two surveys were made to nursing homes, one under Medicaid—thus SRS, and the other regarding licensure—thus KDHE.

A motion was made, seconded and passed to work the bill. Another motion was made, seconded, and passed to amend the bill as outlined by the conferee, striking language on page 3 line 3. A third motion was made and seconded allowing the revisor to make any technical amendments and to recommend the bill favorable for passage as amended. The motion passed.

The Chair closed the hearing on [HB 2153](#) and opened the hearing on [HB 2154](#)

Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy, testified that the bill represents a technical change; because the current statute conflicts with the Kansas Administrative Procedures, the

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language needs to be repealed. ([Attachment 2](#))

There were no questions, and a motion was made, seconded, and passed to recommend the bill favorably and place it on the Consent Calendar.

The hearing on **HB 2154** was closed, and the Chair opened the hearing on **HB 2225**.

Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy, explained that the bill addresses irrelevant requirements of the Board, saying the proposed legislation removes from statute the authority of the Board to license renal dialysis facilities and provide oversight for on-site pharmacies; she noted that such requirements have never been acted on, since the Board is not a staffing agency. ([Attachment 3](#))

The chair closed the hearing on **HB 2225**

A motion was made and seconded to pass the bill out favorably and place it on the Consent Calendar. During discussion a member noted that most renal dialysis facilities were located in hospitals where a pharmacist was readily available. The motion passed unanimously.

The Chair opened the hearing on **HB 2155**.

Debra Billingsley explained that occasionally a pharmacist is approached on a weekend by a customer who cannot reach his physician to get a refill for a medication. The bill allows the pharmacist to refill a maintenance prescription on a short-term emergency basis if attempts to reach the physician are unsuccessful and if the pharmacist judges it to be in the best interest of the patient's safety and welfare to do so. ([Attachment 4](#)) She said that Colorado has a similar law, and her contact with Colorado authorities indicates the law is working well there.

Answering questions, Ms. Billingsley said the seven days allows the pharmacist some discretion in filling the prescription. She said the bill prohibits the pharmacist from refilling Schedule II drugs, but it does allow Schedule 3-5 drugs, which include some narcotics.

Jerry Slaughter, Executive Director, Kansas Medical Society, said the Society has no problem with the intent of the bill except to be concerned about liability to the physician; he suggested an amendment to protect the physician, since the emergency prescription was not directly authorized by the physician. ([Attachment 5](#))

Answering questions, Mr. Slaughter replied that the number of refills depends on the prescription and the judgment of the doctor.

Ms. Billingsley said some pharmacists believe they have legal sanction to provide emergency prescriptions, but the Board does not believe it is allowed under current law.

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A member suggested that the 7-day-supply limit might be difficult with asthma inhalers, which are sold only on a month-supply basis. Another member expressed concern about refilling an antibiotic prescription that could create unexpected side effects. Ms. Billingsley said she trusted the pharmacist's judgment to make calls to protect public safety.

The Chair closed the hearing on **HB 2155**.

A motion was made to amend page 2 line 19 to include "7 day supply or single unit." It was seconded and passed.

A second motion was made to amend the bill by adding language recommended by Mr. Slaughter after line 24 on page 2. The motion was seconded and passed.

A motion was then made and seconded to recommend favorable for passage **HB 2155** as amended. The motion passed.

Staff provided a briefing on **HB 2256**, saying that the bill amended the statute, removing the requirement that an advanced registered nurse practitioner maintain an agreement with a responsible physicians to make diagnoses or prescribe medications. Ms. Calderwood said that some definitions were inconsistent and that the intent of the bill retained an ARNP as a mid-level practitioner.

Answering questions, Ms. Calderwood said the bill was requested by the nurses association, that the intent of the bill was not to allow an ARNP to oversee a physician's assistant, and that under the bill an ARNP could prescribe drugs without the oversight of a physician.

The meeting was adjourned at 2:40 p.m. The next meeting is scheduled for Wednesday, February 9.