



To: House Health and Human Services Committee

From: Jerry Slaughter
Executive Director

Re: HB 2155; Concerning emergency prescription refills

Date: February 8, 2005

The Kansas Medical Society appreciates the opportunity to appear today on HB 2155, which allows pharmacists to refill and dispense a prescription without the authorization of the prescriber.

Our only concern with the bill is that a physician or other prescriber could incur potential liability if a prescription were refilled without the prescriber's knowledge and authorization. To that end, we would like to urge the Committee to add the amendment below, which makes it clear that if a prescription is refilled without the authorization of the prescriber, he or she will not incur any liability because of the dispensing of the medication. Please insert the following language on line 24, page 2:

“When an emergency prescription is dispensed by a pharmacist pursuant to this section, the prescriber shall not incur any liability for any damage, injury or death resulting from the dispensing of the emergency prescription.”

We would be happy to respond to questions. Thank you.