



# KANSAS

KANSAS BOARD OF PHARMACY  
DEBRA BILLINGSLEY, EXECUTIVE DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR

**Testimony concerning HB 2337  
House Health and Human Services Committee  
Presented by Debra Billingsley  
On behalf of  
The Kansas State Board of Pharmacy  
February 21, 2005**

Mr. Chairman, Members of the Committee:

My name is Debra Billingsley and I am the Executive Secretary of the Kansas State Board of Pharmacy. Thank you for the opportunity to submit information for your consideration regarding drug importation. Our Board is created by statute and is comprised of six members, each of whom are appointed by the Governor. Of the six, five are licensed pharmacists and one is a member of the general public.

The purpose of the Kansas State Board of Pharmacy is to promote, preserve, and protect the public interest as it relates to the distribution of drugs into the public marketplace. The agency was put into place for the consumer's protection. The agency licenses and regulates all entities involved in the manufacturing and distribution of prescription and over the counter drugs into the state. The Board also licenses and regulates those entities and persons at the retail level who sell or dispense drugs to the public. The Kansas Pharmacy Act requires that only licensed entities may sell drugs or act as a pharmacy in Kansas. Given that medications are an integral part of disease management and medication therapy the delivery system of drugs is becoming more and more complex. Technological enhancements have improved the capabilities for legitimate patient monitoring. However, it has also enabled entities motivated by economic gain to erode the standards of care that have been in place for 65 years.

The importation or reimportation of prescription drugs from foreign countries violates one or more provisions of the Federal Food, Drug and Cosmetic Act (FFDCA). Under the FFDCA unapproved, misbranded, and adulterated drugs are prohibited from importation. Importation violates state law also. Each state put into place a licensing and regulatory agency to promote, preserve, and protect the public health, safety, and welfare by and through effective regulation of the many aspects of the drug delivery system. Our state requires that pharmacists attend an accredited professional degree program that has met established qualifications and standards. The applicant is required to have 1500 hours of supervised experience, pass a national pharmacy license exam (NAPLEX) and a multistate pharmacy jurisdiction exam (MPJE) prior to receiving a license. The applicant is backgrounded regarding his criminal record or whether the applicant has ever violated any federal or state law that would deem him to be unfit to practice pharmacy in Kansas.

Likewise, each pharmacy licensed with the Board is inspected prior to licensure. Each facility is inspected as to safety, cleanliness, ventilation, temperature, and security from unauthorized entry. Further, K.S.A. 65-1636 clearly states that the sale of drugs is limited to pharmacies operating under registrations required by the Kansas Pharmacy Act.

The Board currently licenses approximately 3,778, pharmacists each of whom has met the standards and qualifications set out by the Board. The Board has issued 1,175 pharmacy licenses, 816 of which are located in Kansas. These individuals and entities are following all of the rules and regulations required by law in that they have received a license with the State Board. They are subject to consumer complaints regarding any aspect of their practice. They are following very rigorous federal and state standards regarding counseling of patients and they must ensure that patients are informed of recalls or harmful drug interactions. These are requirements that cost these individuals a lot of money. However, they follow these costly regulations so that patient safety is not compromised. They enter the field of pharmacy knowing it is a highly regulated profession based on the high risks related to the dispensing of medications. They enter this field because they are interested in providing patient care and education. They are interested in promoting excellence and integrity to their field. They are innovators guiding healthcare in a very competitive field. It is unfortunate and unjust that there are entities that do not comply with the laws that were placed to protect integrity that licensed pharmacists so highly regard. Facilitating the sale of foreign unapproved drugs outside of the regulatory scheme does not protect citizens, ensure that standards are met or that consumer complaints are properly handled.

The Board of Pharmacy believes that there are currently laws on the books that would prohibit storefronts that are not licensed from operating in Kansas. This bill would provide additional strength to the laws that are already present. The Board of Pharmacy believes that this bill clarifies the existing laws, notifies entities that they must be licensed, and provides a penalty to those who continue to erode the standards of care that were put in place to protect the public.

Thank you very much for permitting me to testify, and I will be happy to yield to questions.