

SENATE BILL No. 200

By Committee on Public Health and Welfare

2-10

1 AN ACT concerning pharmacists and pharmacy; relating to the state board
2 of pharmacy; expanding the pharmacist's scope of practice to include
3 point-of-care testing for and treatment of certain health conditions;
4 amending K.S.A. 65-1626a and repealing the existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. ~~A pharmacist may independently test or screen for~~
8 ~~and initiate therapy pursuant to a state-wide protocol established by the~~
9 ~~state board of pharmacy for health conditions of individuals who are~~
10 ~~eligible to receive the testing or screening service. For purposes of this~~
11 ~~section, a health condition is a condition that is generally managed with~~
12 ~~minimal treatment or self-care and includes, but is not limited to:~~

(a)

A pharmacist may initiate therapy within the framework of a statewide protocol for the following health conditions:

- 13 (1) ~~(a) Influenza;~~
14 (2) ~~(b) streptococcus; or~~
15 ~~(c) COVID-19;~~
16 ~~(d) pre-exposure prophylaxis;~~
17 ~~(e) post-exposure prophylaxis; or~~
18 ~~(f) a condition for which its diagnostic test is waived under the~~
19 ~~federal clinical laboratory improvement amendments of 1988.~~

streptococcal pharyngitis

20 Sec. 2. K.S.A. 65-1626a is hereby amended to read as follows: 65-
21 1626a. (a) For the purpose of the pharmacy act of the state of Kansas, the
22 following ~~persons~~ *individuals* shall be deemed to be engaged in the
23 practice of pharmacy:

- 24 (1) ~~Persons~~*Individuals* who publicly profess to be a pharmacist, or
25 publicly profess to assume the duties incident to being a pharmacist and
26 their knowledge of drugs or drug actions, or both; and
27 (2) ~~persons~~*individuals* who attach to their name any words or
28 abbreviation indicating that they are a pharmacist licensed to practice
29 pharmacy in Kansas.

- (3) urinary tract infection.
(b) The collaborative drug therapy management advisory committee may adopt a statewide protocol for each condition listed in subsection (a). The committee shall consider appropriateness of therapy based upon:
(1) The patient's age;
(2) approval by the United States food and drug administration;
(3) in-person interactions; and
(4) the method of administration

- 30 (b) *As used in this section:*
31 (1) "Practice of pharmacy" means:
32 (A) The interpretation and evaluation of prescription orders;
33 (B) the compounding, dispensing and labeling of drugs and devices
34 pursuant to prescription orders;
35 (C) the administering of vaccine pursuant to a vaccination protocol;
36 (D) the participation in drug selection according to state law and

1 participation in drug utilization reviews;

2 (E) the proper and safe storage of prescription drugs and prescription
3 devices and the maintenance of proper records thereof in accordance with
4 law;

5 (F) consultation with patients and other health care practitioners
6 about the safe and effective use of prescription drugs and prescription
7 devices;

8 (G) performance of collaborative drug therapy management pursuant
9 to a written collaborative practice agreement with one or more physicians
10 who have an established physician-patient relationship; and

11 (H) participation in the offering or performing of those acts, services,
12 operations or transactions necessary in the conduct, operation,
13 management and control of a pharmacy; and

14 (I) ~~the initiation of drugs, drug categories or devices that are~~
15 ~~initiated in accordance with the product's federal food and drug~~
16 ~~administration-approved labeling and limited to conditions listed below~~
17 ~~that:~~

18 (i) ~~Do not require a new diagnosis;~~

19 (ii) ~~are minor and generally self-limiting;~~

20 (iii) ~~have a test that is used to guide diagnosis or clinical decision-~~
21 ~~making and is waived under the federal clinical laboratory improvement~~
22 ~~amendments of 1988; or~~

23 (iv) ~~in the professional judgment of the pharmacist, threaten the~~
24 ~~health or safety of the patient should the prescription not be immediately~~
25 ~~dispensed. In such cases, only sufficient quantity may be provided until the~~
26 ~~patient is able to be seen by another provider.~~

initiation of therapy for the conditions specified in section 1,
and amendments thereto

27 ~~Nothing in this section shall be construed to add any additional~~
28 ~~requirements for registration or for a permit under the pharmacy act of the~~
29 ~~state of Kansas or for approval under subsection (g) of K.S.A. 65-1643,~~
30 ~~and amendments thereto, or to prevent persons other than pharmacists~~
31 ~~from engaging in drug utilization review, or to require persons lawfully in~~
32 ~~possession of prescription drugs or prescription devices to meet any~~
33 ~~storage or record keeping requirements except such storage and record~~
34 ~~keeping requirements as may be otherwise provided by law or to affect any~~
35 ~~person consulting with a health care practitioner about the safe and~~
36 ~~effective use of prescription drugs or prescription devices.~~

37 (2) "Collaborative drug therapy management" means a practice of
38 pharmacy where a pharmacist performs certain pharmaceutical-related
39 patient care functions for a specific patient which have been delegated to
40 the pharmacist by a physician through a collaborative practice agreement.
41 A physician who enters into a collaborative practice agreement is
42 responsible for the care of the patient following initial diagnosis and
43 assessment and for the direction and supervision of the pharmacist

1 throughout the collaborative drug therapy management process. Nothing in
2 this subsection shall be construed to permit a pharmacist to alter a
3 physician's orders or directions, diagnose or treat any disease,
4 independently prescribe drugs or independently practice medicine and
5 surgery.

6 (3) "Collaborative practice agreement" means a written agreement or
7 protocol between one or more pharmacists and one or more physicians that
8 provides for collaborative drug therapy management. Such collaborative
9 practice agreement shall contain certain specified conditions or limitations
10 pursuant to the collaborating physician's order, standing order, delegation
11 or protocol. A collaborative practice agreement shall be: (A) Consistent
12 with the normal and customary specialty, competence and lawful practice
13 of the physician; and (B) appropriate to the pharmacist's training and
14 experience.

15 (4) "Physician" means a person licensed to practice medicine and
16 surgery in this state.

17 (c) *Nothing in this section shall be construed to:*

18 (1) *Add any additional requirements for registration or for a permit*
19 *under the pharmacy act of the state of Kansas or for approval under*
20 *K.S.A. 65-1643(g), and amendments thereto;*

21 (2) *prevent persons other than pharmacists from engaging in drug*
22 *utilization review;*

23 (3) *require persons lawfully in possession of prescription drugs or*
24 *prescription devices to meet any storage or record keeping requirements*
25 *except such storage and record keeping requirements as may be otherwise*
26 *provided by law; or*

27 (4) *affect any person consulting with a healthcare practitioner about*
28 *the safe and effective use of prescription drugs or prescription devices.*

29 Sec. 3. K.S.A. 65-1626a is hereby repealed.

30 Sec. 4. This act shall take effect and be in force from and after its
31 publication in the statute book.