

January 25, 2022

The Honorable Richard Hilderbrand, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 142-S
Topeka, Kansas 66612

Dear Senator Hilderbrand:

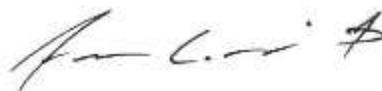
SUBJECT: Fiscal Note for SB 381 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 381 is respectfully submitted to your committee.

SB 381 would require pharmacists to dispense medications prescribed by prescribers for the prevention and treatment of COVID-19 infection, including but not limited to hydroxychloroquine sulfate and ivermectin. The bill would also create a civil liability waiver for healthcare providers and pharmacists dispensing medications and would prohibit the Board of Pharmacy from taking disciplinary action against a pharmacist for complying with such dispensing. The waiver for civil liability would be retroactive to the beginning of the pandemic (March 12, 2020). The bill would require licensing boards for prescribers and pharmacists to go back and review all disciplinary actions for acts occurring from March 12, 2020, until the active date of the bill for any action taken based on the conduct described. If any action was taken, the respective board would need to reconsider the action and rescind any action now prohibited.

The Board of Healing Arts indicates that reviewing investigations related to enactment of HB 381 would be time consuming but can be done within existing resources. The Board of Pharmacy indicates that the bill could have a fiscal effect on expenditures as well as on licensees and registrants. The Board anticipates that prescribing and dispensing of drugs (or failing to do so) could cause an increase in the number of complaints received by the Board. Complaints would require investigation and an increase in Board resources (time, staff, etc.). In the past, such issues have created substantial fiscal impact to the Board but the effect on the Board's expenditures cannot be determined. Any fiscal effect associated with SB 381 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Alexandra Blasi, Board of Pharmacy
Susan Gile, Board of Healing Arts