

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 324

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 324 would amend and enact new law in the Pharmacy Act to remove the expiration dates specified in statute for pharmacists' licenses; pharmacy technicians' registrations; and permits and registrations for manufacturers, dealers, and others; and to allow the Kansas State Board of Pharmacy (Board) to establish the expiration and renewal dates by rules and regulations. The bill also would establish limits for renewal fees and issuance of duplicate registrations or permits, eliminate single registration for manufacturers and wholesales with multiple facilities in the state, and enact new law regarding the registration and discipline of pharmacist interns.

License, Registration, and Permit Expirations

The bill would make the following changes or enactments to license, registration, and permit expirations:

- Pharmacist licenses, which previously expired on June 30 with biennial renewals, would expire every two years with the expiration date to be established by rules and regulations adopted by the Board;
- Registrations for pharmacies, manufacturers, wholesalers, special auction, institutional drug rooms, veterinary medical teaching hospital pharmacies, and durable medical equipment, and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

permits for samples distribution and retail dealers, all of which previously expired on June 30 following the date of issuance, would expire every year with expiration dates established by rules and regulations adopted by the Board;

- Pharmacy Technician registrations, which previously expired on October 31 of the year specified by the Board, would expire every two years on the expiration date established by rules and regulations adopted by the Board; and
- Pharmacist intern registrations established under new law would expire six years from the date of issuance.

Renewal Fees and Duplicate Registration or Permit Fees

The bill would set a limit on the cost of renewal fees for sample distribution and durable medical equipment registrations, set a limit not to exceed the current fee for the issuance of a duplicate registration or permit, and replace the term "application blanks" for renewal with "notice" of renewal.

Registration for Manufacturers and Wholesalers With Multiple Facilities

The single registration procedure for manufacturers and wholesalers who have more than one facility in the state would be eliminated, and those business entities would be required to obtain separate registrations for each business location.

Pharmacy Intern Provisions

Reference in the Pharmacy Act to a "pharmacy student" would be removed, and registration requirements of a "pharmacist intern" and the Board's rules and regulations

authority and disciplinary authority in matters relating to pharmacist interns would be established.

Under the new requirements established by the bill, each pharmacy intern registration would expire six years from the date of issuance. The Board would be able to limit, suspend, or revoke a registration, or deny an application for issuance or renewal of registration as a pharmacist intern on any ground for which the Board is authorized to take action against the license of a pharmacist. The bill would authorize the Board to temporarily suspend or limit the registration of a pharmacist intern with an emergency adjudicative proceeding under the Kansas Administrative Procedure Act, when the Board determines there is cause to believe grounds exist for disciplinary action and the continuation of pharmacist intern functions would constitute an imminent danger to public health and safety. Disciplinary proceedings would be subject to the Kansas Administrative Procedure Act.

Registered pharmacist interns would be required to provide the name and address of a new employer to the Board's executive secretary within 30 days of obtaining new employment. Each pharmacy would be required to maintain a list of the names of pharmacist interns employed by the pharmacy. A pharmacist intern would work under the direct supervision and control of a pharmacist, who would be responsible to determine that the pharmacist intern is in compliance with applicable rules and regulations of the Board. The supervising pharmacist also would be responsible for the acts and omissions of the pharmacist intern in the performance of the pharmacist intern's duties. Pharmacist interns would be required to display their registration in the part of the place of business where the individual is engaged in pharmacist intern activities.

The Board would be required to adopt rules and regulations necessary to ensure that pharmacist interns are adequately trained as to the nature and scope of their lawful duties. Further, the bill would allow the Board to adopt rules and regulations needed to carry out the purposes and enforce

the provisions of the new pharmacist interns' requirements.

Background

The bill was introduced at the request of the Kansas State Board of Pharmacy. The Executive Secretary of the Board testified in favor of the bill before the Senate Committee on Public Health and Welfare, stating that the Board is proposing the expiration date for all licenses and permits be established by rules and regulation so as to make for a more efficient collection of fees throughout the year, instead of the majority of the renewals occurring at the end of the fiscal year. The Executive Secretary also stated that the bill would permit the Board to discipline interns in a similar manner to the Board's current authority to discipline pharmacists and pharmacy technicians. Further, the Executive Secretary noted the deletion of language allowing the Board to issue a single registration for multiple locations of a distributor or manufacturer, if they were owned by the same entity, is being requested because the language does not follow regulatory schemes in the Kansas Pharmacy Act or the Controlled Substances Act, and the Drug Enforcement Administration (DEA) requires each location to have a separate DEA number. No opposing or neutral testimony was presented to the Committee.

The Senate Committee on Public Health and Welfare made technical amendments to the bill.

The fiscal note prepared by the Division of the Budget states the Kansas State Board of Pharmacy indicated that passage of the bill would have no fiscal effect on state revenues or expenditures.