

HOUSE BILL No. 2238

By Committee on Vision 2020

2-6

1 AN ACT concerning the university of Kansas school of pharmacy;
2 telepharmacy; amending K.S.A. 2012 Supp. 75-4709 and repealing the
3 existing section.
4

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

6 New Section 1. (a) Within the limits of appropriations therefor, the
7 university of Kansas school of pharmacy is hereby authorized to establish,
8 maintain and operate a telepharmacy communications system, subject to
9 the approval by the secretary of administration under K.S.A. 75-4709, and
10 amendments thereto. The telepharmacy communications system shall
11 apply telecommunications technology to the practice of pharmacy through
12 compressed, full-motion, high-resolution, two-way interactive video
13 communication and information transfer over long distances within a
14 medical setting.

15 (b) For the purpose of establishing, operating and maintaining the
16 telepharmacy communications system, the university of Kansas school of
17 pharmacy may enter into contracts with any state agency, and any such
18 agency is authorized to contract for such purpose with the university of
19 Kansas school of pharmacy. The university of Kansas school of pharmacy
20 in addition may enter into contracts or other agreements with any
21 municipality as defined under K.S.A. 75-1117, and amendments thereto,
22 pharmacy in underserved areas, individual, firm, partnership, corporation
23 or other business entity for the establishment of the telepharmacy
24 communications system or the establishment or operation of any part
25 thereof including placement, operation and maintenance of equipment. In
26 accordance with the authority of the secretary of administration under
27 K.S.A. 75-4709, and amendments thereto, all contracts entered into by the
28 university of Kansas school of pharmacy under this section shall be subject
29 to approval by the secretary of administration. Standards and qualifications
30 for utilization of the telepharmacy communications system shall be
31 established by the telepharmacy advisory committee.

32 (c) For the purpose of establishing, operating and maintaining the
33 telepharmacy communications system, the university of Kansas school of
34 pharmacy may accept any grant of money or property, including any
35 federal moneys available therefor. Within the limits of appropriations
36 therefor and subject to approval by the secretary of administration under

1 K.S.A. 75-4709, and amendments thereto, the university of Kansas school
2 of pharmacy may acquire, in the name of the state, any equipment
3 necessary for the telepharmacy communications system.

4 (d) As part of the telepharmacy communications system under this
5 section and within the limits of appropriations therefor, the university of
6 Kansas school of pharmacy may provide and may fix, charge and collect
7 fees, which shall be deposited in the state treasury to the credit of one or
8 more special revenue funds as specified by the vice-chancellor, for the
9 following services:

- 10 (1) Clinical and educational telepharmacy services;
- 11 (2) consulting services pertaining to the technology, system
12 capability, pharmacological supported services and basic telepharmacy
13 information;
- 14 (3) system design information;
- 15 (4) advice and assistance on equipment and acquisition installation;
- 16 (5) coordination with serving telephone companies and attachment to
17 telecommunications networks;
- 18 (6) system training;
- 19 (7) coordination of system upgrades;
- 20 (8) clearing house for telepharmacy information; and
- 21 (9) such other services as may be necessary in establishing, operating
22 and maintaining the telepharmacy communications system.

23 (e) There is hereby established the telepharmacy advisory committee
24 to consist of four members. The members of the telepharmacy advisory
25 committee shall be appointed by the chancellor of the university of
26 Kansas. Of the members of the telepharmacy advisory committee, one
27 member shall be a representative of the Kansas pharmacists association.
28 The chancellor shall designate the member who is chairperson of the
29 telepharmacy advisory committee. Vacancies on the telepharmacy advisory
30 committee shall be filled in like manner as original appointments. The
31 telepharmacy advisory committee shall meet periodically upon the call of
32 the chairperson of the telepharmacy advisory committee. Members of the
33 telepharmacy advisory committee attending meetings of the committee, or
34 attending a subcommittee meeting thereof authorized by the committee,
35 shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and
36 amendments thereto. The telepharmacy advisory committee shall make
37 recommendations to the university of Kansas school of pharmacy in regard
38 to the administration of the provisions of this section, shall establish
39 standards and qualifications for utilization of the telepharmacy
40 communications system in accordance with subsection (b) and shall
41 perform such other duties as may be required by law.

42 (f) The university of Kansas school of pharmacy is hereby directed to
43 partner with local pharmacies to serve persons in underserved

1 communities of the state, through the use of telepharmacy.

2 Sec. 2. K.S.A. 2012 Supp. 75-4709 is hereby amended to read as
3 follows: 75-4709. (a) The secretary of administration shall provide for and
4 coordinate all telecommunications services for all divisions, departments
5 and agencies of the state pursuant to policies established by the
6 information technology executive council. The secretary of administration
7 shall have the authority to control the acquisition, retention and use of all
8 telecommunications services for all divisions, departments and agencies of
9 the state, and to develop and review plans and specifications for
10 telecommunications services throughout the state.

11 (b) The secretary of administration, when feasible, may enter into
12 agreements with any entity defined in this subsection extending to such
13 entity the use of state intercity telecommunications facilities and services
14 under the control of the secretary.

15 As used in this subsection, an "entity" means:

16 (1) Any governmental unit, including any state agency, taxing
17 subdivision of the state or municipality; ~~or~~

18 (2) any hospital or nonprofit corporation which the secretary
19 determines to be performing any state function on an ongoing basis
20 through agreement or otherwise, or any function which will assist a
21 governmental unit in attaining an objective or goal, bearing a valid
22 relationship to powers and functions of such unit; *or*

23 (3) *any pharmacy in an underserved area which the secretary*
24 *determines to be performing any function to attain the goal or objective of*
25 *servicing the public welfare of the state in such underserved area.*

26 (c) Every record made, maintained or kept by the secretary of
27 administration or the division of information systems and communications,
28 or any agency or instrumentality thereof, which relates to the acquisition,
29 retention or use of telecommunications services provided to any division,
30 department or agency of the state, state officer or governmental unit and
31 which pertains to individually identifiable individuals using such
32 telecommunication services shall constitute for purposes of the open
33 records act a record of the division, department or agency of the state, state
34 officer or governmental unit to which such records relate. The official
35 custodian of such records for the purposes of the open records act shall be
36 the official custodian of the records of such division, department or agency
37 of the state, state officer or governmental unit.

38 Sec. 3. K.S.A. 2012 Supp. 75-4709 is hereby repealed.

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