

MINUTES OF THE HOUSE GOVERNMENT EFFICIENCY AND TECHNOLOGY COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 3:45 P.M. on February 19, 2008, in Room 526-S of the Capitol.

All members were present except Representatives Kelley, McLeland, Tafanelli, Wilk, Holland, Mah, and Trimmer, all of whom were excused.

Committee staff present:

Mary Galligan, Kansas Legislative Research Department
Jennifer Thierer, Kansas Legislative Research Department
Rena Jefferies, Office of Revisor of Statutes
Gary Deeter, Committee Assistant

Conferees appearing before the committee:

Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy

Others attending:

See attached list.

The Chair welcomed Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy, who recounted the Board's experience of trying to shut down the Red Mesa Pharmacy in Wichita, an Internet pharmacy selling controlled substances without prescriptions (Attachment 1). She said the Board discovered that **K.S.A. 65-1627** allows the Board immediate emergency powers to shut down a "licensee," but not a "registrant." The pharmacy itself is a "registrant," requiring the Board to file for a formal hearing. She said that the Board obtained help from the DEA (Drug Enforcement Administration), which conducted a raid and was able to close the pharmacy.

Members queried Ms. Billingsley extensively regarding issues raised by the experience, to which she replied:

- Chain pharmacies must obtain a separate license for each store.
- There is no statutory authority that a physician-patient relationship must exist before a prescription is written.
- There are few statutory references to the Internet.
- The Board requires a Kansas license for any pharmacist writing a prescription for a Kansas resident, regardless of where the pharmacist lives.
- The DEA is opposed to electronic prescriptions for controlled substances, but Medicare is moving in that direction.
- The Board has no authority over insurance policies regarding prescriptions.
- The prescription-drug monitoring program will assist in tracking pharmacists and prescriptions when it is deployed in a year or two. The cost will be about \$350,000 and a bill addressing the issue is presently in the Kansas Senate.
- The Board can cross-reference information regarding pharmacists, but not physicians.
- A pharmacist who wants to be licensed in Kansas but has had his/her license revoked in another state must go back to his/her home state to regain a license.

CONTINUATION SHEET

MINUTES OF THE House Government Efficiency and Technology Committee at 3:45 P.M. on February 19, 2008, in Room 526-S of the Capitol.

A motion was made, seconded and passed to amend **HB 2207** with **Substitute for HB 2207** (Attachment 2).
(Motion, Representative Swenson; second, Representative Ruiz)

A motion was made, seconded and passed unanimously to recommend **Sub for HB 2207** as favorable for passage as amended. (Motion, Representative Loganbill; second, Representative Frownfelter)

The meeting was adjourned at 4:34 p.m. The next meeting is scheduled for Wednesday, February 20, 2008.