

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on March 7, 2005 in Room 231-N of the Capitol.

All members were present except:

Nick Jordan- excused

Susan Wagle- excused

Committee staff present:

Emalene Correll, Kansas Legislative Research Department

Terri Weber, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee:

Representative Annie Kuether

Ward Cook, American Cancer Society

Lynne Schlosser, Director of Government Relations, American Cancer Society

Kansas Trial Lawyers Association

Debra Billingsly, Kansas Board of Pharmacy

Stanley Langhofer, Kansas Dialysis Services

Brad Stuewe, M.D.

Others attending:

See attached list.

Hearing on HB 2077

HB 2077– Establishing a cancer drug repository program

Upon calling the meeting to order Chairperson Barnett announced there would be a hearing on **HB 2077**, an act concerning the state board of pharmacy, establishing a cancer drug repository program, but first called upon Emalene Correll, Legislative Research Department, to give a brief overview of the bill.

The Chair asked for questions and/or comments from the Committee. Senators V. Schmidt and Palmer asked questions ranging from whether the above bill is including Schedule 2,3,4,5 drugs, is “unit dosage” in statutes and is the liability on page 3 normal liability.

As there were no further questions for Ms. Correll, Chairperson Barnett called upon the first proponent conferee to testify. Representative Annie Kuether stated that after her husband passed way of cancer, her only choice was to dispose shelves filled with medication. She also stated there are 18 such programs in the nation at this time. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair thanked Representative Kuether for her testimony and asked the Committee for any questions and/or comments.

Senators Palmer and Haley asked questions ranging from what problems occurred on the House side last year when this bill was introduced, and were there any question from the House this year concerning this bill.

As there were no further questions for Representative Kuether the Chair called upon the second proponent conferee to testify. Ward Cook with the American Cancer Society presented written testimony from Lynn Schlosser, Director of Government Relations for the American Cancer Society. Her testimony included that the idea for this legislation first surfaced in Ohio. Her testimony also included that this bill is good politics, it is good for Kansas, and it will not only save the state dollars, but it will save lives. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on March 7, 2005 in Room 231-N of the Capitol.

As there were no questions for the American Cancer Society, Chairperson Barnett called the Committee's attention to the neutral written testimony submitted by the Kansas Trial Lawyers Association. A copy of their testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

As there were no further questions and/or comments the Chair closed the hearing on **HB 2077**.

Hearing on HB 2156

HB 2156– Pharmacy technicians, registration of

The next order of business was a hearing on **HB 2156**, an act concerning the state board of pharmacy; regarding registration of pharmacy technicians; amending K.S.A. 2004 Supp. 65-1663 and repealing the existing section. Chairperson Barnett first called upon Emalene Correll, Legislative Research Department, to give a brief overview of the bill.

As there were no questions and/or comments for Ms. Correll, the Chair called upon the first proponent conferee to testify. Debra Billingsley, Executive Director of the Kansas Board of Pharmacy, stated the Board has only issued pharmacy technician registrations for approximately four months and we have had at least six cases filed regarding diversion of drugs from the registrant's employer. The Attorney General advised the Board that we need language authorizing limitations, suspensions and revocations before we can take any such action. The Board would respectfully request that this additional authority be given to the Board of Pharmacy as it relates to pharmacy technicians. A copy of her testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

Chairperson Barnett asked the Committee for any questions and/or comments.

Senator V. Schmidt commented on the importance of getting this bill out of Committee as soon as possible.

Senator Palmer asks if criminal charges are brought in such cases.

Senator V. Schmidt motioned to amend the legislation that the effective date of the bill be changed from statute book to Kansas register and be passed favorably. Senator Palmer seconded motion. Motion Passed.

Hearing on HB 2225

HB 2225– Renal dialysis facility pharmacist consultant

The next order of business was a hearing on **HB 2225**, an act concerning pharmacists; relating to renal dialysis facility pharmacist consultants; amending K.S.A. 65-1661 and repealing the existing section. Chairperson Barnett first called upon Emalene Correll, Legislative Research Department, to give a brief overview of the bill.

As there were no questions and/or comments for Ms. Correll, the Chair called upon the first proponent conferee to testify. Debra Billingsley, Executive Director of the Kansas Board of Pharmacy, stated that the Board is asking that the provision mandating that the Board provide a pharmacist consultant, make arrangements, or assist the facility in locating a pharmacist consultant be deleted. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Ms. Billingsley, Chairperson Barnett called upon the first opponent conferee to testify. Stan Langhofer, Kansas Dialysis Services, stated that it is our studied opinion that the entire Article 16 regarding "Regulation of Pharmacists" should be replaced. The medication administered at the dialysis clinics are done so under the medical order of our nephrologists. Home dialysis patients (which account for 10% of all patients tend to be in rural areas with limited access

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on March 7, 2005 in Room 231-N of the Capitol.

to dialysis clinics) are taught to administer their medicines at home in a way similar to diabetics using insulin. The primary medicine administered is Epogen that helps patients make red blood cells and feel more energetic. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

The Chair asks the Committee for questions and/or comments.

Senator V. Schmidt asks how many states require such legislation. Emalene Correll asks if Pharmacy Board has received any complaints concerning renal dialysis. Senator Palmer asks how current legislation has impacted the Kansas Dialysis Services. Senator Journey asks what sections does Dr. Langhofer specifically want repealed.

As there were no further questions and/or comments Chairperson Barnett calls the Committee's attention to the written testimony submitted by Brad Stuewe, M.D.. A copy of his testimony is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

As there were no further questions and/or comments the Chair closed the hearing on **HB 2225**.

Adjournment

As there was no further business, the meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for Tuesday, March 8, 2005.