

## MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on March 13, 2000 in Room 423-S of the Capitol.

All members were present except:

Committee staff present:       Emalene Correll, Kansas Legislative Research Department  
   Dr. William Wolff, Kansas Legislative Research Department  
   Norman Furse, Revisor of Statute's Office  
   June Evans, Secretary

Conferees appearing before the committee:   Marlee Bertholf, KCCI  
   Bob Alderson, Kansas Pharmacists Association  
   Larry Froelich, Board of Pharmacy  
   Kevin Robertson, Kansas Dental Association  
   Ron Gaches, McGill & Associates  
   Dr. Kelly Douglass, Kansas Dental Board

Others attending:        See Attached Sheet

The Chairperson stated there would be hearings on two bills and possible final action on three bills; are going to hear **SB598 and 510** and possible amendment of **HB2990** on to **SB510** and try to get back and work **HB2814**. Since there is a lot of business to be accomplished would appreciate the testimony being paraphrased.

The Chairperson opened the hearing on **SB598 - Ratio of Pharmacists to Pharmacy Technicians.**

Staff gave a briefing on **SB598**, stating it amends statutes in the pharmacy act. The change currently of the ratio of pharmacy technicians may not exceed a 2 to 1 ratio. This would allow the Board of Pharmacy to establish by rules and regulations a ratio greater than 2 pharmacy technicians for each pharmacist. The bill would require the pharmacist in charge to provide the Board the name, date of birth, and address of each pharmacy technician employed by the pharmacy and requires the pharmacy to pay the Board a \$20. technician registering fee.

Marlee Bertholf, Kansas Chamber of Commerce and Industry, testified as a proponent for **SB598**, stating the proposal significantly changes the current law in two ways. First, it moves from the Kansas Legislature to the Kansas State Board of Pharmacy the ability to regulate the pharmacy/technician ratio. Second, this proposal codifies the registration process for pharmacy technicians. It gives the Board of Pharmacy the ability to develop rules and regulations to govern tech registration. The \$20 registration fee per pharmacy nullifies the fiscal note (See Attachment #1).

Bob Alderson, representing the Kansas Pharmacists Association, testified as a proponent for **SB598**, stating the bill does not alter the ratio of technicians to pharmacists. The bill does authorize the State Board of Pharmacy to increase the pharmacy technician/pharmacist ratio by duly adopted rules and regulations (See Attachment #2).

Larry Froelich, Executive Director, Kansas State Board of Pharmacy, testified as an opponent to **SB598** stating as originally written, the Board understood that all involved parties were supporting the individual registration of pharmacy technicians, and therefore spoke in support of the bill. The language was changed to provide a registry of technicians. This active regulation explains what the Board expects currently, in further detail than **SB598**. This regulation was discussed with pharmacy owners, who opposed the regulation, stating that the Board continues to place additional burdens on the Pharmacist-In-Charge, making it difficult to hire for these positions. The current language of the bill does nothing to alleviate that problem. The Pharmacist-In-Charge is still the responsible individual. With regards to the

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changing of the technician ratio from Statutes to Regulations, the Board members do not feel comfortable with this change unless pharmacy technicians are held accountable for their actions and restrictions are allowed to be placed on their place of work. The public needs to feel secure that pharmacy technicians involved in filling prescriptions are not addicted to drugs, as well as other issues, such as theft of drugs that are illicitly sold on the streets (See Attachment #3).

The Chairperson closed the hearing on **SB598**.

The Chairperson opened the hearing on **SB510 - Procedure for licensure under dental practices act.**

Dr. Kelly D. Douglass, President, Kansas Dental Board, testified in support of **SB510**, stating most of the changes proposed are simple housekeeping measures that were made by the Revisor's office to bring clarity and consistency to the dental statutes.

Dr. Douglass offered and balloon on Page 4, line 29, to strike (ii) and replace with: the student is under the supervision of a dentist or dental hygienist who is either licensed in the state of Kansas or who is eligible to be licensed in Kansas and has an application to be licensed in Kansas pending, serving as a faculty member of the program; (See Attachment #4).

Kevin Robertson, Executive Director, Kansas Dental Board, a proponent to **SB510** stated KDA supports the provision and proposed amendment as presented by the Kansas Dental Board. For the most part, **SB510** contains simple clean up and administrative amendments to the Dental Practice Act that are acceptable to the KDA and its members (See Attachment #5).

Joyce Volmut, Kansas Association of Medically Underserved, stated she and Kevin Robertson, Kansas Dental Association had conferred and compromised and supported this amendment (See Attachment #6).

Ron Gaches, McGill & Associates, a proponent to **SB510**, testified the changes would improve the administration of the licensing law and remove compliance issues for dental care providers and the Dental Board. Our concern, which has previously been submitted to the Dental Board, considered and rejected, is that the program is not consistent with American Dental Association Accreditation Standards referenced in KSA 65-1423 (8)(E)(ii) found on page 4, lines 3-17. With the amendment recommended by the Dental Board and Kansas Dental Association, Kansas Dental Hygienists Association agreed to accept **SB510** (See Attachment #7).

The Chairperson closed the hearing on **SB510**.

The Chairperson stated would move on to working **HB2814-Establishing the Senior Pharmacy Prescription Program.** Action was reconsidered at the rail to bring the bill back to the committee the same as it left the committee. Need to strip the amendments and work. Balloons were not printed; therefore, the bill will be worked later.

The Chairperson asked what the committee wished to do on **SB510**.

Representative Geringer moved and Representative Long seconded to move SB510 out favorably.

The Chairperson stated there was a recommendation that **HB2990**, along with the balloon, be amended into **SB510**.

Representative Geringer and Representative Long withdrew their motion and second.

Representative Geringer moved and Representative Bethell seconded to accept balloon on SB510 offered by the Kansas Dental Board. The motion carried.

Representative Morrison moved and Representative Henry seconded to add HB2990 into SB510. The motion carried.

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Representative Geringer moved and Representative Henry seconded to accept balloon on **HB2990** offered by The Kansas Dental Association and Joyce Volmut, Kansas Association of Medically Underserved. The motion carried.

The following Representatives wished to be recorded as voting NO: Representatives Landwehr and Lightner.

Representative Flaharty moved and Representative Swenson seconded a technical amendment to remove “certificate” where it appears. The motion carried.

Representative Geringer moved and Representative Lightner seconded to move **SB510** out as amended. The motion carried.

Representative Landwehr wished to be recorded as voting NO.

The Chairperson asked if the committee wished to work **SB598** and the committee did not wish to have any action on the bill.

The meeting adjourned at 2:45p.m. The next meeting will be March 14.