

UPDATED
SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2082

As Amended by House Committee on Health
and Human Services

Brief*

HB 2082, as amended, would amend the Pharmacy Act of the State of Kansas by permitting a licensed pharmacist to administer a drug by injection that, in the judgment of the prescriber, could safely be self-administered by a patient, to a patient pursuant to a prescription order, unless the prescription order includes the words “not to be administered by a pharmacist,” or words of like effect. The bill would define “medication order” to mean an order by a prescriber for a registered patient of a Kansas licensed medical care facility.

Additionally, nothing in the provisions of the bill would replace, repeal, or supersede requirements prescribed in KSA 65-4a10, which states, among other things, no abortion shall be performed or induced by any person other than a physician licensed to practice medicine in Kansas.

Background

The bill was introduced in the House Committee on Health and Human Services at the request of Representative Arnberger, on behalf of the Kansas Pharmacists Association.

In the House Committee hearing, proponent testimony was provided by a representative of the Kansas Pharmacists Association and the Kansas Association of Chain Drug Stores; representatives of Genoa Healthcare, Graves Drug,

*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>

the State Board of Pharmacy (Board), the University of Kansas Health System, and the University of Kansas School of Pharmacy; and a private citizen.

Proponent written-only testimony was provided by representatives of Balls Food Stores; Currus, Inc.; the Kansas Council of Health-System Pharmacy; Kansas Pharmacists Association, including letters of support from the medical community; the National Association of Chain Drug Stores; the University of Kansas School of Pharmacy; and a private citizen pharmacist.

The proponents generally stated pharmacists are trained and experienced in drug administration techniques and practices, pharmacist medication administration is allowed in 40 states, and allowing pharmacists to administer medication is the right thing to do for patients.

A representative of Kansans For Life provided neutral testimony requesting an amendment that would state nothing in the bill would repeal, replace, or supersede the abortion pill protocol requirements in KSA 65-4a10.

Opponent testimony was provided by a representative of the Kansas Medical Society. Written-only opponent testimony was provided by representatives of the the Kansas Academy of Family Physicians and the Kansas Association of Osteopathic Medicine.

The opponents generally stated the bill would expand pharmacists' scope of practice and providers ought to discuss the clinical implications of broadening this scope to ensure patient standard of care is protected.

The House Committee on Health and Human Services amended the bill to specify a pharmacist may administer a drug by injection that, in the judgment of the prescriber, may safely be self-administered by a patient. The House Committee also amended the bill to include language stating nothing in the provisions of the bill would replace, repeal, or

supersede requirements prescribed in KSA 65-4a10, which states, among other things, no abortion shall be performed or induced by any person other than a physician licensed to practice medicine in Kansas.

The House Committee recommended the bill favorably for passage, as amended, on February 25, 2019, but the bill was withdrawn from the House Calendar and referred to the House Committee on Appropriations on February 28, 2019. The bill was then withdrawn from the House Committee on Appropriations and rereferred to the House Committee on Health and Human Services on March 6, 2019. The House Committee again recommended the bill favorably for passage, as amended, on March 13, 2019.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Board indicates expenditures would increase due to additional staff hours and resources for inspections and investigations to ensure compliance with state law. The Board estimates the cost of a licensed pharmacy inspector would be approximately \$11,600 per year. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.