

KANSAS OFFICE of
REVISOR of STATUTES

LEGISLATURE of THE STATE of KANSAS
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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Social Services Budget
From: Office of Revisor of Statutes
Date: Wednesday, March 9, 2022
Re: House Bill No. 2253

HB 2253 would amend provisions of the prescription monitoring program act ("act").

Definitions

Section 1 of HB 2253 would add definitions for the following terms to the act: Audit trail information, delegate, pharmacy, and program.

Prescription Monitoring Program Data

Section 2 of HB 2253 would add the diagnosis code to the information that may be required to be submitted to the prescription monitoring program. The bill would also eliminate the state board of pharmacy's authority to issue a waiver to a dispenser to allow submission of data by paper or other non-electronic means and allow the state board of pharmacy to enable features and include additional information in the database, including death information, dispensation of emergency opioid antagonists, and overdose events.

Section 5 of the bill would eliminate the current provision of law requiring prescription monitoring program data to be destroyed after a five-year retention period. The bill would prohibit program data from being stored outside of the program database except for temporary storage for delivery to electronic health records or pharmacy management systems, retention of records related to a criminal or administrative investigation or proceeding, data shared with other Kansas regulatory agencies, and retention of information by the state board of pharmacy to administer the program and the uniform controlled substances act.

Fees

Section 3 of HB 2253 would authorize the state board of pharmacy to adopt rules and regulations to establish and charge an initial setup fee and an annual maintenance fee for the integration of

program data in any electronic health record or pharmacy management system. Revenue from such fees would be credited to the board of pharmacy fee fund.

Persons Who May Receive Program Data

Section 4 of HB 2253 would add the following persons to the list of persons who may request and receive data from the prescription monitoring program:

1. Persons operating an impaired provider program pursuant to law.
2. Practitioners or pharmacists conducting research approved by an institutional review board with patient consent.
3. An overdose fatality review board established by the state of Kansas.

The bill would require the state board of healing arts, board of nursing, Kansas dental board and board of examiners in optometry to notify the state board of pharmacy within 30 calendar days of any licensure action that would disqualify a practitioner from receiving prescription monitoring program data. Additionally, a practitioner or pharmacist must notify the state board of pharmacy within 30 calendar days of any action that would disqualify a delegate from receiving such data.

Disclosure of Information Indicating Misuse or Abuse of Scheduled Substances

If program information indicates that an individual may be obtaining prescriptions in a manner that represents misuse or abuse, current law authorizes the prescription monitoring program advisory committee to notify the individual's prescribers and dispensers. Section 4 of HB 2253 would authorize the committee to notify the Kansas Department for Aging and Disability Services, disability and behavioral health services section for the purpose of offering confidential treatment services to an individual whose data does not identify a recent prescriber as a point of contact for potential intervention.

Prescription Monitoring Program Advisory Committee

Section 6 of HB 2253 would add one member, for a total of 10 members, to the prescription monitoring program advisory committee who is a licensed advanced practice provider nominated by either the board of nursing or the state board of healing arts.