

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:30 p.m. on February 11, 2004, in Room 526-S of the Capitol.

All members were present except:

Representative Jim Morrison- excused
Representative Judy Showalter- excused
Representative Tom Holland- excused

Committee staff present:

Dr. William Wolff, Legislative Research Department
Rena Jefferies, Office of Revisor of Statutes
Gary Deeter, Secretary

Conferees appearing before the committee:

Representative Tom Sloan
Representative Annie Kuether
Gwendolyn Cargnel, Director of Government Relations, American Cancer Society
Ron Hein, Kansas Pharmacy Coalition
Debra Billingsley, Executive Director, Kansas Board of Pharmacy
Peter Obetz, Vice President of Legislation, Kansas Trial Lawyers Association

Others attending:

See Attached List.

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attendance Morrison, Holland, Showalter, mcLeland

The committee minutes for Monday and Tuesday, February 9 and 10, were approved as printed.

Hearing on:

HB 2538 - creating an drug repository through the State Pharmacy Board
Chairing the hearing: Representatives Don Hill and Eber Phelps

Representative Tom Sloan, as sponsor of the bill, spoke in support of the bill. ([Attachment 1](#))
He said the voluntary program is patterned after other state laws that provides an avenue

Representative Annie Kuether spoke as a proponent, telling the story that after her husband's death, she

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had medication that could have helped someone else, but instead went into a landfill. ([Attachment 2](#))

Gwendolyn Cargnel, Director of Government Relations, American Cancer Society, testified as a proponent, saying that ([Attachment 3](#))

Answering a question, she replied that Ohio has fully implemented the concept of the bill, and other states such as Nebraska is beginning to implement the program.

Scott—model legislation from the Ohio bill. Nancy - conflict with federal statutes? None in any of the other states.

Don - comment—none from Sloan or Kuether would qualify for this program. True? Unopened, in bubble-wrap, less than 6 months from expiration date. Liability minimized through bill's provisions.

Willa - in bubble pack and from individuals? How many? Propose donate meds r/t send them back? Option to donate.

Brenda - fiscal note? No. Who liable if adverse reaction? Perhaps have recipient sign release. Brenda—may not be adequate

Mario people who receive medication, sign disclosure statement.

Peggy - 6-month expiration date, would have negative effect? 6-month window. Not know.

Mario - diminished efficacy, open to risk? Yes. Benefits outweigh the risk.

Roger—uneasy about legislation except in unusual circumstances.

Gwen—that is who these medications are for.

Ron Hein, Kansas Pharmacy Coalition, ad hoc coalition comprised of the Kansas Pharmacists Association and the Kansas Federation of Chain Pharmacies. ([Attachment 4](#)) He said that two issues are of concern, the first being public safety. He said the bill removes the chain-of-custody control that insures safe products and thus exposes pharmacists to unnecessary liability. He stated that if the program is implemented, many pharmacies will choose not to participate because, although the pharmacist is given immunity from liability, it will not protect him or her from a lawsuit.

Stephanie—hospitals have comment? No position

Nancy - important idea, concerned about impact. Want to see something worked out.

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Debra Billingsley, Executive Director, Kansas Board of Pharmacy, stated that the board members have reviewed the bill. ([Attachment 5](#)) She said the federal law regarding controlled substances will place limitations on Only certain kinds of drugs would be allowed because they are more likely to be tamper-proof. She said most pharmacists would not participate because most drugs they dispense do not meet the stipulations of packaging required by the bill. She said there is also a state law She noted that state law also allows families to return drugs to the pharmacy.

Duplicates efforts presently done by drug companies, such as the Marian Clinic in Topeka. Federal government 340B Regarding the fiscal impact, there are no funds from the Pharmacy Board to implement the program. Include ID cards, inspection program, develop legal form of immunity. Bill would not allow the Pharmacy Board to discipline a pharmacist even for incompetence or negligence, only for bad-faith intentional act.

Scott-counterfeit? Could use bill? Possibly. Nothing prevent patient from getting drugs from overseas and then donate.

Peter Obetz, Vice President of Legislation, Kansas Trial Lawyers Association ([Attachment 6](#))
In favor of purpose, but concerned about the wording.

1. Wording –less than 6 months... Way worded could donate after
2. definition of bad faith in Kansas, only refers to insurance. Suggest other language.
3. Concerned with blanket immunity to a manufacturer simply by donating medicines.

Don - other pharmacy groups willing to be respository?

Closed hearing on **HB 2538**

Staff Briefing on:

[HB 2634](#) - testing for West Nile virus in humans

Requires KDHE to run a West Nile test on a person whenever a person requests such a test. A mandate laboratory services and report back results of these tests.

[HB 2716](#) - changes the requirements for care home administrators

Title is inaccurate, first part not applicable.

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Adding a definition for preceptor, qualifications, must hold current license as adult care home administrator, at least 3 years of experience, completed course of training.

Practicum –not clear what all means

Section 2 -duty of Board to adult care home administrators to impose and enforce standards

p 3 line 14 fee not exceed 400, presently 200

2:22 p.m. adjourned

Possible action on bills previously heard

Reminder to Committee that tomorrow Theresa Nuckolls, the Assistant Attorney General, will provide a briefing on the Open Meetings Act. The basis for her testimony is in the Liberty folder under 2-12-04.

Other items: