

HOUSE BILL No. 2827

By Committee on Health and Human Services

2-6

9 AN ACT concerning pharmacists and pharmacy; relating to home health
10 agencies maintaining an emergency medication kit; amending K.S.A.
11 65-1648 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 65-1648 is hereby amended to read as follows: 65-
15 1648. (a) Any medical care facility pharmacy registered by the board may
16 keep drugs in such facility and may supply drugs to its inpatients and
17 outpatients. Distribution and control of prescription medications in a
18 medical care facility pharmacy shall be under the supervision of a phar-
19 macist in charge. A designated registered nurse or nurses or a licensed
20 physician assistant approved by the pharmacist in charge and under the
21 supervision of the pharmacist in charge shall be in charge of the distri-
22 bution and control of drugs of a medical care facility pharmacy when a
23 pharmacist is not on the premises. Drugs supplied to outpatients when a
24 pharmacist is not on the premises shall be limited to the quantity nec-
25 essary until a prescription can be filled.

26 (b) Nothing contained in this act shall be construed as prohibiting an
27 adult care home *or home health agency* which utilizes the services of a
28 pharmacist, from maintaining an emergency medication kit approved by
29 the adult care home's *or home health agency's* medical staff composed of
30 a duly licensed practitioner and a pharmacist. The emergency medication
31 kit shall be used only in emergency cases under the supervision and di-
32 rection of a duly licensed practitioner, and a pharmacist shall have su-
33 pervisory responsibility of maintaining said emergency medication kit.

34 (c) Every adult care home *or home health agency* which maintains an
35 emergency medication kit under subsection (b) shall comply with the
36 following requirements:

37 (1) Drugs in an emergency medication kit shall be maintained under
38 the control of the pharmacist in charge of the pharmacy from which the
39 kit came until administered to the patient upon the proper order of a
40 practitioner.

41 (2) Drugs contained within the emergency medication kit may in-
42 clude controlled substances, but in such case a pharmaceutical services
43 committee shall be responsible for specifically limiting the type and quan-

1 tity of controlled substance to be placed in each emergency kit.

2 (3) Administration of controlled substances contained within the
3 emergency medication kit shall be in compliance with the provisions of
4 the uniform controlled substances act.

5 (4) The consultant pharmacist of the adult care home *or home health*
6 *agency* shall be responsible for developing procedures, proper control
7 and accountability for the emergency medication kit and shall maintain
8 complete and accurate records of the controlled substances, if any, placed
9 in the emergency kit. Periodic physical inventory of the kit shall be
10 required.

11 (5) *The home health agency emergency medication kit must remain*
12 *in the possession of the health care provider at all times.*

13 (d) (1) The state department of health and environment, any county,
14 city-county or multicounty health department, indigent health care clinic,
15 federally qualified health center and any private not-for-profit family
16 planning clinic, when registered by the board, may keep drugs for the
17 purpose of distributing drugs to patients being treated by that health
18 department, indigent health care clinic, federally qualified health center
19 or family planning clinic. Distribution and control of prescription medi-
20 cations in a health department, indigent health care clinic, federally qual-
21 ified health center or family planning clinic shall be under the supervision
22 of a pharmacist in charge. A designated registered nurse or nurses or a
23 licensed physician assistant approved by the pharmacist in charge shall
24 be in charge of distribution and control of drugs in the health department,
25 indigent health care clinic, federally qualified health center or family plan-
26 ning clinic under the supervision of the pharmacist in charge when a
27 pharmacist is not on the premises. Drugs supplied to patients when a
28 pharmacist is not on the premises shall be limited to the quantity nec-
29 essary to complete a course of treatment as ordered by the practitioner
30 supervising such treatment.

31 (2) The board shall adopt rules and regulations relating to specific
32 drugs to be used, to recordkeeping and to storage of drugs by a health
33 department, indigent health care clinic, federally qualified health center
34 or family planning clinic as are necessary for proper control of drugs.

35 Sec. 2. K.S.A. 65-1648 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.