

Approved _____
Date 2/27/90

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:35 ~~a.m.~~ p.m. on February 20, 1990 in room 531-N of the Capitol.

All members were present except: Senator Francisco - Excused
Senator Gaines - Absent

Committee staff present: Julian Efird - Research
Fred Carman - Revisor

Conferees appearing before the committee: Tom Hitchcock, Board of Pharmacy
Gary Robbins, Exec. Dir. Kansas Optometric Association
Bob Williams, Kansas Pharmacists Asso.
Carl Schmitthener, Exec. Dir. Kansas Dental Association

Hearings on:

SB 655 - Concerning Kansas Sunset Law; Board of Pharmacy

Tom Hitchcock gave a description of the Board of Pharmacy including membership and duties and responsibilities. Mr. Hitchcock feels the Board is an imperative part of the process for protection of the public as far as their health & welfare is concerned. The Board enforces the Controlled Substance Act and the Pharmacy Act. A total of 6,242 licensees are regulated and controlled by the Board. During the past year 301 pharmacy inspections have been conducted by the agency and only 13 are on probation. (Attachment 1)

Mr. Hitchcock stated the Board feels there is more aggressive continuity with the hiring of a private attorney. The impact of drug legislation has been directed more to the criminal aspect and not the legal distribution of prescription drugs. More communication is needed between the pharmaceutical and medical communities to help prevent illegal transaction.

Bob Williams stated he feels his Board is well reviewed with the documentation and justification given for revenue purposes each year. Concern for going under the sunset provision was expressed as additional time and money would have to be spent accomplishing what he believes is done each year at the present time.

SB 601 - Concerning Kansas Sunset Law; Dental Board

There were no members of the Kansas Dental Board present, but Carl Schmitthener stated his impression is that the sunset law has not worked out the way he envisioned it. He appeared as an opponent as he does not want to go through the examination in this manner. He expressed that the budget for the Board is used primarily to prosecute dentists suspected to be guilty of misconduct. Continuing education requirements for dentists are reviewed regularly. The makeup of the Board was discussed with the Committee.

SB 589 - Concerning the sunset law; Optometry Board of Examiners

There were no members of the Board present, but Gary Robbins testified the Board requests this committee rethink the sunset approach due to the time and expense involved in the process. Few Boards are ever abolished. It is felt that adequate safeguards exist in the current system and accomplish the goal of SB 589. He feels the Board undergoes scrutiny each year by the

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,

room 531-N, Statehouse, at 1:35 ~~XX~~^{XX} p.m. on February 20, 1990

Joint Committee on Rules & Regulations and Legislative Post Audit. Mr. Robbins requested the committee to reject this proposed legislation.
(Attachment 2)

A motion was made by Senator Bogina to recommend favorably SB 589, 601 and 655 favorably; seconded by Senator Strick. Motion failed.

Chairman Oleen directed the committee's attention to **SB 427** for discussion of the proposed advisory committee. Suggestions for the duties and responsibilities of the Advisory Committee were offered by Chairman Oleen.
(Attachment 3)

Discussion was held and it was suggested specific duties for the Advisory Committee should be defined and not infringe upon responsibilities now in place with the Department of Commerce.

A motion was made by Senator Moran to recommend SB 589, 601 and 655 unfavorably; seconded by Senator Doyen. Motion carried.

Meeting adjourned. The next meeting will be February 26, 1990.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE 2-20-90

NAME	COMPANY / ORGANIZATION	ADDRESS
Tom Hitchcock	Bd of Pharmacy	Topeka
Carl Schmittheuer	Kansas Dental Assn	Topeka
GARY Robbins	Kansas Optometric Assn	Topeka
JANE L. Bo Cates	Ks Board of Optometry	Topeka
Bob Williams	Ks Pharmacists Assn	Topeka

NARRATIVE INFORMATION—DA 400

DIVISION OF THE BUDGET

DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

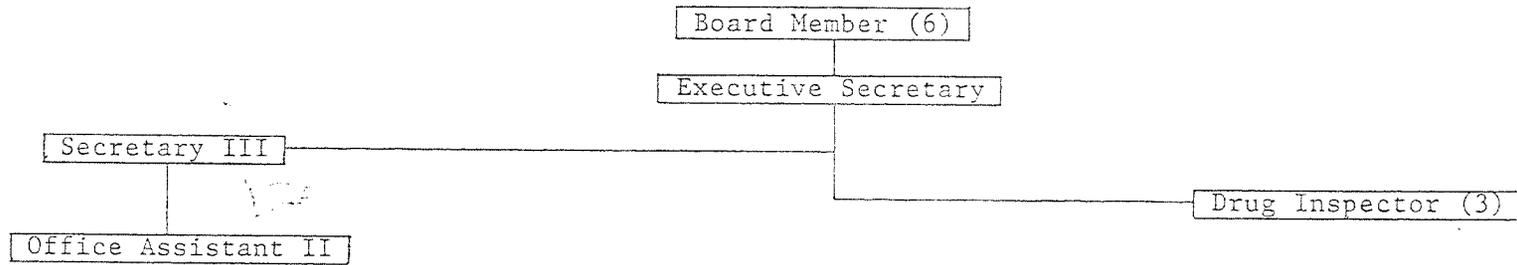
AGENCY NAME Kansas State Board of P
AGENCY—SUBAGENCY CODES 53100 F
PROGRAM TITLE AND CODE Administrat
SUBPROGRAM TITLE AND CODE _____

DOB

KANSAS STATE BOARD OF PHARMACY

ORGANIZATIONAL CHART

FISCAL YEAR 1991



S.G.O.
ATTACH 1
2-20-90

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2/20

S.G.O.
ATTACH 1
2-20-90

NARRATIVE INFORMATION—DA 400R
DIVISION OF THE BUDGET
DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Kansas State Board of
AGENCY—SUBAGENCY CODES 53100 F
PROGRAM TITLE AND CODE Administratio
SUBPROGRAM TITLE AND CODE _____

PROGRAM TITLE: Pharmacy Administration

DOB

PROGRAM EXPLANATION: The Board of Pharmacy administers and enforces the provision of the Pharmacy Act and Controlled Substances Act of the State of Kansas to the end that the manufacture and distribution of prescription and nonprescription drugs, including controlled substances and poisons, the analysis and research involving controlled substances, and the compounding and dispensing of prescriptions may be properly regulated and supervised in the interest of the public health and welfare.

STATUTORY HISTORY: The Board of Pharmacy, originally created under the General Laws of Kansas, Chapter 150 in 1885, was recreated under the authority of Section 74-1601 of the General Statutes of 1949 and revised in Chapter 342, Section 1 of the Pharmacy Act of 1967 and again in Chapter 319 of the 1975 Session Laws of Kansas. The Board was created to regulate the practice of pharmacy in order to protect the public.

In 1972, when the Controlled Substances Act of the State of Kansas was passed, the Board of Pharmacy was charged with the responsibility of administering the Act (K.S.A. 65-4102). As the problem of drug abuse became more apparent, additional restrictions were implemented in the handling of certain drugs. Pursuant to the Controlled Substances Act, these drugs are identified as controlled substances.

PROPOSED BUDGET YEAR OPERATION: Proposed operations for FY 1991 include five 3-day Board meetings, two of which will also be for the purpose of examining applicants for licensure. Formal hearings, informal hearings, and other Board business will be conducted at these meetings.

Three Drug Inspectors will cover the state performing inspections, audits, and responding to consumer and other complaints, correlating their activities with other agencies to insure the protection of the public health and welfare.

The Board office will coordinate all meetings and activities while responding to daily requests and complaints. The Board office will also process all internship and continuing education requests, applications, renewals of licenses and permits, and scheduling meetings and examinations.

Out of state travel for FY 1991 consists of the National Association of Boards of Pharmacy 6th District Annual Meeting to be held in Dallas, TX; the National Association of Boards of Pharmacy Annual Meeting to be held in Indianapolis, IN; the Executive Officers' Conference to be held in San Francisco, CA; and the American Pharmacists Association Annual Meeting to be held in New Orleans, LA. The attendance to such meetings will enable the Board to maintain awareness on policy issues.

The Board will assist in the funding of the Impaired Practice Program coordinated through the Kansas Pharmacists Association. The program is aimed at rehabilitation of pharmacist who have a chemical impairment.

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NARRATIVE INFORMATION—DA 400R

DIVISION OF THE BUDGET

DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Kansas State Board of Pharmacy
AGENCY—SUBAGENCY CODES 53100
PROGRAM TITLE AND CODE Administration
SUBPROGRAM TITLE AND CODE _____

PROGRAM PURPOSE: The purpose of the Board of Pharmacy administration program is to protect the public health and welfare. This is accomplished through:

- 1) Assurance of proper compounding and dispensing of prescriptions and maintenance of quality, professional standards.
- 2) Assurance of quality control manufacturing standards and proper distribution of prescription and nonprescription drugs, including controlled substances and poisons.
- 3) Assurance of maintenance of quality control analysis and research as these activities relate to controlled substances.
- 4) Assurance of initial competency and the maintenance of competency of pharmacists throughout the practice.
- 5) Prevention of drug diversion through fraud, robbery, or burglary.

PERFORMANCE INDICATORS: In its goal to protect the public health and welfare through proper examination, strict regulations, and regular inspections, the Board makes annual contact with approximately 2,800 pharmacists, 800 pharmacies, 2,200 retail dealers (sellers of nonprescriptions drugs), 140 wholesale distributors, 10 manufacturers, 20 ambulances, 20 analytical laboratories, 25 research or teaching institutions, 10 institutional drug rooms, and 70 county health departments/not-for-profit family planning clinics which dispense medications.

The Board, through the office of the Executive Secretary, will attempt to review and inspect every licensee and registrant during FY 1991.

PERFORMANCE COMPARISONS: For FY 91, Budget Level C reflects the amount needed for the Board of Pharmacy to maintain operations, with no new initiatives or programs. Budget Level A and B funding was determined from the estimates of Level C and adjusted to reflect the allocations from the Division of the Budget.

Budget Level B: The Board usually has 2 people attend the National Association of Boards of Pharmacy 6th District Meeting and Annual Meeting, the Executive Secretary and 1 Board Member. Under Budget Level B, these out-of-state meetings have been budgeted for 1 person to attend, with a reduction of \$1,115. By having 2 people attend these meetings, the Board is able to obtain a more varied perception of current policy issues.

The Board sends second renewal notices to licensees/registrants in mid July. This serves as a reminder of the renewal deadline in order to avoid paying a late penalty. Under Budget Level B, the cost of such a mailing has been eliminated. Without this second notice, licensees/registrants will receive only one renewal notice.

The Board typically budgets for advertising of vacant professional positions. These positions require an individual who is a pharmacist. Thus, the Board must advertise for these positions in trade journals and statewide newspapers. Under Budget Level B, the budgeted cost of \$500 is eliminated. If such a vacancy occurs, the Board's recruitment would be extremely limited.

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DIVISION OF THE BUDGET

DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Kansas State Board of P
AGENCY—SUBAGENCY CODES 53100 F
PROGRAM TITLE AND CODE Administra
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PERFORMANCE COMPARISONS (Continued)

DOB

The Board contracts with an attorney to represent the Board in all legal matters and to advise the Board. Under Budget Level B, the cost of \$25,000 has been eliminated. If the Board does not maintain a contracted attorney, the Attorney General's office would be the only other source of legal advice and representation. However, it is believed that if such would occur, the Attorney General's office would not be able to adequately represent the Board due to their time and budget restraints. If the Board had no legal representation, the Board would be unable to enforce the laws under its jurisdiction.

The Board contracts with the Kansas Pharmacy Foundation to fund the impaired practice program, which is designed to rehabilitate chemically impaired pharmacists. FY90 is the second year of funding for this program. Under Budget Level B, this funding is reduced by \$7,298. It is anticipated that the cost of this program will increase annually due to more individuals becoming aware of the program. If funding is reduced for this program, the effect would be stopping the program in mid-year or not being financially able to allow every pharmacist in the program who had an impairment. The Board currently has issued 2 probation orders, requiring the pharmacists to remain in the program for 5 years.

Budget Level A: The funding in Budget Level A reflects all decreases in Budget Level B as well as the following.

During the months of June and July, the Board office experiences the busiest time of the year. During this time period, a Board meeting is held, the examination for licensure is administered, and 10 types of licenses/registrations are renewed. Due to this, a temporary clerical position is utilized. In Budget Level A, this position is eliminated, with a reduction of \$2,859. The effect of eliminating this position would delay considerably the processing of all applications and any other day-to-day activities.

The Board, in conjunction with the National Association of Boards of Pharmacy, publishes a quarterly newsletter to be mailed to all pharmacists and other interested parties. The newsletter is used to promote voluntary compliance. Under Budget Level A, the printing and mailing of this newsletter is eliminated, for a reduction of \$1,344 for the printing and \$1,592 for the postage. By eliminating the newsletter, policy decisions, new laws and regulations, and other pertinent information regarding the profession will be withheld from pharmacists unless a specific request is made for such information.

The Board gives plaques to Board Members once they are replaced on the Board. The plaques serve as a commemoration of their service and dedication to the Board. Under Budget Level A, the cost of \$100 has been eliminated.

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PERFORMANCE COMPARISONS (Continued)

When the Board holds formal hearings, a court reporter is required to be utilized in order to produce a transcript to be used in the event of an appeal. Under Budget Level A, the cost of the reporter has been eliminated by \$600. In not having a reporter, the Board would be unable to hold any formal hearings.

As described earlier, 4 national meetings are attended by at least 1 person. Budget Level B restricted the attendance of all of these meetings to 1 person. Under Budget Level A, all out of state travel has been eliminated, in the amount of \$2,718. By not attending any of these meetings, the Board will be unable to keep current on national trends and policies.

There are 3 Drug Inspectors who travel the state to perform inspections and conduct investigations. The travel is completed in state vehicles. Under Budget Level A, the motor pool expense is reduced by \$3,542. In doing so, the Inspectors' travel will be restricted.

The Board currently maintains hardware computer service agreements for a shared computer system. Under Budget Level A, the funding for the agreements in the amount of \$2,640 is eliminated. The effects of not maintaining these agreements could be minimal or devastating. If there are no problems with the equipment, the Board would not be affected. If the hardware has problems, the Board may be faced with requesting additional funding or eliminating the entire system and returning to a manual office.

The Board purchases stationery and office supplies from the Division of Printing, the Department of Revenue Stockroom, and other sources as needed. Under Budget Level A, these expenses have been reduced by \$350. This would require certain restraints on utilization of supplies. Stationery would no longer be ordered through the Division of Printing using some gold lettering, but photocopies may be made of an original.

Kansas Optometric Association

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913-232-0225

TESTIMONY ON
SENATE BILL 589
BEFORE THE SENATE
GOVERNMENTAL ORGANIZATION COMMITTEE

February 20, 1990

I appreciate the opportunity to appear before the Senate Governmental Organization Committee to discuss Senate Bill 589. I am Gary Robbins, Executive Director of the Kansas Optometric Association. I represent over 90% of the optometrists practicing in Kansas. I am appearing to express our concerns about Senate Bill 589. The State Board of Examiners in Optometry serves a vital function in testing and regulating optometrists in the state of Kansas. The Board also handles inquiries and complaints from the public regarding optometrists. The Board is also in the process of developing an Impaired Provider Program similar to many of the other health licensing boards. We believe that the functions of the Board are vital to the state of Kansas and should be continued.

If the intent of this committee is to apply sunset provisions to all health licensing boards, we would respectfully request the committee to rethink this approach due to the time and expense involved in the sunset process. In the 1970s, sunset provisions were inserted into many licensing laws including the optometry law. In the early 1980s, the sunset

provisions were deleted from many boards including the State Board of Examiners in Optometry. The reasons for deleting the sunset provisions varied. However, the consensus was that many boards had important functions and few were actually abolished. The other important factor was that the time and expense of this process was not justified.

Our concern is that adequate safeguards exist in the current system which accomplish the same goal as Senate Bill 589. For example, licensing fee boards, such as the State Board of Examiners in Optometry, are subject to intense scrutiny by the Legislature in the appropriations process every year. Secondly, the Joint Committee on Rules and Regulations reviews all new rules and regulations and periodically reviews statutes. The Optometry Law has been updated through this process during the last several years. After review by the Joint Committee on Rules and Regulations, further updates in the optometry law are pending this session. Thirdly, this committee always has the option of introducing a bill at any time if a problem arises which needs to be addressed. Fourthly, the Legislative Post Audit Committee is an additional tool which is already available.

We would ask the committee to reject Senate Bill 589 on the basis that the current system already provides adequate safeguards.

SB 427

promote information gathering for housing needs within the state

serve as a clearing house ^{and point} ~~of~~ of contact for housing grant offerings

assist in the development of a state plan for housing for the state of Kansas, to be presented to the 1991 Legislature

address the special populations in need of housing availability and affordability

S.G.O.

Attach 3

2/20/90