

Senate Substitute for HOUSE BILL No. 2146

By Committee on Public Health and Welfare

3-20

1 AN ACT concerning the board of pharmacy; relating to pharmacists,
2 pharmacy technicians and pharmacist interns; amending K.S.A. 65-
3 1626a, 65-1632 and 65-1644 and K.S.A. 2013 Supp. 65-1637b, 65-
4 1643, 65-1645 and 65-1663 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-1626a is hereby amended to read as follows: 65-
8 1626a. (a) For the purpose of the pharmacy act of the state of Kansas, the
9 following persons shall be deemed to be engaged in the practice of
10 pharmacy:

11 (1) Persons who publicly profess to be a pharmacist, or publicly
12 profess to assume the duties incident to being a pharmacist and their
13 knowledge of drugs or drug actions, or both; *and*

14 (2) persons who attach to their name any words or abbreviation
15 indicating that they are a pharmacist licensed to practice pharmacy in
16 Kansas.

17 (b) (1) "Practice of pharmacy" means the interpretation and
18 evaluation of prescription orders; the compounding, dispensing and
19 labeling of drugs and devices pursuant to prescription orders; the
20 administering of vaccine pursuant to a vaccination protocol; the
21 participation in drug selection according to state law and participation in
22 drug utilization reviews; the proper and safe storage of prescription drugs
23 and prescription devices and the maintenance of proper records thereof in
24 accordance with law; consultation with patients and other health care
25 practitioners about the safe and effective use of prescription drugs and
26 prescription devices; *performance of collaborative drug therapy*
27 *management pursuant to a written collaborative practice agreement with*
28 *one or more physicians who have an established physician-patient*
29 *relationship*; and participation in the offering or performing of those acts,
30 services, operations or transactions necessary in the conduct, operation,
31 management and control of a pharmacy. Nothing in this ~~subsection~~ *section*
32 shall be construed to add any additional requirements for registration or for
33 a permit under the pharmacy act of the state of Kansas or for approval
34 under subsection (g) of K.S.A. 65-1643, and amendments thereto, or to
35 prevent persons other than pharmacists from engaging in drug utilization
36 review, or to require persons lawfully in possession of prescription drugs

1 or prescription devices to meet any storage or record keeping requirements
2 except such storage and record keeping requirements as may be otherwise
3 provided by law or to affect any person consulting with a health care
4 practitioner about the safe and effective use of prescription drugs or
5 prescription devices.

6 (2) *"Collaborative drug therapy management" means a practice of*
7 *pharmacy where a pharmacist performs certain pharmaceutical-related*
8 *patient care functions for a specific patient which have been delegated to*
9 *the pharmacist by a physician through a collaborative practice agreement.*
10 *A physician who enters into a collaborative practice agreement is*
11 *responsible for the care of the patient following initial diagnosis and*
12 *assessment and for the direction and supervision of the pharmacist*
13 *throughout the collaborative drug therapy management process. Nothing*
14 *in this subsection shall be construed to permit a pharmacist to alter a*
15 *physician's orders or directions, diagnose or treat any disease,*
16 *independently prescribe drugs or independently practice medicine and*
17 *surgery.*

18 (3) *"Collaborative practice agreement" means a written agreement*
19 *or protocol between one or more pharmacists and one or more physicians*
20 *that provides for collaborative drug therapy management. Such*
21 *collaborative practice agreement shall contain certain specified*
22 *conditions or limitations pursuant to the collaborating physician's order,*
23 *standing order, delegation or protocol. A collaborative practice agreement*
24 *shall be: (A) Consistent with the normal and customary specialty,*
25 *competence and lawful practice of the physician; and (B) appropriate to*
26 *the pharmacist's training and experience.*

27 (4) *"Physician" means a person licensed to practice medicine and*
28 *surgery in this state.*

29 Sec. 2. K.S.A. 2013 Supp. 65-1637b is hereby amended to read as
30 follows: 65-1637b. (a) The pharmacist shall exercise professional
31 judgment regarding the accuracy, validity and authenticity of any
32 prescription order consistent with federal and state laws and rules and
33 regulations. A pharmacist shall not dispense a prescription drug if the
34 pharmacist, in the exercise of professional judgment, determines that the
35 prescription is not a valid prescription order.

36 (b) The prescriber may authorize an agent to transmit to the pharmacy
37 a prescription order orally, by facsimile transmission or by electronic
38 transmission provided that the first and last names of the transmitting
39 agent are included in the order.

40 (c) (1) A new written or electronically prepared and transmitted
41 prescription order shall be manually or electronically signed by the
42 prescriber. If transmitted by the prescriber's agent, the first and last names
43 of the transmitting agent shall be included in the order.

1 (2) If the prescription is for a controlled substance and is written or
2 printed from an electronic prescription application, the prescription shall
3 be manually signed by the prescriber prior to delivery of the prescription
4 to the patient or prior to facsimile transmission of the prescription to the
5 pharmacy.

6 (3) An electronically prepared prescription shall not be electronically
7 transmitted to the pharmacy if the prescription has been printed prior to
8 electronic transmission. An electronically prepared and transmitted
9 prescription which is printed following electronic transmission shall be
10 clearly labeled as a copy, not valid for dispensing.

11 (4) In consultation with industry, the state board of pharmacy shall
12 conduct a study on the issues of electronic transmission of prior
13 authorizations and step therapy protocols. The report on the results of such
14 study shall be completed and submitted to the legislature no later than
15 January 15, 2013.

16 (5) The board is hereby authorized to conduct pilot projects related to
17 any new technology implementation when deemed necessary and
18 practicable, except that no state moneys shall be expended for such
19 purpose.

20 (d) An authorization to refill a prescription order or to renew or
21 continue an existing drug therapy may be transmitted to a pharmacist
22 through oral communication, in writing, by facsimile transmission or by
23 electronic transmission initiated by or directed by the prescriber.

24 (1) If the transmission is completed by the prescriber's agent, and the
25 first and last names of the transmitting agent are included in the order, the
26 prescriber's signature is not required on the fax or alternate electronic
27 transmission.

28 (2) If the refill order or renewal order differs in any manner from the
29 original order, such as a change of the drug strength, dosage form or
30 directions for use, the prescriber shall sign the order as provided by
31 paragraph (1).

32 (e) Regardless of the means of transmission to a pharmacy, only a
33 pharmacist or a pharmacist intern shall be authorized to receive a new
34 prescription order from a prescriber or transmitting agent. A pharmacist, a
35 pharmacist intern or a registered pharmacy technician may receive a refill
36 or renewal order from a prescriber or transmitting agent if such registered
37 pharmacy technician's supervising pharmacist has authorized that function.

38 (f) A refill is one or more dispensings of a prescription drug or device
39 that results in the patient's receipt of the quantity authorized by the
40 prescriber for a single fill as indicated on the prescription order.

41 ~~(1) A prescription for a prescription drug or device that is not a~~
42 ~~controlled substance may authorize no more than 12 refills within 18~~
43 ~~months following the date on which the prescription is issued.~~

1 (2) A prescription for a schedule III, IV or V controlled substance
2 may authorize no more than five refills within six months following the
3 date on which the prescription is issued.

4 (g) Prescriptions shall only be filled or refilled in accordance with the
5 following requirements:

6 (1) All prescriptions shall be filled in strict conformity with any
7 directions of the prescriber, except that a pharmacist who receives a
8 prescription order for a brand name drug product may exercise brand
9 exchange with a view toward achieving a lesser cost to the purchaser
10 unless:

11 (A) The prescriber, in the case of a prescription ~~manually or~~
12 electronically signed by the prescriber ~~and prepared on a form containing~~
13 ~~two signature lines, signs the signature line following~~, *includes* the
14 statement "dispense as written" *on the prescription*;

15 (B) the prescriber, in the case of a written prescription signed by the
16 prescriber, writes in the prescriber's own handwriting "dispense as written"
17 on the prescription;

18 (C) the prescriber, in the case of a prescription other than one in
19 writing signed by the prescriber, expressly indicates the prescription is to
20 be dispensed as communicated; or

21 (D) the federal food and drug administration has determined that a
22 drug product of the same generic name is not bioequivalent to the
23 prescribed brand name prescription medication.

24 (h) If a prescription order contains a statement that during any
25 particular time the prescription may be refilled at will, there shall be no
26 limitation as to the number of times that such prescription may be refilled
27 except that it may not be refilled after the expiration of the time specified
28 or one year after the prescription was originally issued, whichever occurs
29 first.

30 (i) Prescription orders shall be recorded in writing by the pharmacist
31 and the record so made by the pharmacist shall constitute the original
32 prescription to be dispensed by the pharmacist. This record, if telephoned
33 by other than the prescriber, shall bear the *full* name of the person so
34 telephoning. Nothing in this section shall be construed as altering or
35 affecting in any way laws of this state or any federal act requiring a written
36 prescription order.

37 (j) (1) Except as provided in paragraph (2), no prescription shall be
38 refilled unless authorized by the prescriber either in the original
39 prescription or by oral order which is reduced promptly to writing and
40 filled by the pharmacist.

41 (2) A pharmacist may refill a prescription order issued on or after the
42 effective date of this act for any prescription drug except a drug listed on
43 schedule II of the uniform controlled substances act or a narcotic drug

1 listed on any schedule of the uniform controlled substances act without the
2 prescriber's authorization when all reasonable efforts to contact the
3 prescriber have failed and when, in the pharmacist's professional
4 judgment, continuation of the medication is necessary for the patient's
5 health, safety and welfare. Such prescription refill shall only be in an
6 amount judged by the pharmacist to be sufficient to maintain the patient
7 until the prescriber can be contacted, but in no event shall a refill under
8 this paragraph be more than a seven day supply or one package of the
9 drug. However, if the prescriber states on a prescription that there shall be
10 no emergency refilling of that prescription, then the pharmacist shall not
11 dispense any emergency medication pursuant to that prescription. A
12 pharmacist who refills a prescription order under this subsection (j)(2)
13 shall contact the prescriber of the prescription order on the next business
14 day subsequent to the refill or as soon thereafter as possible. No
15 pharmacist shall be required to refill any prescription order under this
16 subsection (j)(2). A prescriber shall not be subject to liability for any
17 damages resulting from the refilling of a prescription order by a
18 pharmacist under this subsection (j)(2) unless such damages are
19 occasioned by the gross negligence or willful or wanton acts or omissions
20 by the prescriber.

21 (k) If any prescription order contains a provision that the prescription
22 may be refilled a specific number of times within or during any particular
23 period, such prescription shall not be refilled except in strict conformity
24 with such requirements.

25 (l) Any pharmacist who exercises brand exchange and dispenses a
26 less expensive drug product shall not charge the purchaser more than the
27 regular and customary retail price for the dispensed drug.

28 (m) Nothing contained in this section shall be construed as preventing
29 a pharmacist from refusing to fill or refill any prescription if in the
30 pharmacist's professional judgment and discretion such pharmacist is of
31 the opinion that it should not be filled or refilled.

32 Sec. 3. K.S.A. 65-1632 is hereby amended to read as follows: 65-
33 1632. (a) *Except as otherwise provided in this section, each license to*
34 *practice as a pharmacist issued by the board, shall expire on June 30 of the*
35 *year specified by the board for the expiration of the license and shall be*
36 *renewed on a biennial basis in accordance with this section every two*
37 *years. The expiration date shall be established by rules and regulations*
38 *adopted by the board.* Each application for renewal of a license as a
39 pharmacist shall be made on a form prescribed and furnished by the board.
40 Except as otherwise provided in this subsection, the application, when
41 accompanied by the renewal fee and received by the executive secretary of
42 the board on or before the date of expiration of the license, shall have the
43 effect of temporarily renewing the applicant's license until actual issuance

1 or denial of the renewal. If at the time of filing a proceeding is pending
2 before the board which may result in the suspension, probation, revocation
3 or denial of the applicant's license, the board may by emergency order
4 declare that the application for renewal shall not have the effect of
5 temporarily renewing such applicant's license. Every licensed pharmacist
6 shall pay to the secretary of the board a renewal fee fixed by the board as
7 provided in K.S.A. 65-1645, and amendments thereto.

8 (b) ~~Commencing with the renewal of licenses which expire on June~~
9 ~~30, 1998, each license shall be renewed on a biennial basis.~~ To provide for
10 a system of biennial renewal of licenses, the board may provide by rules
11 and regulations that licenses issued or renewed may expire less than two
12 years from the date of issuance or renewal. *License fees may be prorated*
13 *for licensure periods which are less than biennial in accordance with rules*
14 *and regulations of the board.*

15 (c) The board may deny renewal of any license of a pharmacist on
16 any ground which would authorize the board to deny an initial application
17 for licensure or on any ground which would authorize the board to
18 suspend, revoke or place on probation a license previously granted. Orders
19 under this section, and proceedings thereon, shall be subject to the
20 provisions of the Kansas administrative procedure act.

21 (d) The payment of the renewal fee by a person who is a holder of a
22 license as a pharmacist shall entitle the person to renewal of license if no
23 grounds exist for denying the renewal of the license and if the person has
24 furnished satisfactory evidence to the board that the person has
25 successfully complied with the rules and regulations of the board relating
26 to continuing professional education. These educational requirements shall
27 be fixed by the board at not less than 20 clock hours nor more than 40
28 clock hours biennially of a program of continuing education approved by
29 the board. Continuing education hours may be prorated for licensure
30 periods which are less than biennial in accordance with rules and
31 regulations of the board. The maximum number of continuing education
32 hours required by the board to meet the requirements for cancellation of
33 inactive status licensure and renewal of license under subsection (e) or
34 reinstatement of license because of nonpayment of fees under subsection
35 (f) shall not exceed 60.

36 (e) The payment of the renewal fee by the person who is a holder of a
37 license as a pharmacist but who has not complied with the continuing
38 education requirements fixed by the board, if no grounds exist for denying
39 the renewal of the license other than that the person has not complied with
40 the continuing education requirements fixed by the board, shall entitle the
41 person to inactive status licensure by the board. No person holding an
42 inactive status license from the board shall engage in the practice of
43 pharmacy in this state. Upon furnishing satisfactory evidence to the board

1 of compliance with the continuing education requirements fixed by the
2 board and upon the payment to the board of all applicable fees, a person
3 holding an inactive status license from the board shall be entitled to
4 cancellation of the inactive status license and to renewal of licensure as a
5 pharmacist.

6 (f) If the renewal fee for any pharmacist's license has not been paid
7 ~~by August 1~~ *prior to the expiration of the license* of the renewal year, the
8 license is hereby declared void, and no license shall be reinstated except
9 upon payment of any unpaid renewal fee plus a penalty fee fixed by the
10 board as provided in K.S.A. 65-1645, and amendments thereto, and proof
11 satisfactory to the board of compliance with the continuing education
12 requirements fixed by the board. The penalty fee established by this
13 section immediately prior to the effective date of the act shall continue in
14 effect until a different penalty fee is fixed by the board by rules and
15 regulations as provided in K.S.A. 65-1645, and amendments thereto.
16 Payment of any unpaid renewal fee plus a penalty fee and the submission
17 of proof satisfactory to the board of compliance with the continuing
18 education requirements fixed by the board shall entitle the license to be
19 reinstated. The nonpayment of renewal fees by a previously licensed
20 pharmacist for a period exceeding three years shall not deprive the
21 previously licensed pharmacist of the right to reinstate the license upon the
22 payment of any unpaid fees and penalties and upon compliance with the
23 continuing education requirements fixed by the board, except that the
24 board may require such previously licensed pharmacist to take and pass an
25 examination approved by the board for reinstatement as a pharmacist and
26 to pay any applicable application fee.

27 Sec. 4. K.S.A. 2013 Supp. 65-1643 is hereby amended to read as
28 follows: 65-1643. It shall be unlawful:

29 (a) For any person to operate, maintain, open or establish any
30 pharmacy within this state without first having obtained a registration from
31 the board. Each application for registration of a pharmacy shall indicate
32 the person or persons desiring the registration, including the pharmacist in
33 charge, as well as the location, including the street name and number, and
34 such other information as may be required by the board to establish the
35 identity and exact location of the pharmacy. The issuance of a registration
36 for any pharmacy shall also have the effect of permitting such pharmacy to
37 operate as a retail dealer without requiring such pharmacy to obtain a retail
38 dealer's permit. On evidence satisfactory to the board: (1) That the
39 pharmacy for which the registration is sought will be conducted in full
40 compliance with the law and the rules and regulations of the board; (2) that
41 the location and appointments of the pharmacy are such that it can be
42 operated and maintained without endangering the public health or safety;
43 *and* (3) that the pharmacy will be under the supervision of a pharmacist, a

1 registration shall be issued to such persons as the board shall deem
2 qualified to conduct such a pharmacy.

3 (b) For any person to manufacture within this state any drugs except
4 under the personal and immediate supervision of a pharmacist or such
5 other person or persons as may be approved by the board after an
6 investigation and a determination by the board that such person or persons
7 is qualified by scientific or technical training or experience to perform
8 such duties of supervision as may be necessary to protect the public health
9 and safety; and no person shall manufacture any such drugs without first
10 obtaining a registration so to do from the board. Such registration shall be
11 subject to such rules and regulations with respect to requirements,
12 sanitation and equipment, as the board may from time to time adopt for the
13 protection of public health and safety.

14 (c) For any person to distribute at wholesale any drugs without first
15 obtaining a registration so to do from the board.

16 (d) For any person to sell or offer for sale at public auction or private
17 sale in a place where public auctions are conducted, any drugs without first
18 having obtained a registration from the board so to do, and it shall be
19 necessary to obtain the permission of the board in every instance where
20 any of the products covered by this section are to be sold or offered for
21 sale.

22 (e) For any person to in any manner distribute or dispense samples of
23 any drugs without first having obtained a permit from the board so to do,
24 and it shall be necessary to obtain permission from the board in every
25 instance where the samples are to be distributed or dispensed. Nothing in
26 this subsection shall be held to regulate or in any manner interfere with the
27 furnishing of samples of drugs to duly licensed practitioners, to mid-level
28 practitioners, to pharmacists or to medical care facilities.

29 (f) Except as otherwise provided in this subsection (f), for any person
30 operating a store or place of business to sell, offer for sale or distribute any
31 drugs to the public without first having obtained a registration or permit
32 from the board authorizing such person so to do. No retail dealer who sells
33 12 or fewer different nonprescription drug products shall be required to
34 obtain a retail dealer's permit under the pharmacy act of the state of Kansas
35 or to pay a retail dealer new permit or permit renewal fee under such act. It
36 shall be lawful for a retail dealer who is the holder of a valid retail dealer's
37 permit issued by the board or for a retail dealer who sells 12 or fewer
38 different nonprescription drug products to sell and distribute
39 nonprescription drugs which are prepackaged, fully prepared by the
40 manufacturer or distributor for use by the consumer and labeled in
41 accordance with the requirements of the state and federal food, drug and
42 cosmetic acts. Such nonprescription drugs shall not include: (1) A
43 controlled substance; (2) a prescription-only drug; or (3) a drug product

1 intended for human use by hypodermic injection; but such a retail dealer
2 shall not be authorized to display any of the words listed in subsection (dd)
3 of K.S.A. 65-1626, and amendments thereto, for the designation of a
4 pharmacy or drugstore.

5 (g) For any person to sell any drugs manufactured and sold only in
6 the state of Kansas, unless the label and directions on such drugs shall first
7 have been approved by the board.

8 (h) For any person to operate an institutional drug room without first
9 having obtained a registration to do so from the board. Such registration
10 shall be subject to the provisions of K.S.A. 65-1637a, and amendments
11 thereto and any rules and regulations adopted pursuant thereto.

12 ~~(i) For any person to be a pharmacy student without first obtaining a~~
13 ~~registration to do so from the board, in accordance with rules and~~
14 ~~regulations adopted by the board, and paying a pharmacy student~~
15 ~~registration fee of \$25 to the board.~~

16 ~~(j)~~—For any person to operate a veterinary medical teaching hospital
17 pharmacy without first having obtained a registration to do so from the
18 board. Such registration shall be subject to the provisions of K.S.A. 65-
19 1662, and amendments thereto and any rules and regulations adopted
20 pursuant thereto.

21 ~~(k)~~(j) For any person to sell or distribute in a pharmacy a controlled
22 substance designated in subsection (e) or (f) of K.S.A. 65-4113, and
23 amendments thereto, unless:

24 (1) (A) Such controlled substance is sold or distributed by a licensed
25 pharmacist, a registered pharmacy technician or a pharmacy intern or clerk
26 supervised by a licensed pharmacist;

27 (B) any person purchasing, receiving or otherwise acquiring any such
28 controlled substance produces a photo identification showing the date of
29 birth of the person and signs a log and enters in the log, or allows the seller
30 to enter in the log, such person's address and the date and time of sale or
31 allows the seller to enter such information into an electronic logging
32 system pursuant to K.S.A. 2013 Supp. 65-16,102, and amendments
33 thereto. The log or database required by the board shall be available for
34 inspection during regular business hours to the board of pharmacy and any
35 law enforcement officer;

36 (C) the seller determines that the name entered in the log corresponds
37 to the name provided on such identification and that the date and time
38 entered are correct; and

39 (D) the seller enters in the log the name of the controlled substance
40 and the quantity sold; or

41 (2) there is a lawful prescription.

42 ~~(k)~~(k) For any pharmacy to allow customers to have direct access to
43 any controlled substance designated in subsection (e) or (f) of K.S.A. 65-

1 4113, and amendments thereto. Such controlled substance shall be placed
2 behind the counter or stored in a locked cabinet that is located in an area of
3 the pharmacy to which customers do not have direct access.

4 ~~(m)~~(l) A seller who in good faith releases information in a log
5 pursuant to subsection ~~(k)~~(j) to any law enforcement officer is immune
6 from civil liability for such release unless the release constitutes gross
7 negligence or intentional, wanton or willful misconduct.

8 ~~(n)~~(m) For any person to sell or lease or offer for sale or lease durable
9 medical equipment without first obtaining a registration from the board, in
10 accordance with rules and regulations adopted by the board, except that
11 this subsection shall not apply to:

12 (1) Sales not made in the regular course of the person's business; or

13 (2) sales by charitable organizations exempt from federal income
14 taxation pursuant to the internal revenue code of 1986, as amended.

15 Sec. 5. K.S.A. 65-1644 is hereby amended to read as follows: 65-
16 1644. The board may issue duplicate licenses, registrations or permits
17 upon return of the original, or upon a sworn statement that the original has
18 been lost or destroyed, and has not been given away or disposed of to
19 some other person. Applications for such duplicate licenses, registrations
20 and permits and the affidavits required by this section shall be made on
21 forms furnished by the board. The fee for the issuance of a duplicate
22 registration or permit shall ~~be~~ *not exceed* \$1.25 for permits, and \$10 for
23 certificates of registration.

24 Sec. 6. K.S.A. 2013 Supp. 65-1645 is hereby amended to read as
25 follows: 65-1645. (a) Application for registrations or permits under K.S.A.
26 65-1643, and amendments thereto, shall be made on a form prescribed and
27 furnished by the board. Applications for registration to distribute at
28 wholesale any drugs shall contain such information as may be required by
29 the board in accordance with the provisions of K.S.A. 65-1655, and
30 amendments thereto. The application shall be accompanied by the fee
31 prescribed by the board under the provisions of this section. When such
32 application and fees are received by the executive secretary of the board
33 on or before the due date, such application shall have the effect of
34 temporarily renewing the applicant's registration or permit until actual
35 issuance or denial of the renewal. However, if at the time of filing a
36 proceeding is pending before the board which may result in the
37 suspension, probation, revocation or denial of the applicant's registration
38 or permit, the board may declare, by emergency order, that such
39 application for renewal shall not have the effect of temporarily renewing
40 such applicant's registration or permit. Separate applications shall be made
41 and separate registrations or permits issued for each separate place at
42 which is carried on any of the operations for which a registration or permit
43 is required by K.S.A. 65-1643, and amendments thereto, ~~except that the~~

1 ~~board may provide for a single registration for a business entity registered~~
2 ~~to manufacture any drugs or registered to distribute at wholesale any drugs~~
3 ~~and operating more than one facility within the state, or for a parent entity~~
4 ~~with divisions, subsidiaries or affiliate companies, or any combination~~
5 ~~thereof, within the state when operations are conducted at more than one~~
6 ~~location and there exists joint ownership and control among all the entities.~~

7 (b) The nonrefundable fees required for the issuing of the licenses,
8 registrations or permits under the pharmacy act of the state of Kansas shall
9 be fixed by the board as herein provided, subject to the following:

10 (1) Pharmacy, new registration not more than \$150, renewal not more
11 than \$125;

12 (2) pharmacist, new license by examination not more than \$350;

13 (3) pharmacist, reinstatement application fee not more than \$250;

14 (4) pharmacist, biennial renewal fee not more than \$200;

15 (5) pharmacist, evaluation fee not more than \$250;

16 (6) pharmacist, reciprocal licensure fee not more than \$250;

17 (7) pharmacist, penalty fee, not more than \$500;

18 (8) manufacturer, new registration not more than \$500, renewal not
19 more than \$400;

20 (9) wholesaler, new registration not more than \$500, renewal not
21 more than \$400, except that a wholesaler dealing exclusively in
22 nonprescription drugs, the manufacturing, distributing or dispensing of
23 which does not require registration under the uniform controlled
24 substances act, shall be assessed a fee for registration and reregistration
25 not to exceed \$50;

26 (10) special auction not more than \$50;

27 (11) samples distribution not more than \$50, *renewal not more than*
28 *\$50*;

29 (12) institutional drug room, new registration not more than \$40,
30 renewal not more than \$35;

31 (13) retail dealer selling more than 12 different nonprescription drug
32 products, new permit not more than \$12, renewal not more than \$12;

33 (14) certification of grades for each applicant for examination and
34 registration not more than \$25;

35 (15) veterinary medical teaching hospital pharmacy, new registration
36 not more than \$40, renewal not more than \$35; or

37 (16) durable medical equipment registration fee, not more than \$300,
38 *renewal not more than \$300*.

39 (c) For the purpose of fixing fees, the board may establish classes of
40 retail dealers' permits for retail dealers selling more than 12 different
41 nonprescription drug products, and the board may fix a different fee for
42 each such class of permit.

43 (d) The board shall determine annually the amount necessary to carry

1 out and enforce the provisions of this act for the next ensuing fiscal year
2 and shall fix by rules and regulations the fees authorized for such year at
3 the sum deemed necessary for such purposes. The fees fixed by the board
4 under this section immediately prior to the effective date of this act shall
5 continue in effect until different fees are fixed by the board by rules and
6 regulations as provided under this section.

7 (e) The board may deny renewal of any registration or permit
8 required by K.S.A. 65-1643, and amendments thereto, on any ground
9 which would authorize the board to suspend, revoke or place on probation
10 a registration or permit previously granted pursuant to the provisions of
11 K.S.A. 65-1643, and amendments thereto. Registrations and permits issued
12 under the provisions of K.S.A. 65-1643 and 65-1644, and amendments
13 thereto, shall be conspicuously displayed in the place for which the
14 registration or permit was granted. Such registrations or permits shall not
15 be transferable. All such registrations and permits ~~except retail dealer~~
16 ~~permits shall expire on June 30 following date of issuance every year. The~~
17 ~~expiration date shall be established by rules and regulations adopted by~~
18 ~~the board. Retail dealers' permits shall expire on the last day of February.~~
19 All registrations and permits shall be renewed annually. ~~Application blanks~~
20 ~~for Notice of renewal of registrations and permits shall be mailed by the~~
21 ~~board to each registrant or permittee at least 30 days prior to expiration of~~
22 ~~the registration or permit. If application for renewal is not made before 30~~
23 ~~days after such prior to expiration, the existing registration or permit shall~~
24 ~~lapse and become null and void on the date of its expiration, and no new~~
25 ~~registration or permit shall be granted except upon payment of the required~~
26 ~~renewal fee plus a penalty equal to the renewal fee. Failure of any~~
27 ~~registrant or permittee to receive such application blank notice of renewal~~
28 ~~shall not relieve the registrant or permittee from the penalty hereby~~
29 ~~imposed if the renewal is not made as prescribed.~~

30 (f) In each case in which a license of a pharmacist is issued or
31 renewed for a period of time less than two years, the board shall prorate
32 the nearest whole month the license or renewal fee established pursuant to
33 this section.

34 (g) The board may require that fees paid for any examination under
35 the pharmacy act of the state of Kansas be paid directly to the examination
36 service by the person taking the examination.

37 Sec. 7. K.S.A. 2013 Supp. 65-1663 is hereby amended to read as
38 follows: 65-1663. (a) It shall be unlawful for any person to function as a
39 pharmacy technician in this state unless such person is registered with the
40 board as a pharmacy technician. Every person registered as a pharmacy
41 technician shall ~~pass an examination~~ ***pass one or more examinations***
42 ***identified and*** approved by the board within ~~30 days of~~ ***the period or***
43 ***periods of time specified by the board after*** becoming registered. The

1 board shall adopt rules and regulations *{identifying the required*
2 *examinations, when they must be passed and}* establishing the criteria for
3 the required ~~examination~~ *{examinations}* and ~~a passing score~~ *{scores}*.
4 *{The board may include as a required examination any national*
5 *pharmacy technician certification examination.}*

6 (b) All applications for registration shall be made on a form to be
7 prescribed and furnished by the board. Each application for registration
8 shall be accompanied by a registration fee fixed by the board by rule and
9 regulation ~~of~~ not to exceed \$50.

10 (c) The board shall take into consideration any felony conviction of
11 an applicant, but such conviction shall not automatically operate as a bar to
12 registration.

13 (d) *Except as otherwise provided in this subsection, each pharmacy*
14 *technician registration issued by the board shall expire ~~on October 31 of~~*
15 *the year specified by the board every two years. The expiration date shall*
16 *be established by rules and regulations adopted by the board. To provide*
17 *for a system of biennial renewal of pharmacy technician registrations, the*
18 *board may provide by rules and regulations that registrations issued or*
19 *renewed may expire less than two years from the date of issuance or*
20 *renewal. Each applicant for renewal of a pharmacy technician registration*
21 *shall be made on a form prescribed and furnished by the board and shall be*
22 *accompanied by a renewal fee fixed by the board by rule and regulation ~~of~~*
23 *not to exceed \$25. Pharmacy technician registration renewal fees may be*
24 *prorated for registration periods which are less than biennial in*
25 *accordance with rules and regulations of the board. Except as otherwise*
26 *provided in this subsection, the application for registration renewal, when*
27 *accompanied by the renewal fee **{and evidence satisfactory to the board***
28 ***that the person has successfully complied with the rules and regulations***
29 ***of the board establishing the requirements for a program of continuing***
30 ***pharmacy technician education}** and received by the executive secretary*
31 *of the board on or before the date of expiration of the registration, shall*
32 *have the effect of temporarily renewing the applicant's registration until*
33 *actual issuance or denial of the renewal registration. If at the time of filing*
34 *a proceeding is pending before the board which may result in the*
35 *suspension, probation, revocation or denial of the applicant's registration,*
36 *the board may by emergency order declare that the application for renewal*
37 *shall not have the effect of temporarily renewing such applicant's*
38 *registration. If the renewal fee is not paid ~~by December 1~~ prior to the*
39 *expiration date of the renewal year, the registration is void.*

40 (e) (1) The board may limit, suspend or revoke a registration or deny
41 an application for issuance or renewal of any registration as a pharmacy
42 technician on any ground, which would authorize the board to take action
43 against the license of a pharmacist under K.S.A. 65-1627, and

1 amendments thereto.

2 (2) The board may require a physical or mental examination, or both,
3 of a person applying for or registered as a pharmacy technician.

4 (3) The board may temporarily suspend or temporarily limit the
5 registration of any pharmacy technician in accordance with the emergency
6 adjudicative proceedings under the Kansas administrative procedure act if
7 the board determines that there is cause to believe that grounds exist for
8 disciplinary action under this section against the registrant and that the
9 registrant's continuation of pharmacy technician functions would constitute
10 an imminent danger to the public health and safety.

11 (4) Proceedings under this section shall be subject to the Kansas
12 administrative procedure act.

13 (f) Every registered pharmacy technician, within 30 days of obtaining
14 new employment, shall furnish the board's executive secretary notice of
15 the name and address of the new employer.

16 (g) Each pharmacy shall at all times maintain a list of the names of
17 pharmacy technicians employed by the pharmacy. A pharmacy technician
18 shall work under the direct supervision and control of a pharmacist. It shall
19 be the responsibility of the supervising pharmacist to determine that the
20 pharmacy technician is in compliance with the applicable rules and
21 regulations of the board, and the supervising pharmacist shall be
22 responsible for the acts and omissions of the pharmacy technician in the
23 performance of the pharmacy technician's duties. The ratio of pharmacy
24 technicians to pharmacists in the prescription area of a pharmacy shall be
25 prescribed by the board by rule and regulation. Any change in the ratio of
26 pharmacy technicians to pharmacists in the prescription area of the
27 pharmacy must be adopted by a vote of no less than six members of the
28 board.

29 (h) A person holding a pharmacy technician registration shall display
30 such registration in that part of the place of business in which such person
31 is engaged in pharmacy technician activities.

32 (i) The board shall adopt such rules and regulations as are necessary
33 to ensure that pharmacy technicians are adequately trained as to the nature
34 and scope of their lawful duties.

35 (j) The board may adopt rules and regulations as may be necessary to
36 carry out the purposes and enforce the provisions of this act.

37 (k) This section shall be part of and supplemental to the pharmacy act
38 of the state of Kansas.

39 New Sec. 8. (a) It shall be unlawful for any person to function as a
40 pharmacist intern in this state unless such person is registered with the
41 board as a pharmacist intern.

42 (b) All applications for registration shall be made on a form to be
43 prescribed and furnished by the board. Each application for registration

1 shall be accompanied by a registration fee fixed by the board by rule and
2 regulation not to exceed \$25.

3 (c) Each pharmacist intern registration issued by the board shall
4 expire six years from the date of issuance.

5 (d) (1) The board may limit, suspend or revoke a registration or deny
6 an application for issuance or renewal of any registration as a pharmacist
7 intern on any ground that would authorize the board to take action against
8 the license of a pharmacist under K.S.A. 65-1627, and amendments
9 thereto.

10 (2) The board may temporarily suspend or temporarily limit the
11 registration of any pharmacist intern in accordance with the emergency
12 adjudicative proceedings under the Kansas administrative procedure act, if
13 the board determines that there is cause to believe that grounds exist for
14 disciplinary action under this section against the registrant and that the
15 registrant's continuation of pharmacist intern functions would constitute an
16 imminent danger to the public health and safety.

17 (3) Proceedings under this section shall be subject to the Kansas
18 administrative procedure act.

19 (e) Every registered pharmacist intern, within 30 days of obtaining
20 new employment, shall furnish the board's executive secretary notice of
21 the name and address of the new employer.

22 (f) Each pharmacy shall at all times maintain a list of the names of
23 pharmacist interns employed by the pharmacy. A pharmacist intern shall
24 work under the direct supervision and control of a pharmacist. It shall be
25 the responsibility of the supervising pharmacist to determine that the
26 pharmacist intern is in compliance with the applicable rules and
27 regulations of the board, and the supervising pharmacist shall be
28 responsible for the acts and omissions of the pharmacist intern in the
29 performance of the pharmacist intern's duties.

30 (g) A person holding a pharmacist intern registration shall display
31 such registration in that part of the place of business in which such person
32 is engaged in pharmacist intern activities.

33 (h) The board shall adopt such rules and regulations as are necessary
34 to ensure that pharmacist interns are adequately trained as to the nature
35 and scope of their lawful duties. The board may adopt rules and
36 regulations as may be necessary to carry out the purposes of and enforce
37 the provisions of this section.

38 (i) This section shall be part of and supplemental to the pharmacy act
39 of the state of Kansas.

40 New Sec. 9. (a) Not later than 90 days after the effective date of this
41 act, the state board of pharmacy and the state board of healing arts shall
42 appoint a seven-member committee to be known as the collaborative drug
43 therapy management advisory committee for the purpose of promoting

1 consistent regulation and to enhance coordination among such boards with
2 jurisdiction over licensees involved in collaborative drug therapy
3 management. Such committee shall advise and make recommendations to
4 the state board of pharmacy and state board of healing arts on matters
5 relating to collaborative drug therapy management.

6 (b) The collaborative drug therapy management advisory committee
7 shall consist of seven members: (1) One member of the board of pharmacy
8 appointed by the board of pharmacy, who shall serve as the nonvoting
9 chairperson; (2) three licensed pharmacists appointed by the state board of
10 pharmacy, at least two of whom shall have experience in collaborative
11 drug therapy management; and (3) three persons licensed to practice
12 medicine and surgery appointed by the state board of healing arts, at least
13 two of whom shall have experience in collaborative drug therapy
14 management. The state board of pharmacy shall give consideration to any
15 names submitted by the Kansas pharmacists association when making
16 appointments to the committee. The state board of healing arts shall give
17 consideration to any names submitted by the Kansas medical society when
18 making appointments to the committee. Members appointed to the
19 committee shall serve terms of two years, except that of the four members
20 of the committee first appointed to the committee by the state board of
21 pharmacy, two shall be appointed for terms of two years and two shall be
22 appointed for terms of one year as specified by the state board of
23 pharmacy and that of the three members of the committee first appointed
24 to the committee by the state board of healing arts, two shall be appointed
25 for terms of two years and one shall be appointed for a term of one year as
26 specified by the state board of healing arts. Members appointed to the
27 committee shall serve without compensation. All expenses of the
28 committee shall be equally divided and paid by the state board of
29 pharmacy and state board of healing arts.

30 (c) This section shall be part of and supplemental to the pharmacy act
31 of the state of Kansas.

32 Sec. 10. K.S.A. 65-1626a, 65-1632 and 65-1644 and K.S.A. 2013
33 Supp. 65-1637b, 65-1643, 65-1645 and 65-1663 are hereby repealed.

34 Sec. 11. This act shall take effect and be in force from and after its
35 publication in the statute book.