

SENATE BILL No. 387

By Committee on Public Health and Welfare

2-6

1 AN ACT concerning health and healthcare; relating to the practice of
2 pharmacy; collaborative drug therapy management advisory
3 committee; membership of the committee; authorizing a statewide
4 protocol; amending K.S.A. 2017 Supp. 65-1626a and 65-1677 and
5 repealing the existing sections.

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

8 New Section 1. (a) A licensed pharmacist may administer a drug to a
9 patient pursuant to a statewide pharmacy practice protocol, as defined in
10 K.S.A. 65-1626a, and amendments thereto.

11 (b) This section shall be part of and supplemental to the pharmacy act
12 of the state of Kansas.

13 Sec. 2. K.S.A. 2017 Supp. 65-1626a is hereby amended to read as
14 follows: 65-1626a. (a) For the purpose of the pharmacy act of the state of
15 Kansas, the following persons shall be deemed to be engaged in the
16 practice of pharmacy:

17 (1) Persons who publicly profess to be a pharmacist, or publicly
18 profess to assume the duties incident to being a pharmacist and their
19 knowledge of drugs or drug actions, or both; and

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

23 (b) (1) "Practice of pharmacy" means the interpretation and
24 evaluation of prescription orders; the compounding, dispensing and
25 labeling of drugs and devices pursuant to *statewide pharmacy practice*
26 *protocols or* prescription orders; the administering of vaccine pursuant to a
27 vaccination protocol; the participation in drug selection according to state
28 law and participation in drug utilization reviews; the proper and safe
29 storage of prescription drugs and prescription devices and the maintenance
30 of proper records thereof in accordance with law; consultation with
31 patients and other health care practitioners about the safe and effective use
32 of prescription drugs and prescription devices; performance of
33 collaborative drug therapy management pursuant to a written collaborative
34 practice agreement with one or more physicians ~~who have an established~~
35 ~~physician-patient relationship~~; and participation in the offering or
36 performing of those acts, services, operations or transactions necessary in

1 the conduct, operation, management and control of a pharmacy. Nothing in
2 this section shall be construed to add any additional requirements for
3 registration or for a permit under the pharmacy act of the state of Kansas
4 or for approval under ~~subsection (g) of~~ K.S.A. 65-1643(g), and
5 amendments thereto, or to prevent persons other than pharmacists from
6 engaging in drug utilization review, or to require persons lawfully in
7 possession of prescription drugs or prescription devices to meet any
8 storage or record keeping requirements except such storage and record
9 keeping requirements as may be otherwise provided by law or to affect any
10 person consulting with a health care practitioner about the safe and
11 effective use of prescription drugs or prescription devices.

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

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

33 (4) "Physician" means a person licensed to practice medicine and
34 surgery in this state.

35 (5) *"Statewide pharmacy practice protocol" means a framework*
36 *established by the collaborative drug therapy management advisory*
37 *committee that allows a pharmacist to perform enumerated,*
38 *pharmaceutical-related patient care functions under enumerated*
39 *conditions, including, but not limited to, the qualifications required for a*
40 *pharmacist to implement the protocol, procedures that the pharmacist*
41 *must follow and the population healthcare need being addressed by*
42 *implementation of the protocol.*

43 Sec. 3. K.S.A. 2017 Supp. 65-1677 is hereby amended to read as

1 follows: 65-1677. (a) Not later than 90 days after the effective date of this
2 act, the state board of pharmacy and the state board of healing arts shall
3 appoint a seven-member committee to be known as the collaborative drug
4 therapy management advisory committee for the purpose of promoting
5 consistent regulation and to enhance coordination among such boards with
6 jurisdiction over licensees involved in collaborative drug therapy
7 management. Such committee shall advise and make recommendations to
8 the state board of pharmacy and state board of healing arts on matters
9 relating to collaborative drug therapy management *and shall study,*
10 *develop, implement and review statewide pharmacy practice protocols*
11 *designed to impact population health through the utilization of*
12 *pharmacists in drug management, counseling and administration.*

13 (b) The collaborative drug therapy management advisory committee
14 shall consist of seven members: (1) One member of the board of pharmacy
15 appointed by the board of pharmacy, who shall serve as the nonvoting
16 chairperson; (2) three licensed pharmacists appointed by the state board of
17 pharmacy, at least two of whom shall have experience in collaborative
18 drug therapy management; and (3) three persons licensed to practice
19 medicine and surgery appointed by the state board of healing arts, at least
20 two of whom shall have experience in collaborative drug therapy
21 management. The state board of pharmacy shall give consideration to any
22 names submitted by the Kansas pharmacists association when making
23 appointments to the committee. The state board of healing arts shall give
24 consideration to any names submitted by the Kansas medical society when
25 making appointments to the committee. Members appointed to the
26 committee shall serve terms of two years, except that of the four members
27 of the committee first appointed to the committee by the state board of
28 pharmacy, two shall be appointed for terms of two years and two shall be
29 appointed for terms of one year as specified by the state board of
30 pharmacy and that of the three members of the committee first appointed
31 to the committee by the state board of healing arts, two shall be appointed
32 for terms of two years and one shall be appointed for a term of one year as
33 specified by the state board of healing arts. *Members appointed to the*
34 *committee on or after July 1, 2018, shall serve no more than two complete*
35 *two-year terms.* Members appointed to the committee shall serve without
36 compensation. All expenses of the committee shall be equally divided and
37 paid by the state board of pharmacy and state board of healing arts.

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

40 Sec. 4. K.S.A. 2017 Supp. 65-1626a and 65-1677 are hereby
41 repealed.

42 Sec. 5. This act shall take effect and be in force from and after its
43 publication in the statute book.