

SENATE BILL No. 200

By Committee on Public Health and Welfare

2-10

1 AN ACT concerning pharmacists and pharmacy; relating to the state board
2 of pharmacy; expanding the pharmacist's scope of practice to include
3 point-of-care testing for and treatment of certain health conditions;
4 amending K.S.A. 65-1626a and repealing the existing section.
5

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

7 ~~New Section 1. A pharmacist may independently test or screen for~~
8 ~~and initiate therapy pursuant to a state-wide protocol established by the~~
9 ~~state board of pharmacy for health conditions of individuals who are~~
10 ~~eligible to receive the testing or screening service. For purposes of this~~
11 ~~section, a health condition is a condition that is generally managed with~~
12 ~~minimal treatment or self-care and includes, but is not limited to:~~

- 13 ~~(a) Influenza;~~
14 ~~(b) streptococcus;~~
15 ~~(c) COVID-19;~~
16 ~~(d) pre-exposure prophylaxis;~~
17 ~~(e) post-exposure prophylaxis; or~~
18 ~~(f) a condition for which its diagnostic test is waived under the~~
19 ~~federal clinical laboratory improvement amendments of 1988.~~

20 *New Section 1. (a) A pharmacist may initiate therapy within the*
21 *framework of a statewide protocol for the following health conditions:*

- 22 *(1) Influenza;*
23 *(2) streptococcal pharyngitis; or*
24 *(3) urinary tract infection.*
25 *(b) The collaborative drug therapy management advisory committee*
26 *may adopt a statewide protocol for each condition listed in subsection*
27 *(a). The committee shall consider appropriateness of therapy based*
28 *upon:*

- 29 *(1) The patient's age;*
30 *(2) approval by the United States food and drug administration;*
31 *(3) in-person interactions; and*
32 *(4) the method of administration.*

33 Sec. 2. K.S.A. 65-1626a is hereby amended to read as follows: 65-
34 1626a. (a) For the purpose of the pharmacy act of the state of Kansas, the
35 following ~~persons~~ *individuals* shall be deemed to be engaged in the
36 practice of pharmacy:

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

4 (2) ~~persons~~*individuals* who attach to their name any words or
5 abbreviation indicating that they are a pharmacist licensed to practice
6 pharmacy in Kansas.

7 (b) *As used in this section:*

8 (1) "Practice of pharmacy" means:

9 (A) The interpretation and evaluation of prescription orders;

10 (B) the compounding, dispensing and labeling of drugs and devices
11 pursuant to prescription orders;

12 (C) the administering of vaccine pursuant to a vaccination protocol;

13 (D) the participation in drug selection according to state law and
14 participation in drug utilization reviews;

15 (E) the proper and safe storage of prescription drugs and prescription
16 devices and the maintenance of proper records thereof in accordance with
17 law;

18 (F) consultation with patients and other health care practitioners
19 about the safe and effective use of prescription drugs and prescription
20 devices;

21 (G) performance of collaborative drug therapy management pursuant
22 to a written collaborative practice agreement with one or more physicians
23 who have an established physician-patient relationship; ~~and~~

24 (H) participation in the offering or performing of those acts, services,
25 operations or transactions necessary in the conduct, operation,
26 management and control of a pharmacy; *and*

27 ~~(I) the initiation of drugs, drug categories or devices that are~~
28 ~~initiated in accordance with the product's federal food and drug~~
29 ~~administration-approved labeling and limited to conditions listed below~~
30 ~~that:~~

31 ~~(i) Do not require a new diagnosis;~~

32 ~~(ii) are minor and generally self-limiting;~~

33 ~~(iii) have a test that is used to guide diagnosis or clinical decision-~~
34 ~~making and is waived under the federal clinical laboratory improvement~~
35 ~~amendments of 1988; or~~

36 ~~(iv) in the professional judgment of the pharmacist, threaten the~~
37 ~~health or safety of the patient should the prescription not be immediately~~
38 ~~dispensed. In such cases, only sufficient quantity may be provided until the~~
39 ~~patient is able to be seen by another provider~~
40 ***initiation of therapy for the conditions specified in section 1, and amendments thereto.***

41 ~~Nothing in this section shall be construed to add any additional~~
42 ~~requirements for registration or for a permit under the pharmacy act of the~~
43 ~~state of Kansas or for approval under subsection (g) of K.S.A. 65-1643;~~

1 ~~and amendments thereto, or to prevent persons other than pharmacists~~
2 ~~from engaging in drug utilization review, or to require persons lawfully in~~
3 ~~possession of prescription drugs or prescription devices to meet any~~
4 ~~storage or record keeping requirements except such storage and record~~
5 ~~keeping requirements as may be otherwise provided by law or to affect any~~
6 ~~person consulting with a health care practitioner about the safe and~~
7 ~~effective use of prescription drugs or prescription devices.~~

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

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

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

31 (c) *Nothing in this section shall be construed to:*

32 (1) *Add any additional requirements for registration or for a permit*
33 *under the pharmacy act of the state of Kansas or for approval under*
34 *K.S.A. 65-1643(g), and amendments thereto;*

35 (2) *prevent persons other than pharmacists from engaging in drug*
36 *utilization review;*

37 (3) *require persons lawfully in possession of prescription drugs or*
38 *prescription devices to meet any storage or record keeping requirements*
39 *except such storage and record keeping requirements as may be otherwise*
40 *provided by law; or*

41 (4) *affect any person consulting with a healthcare practitioner about*
42 *the safe and effective use of prescription drugs or prescription devices.*

43 Sec. 3. K.S.A. 65-1626a is hereby repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.