

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on February 4, 2008 in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Sara Zafar, Kansas Legislative Research Department
Nobuko Folmsbee, Revisor of Statutes
Renaë Jefferies, Revisor of Statutes
Jan Lunn, Committee Secretary

Conferees appearing before the committee:

Senator Vicki Schmidt
Curtis L. Bock, DVM
Vern Otte, DVM, Board Member, Kansas Board of Veterinary Examiners
Gregory M. Dennis, Legal Counsel, Kansas Veterinary Medical Association

Others attending:

See attached list. In addition to those listed on the "Guest List" there were approximately 22 others attending.

Chairman Barnett introduced two bills for Senator Schmidt:

- 1) A committee bill for an act to create a school influenza vaccination pilot program and providing for a study.
- 2) A committee bill creating an act related to the Board of Pharmacy; concerning continuous quality improvement programs and nonresident pharmacy; amending K.S.A. 65-1657 and repealing the existing section.

Senator Brungardt moved the two bill introductions; Senator Haley seconded the motion. The motion passed unanimously.

SB 491 - Prescription monitoring program act

Ms. Emalene Correll briefed the bill to those attending. Ms. Correll explained that the bill provides for the establishment and maintenance of a prescription monitoring program for scheduled substances and drugs of concern dispensed in this state or dispensed to an address in this state. She reviewed all definitions and sections in the bill, offering a suggestion that when the phrase "controlled substances" are referenced in the bill, the phrase "drugs of concern" should also be added. Sec. 5. (c) (5) she suggested naming the designated representative from the Kansas Health Policy Authority as the Office of the Inspector General.

Chairman Barnett recognized Senator Vicki Schmidt, a sponsor of **SB 491**. Because Senator Schmidt suffered from laryngitis, Ms. Terri Weber, Legislative Research Department, summarized Senator Schmidt's testimony and highlighted salient points contained in the bill:

- a. Confirm whether or not 'doctor shopping' is taking place in Kansas
- b. Refer patients for substance abuse treatment
- c. Have useful information about new patients and established patients.

Discussion was also heard on an important funding source for this program, the Harold Rogers Grant Program.

Senator Schmidt's testimony is attached, and therefore, incorporated into these minutes (Attachment 1).

Dr. Curtis Bock, a veterinarian from Kansas City, Kansas, was recognized by Chairman Barnett. Dr. Bock spoke regarding the additional costs that would be incurred by veterinarians with the implementation of **SB 491**, particularly rural veterinary practices. He spoke regarding requirements from various governmental agencies and professional associations relative to the dispensing of drugs in the

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 4, 2008 in Room 136-N of the Capitol.

veterinary practice environment. Therefore, Dr. Bock requested veterinarians be excluded from **SB 491**. Dr. Bock's testimony is attached and is considered to be part of this record. ([Attachment 2](#))

Chairman Barnett recognized Dr. Vern Otte from Leawood, Kansas, a representative from the Kansas Board of Veterinary Examiners. Dr. Otte indicated that the Kansas Board of Veterinary Examiners inspects all veterinary hospitals within the state every two years. A component of that inspection includes examination of the veterinarian's controlled drugs/substances log. Dr. Otte discussed the patient information requirements contained in **SB 491** as well as the sanctions contained in the bill. Dr. Otte recommended veterinarian exemption from **SB 491**. Dr. Otte's testimony is attached ([Attachment 3](#)), and is considered to be part of this record.

Mr. Gregory M. Dennis, Legal Counsel, representing the Kansas Veterinary Medical Association, was recognized by Chairman Barnett. Mr. Dennis reviewed **SB 491** requirements from the perspective of a food-animal veterinarian. Mr. Dennis stated that while he appreciates the bill, he requested licensed veterinarians be excluded in the prescription monitoring program. Mr. Dennis proposed amended language that is contained in his testimony ([Attachment 4](#)), which is considered to be included as part of this record.

Mr. Mike Coast, registered pharmacist and current President of the Kansas Board of Pharmacy, briefly spoke relative to the importance of the bill and indicated his support for **SB 491** ([no written testimony](#)).

Written testimony was submitted from the following individuals, and therefore, is incorporated into these minutes:

Carey Potter, Regional Director State Government Affairs, National Association of Chain Drug Stores ([Attachment 5](#))

Duane M. Henrikson, DVM ([Attachment 6](#))

Doug Smith, Executive Director, Kansas Academy of Physician Assistants ([Attachment 7](#))

Bob Williams, Executive Director, Kansas Association of Osteopathic Medicine ([Attachment 8](#))

Frank Whitchurch, RPh, Member of the Kansas Board of Pharmacy, ([Attachment 9](#))

The minutes of the meeting held January 30, 2008, were reviewed by committee members. Senator Haley moved to accept the minutes as submitted. Senator Wagle seconded the motion. The motion passed.