

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on February 12, 2009, in Room 136-N of the Capitol.

All members were present except Senator Pilcher-Cook who was absent.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Conferees appearing before the committee:

Frank Whitchurch, Registered Pharmacist, Kansas Board of Pharmacy
Dan Morin, Kansas Medical Society
Andy Allison, PhD, Deputy Director and State Medicaid Director, Kansas Health Policy Authority

Others attending:

See attached list.

Senator Barnett announced nursing students visiting from Emporia State University, Manhattan Area Technical School, University of Kansas, Washburn University, and Southwestern College were attending the meeting; the students introduced themselves to committee members.

Chairman Barnett opened discussion on **SB 83 - Autism task force**. Senator Vicki Schmidt moved to pass out SB 83 favorably; Senator Brungardt seconded the motion. The motion passed.

Nobuko Folmsbee briefed those attending on **SB 249** and **SB 166**.

Ms. Folmsbee indicated that **SB 249** amends current law by providing an exception to the requirement that pharmacists fill all prescriptions in strict conformity to the directions of the prescriber. Pharmacists may dispense a dosage form of an orally-administered drug different from that prescribed if the patient consents to the substitution, it does not increase cost, the substituted dosage contains the identical amount of active ingredients, the dosage form is not enteric-coated or a time-release product, is not a combination medication product containing two or more active ingredients, is not intended to be split, and is consistent with the desired clinical outcomes.

Ms. Folmsbee distributed **SB 166** which repeals current statute resulting in the ability to restrict certain drugs.

Senator Barnett announced that follow up to the February 9, 2009, meeting was attached which is a scientific article from KDHE entitled "Guidelines for the Investigation of Persons with Infectious Tuberculosis" (Attachment 1); in addition, "Guidelines for Using QuantiFERON-TB Gold Test for Detecting Mycobacterium Tuberculosis Infection, United States" (Attachment 2) was included. Also, information regarding the trend of tuberculosis from 2000 - 2008 was submitted, and therefore, becomes part of this permanent record. (Attachment 3)

Chairman Barnett opened the hearing on **SB 249 - Pharmacists; dispensing substitution of drug product** and called upon Frank Whitchurch, Kansas Board of Pharmacy. Mr. Whitchurch spoke in support of this legislation indicating it would improve patient care. He reported that there are no risks to the patient, and he provided examples of the benefits that could be realized should **SB 249** be passed. (Attachment 3)

Dan Morin, Kansas Medical Society, supported the legislation (Attachment 4) and indicated physicians can still dispense a prescription "as written."

Written testimony supporting passage of **SB 249** from Mike Larkin, Kansas Pharmacists Association, is attached to this record (Attachment 5).

CONTINUATION SHEET

Minutes of the Senate Public Health And Welfare Committee at 1:30 p.m. on February 12, 2009, in Room 136-N of the Capitol.

There were no opponents to **SB 249**.

Sen. Schmidt moved to send **SB 249** out favorably to the full Senate; Senator Colyer seconded the motion which passed unanimously.

Senator Barnett opened the public hearing on **SB 166 - Medicaid; repealing statute prohibiting prior authorization for certain mental illness medications** by recognizing Dr. Andy Allison, Kansas Health Policy Authority who testified **SB 166** was introduced as a result of reviewing the pharmacy program in Medicaid Transformation. He indicated safety and cost issues were responsible for the introduction of **SB 166**. Dr. Allison distributed the proposed amendment to **SB 166** and explained that he and other stakeholders have been meeting to create the compromise language contained in the substitute amendment (Attachment 5). Dr. Allison expressed appreciation to Dr. Nielsen, Senator Schmidt, Mike Hammond, Rick Cagan, Amy Campbell, Don Hill, Leann Bell, and Dr. Margaret Smith for working to develop the compromise language.

Senator Schmidt reported that there were many individuals providing input; the result is legislation that allows the Kansas Health Policy Authority to address safety issues for adolescents prescribed mental health medications.

Considerable discussion ensued in which prescription patterns/guidelines were discussed, the role of clinicians on the Prescription Drug Advisory Committee, the membership of the Advisory Committee and terms of members, the definition of adolescent and children population, safety concerns, preferred drug lists or prior authorizations, and the operations of the advisory committee. It was the consensus of the Public Health and Welfare Committee that stakeholders meet to review the proposed legislation and return with an amendment meeting the goals of safety for mental health prescription drug benefits.

Chairman Barnett called attention to the minutes of the January 13, 14, 20, 21, 22, 26, 27, and 29 meetings. These minutes were attached to the agenda for review, but he noted they had been previously electronically distributed.

Senator Schmidt moved approval of the minutes for the above stated meetings; Senator Brungardt seconded the motion which passed.

Senator Barnett adjourned the meeting at 2:12pm

The next meeting is scheduled for February 16, 2009.