

March 5, 2020

The Honorable Brenda Landwehr, Chairperson
House Committee on Health and Human Services
Statehouse, Room 352C-S
Topeka, Kansas 66612

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2712 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2712 is respectfully submitted to your committee.

HB 2712 would amend the Pharmacy Act to include the following changes:

1. Require that investigations and certain documents be confidential;
2. Allow the Board of Pharmacy to charge registered facilities the actual costs of additional inspections as a condition of probation or other disciplinary action;
3. Allow the Board to charge the costs of inspections requested by resident and non-resident facilities applying for registration;
4. Create a framework for telepharmacy in Kansas and require the Board to adopt rules and regulations that further detail requirements for operating in Kansas;
5. Correct the definition of “wholesale distribution” to include prescription drugs or devices;
6. Update the Board’s disciplinary authority to be consistent across all license and registration types, and to include limitation, condition, or public/private censure;
7. Allow the Board to expunge minor violations of the Pharmacy Act from a license or registration record;
8. Allow the Board to set a maximum number of attempts for the pharmacy practice and pharmacy law examination for applications from pharmacists by exam or reciprocity;
9. Correct the requirements to operate as a manufacturer in Kansas; and
10. Update the Board’s authority to assess civil fines for violations of the Pharmacy Act.

The Board of Pharmacy indicates that requests for additional inspections and investigations resulting in fine revenue and assessment of agency costs, as well as investigations for facilities on probation may generate the need for additional staff beyond FY 2021. If so, the revenue associated with the costs of these services would be enough to cover the increased expenditures. Any fiscal effect associated with HB 2712 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

Larry L. Campbell
Director of the Budget

cc: Alexandra Blasi, Board of Pharmacy
Dan Thimmesch, Health & Environment
Randy Bowman, Corrections