

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 482

As Amended by House Committee on
Health and Human Services

Brief*

SB 482 amends four statutes that are a part of The Pharmacy Act of the State of Kansas. In general, the amendments reflect a change in the way in which the examinations required of an applicant for an original license to practice as a pharmacist are conducted and administered as well as a change in the manner in which civil penalties assessed by the Board of Pharmacy are allocated.

The first two sections of SB 482 concern the licensing of pharmacists and, as amended by Senate Committee, make it clear the fee that must accompany an application for a new license by examination is the license fee covering the first biennial license issued to a pharmacist who has satisfied the examination and other requirements necessary to receive an initial Kansas license.

Other amendments, including the House Committee amendment, reflect the fact that the Board of Pharmacy no longer administers examinations, but does approve the examinations that satisfy Kansas requirements.

The amendments in the third section of SB 482, which concerns fees for permits and registrations administered by the Board of Pharmacy as well as pharmacist licenses, change the names of two of the fees, but do not increase or otherwise change the statutory maximums set out in the law. The fees are made nonrefundable.

The final section of the bill pertains to civil penalties that may be assessed by the Board of Pharmacy for violations of The Pharmacy Act of the State of Kansas or the Uniform Controlled Substances Act and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>

any rules and regulations adopted thereunder. The amendments allow the actual costs to the Board of the case which resulted in the imposition of a fine to be credited to the State Board of Pharmacy Fee Fund and the remainder of the fine collected by the Board to be credited to the State General Fund.

Background

SB 482 was introduced at the request of the Board of Pharmacy whose spokesperson was the only conferee on the bill. It was explained to the Senate Committee that the Board no longer administers the competency or jurisprudence tests that apply to the licensing of pharmacists. The National Board of Pharmacy administers and scores both examinations. The Board has been paying for these examinations, but as of January 1, 2001, the fees for the examinations were raised to an amount in excess of the statutory limit the Board could charge for the examination fee. Under the amendments proposed in SB 482 applicants for an initial license who have to take the examination or examinations will pay the examination fee directly to the entity that administers the examinations and the fee for a new license by examination that accompanies the application for an initial license will include the fee for the first biennial license. Because the Board may have some additional expense in determining whether an applicant for an initial license meets Kansas requirements, the "new license by examination fee" may be different from the regular biennial license fee although at the present time the differential is small. The conferee indicated the Board did not intend to raise the license fees which are not currently at the statutory maximums. The other major policy change requested by the Board and reflected in SB 482 is the allocation of the costs of a case which results in a civil penalty to the Board's fee fund. Currently, all fines assessed by the Board go to the State General Fund. The representative of the Board indicated the amendment would allow the Board to recoup the actual cost of a hearing by receiving some of the fine imposed on a licensee.

The fiscal note on SB 482 indicates the current examination fee is \$490 while the statutory limit for an examination fee is \$350, although the Board plans to charge \$170 for the initial fee. Passage of SB 482 would result in a decrease in expenditures as well as a decrease in revenues. Since the decrease in expenditures exceeds the decrease

in revenues the net effect would be an increase of \$29,450 in available funds.