Session of 2021

HOUSE BILL No. 2385

By Committee on Health and Human Services

2-12

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

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

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

(a) Influenza;

(b) streptococcus;

(c) COVID-19;

(d) pre-exposure prophylaxis;

(e) post-exposure prophylaxis; or

(f) a condition for which its diagnostic test is waived under the federal clinical laboratory improvement amendments of 1988.

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

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

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

(b) *As used in this section:*

(1) "Practice of pharmacy" means*:*

(A) The interpretation and evaluation of prescription orders;

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

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

(D) the participation in drug selection according to state law and

participation in drug utilization reviews;

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

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

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

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

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

(i) Do not require a new diagnosis;

(ii) are minor and generally self-limiting;

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

(iv) in the professional judgment of the pharmacist, threaten the health or safety of the patient should the prescription not be immediately dispensed. In such cases, only sufficient quantity may be provided until the patient is able to be seen by another provider.

~~Nothing in this section shall be construed to add any additional requirements for registration or for a permit under the pharmacy act of the state of Kansas or for approval under subsection (g) of K.S.A. 65-1643, and amendments thereto, or to prevent persons other than pharmacists from engaging in drug utilization review, or to require persons lawfully in possession of prescription drugs or prescription devices to meet any storage or record keeping requirements except such storage and record keeping requirements as may be otherwise provided by law or to affect any person consulting with a health care practitioner about the safe and effective use of prescription drugs or prescription devices.~~

(2) "Collaborative drug therapy management" means a practice of pharmacy where a pharmacist performs certain pharmaceutical-related patient care functions for a specific patient which have been delegated to the pharmacist by a physician through a collaborative practice agreement. A physician who enters into a collaborative practice agreement is responsible for the care of the patient following initial diagnosis and assessment and for the direction and supervision of the pharmacist

throughout the collaborative drug therapy management process. Nothing in this subsection shall be construed to permit a pharmacist to alter a physician's orders or directions, diagnose or treat any disease, independently prescribe drugs or independently practice medicine and surgery.

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

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

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

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

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

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

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

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

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