

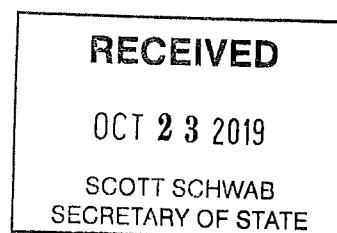
State of Kansas
Board of Pharmacy
Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted on Friday, January 3, 2020 at 9:00 a.m. at 800 SW Jackson, Suite 1414, Topeka, Kansas to review and consider the adoption of proposed permanent regulations of the Kansas State Board of Pharmacy.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the public hearing to Alexandra Blasi, Executive Secretary, 800 S.W. Jackson, Suite 1414, Topeka, Kansas 66612-1244 or by e-mail to pharmacy@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the public hearing should be made at least 10 business days in advance of the hearing by contacting Alexandra Blasi, Executive Secretary, 800 S.W. Jackson, Suite 1414, Topeka, Kansas 66612-1244 or by phone at (785) 296-4056 . Handicapped parking is located at the north entrance to the building. Curbs at the north entrance are accessible to individuals with disabilities.

Summaries of the proposed regulations and their economic impact follow. Copies of the regulations and economic impact statement may be viewed at <http://pharmacy.ks.gov/statutes-regs/proposed-reg-changes>.



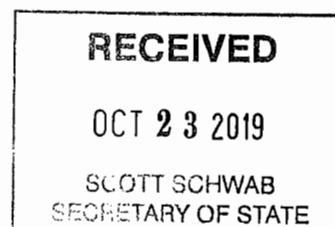
K.A.R. 68-2-5. Pharmacist-in-charge; notice to board. This regulation is being amended to clarify the requirements for notifying the Board of resignation as a pharmacist-in-charge of a pharmacy, including the opportunity to provide earlier notification.

K.A.R. 68-5-16. Ratio of pharmacy technicians to pharmacists. This regulation is being amended to increase the ratio of pharmacy technicians to pharmacists in the pharmacy from 3:1 to 4:1.

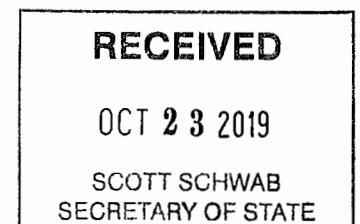
SUMMARY OF ECONOMIC IMPACT

It is the mission of the Board to ensure that all persons practicing pharmacy are properly licensed and registered, and to ensure compliance with Kansas statutes regarding proper compounding, storage, and dispensing of prescription drugs, maintenance of professional standards, and proper manufacture, distribution, and sale of prescription and nonprescription drugs. Thus, the Board is proposing these regulatory changes.

The Board anticipates minimal impact on business activities or growth. KAR 68-2-5 is merely a clarification of current Board operating practice and no economic impact is anticipated. KAR 68-5-16 sets the maximum number of pharmacy technicians that can be working in a pharmacy under the supervision of one on-duty pharmacist. If technicians have passed a certification exam approved by the Board (now required for all technicians within two years of entry into the profession), the pharmacy will be able to employ four technicians instead of three for each supervising pharmacist. The Board anticipates many pharmacies will choose to operate at the increased ratio allowing more help within the pharmacy and a potential increase in the number of employees staffed during shifts. Any economic impact would be specifically related to the cost of staffing and cost/benefit of increased production depending on how pharmacies choose to operate and would be impossible to quantify. There is no mandate that pharmacies operate at the increased ratio or make any change resulting from these amendments.



For a more detailed summary of the economic impact each specific regulation may have, see the Economic Impact Statements, provided at the website above.



68-2-5. Pharmacist-in-charge; notice to board. Each pharmacist shall ~~notify~~ submit to the board in writing within five days of, on a form provided by the board, notice of ceasing to serve as the pharmacist-in-charge at a pharmacy or registrant required to have a pharmacist-in-charge no later than five days after ceasing to serve as the pharmacist-in-charge. The notice shall include the pharmacist's name, the name and address of the pharmacy or registrant, and the date the pharmacist ceased to serve as the pharmacist in-charge. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2000 2019 Supp. 65-1626(t), K.S.A. 65-1637c, and K.S.A. 2000 Supp. 65-1643(a); effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1988; amended Aug. 1, 1997; amended March 22, 2002; amended P-_____.)

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68-5-16. Ratio of pharmacy technicians to pharmacists. ~~(a) Except as otherwise provided in this regulation,~~ The ratio of pharmacy technicians to pharmacists in the ~~prescription~~ area of any pharmacy shall not exceed ~~two~~ four to one.

~~(b) The ratio of pharmacy technicians to pharmacists in the prescription area of any pharmacy may be three to one if at least two of the pharmacy technicians have a current certification issued by the pharmacy technician certification board or a current certification issued by any other pharmacy technician certification organization approved by the board. Any pharmacy technician certification organization may be approved by the board if the board determines that the organization has a standard for pharmacy technician certification and recertification not below that of the pharmacy technician certification board~~ A pharmacist shall not supervise at any time more than two pharmacy technicians who have not passed a certification examination approved by the board pursuant to K.A.R. 68-5-17. (Authorized by and implementing K.S.A. ~~2005-Supp. 65-1663,~~ as amended by L. 2006, ch. 40, sec. 1; effective, T-68-8-22-05, Aug. 22, 2005; effective May 26, 2006; amended April 27, 2007; amended P-
_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Board of Pharmacy
Agency

Alexandra Blasi
Agency Contact

785-296-8419
Contact Phone Number

68-2-5 and 68-5-16
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 68-2-5 is being amended to clarify the requirements for notifying the Board of resignation as a pharmacist-in-charge of a pharmacy, including the opportunity to provide earlier notification.

K.A.R. 68-5-16 is being amended to increase the ratio of pharmacy technicians to pharmacists in the pharmacy from 3:1 to 4:1.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

Regulations are not mandated by the federal government. Amendments are consistent with other states increase the pharmacy technician ratio, some eliminating altogether.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The Board anticipates minimal impact on business activities or growth. KAR 68-5-16 sets the maximum number of pharmacy technicians that can be working in a pharmacy under the supervision of one on-duty pharmacist. If technicians have passed a certification exam approved by the Board (now required for all technicians within two years of entry into the profession), the pharmacy will be able to employ four technicians instead of three for each supervising pharmacist. The Board anticipates many pharmacies will choose to operate at the increased ratio allowing more help within the pharmacy and a potential increase in the number of employees staffed during shifts. KAR 68-2-5 is merely a clarification of current Board operating practice and no economic impact is anticipated.

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- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

Any economic impact would be specifically related to the cost of staffing and cost/benefit of increased production depending on how pharmacies choose to operate and would be impossible to quantify. There is no mandate that pharmacies operate at the increased ratio or make any change resulting from these amendments. There is minimal risk to the public at this increased ratio based on studies from other states that have increased or eliminated the ratio.

- C. Businesses that would be directly affected by the proposed rule and regulation;**

Pharmacies registered in Kansas

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

K.A.R. 68-5-16: Increased ability of pharmacies to capitalize on efficiencies and increased productivity in providing services to patients by adding one additional staff person for each supervising pharmacist on duty.

K.A.R. 68-2-5: Clarification of timeline and method of notification to the Board for resignation of pharmacist-in-charge.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

Utilization of existing Board forms, resources, and processes.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

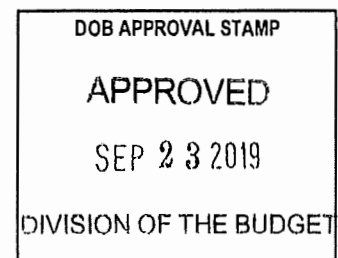
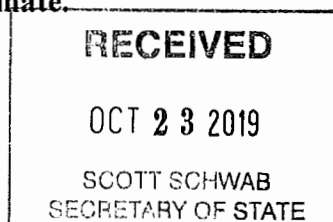
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Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

n/a



Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

n/a

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

KAR 68-5-16 amendments are based on recommendations from the Board's pharmacy technician task force which met for approximately two years to discuss and weigh the risks and benefits of increasing the technician ratio. Any member of the Board's licensee and registrant population was allowed to participate in the task force, which was publicized by the Board.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

n/a

