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SCOTT SCHWAB
SECRETARY OF STATE

State of Kansas
Board of Pharmacy

**Notice of Public Hearing on Proposed Administrative
Regulations**

A public hearing will be conducted on Thursday, September 28, 2023, at 8:30 a.m. at the Office of Administrative Hearings, 1020 S Kansas Ave, 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 an 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 statements may be viewed at <https://pharmacy.ks.gov/statutes->

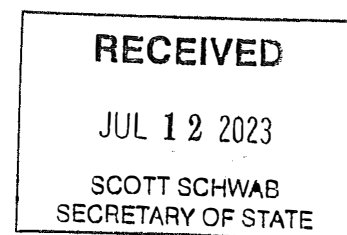
regs/proposed-changes. (Note: Statements indicating that “The Board anticipates that the proposed new regulation/revocation will have minor to no economic impact” are intended to indicate that no economic impact on the Board, other state agencies, state employees, or the general public have been identified.)

K.A.R. 68-2-24. Pharmacy owner responsibilities. The proposed new regulation is designed to simplify and condense a pharmacy owner’s responsibilities. Responsibilities include ensuring that a pharmacy is operated in compliance with the Kansas pharmacy act and other statutory requirements, that a pharmacy owner does not prevent a pharmacist from doing the same, ensuring that a pharmacist has the discretion to conduct an in-person inspection of a drug or device, and prohibiting any individual who has had a license or registration denied, revoked, or suspended by the Board from entering a pharmacy (e.g., clerk or cashier). The Board anticipates that the proposed new regulation will have minor to no economic impact.

K.A.R. 68-7-26. Remote practice of pharmacy. The proposed new regulation codifies allowances made during the public health emergency which authorized pharmacy personnel to work remotely pursuant to requirements and circumstances outlined in the regulation, and expands the definition of direct supervision by a pharmacist to include remote work settings. The new regulation does not require a pharmacy to employ remote workers or allow remote work, but offers the opportunity for pharmacies to engage pharmacy personnel in this manner. The Board anticipates that the proposed new regulation will have minor to no economic impact.

K.A.R. 68-20-23. Revoked. The proposed revoked regulation classified N-Benzylpiperazine (BZP), including its salts, isomers, and salts of isomers, as a schedule I controlled substance pursuant to K.S.A. 65-4102. Subsequently, K.S.A. 65-4105 was amended to include the aforementioned substance and K.A.R. 68-20-23 is no longer necessary. The Board anticipates that the proposed revocation will have no economic impact.

K.A.R. 68-20-31. Revoked. The proposed revoked regulation classified 2,5-dimethoxy-4-methyl-n-(2-methoxybenzyl)phenethylamine, including its salts, isomers, and salts of isomers, as a schedule I controlled substance pursuant to K.S.A. 65-4102. The aforementioned substance was never permanently classified as a Schedule I controlled substance pursuant to K.S.A. 65-4105. Therefore, K.A.R. 68-20-31 is being formally revoked. The Board anticipates that the proposed revocation will have no economic impact.



68-2-24. Pharmacy owner responsibilities. (a) Each pharmacy owner shall ensure that the pharmacy is operated in compliance with the Kansas pharmacy act, the state and federal uniform controlled substances act, the state and federal food, drug, and cosmetic act, the state prescription monitoring program act, and all applicable regulations.

(b) Each pharmacy owner shall ensure that all policies and procedures of the pharmacy are in compliance with the Kansas pharmacy act, the state and federal uniform controlled substances act, the state and federal food, drug, and cosmetic act, the state prescription monitoring program act, and all applicable regulations.

(c) Each pharmacy owner shall not prohibit or prevent a pharmacist, pharmacist intern, or pharmacy technician from complying with the Kansas pharmacy act, the state and federal uniform controlled substances act, the state and federal food, drug, and cosmetic act, the state prescription monitoring program act, and all applicable regulations.

(d) Each pharmacy owner shall not penalize, prohibit, or prevent a pharmacist from conducting an in-person inspection of a prescription, drug or device, or product verification.

(e) Each pharmacy owner shall not permit an individual to be in the pharmacy that has had a license or registration denied, revoked, or suspended by the board, unless the licensee or registrant has subsequently been issued an active license or registration by the board.

(Authorized by K.S.A. 65-1630 and K.S.A. 2022 Supp. 65-1643; implementing K.S.A. 2022 Supp. 65-1626, K.S.A. 2022 Supp. 65-1627, K.S.A. 65-1642, K.S.A. 2022 Supp. 65-1643, K.S.A. 65-1648, K.S.A. 65-1663, and K.S.A. 65-1676; effective P-_____.)

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68-7-26. Remote practice of pharmacy. (a) Definitions. Each of the following terms shall have the meaning specified in this regulation:

(1) "Employ" shall have the same meaning as defined in K.S.A. 44-1202 and amendments thereto.

(2) "Employing Pharmacy" shall mean the pharmacy that employs the remote worker and receives tangible work products from the remote worker.

(3) "Remote practice of pharmacy" or "remote practice" shall mean the practice of pharmacy conducted at any location other than the employing pharmacy.

(4) "Remote worker" shall mean the pharmacist, pharmacist intern, or pharmacy technician engaged in the remote practice of pharmacy.

(b) Requirements.

(1) Any pharmacy may employ a remote worker to engage in the remote practice of pharmacy provided that all requirements of this regulation are met.

(2) Unless the remote worker is a pharmacist, each remote worker shall be located in the state of Kansas or within 50 miles from the employing pharmacy at all times the remote worker is engaged in remote practice. Each pharmacist engaged in remote practice shall be located in the United States.

(3) The pharmacist-in-charge shall ensure that the pharmacy displays a notice of remote work if the pharmacy employs remote workers.

(4) Each pharmacy owner and pharmacist-in-charge shall ensure that all records required by the pharmacy act of the state of Kansas are maintained for a period of five years at the employing pharmacy and that records are not stored outside the employing pharmacy or the

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employing pharmacy's direct control.

(5) Each pharmacy owner and pharmacist-in-charge shall maintain a record of each remote worker that was engaged in the remote practice of pharmacy in the last two years. The record shall include the following information:

- (A) The first and last name of the remote worker;
- (B) the license, registration, or permit number of the remote worker;
- (C) each address where the remote worker is located when engaged in remote practice;
- (D) the current contact information of the remote worker; and
- (E) a daily log or audit trail of each remote worker engaged in the remote practice of pharmacy and the supervising pharmacist for each pharmacist intern and pharmacy technician.

(6) Each pharmacy owner and remote worker engaged in the remote practice of pharmacy shall ensure the following:

- (A) Each remote practice area is free from third-party interference or observation;
- (B) each remote work device used to engage in remote practice is provided and maintained by the employing pharmacy;
- (C) each remote work device used to engage in remote practice is configured and properly equipped to engage in the remote practice of pharmacy and is secure from unauthorized access;
- (D) all prescription and patient information is maintained in a manner that protects the integrity and confidentiality of the information; and
- (E) communication to any third party outside the employing pharmacy is made on a remote work device that complies with paragraphs (b)(6)(B) and (b)(6)(C).

(7)(A) Each pharmacy owner and pharmacist-in-charge of a pharmacy that employs remote

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workers shall maintain a written policy and procedure manual. Each pharmacist-in-charge shall review, update, and revise the manual at least annually and as necessary to ensure the manual remains current. Documentation of the review shall be maintained at the pharmacy.

(B) The policy and procedure manual shall include the following:

(i) Procedures for the operation of the remote practice of pharmacy;

(ii) maintenance of security for remote work devices;

(iii) procedures to ensure that the remote practice of pharmacy is conducted in a manner in which patient privacy and confidentiality are maintained, including provisions that patient information shall not be printed at a remote practice area, patient information shall not exist in any non-electronic format at a remote practice area, and patient information shall not exist in any electronic format except on a remote work device that complies with paragraphs (b)(6)(B) and (b)(6)(C);

(iv) acknowledgment that a physical or virtual inspection may be conducted by the board or the employing pharmacy at any location where each remote worker engages in remote practice;

(v) procedures for routine audits of each remote worker's activity;

(vi) procedures to ensure compliance with an ongoing continuous quality improvement program pursuant to K.S.A. 65-1695 and amendments thereto, review of incident reports, and necessary training or education of remote workers in response to any incident;

(vii) procedures to ensure that the employing pharmacy maintains an updated list of each remote worker engaged in the remote practice of pharmacy. The list shall include each remote worker's name and current contact information;

(viii) procedures for any pharmacist intern or pharmacy technician engaged in the remote

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K.A.R. 68-7-26

p. 4

practice of pharmacy to contact the supervising pharmacist; and

(ix) procedures for any pharmacist intern or pharmacy technician to follow if a supervising pharmacist is no longer available to supervise.

(8) Each pharmacist intern shall complete the first year of pharmacy school and be in good standing before engaging in the remote practice of pharmacy.

(9) Each pharmacy technician shall complete the following education, experience, and training before engaging in the remote practice of pharmacy:

(A) At least 1,000 clock-hours of experience as a pharmacy technician in any pharmacy in the two years preceding the date the pharmacy technician engages in remote practice;

(B) at least 240 clock-hours of training in the pharmacy either with the current pharmacist-in-charge or the pharmacist-in-charge's designee;

(C) training in accordance with K.A.R. 68-5-15;

(D) an acknowledgment of understanding of the policy and procedure manual for the remote practice of pharmacy; and

(E) documentation of passing a certification examination approved by the board in accordance with K.A.R. 68-5-17.

(10) Each pharmacist-in-charge shall ensure that each pharmacist intern has completed the requirements of paragraph (b)(8), and each pharmacy technician has completed the requirements of paragraph (b)(9) before engaging in the remote practice of pharmacy.

(11) The pharmacy owner and pharmacist-in-charge shall ensure that documentation of the requirements of paragraphs (b)(8) and (b)(9) is maintained at the pharmacy for each pharmacist intern and pharmacy technician engaged in remote practice.

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(12) Each pharmacist intern or pharmacy technician engaged in remote practice shall be supervised by a pharmacist working in the pharmacy or a pharmacist engaged in remote practice.

(13) Supervision conducted in accordance with this regulation shall constitute direct supervision.

(c) Remote practice of pharmacy.

(1) Each pharmacist actively engaged in the remote practice of pharmacy shall not engage in any of the following tasks:

(A) Handling or possession of any drug or device owned by the pharmacy;

(B) packaging or pre-packaging;

(C) labeling;

(D) compounding preparations;

(E) dispensing; or

(F) conducting final verification.

(2) Any pharmacist intern or pharmacy technician may perform the following tasks while engaged in the remote practice of pharmacy:

(A) Data entry;

(B) order entry;

(C) refill queue processing; and

(D) sending refill requests to prescribers by automated methods.

(3) Any pharmacist intern or pharmacy technician may perform the following tasks while engaged in the remote practice of pharmacy if the pharmacy is open:

(A) Contacting prescribers or prescriber offices for refills;

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(B) contacting patients for clarification of personal data and payment processing information; and

(C) transferring a prescription in accordance with K.A.R. 68-7-19.

(4) Any pharmacist engaged in the remote practice of pharmacy may supervise any pharmacist intern or pharmacy technician engaged in the remote practice of pharmacy in accordance with the technician-to-pharmacist ratio as specified by K.A.R. 68-5-16 but shall not supervise any pharmacist intern or pharmacy technician located in the pharmacy.

(5) Except as specified in paragraph (c)(3), any remote worker may engage in the remote practice of pharmacy when the pharmacy is closed.

(d) This regulation shall not apply to medical care facility pharmacies or personnel.

(e) Nothing in this regulation shall affect the requirements or allowances set forth in K.A.R. 68-22-1 through 68-22-5.

(f) Nothing in this regulation shall affect the requirements or allowances set forth in K.A.R. 68-23-1 through 68-23-6.

(g) Hours spent engaged in the remote practice of pharmacy by a pharmacist intern shall not count towards the intern hours required by the board unless the pharmacist is continuously present and observing the intern by video and audio link. (Authorized by K.S.A. 65-1630, K.S.A. 2022 Supp. 65-1656, K.S.A. 65-1663, K.S.A. 65-1676, and K.S.A. 65-1695; implementing K.S.A. 2022 Supp. 65-1626, K.S.A. 2022 Supp. 65-1626a, K.S.A. 2022 Supp. 65-1627, K.S.A. 65-1636, K.S.A. 2022 Supp. 65-1637, K.S.A. 65-1642, K.S.A. 2022 Supp. 65-1643, K.S.A. 2022 Supp. 65-1656, K.S.A. 65-1663, and K.S.A. 65-1676; effective P-_____.)

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Proposed

68-20-23. (Authorized and implementing K.S.A. 65-4102, effective, T-68-11-6-08, Nov.
6, 2008, effective March 6, 2009; revoked P-_____.)

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Proposed

68-20-31. (Authorized and implementing K.S.A. 2014 Supp. 65-4102, effective, T-68-1-23-15, Jan. 23, 2015, effective June 5, 2015; revoked P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Alexandra Blasi
Agency Contact

785-296-8419 (direct)
Contact Phone Number

68-2-24
K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

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

K.A.R. 68-2-24 is a new regulation that simplifies and condenses a pharmacy owner's responsibilities. Responsibilities include ensuring that a pharmacy is operated in compliance with the Kansas pharmacy act and other statutory requirements, that a pharmacy owner does not prevent a pharmacist from doing the same, ensuring that a pharmacist has discretion to conduct an in-person inspection of a drug or device, and prohibiting from entering a pharmacy any individual who has had a license or registration denied, revoked, or suspended by the Board.

Section II

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

Regulations are not mandated by the federal government. The proposed regulation is consistent with neighboring states and current standards of pharmacy practice.

Section III

Agency analysis specifically addressing the following:

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

The Board anticipates the new regulation may have some impact on Kansas pharmacies by prohibiting individuals from entering the pharmacy who have had a registration or license denied, revoked, or suspended by the Board. Pharmacies that have a cashier position or other auxiliary staff located within the pharmacy will be unable to utilize prohibited individuals in these roles. The Board is aware of a few instances where pharmacies currently permit such activity but does not believe it is a widespread practice.

- 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(s) and regulation(s) and on the state economy as a whole;

Pharmacies that have an unlicensed cashier, clerk, or other auxiliary staff located in the pharmacy will be unable to utilize prohibited individuals under the new regulation. The Board is unable to quantify the economic impact but believes any additional pharmacy expense would be offset by the potential benefit to the public by ensuring individuals with specific disciplinary history are denied access to the pharmacy, patient records, and drugs.

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

Pharmacies registered in Kansas.

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

Benefits include simplifying and condensing pharmacy owner responsibilities into one regulation and ensuring patient safety by prohibiting pharmacies from allowing prohibited individuals into the pharmacy. Costs are not quantifiable as the number of pharmacies employing prohibited individuals as auxiliary pharmacy staff is unknown to the Board. Benefits significantly outweigh any costs because costs associated with drug diversion, unauthorized pharmacy record access, or theft of patient personal information by individuals with certain Board disciplinary action could be thousands of dollars.

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;

The Board has minimized any fiscal impact by providing a narrow and specific list of disciplinary actions that would be prohibited for auxiliary pharmacy staff. Furthermore, the Board solicits comments and feedback from stakeholders before routing any regulation through the administrative review process. The Board received minimal feedback from stakeholders, suggesting that any fiscal impact is negligible.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

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

Reviewed regulation with pharmacy stakeholders.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None

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Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

None

- 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.

Not applicable.

- 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).

The Board provided an opportunity for comments on proposed draft regulations and solicited feedback from all pharmacy stakeholder organizations prior to routing the regulation through the administrative review process. The Board is working through a multi-year plan to review and revise all adopted regulations for necessary updates.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

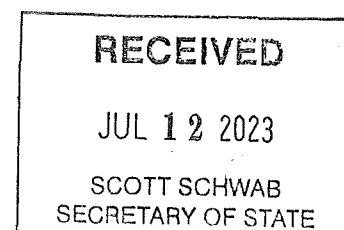
- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

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

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

Kansas Administrative Regulations
Economic Impact Statement
Public Hearing Certification
(To be completed after the public hearing)

Agency: [Click here to start typing](#)

Agency Contact: [Click here to start typing](#)

Phone Number or Email: [Click here to start typing](#)

K.A.R. Number(s): [Click here to start typing](#)

Public Hearing Date: [Select date](#)

Public Hearing Time: [Click here to start typing](#)

Public Hearing Location: [Click here to start typing](#)

Public Hearing Attendance: [Click here to start typing](#)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Alexandra Blasi
Agency Contact

785-296-8419 (direct)
Contact Phone Number

68-7-26

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

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

K.A.R. 68-7-26 is a new regulation that allows pharmacy employees to work remotely upon meeting the requirements set forth in the regulation. The new regulation does not require a pharmacy to employ remote workers but offers the opportunity for pharmacies to employ remote workers.

Section II

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

Regulation is not mandated by the federal government. Proposed amendments are consistent with neighboring states and current standards of pharmacy practice.

Section III

Agency analysis specifically addressing the following:

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

The Board anticipates that this will allow pharmacies greater flexibility in employing pharmacists, pharmacy technicians, and pharmacist interns. The new regulation does not require pharmacies to participate, but pharmacies that elect to participate will need to ensure that all remote employees are equipped with a remote work device.

- 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(s) and regulation(s) and on the state economy as a whole;

No quantifiable costs based on the requirements of the regulation. While pharmacies that elect to engage in remote work may incur costs associated with purchasing remote work devices and services required to operate a remote work device, this is not required if a pharmacy does not hire remote workers. Estimated expenses are unknown to the Board. Additionally, pharmacies may already have equipment and software that complies with the Board's COVID guidance.

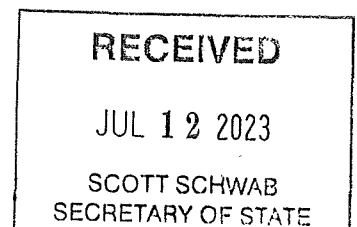
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Pharmacies registered in Kansas.

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

Benefits include allowing pharmacies to employ pharmacists, pharmacy technicians, and pharmacist interns that are not local to the employing pharmacy, allowing for greater job market opportunities. The Board

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anticipates pharmacies may take advantage of the new regulation but does not require pharmacies to make any changes to their current employment practices.

- 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;

Board attempted to minimize any fiscal impact by not requiring pharmacies to participate in employing remote workers. Regulation is being created at the request of several pharmacies and pharmacy owners interested in expanding the Board's COVID guidance. The new regulation is consistent with other states' pharmacy practices of remote work. Language borrowed from other state boards of pharmacy.

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

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

Reviewed regulation with pharmacy stakeholders.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s)
- ☐ No and regulation(s), did the agency hold a public hearing to find that the estimated costs
- ☒ Not Applicable 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.

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

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None

- 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.

Not applicable.

- 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).

The Board provided an opportunity for comments on proposed draft regulations and solicited feedback from all pharmacy stakeholder organizations prior to routing the regulation through the administrative review process. The Board is working through a multi-year plan to review and revise all adopted regulations for necessary updates.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

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

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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**Kansas Administrative Regulations
Economic Impact Statement (EIS)**

Kansas Board of Pharmacy
Agency

Alexandra Blasi
Agency Contact

785-296-4056
Contact Phone Number

68-20-23
K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

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

K.A.R. 68-20-23 classified N-Benzylpiperazine (BZP), including its salts, isomers, and salts of isomers, as a schedule I controlled substance pursuant to K.S.A. 65-4102. Subsequently, K.S.A. 65-4105 was amended to include the aforementioned substance, and thus 68-20-23 is no longer necessary.

Section II

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

Regulations are not mandated by the federal government.

Section III

Agency analysis specifically addressing the following:

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

The proposed revocation would neither enhance nor restrict business activities and growth for pharmacies and dispensing physicians.

- 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(s) and regulation(s) and on the state economy as a whole;

None

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

Pharmacies registered in Kansas.

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

No costs.

- 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;

The Board is removing redundancy in the regulations.

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- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

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

Reviewed regulation revocation with pharmacy stakeholders.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There is no anticipated change in state revenues and expenditures as a result of the implementation of the proposed regulations.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

None.

- 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.

There is no impact from the proposed regulations on cities, counties or school districts.

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- 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).

The Board provided an opportunity for comments and discussion on the proposed revocation and solicited feedback from pharmacists and stakeholder groups such as the Kansas Pharmacists Association prior to routing through the administrative rulemaking process. The Board is working through a multi-year plan to review and revise all adopted regulations for necessary updates.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

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

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Alexandra Blasi
Agency Contact

785-296-4056
Contact Phone Number

68-20-31
K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

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

K.A.R. 68-20-31 classified 2,5-dimethoxy-4-methyl-n-(2-methoxybenzyl)phenethylamine, including its salts, isomers, and salts of isomers, as a schedule I controlled substance pursuant to K.S.A. 65-4102. The aforementioned substance was never classified as a Schedule I pursuant to K.S.A. 65-4105 and 68-20-31 is now being formally revoked.

Section II

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

Regulations are not mandated by the federal government.

Section III

Agency analysis specifically addressing the following:

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

The proposed revocation would neither enhance nor restrict business activities and growth for pharmacies and dispensing physicians.

- 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(s) and regulation(s) and on the state economy as a whole;

None

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

Pharmacies registered in Kansas.

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

No costs.

- 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;

The Board is removing a regulation that should have been revoked pursuant to K.S.A. 65-4102(e).

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- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

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

Reviewed regulation revocation with pharmacy stakeholders.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There is no anticipated change in state revenues and expenditures as a result of the implementation of the proposed regulations.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

None.

- 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.

There is no impact from the proposed regulations on cities, counties or school districts.

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- 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).

The Board provided an opportunity for comments and discussion on the proposed revocation and solicited feedback from pharmacists and stakeholder groups such as the Kansas Pharmacists Association prior to routing through the administrative rulemaking process. The Board is working through a multi-year plan to review and revise all adopted regulations for necessary updates.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

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

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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