



KPhA IN THE POLITICAL ARENA

Guardian of the Profession



Throughout its history, the Kentucky Pharmacists Association (KPhA) has maintained a positive and respected position in the Commonwealth's political arena. To Kentucky legislators and executive branch officials, KPhA is the voice of Kentucky pharmacy concerning legislative and regulatory matters and has served as the Guardian of the Profession of Pharmacy since its inception in 1879.

Maintaining KPhA's presence in the Capitol is a high priority for the Association. Political advocacy for the profession of pharmacy is vital to preserve a favorable and progressive environment for the practice of pharmacy in the Commonwealth.

Over the years KPhA, through its political activities, has been instrumental in shaping public policy to the benefit of pharmacists in all practice settings. KPhA's accomplishments have benefited both the professional practice of pharmacists and the health care delivery system in which they practice. Below is a brief summary of KPhA's major legislative and regulatory successes in recent years:

The 1990s

The early nineties saw the beginning of a serious debate on health care reform both at a national and state level. KPhA stepped to the forefront representing the profession in the debate. In 1991, KPhA worked with the legislature and state Medicaid officials on HB 21, the original provider tax bill, and **successfully lobbied for a significant increase in the dispensing fee.**

The 1994 session has sometimes been dubbed the "health care session." KPhA's work during the interim paid off as pharmacy fared well under the KY Health Care Reform Act. KPhA scored a major victory in the health care reform debate with the **passage of an "any willing provider" provision** in state law.

In 1995, KPhA along with other pharmacy organizations, laid the groundwork for a **major revision in the Pharmacy Practice Act.** The consensus-building process resulted in widespread agreement in the profession and a cross-professional coalition to advance its passage. HB 467 received nearly unanimous approval of the Kentucky General Assembly and was signed into law by Governor Patton in April 1996. The passage of the Pharmacy Practice Act ushered in a new era for Kentucky's pharmacists. Its progressive provisions including **collaborative care agreements**, the recognition of pharmacists as health care professionals, and many other sections set the stage for the practice of pharmacy in the next century.

The Pharmacy Practice Act was further amended by an initiative brought forth by KPhA in the 1998 General Assembly. The bill, which ultimately passed the legislature, **allowed pharmacists to perform CLIA-waived tests** vastly broadening the scope of the practice. HB

649 also **created an “impaired pharmacists committee,”** a long-time goal of KPhA. Finally, in a major victory for pharmacy, **the provider tax on prescription drugs was repealed.**

KPhA was actively involved in a number of key regulations during 1999. The Association worked with the Board of Pharmacy to **create a Charitable Pharmacy Permit** by regulation, which allowed pharmacists seeking to provide critical pharmacy care to the indigent to operate in a less restrictive environment. Also, on the regulatory front, KPhA worked on regulatory changes to **authorize centralized dispensing and to recognize the certification of Nuclear Pharmacist Technicians.**

The 2000s

The 2000 legislature saw activity on both the mail order pharmacy front and Medicaid where KPhA took a leading role to protect the interests of Kentucky pharmacists. KPhA successfully **opposed legislation to allow ARNPs’ unlimited dispensing authority** and supported legislation adding a pharmacist to the End of Life Health Care Task Force.

The first ever “annual session” of the Kentucky General Assembly in 2001 saw an important victory for the profession. **A KPhA-supported proposal to eliminate the annual HIV/AIDS continuing education requirement passed the legislature.** The statutory change was in line with KPhA’s long-standing opposition to subject-specific CE requirements. The “short” session also saw another attempt to allow ARNPs to dispense prescription drugs which was again defeated. On the regulatory front, KPhA **battled reductions in the Medicaid dispensing fee including the elimination of the “unit dose” add-on** and worked with the Board of Pharmacy to rewrite the regulations dealing with reference materials and equipment and the electronic transfer of prescription information.

The 2002 Session was characterized by massive financial problems in Medicaid and KPhA spent countless hours **battling fee reductions** in the program. Also in 2002, KPhA worked with the state Public Health Department to resolve the issue of dispensing activities by health department personnel. HB 67 which ultimately passed the General Assembly gives pharmacists oversight of drug distribution at local health departments by **mandating that each health department have a pharmacist on its governing board.** The involvement of pharmacists in public health programs was applauded by the state’s Commissioner of Public Health Dr. Rice Leach. According to Leach, “The bottom line (is) pharmacists are an asset.” KPhA was also successful in helping **pass legislation to regulate prescription discount cards** and to allow the Board of Pharmacy to expunge minor violations from a pharmacist’s permanent record.

In 2003 KPhA **passed legislation to recognize the validity of prescriptions written by out-of-state practitioners.** The Association also **successfully opposed legislation to mandate mail order for Medicaid maintenance medications.**

2004 was another busy year for pharmacy. KPhA again championed a major change to the Pharmacy Practice Act **allowing pharmacists to administer immunizations via a prescriber-approved protocol.** This change opened the door for pharmacists to play an even more important role in preventive care. KPhA also was instrumental in the passage of legislation implementing the recommendations of the Prescription Drug Abuse Task Force. KPhA’s efforts with the Task Force and the legislature **averted passage of a requirement that pharmacists obtain additional identification from patients obtaining controlled substances.** KPhA also worked with the Board of Pharmacy to **pass a bill increasing the terms of members of the Board from three to four years.**

In 2005, KPhA faced a major Medicaid reimbursement battle as the Cabinet for Health and Family Services proposed dramatic reductions in pharmacy reimbursement. KPhA **filed a lawsuit to stop the reimbursement reductions** and ultimately **appealed to Governor Fletcher to significantly pare the cuts**. The result was a compromise that **restored a major portion of the cuts totaling tens of millions of dollars**. The 2005 legislative session saw the **passage of one of the nation's toughest Internet pharmacy laws**. SB 63 required that out-of-state pharmacies have a pharmacist-in-charge who is licensed in Kentucky, a long-time legislative goal of KPhA. The bill also contained a KPhA-backed **provision restricting the sale of pseudoephedrine products to pharmacies only**. In 2005, KPhA also **defeated legislation to require drug pedigrees** and **supported funding for a new College of Pharmacy building at the University of Kentucky**.

KPhA launched a significant initiative to expand the practice of pharmacy in 2006. The Association **backed legislation to allow pharmacists to prescribe under a collaborative practice agreement with a physician**. While the legislation did not pass, its introduction fundamentally changed the debate on pharmacy and allowed the profession to show the many ways pharmacists can improve access to health care and patient care. KPhA scored two major victories in the 2006 Session. The organization **passed legislation to include an "any willing provider" provision and a mail order parity provision in the state's self-insured health plan**. These provisions ensure that Kentucky's pharmacists can continue to provide prescription services to state employees and teachers. KPhA also successfully **added language to the state budget to allow pharmacists to refuse service to Medicaid recipients who fail to pay required copayments for drugs**. Finally, KPhA **supported the remaining state funding for the new pharmacy college building at UK**.

In the 2007 session, KPhA continued to push for **an expansion of the role pharmacists play in the health care system**. Legislation **allowing limited prescriptive authority for pharmacists was again introduced**. That year's version of the bill included language **granting pharmacists more flexibility in the use of collaborative care agreements**. Pharmacists again emphasized the role that they can play in the delivery of health care as the bill received a hearing by the House Health and Welfare Committee. During 2007, KPhA also **helped strengthen the rules for out-of-state and Internet pharmacies** and successfully **fought against legislation to weaken Kentucky's generic drug law**. KPhA also worked closely with state Medicaid officials to petition Congress to delay the implementation of a federal law mandating the use of tamper resistant prescriptions for Medicaid. In late 2007, KPhA led the charge to stop a proposed Board of Pharmacy regulation that would have significantly weakened the state's pharmacist licensing law.

KPhA scored a major success in the 2008 session with the passage of HB 538, exempting over-the-counter drugs dispensed pursuant to a prescription from the state sales tax. The bill reduced the financial exposure of pharmacies by millions of dollars in the years ahead. KPhA also continued to focus on the advancement of the profession. The 2008 Session also saw the passage of a KPhA-endorsed bill to require the registration of pharmacy technicians and a pharmacy-friendly drug pedigree bill. On the regulatory front, KPhA worked closely with the Kentucky Board of Pharmacy to advance a regulatory change allowing the use of common prescription databases.

In 2009, **KPhA launched a major legislative initiative to address the abusive audit practices by pharmacy benefit managers. The bill passed the General Assembly and was signed into law by Governor Beshear.** Its passage gave Kentucky one of the most comprehensive audit laws in the country and gave pharmacists ammunition in fighting the aggressive audit tactics employed by PBMs. Also that year, KPhA sought and won a sales tax exemption for durable medical equipment that significantly helped pharmacies that sold DME.

2010 to Today

After a devastating ice storm in the winter of 2009, KPhA began setting the stage for legislation to grant expanded powers to pharmacists during emergencies. **That effort culminated in the passage of legislation in 2010 that gave pharmacists additional tools in order to serve their patients during natural and man-made disasters.** The law allows the Governor to grant expanded powers to pharmacists in the event of a declared state of emergency. It has been invoked numerous times since 2010—including the 2012 disaster that impacted West Liberty and other affected communities—and has dramatically helped pharmacists meet patient needs during disasters. **2010 also saw the passage of a KPhA-backed proposal to significantly expand immunization authority for pharmacists.** The legislation allowed pharmacists the ability to provide the full range of immunization to individuals 14-17 years of age. Before its passage pharmacists were limited to providing immunizations to adults only.

The 2011 legislative session provided KPhA with another opportunity to expand immunization authority. The Association was successful in passing a bill to allow pharmacists to administer influenza vaccines to individuals down to the age of 9 years old. **That session also saw KPhA working with drug control officials to establish a framework for allowing the electronic prescribing of controlled substances.**

In 2012 KPhA built on the foundation of the pharmacy audit bill that was passed in 2009 and passed legislation adding further protections for pharmacies. The legislation also expanded the scope of the law to cover managed care organizations serving the Medicaid population. **KPhA was also in the forefront in the debate over prescription drug abuse.** The Association was successful in amending what became known as HB 1 to remove provisions requiring pharmacists to run KASPER reports before dispensing a controlled substance. KPhA was very active in a work group assisting in the implementation of HB 1 after it passed the General Assembly in a Special Session, including a much-needed exemption for hospitals and long term care facilities having to run KASPER reports before administering pain medication to patients. **The Association also worked throughout the year in addressing problems associated with a new law licensing individuals that fit therapeutic shoes for diabetics.** KPhA's efforts resulted in an agreement with the board regulating these individuals that allowed pharmacy technicians to assist pharmacists in fitting therapeutic shoes without additional licensure requirements.

In 2013, your KPhA passed the first PBM transparency bill in the country. **SB 107 put KPhA on the national stage as it became one of the very few pharmacy organizations to successfully fight back against the PBM industry.** The bill addressed the issue of MAC pricing and provided Kentucky pharmacies with a way to counter the aggressive pricing practices of PBMs. KPhA continues to work with pharmacists to monitor the effectiveness of this legislation as it evolves into practice.

The Future

KPhA's past legislative showing has created a solid foundation to help move the profession into the future. The Association continues to shape the evolution of pharmacy practice and is active in the legislative and regulatory process to affect positive change. The Association continues to promote the expansion of the role of the pharmacist in the health care delivery system and continues to publicize the many ways pharmacists can add to the value and quality of health care. The changing nature of Medicaid remains a constant concern to the Association and continues to be a focus of its government affairs plan.

KPhA remains committed to being the voice and guardian of the profession for Kentucky's pharmacists.

SUPPORT KPHA'S EFFORTS IN SERVING THE PROFESSION OF PHARMACY

YOU CAN PARTICIPATE BY:

- CONTRIBUTING TO THE GOVERNMENT AFFAIRS FUND
- CONTRIBUTING TO THE KENTUCKY PHARMACISTS PAC
- GETTING TO KNOW YOUR STATE SENATOR AND REPRESENTATIVE
- ENGAGING WITH YOUR KPhA ON GRASSROOTS ALERTS