

**Testimony on HB 2578**  
**to**  
**The Senate Committee on Ways & Means**  
  
**by Martin Kennedy**  
**Commissioner of Licensing, Certification and Evaluation**

**Jan. 31, 2008**

Sen. Umbarger and members of the Senate Committee on Ways and Means, thank you for the opportunity to appear before you today in support of HB 2578/the utilization of unused medications act.

We appreciate the continued efforts of Rep. Wolf to bring together the agencies and interested parties affected by this proposal to iron out the details and reach consensus. KDOA was pleased to be included in the early discussion because central to this proposal was the question of whether either state or federal rules, regulations or statutes prohibited donation of unused medications by nursing facilities.

Currently, both state and federal regulations require facilities to dispose of discontinued or expired medications and biologicals. "Disposition" is defined as the process of returning, releasing and/or destroying discontinued or expired medications. As long as participation in the program is voluntary, current regulation would allow adult care homes to donate unused or medications as outlined in HB 2578.

The department will guide participating adult care homes in the development of internal policies and procedures for the donation of unused medications to a Kansas safety net clinic. KDOA will also educate adult care home surveyors that facilities may dispose of medications by donating unused medications to a Kansas safety net clinic. However, if a facility chooses to participate in the utilization of unused medications act, the facility cannot deny a resident admission if he or she chooses not to donate their unused medications.

Although the donation is permitted under the current regulation, the implementation of the program will require KDOA to promulgate additional regulations.

Also, we request one change to HB 2578. KDOA's focus should be on the "donation" of the medications, not the "transfer" of the medications, which we interpret to be the actual physical movement of the medication from the adult care home to the indigent health clinic. Section 7 (a)(1) directs the Board of Pharmacy to adopt rules and regulations for standards and procedures for transfer.

We would ask, then, that Sec 3(a) language be amended to read, "The department on aging shall adopt rules and regulations consistent with public health and safety through which unused

medications other than medications defined as controlled substances, may be **donated** by the adult care home that elects to participate in the program for which the purpose of distributing unused medications to Kansas residents who are medically indigent.”

With that minor amendment, I encourage you to support HB 2578. Thank you.