

# **Kansas State Board of Pharmacy**

## **Board Delegation of Authority**

Date of Adoption: November 27, 2018

Date of Re-Approval: October 13, 2021

### **Purpose**

The Board hereby establishes this policy to delegate authority to certain Board members and staff to carry out its mission of ensuring the protection of the public. K.S.A. 74-1606 requires the Board to:

- annually organize by electing a President and a Vice-President;
- appoint a full-time Executive Secretary whose employment shall be subject to the pleasure of the Board;
- employ such inspectors, chemists, agents and clerical help as may be necessary for administering and enforcing the Kansas Pharmacy Practice Act; and
- employ an attorney to assist in prosecutions under the Kansas Pharmacy Practice Act and other purposes designated by the Board.

The Board should aim to update and ratify this document on an annual basis in conjunction with electing the President, Vice-President, and any other Board officers to ensure all delegations of Board authority are appropriate.

### **Matters Specifically Reserved for the Board**

The following matters are specifically reserved for action of a majority of the Board:

- Employment, performance reviews, and salary of the Executive Secretary
- Elections of Board officers
- Appointments to the following Committees
  - PMP Advisory Committee (K-TRACS)
  - Collaborative Drug Therapy Management (pharmacist members only)
  - Continuing Education Review
  - Pilot Project Review
  - Kansas Drug Utilization Review Board (nominations only)
- Pilot projects
- Approval to introduce legislation on behalf of the Board
- Approval of all new and amended administrative regulations
- Ratification of all new pharmacist and pharmacy licenses
- Disciplinary matters
  - Final approval of all stipulation and/or consent agreements
  - Preside over, conduct, and decide all administrative proceedings and hearings resulting from requests by the Board's Investigative Member or any Respondent
- Adoption of the Board mission, vision, objectives, and strategic plan

### **Duties of and Delegations to Specific Board Members or Officers**

- The Board President shall have the following duties and responsibilities
  - Preside over all Board meetings
  - Work with the Executive Secretary to finalize the agenda for the Board meetings
  - Provide guidance to the Executive Secretary regarding relevant topics introduced during the Kansas legislative session when the full Board is not available
  - Approve any budget appeal request
  - Approve employee awards (except employee of the quarter)

- Coordinate performance reviews for the Executive Secretary
- Represent the Board with the National Association of Boards of Pharmacy
- The Board Vice-President shall have the following duties and responsibilities
  - Provide guidance to the Executive Secretary regarding relevant topics introduced during the Kansas legislative session when the full Board is not available
  - If for any reason the Board President is absent, unable, or unwilling to fulfil his/her responsibilities, the Board Vice-President shall fulfil such responsibilities until the Board President is able to resume his/her role.
- The Board Investigative Member shall have the following duties and responsibilities
  - Review all cases presented at the bimonthly investigative review
  - As requested by staff, provide feedback regarding any investigation
  - Authorize initiation of all disciplinary proceedings or action (except emergency action) on behalf of the Board not otherwise delegated to the Executive Secretary
  - Give approval for all referrals to the Kansas Impaired Provider Program or requests for mental health evaluations
  - Approve settlement actions, stipulations, and consent agreements subject to approval of the Board.
- Alternate Investigative Member
  - If for any reason the Board Investigative Member is absent, unable, or unwilling to fulfil his/her responsibilities or has a conflict of interest which prohibits review of the matter, the Board Alternative Investigative Member shall fulfil such responsibilities until the Board Investigative Member is able to resume his/her role.

#### **Matters Delegated to Board Committees**

- The Board hereby delegates to the Continuing Education Review Committee the review and approval of all timely and complete requests for individual and provider continuing pharmacy education credit.

#### **Matters Delegated to the Executive Secretary**

- The Board hereby delegates to the Executive Secretary all responsibilities and functions not expressly reserved to the Board, its officers, or Committees.
- The following Board matters are expressly delegated to the Executive Secretary:
  - Final approval of all contracts, including the following:
    - Request for Proposal (RFP)
    - Attorney services
    - Impaired provider programs
  - Approval of license, registration, and permit applications that meet all requirements for licensure and indicate no disciplinary or criminal offense history.
  - Approval of license, registration, and permit applications that meet all requirements for licensure and indicate disciplinary or criminal offense history that do not pose an actual or potential danger to the public.
  - Denial of license, registration, and permit applications that fail to meet the requirements for licensure and/or fail to respond to the Board's requests for information or documents.
  - Initiation and approval of summary disciplinary actions related to the following standard violations
    - Continuing education
    - Misrepresentation on any application

- Failure to notify the Board pursuant to the Kansas Pharmacy Practice Act (i.e., facility address or ownership change, PIC resignation, new PIC within 30 days, etc.)
  - Failure to comply with a Board order
  - Returned payments for insufficient funds
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  - Approval of license, registration, and permit applications that meet all requirements for licensure and indicate disciplinary or criminal offense history that warrant a standard probationary period
  - Approval of license, registration, and permit applications that meet all requirements for licensure and indicate operating in Kansas without a valid license, registration, or permit consistent with an administrative fine set by the Board
  - Revocation of pharmacy technician registrations self-admitting diversion of drugs in a pharmacy
- Dismissal of any Board order which later indicates no violation of the Kansas Pharmacy Practice Act
- Initiation of default proceedings for individuals that fail to appear for a hearing before the Board
- Emergency action related to an imminent danger to the public
- Decisions regarding all petitions for review and petitions for reconsideration
- Denial of all incomplete or late requests for individual or provider continuing pharmacy education credit.
- Approval or denial of third party inspection providers
- Approval or denial of any K-TRACS user registration application, PMP Interconnect agreement, or INTEGRx8 request
- Enrollment of any registered pharmacy in the K-TRACS Clearinghouse for reporting of PDMP data
- Selection of the employee of the quarter
- The Executive Secretary shall have authority to delegate to staff where appropriate