

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on January 30, 1991, at 1:04 p.m.

ROLL CALL

Members Present:

Dorothy Eck, Chairman (D)
Eve Franklin, Vice Chairman (D)
James Burnett (R)
Thomas Hager (R)
Judy Jacobson (D)
Bob Pipinich (D)
David Rye (R)
Thomas Towe (D)

Members Excused: None

Staff Present: Tom Gomez (Legislative Council)
Christine Mangiantini (Committee Secretary)

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON HOUSE BILL 118

Presentation and Opening Statement by Sponsor:

The chairman recognized Representative Jan Brown who said the bill would allow licensed pharmacists to use pharmacy technicians. The technicians could perform certain tasks in a pharmacy that do not involve the pharmacists independent judgement. They have to be tasks that the pharmacist can verify. In certain settings hospitals need assistance to provide services to patients in need of prescription drugs. By allowing a technician to perform certain tasks the pharmacist is free to provide patient counseling and education. The bill has been worked on over the past year by a variety of pharmacists. The concept of using technicians is not new, they have been used in federal hospitals for many years. The bill passed the House with only three descending votes. The sponsor requested the chairman recognize the proponents of the measure.

Proponents' Testimony:

The chairman called for testimony from persons in favor of HB 118. The first witness to testify was David Runkel, representing the Montana State Pharmaceutical Association and the Montana Society of Hospital Pharmacists. See Exhibit #1 for a copy of his testimony.

The second witness to testify in favor of HB 118 was Ann Gidel, representing the Montana Society of Hospital Pharmacists. See Exhibit #2 for a copy of her testimony.

The third witness to testify in favor of HB 118 was Mark Eichler, representing the Montana State Pharmaceutical Association. Mr. Eichler said he is a pharmacist in a retail setting in Helena. He said this bill represented a significant step forward in quality health care by allowing pharmacists to be free from the technical aspect of dispensing drugs. He said time could be better spent reviewing patient profiles and in patient education. He said the public would receive more of the pharmacists time to discuss the consumption of the medications, their interaction with foods and the side effects that may be experienced. Proper safeguards and guidelines are in place to verify all technicians functions. The pharmacists still maintains control over the dispensing function. This is not new legislation, only for Montana. He asked for the committee's consideration of the bill.

The fourth witness to testify in favor of HB 118 was John Woon, representing the Montana Society of Hospital Pharmacists. See Exhibit #3 for a copy of his testimony.

The fifth witness to testify in favor of HB 118 was Stan Hall who said he is a nurse practitioner at the Fort Harrison Veterans Hospital. He has worked for the Veterans Administration for ten years, he has dispensed medications and has prescribed medications that have been dispensed to his patients. He said the system is cost-effective because they have been able to utilize pharmacy dollars to hire an additional pharmacist to work in the out-patient department. One of the big problems with the older patients is that they are on a number of different medications and some have had virtually no education on how to consume their medications. When a patient comes in with six or eight different medications, a pharmacist can be called and consulted with about the medications. He advocates the use of pharmacy technicians under the proposed program and the rules that would be adopted by the Board of Pharmacy.

The sixth witness to testify in favor of HB 118 was Jim Aherns, president of the Montana Hospital Association. He said the Association supports the bill and urged passage.

The seventh witness to testify in favor of HB 118 was Mary McCue, representing the Montana State Pharmaceutical Association and the Montana Society of Hospital Pharmacists. She said she assisted the groups in drafting the bill. She explained the intent of the measure and said that the pharmacist will train the technician and be responsible for their ongoing competency. The pharmacist will prepare a detailed utilization plan explaining how the technicians services will be used. The plan will be on-site at the pharmacy and a summary sent to the Board. The bill is written to allow the Board to designate the review and approval function to a party other than the Board because of the heavy workload of the Board. The pharmacy will pay a fee, the plan will be reviewed at the pharmacy and both the technician and the pharmacist will be interviewed. The statement of intent includes a list of responsibilities the technician will perform. The list was not included in the statute because it was preferred to leave it to the Board. As time goes by the allowable functions may change.

Opponents' Testimony:

None.

Questions From Committee Members:

The chairman recognized Senator Jacobson who asked a question about the two utilization plans in the fiscal note.

Mary McCue responded that the fiscal note was prepared by taking the number of licensed pharmacists in the state and assumed each pharmacist will use only one technician at a time. The ratio will be one to one, except if the technician is performing the designated functions listed in the fiscal note. The number of pharmacists was multiplied by two expecting that there is a potential that each pharmacist would have two technicians. The pharmacy will pay the fees. The fee will probably vary if there is more than one technician. Not every pharmacist is going to use a technician. We estimate 100 or 125.

Senator Jacobson asked about the 1/4 FTE required to handle the increased workload.

Mr. Steve Meloy from the Department of Commerce responded that they prepared the fiscal note on the assumption that the board would perform the majority of the work. Based upon the formulas applied to all other bureaus, it is possible that each pharmacist would be submitting two utilization plans because it is allowed in the law. The fiscal note is academic if the duties are designated to another entity. The Board will have to provide professional and support staff, pay fees, pay insurance and bonds, printing of forms and other expenses. The fiscal note was prepared based upon the worst case scenario.

The chairman recognized Senator Hager who asked Mary McCue why volunteers could not be used as technicians.

Mary McCue responded that the volunteers would have to be trained. She asked Ann Gidel to respond. Ms. Gidel said volunteers could not be used because of the amount of training that a technician goes through and because volunteers are a temporary workforce. She said volunteers are hard to come by, usually are elderly with little manual dexterity and may have trouble with the physical needs of the technicians jobs.

The chairman recognized Senator Franklin who commented that there is quite a bit of investment in the position.

The chairman recognized Senator Towe who asked where in the bill it allowed the Board to adopt rules.

Mary McCue responded that the materials will be codified in the Pharmacists Practice Act and there is a broad rulemaking provision within that Act. She said to implement the bill the Board will have to have a rule to set forth the functions that technicians can perform. She said they decided not to insert the tasks into the statute but wanted to create a comfort level by giving the legislature some idea of the type of responsibilities the technicians would be performing. They probably could have left the list out, but wanted to present the types of activities that they will be doing.

The chairman recognized Senator Towe who said somewhere in the code it should denote that the board will make rules outlining the functions. He read from Section 7 of the bill about support personnel and assumed that a secretary could not type a prescription label and affix it to the bottle.

Mary McCue responded by saying that would be described in the utilization plan and she recommended a pharmacist answer the question.

Mr. Runkel said the duties involve specialized knowledge. He said prescriptions are typically written with Latin abbreviations. If you don't have training to interpret the Latin abbreviations then you are asking someone unqualified to do the job. He stated an example of an abbreviation. He said he is comfortable with that rule being adopted.

The chairman asked Mary McCue if the bill should go through the Sunrise process and asked if she had discussed and verified this with the Legislative Council.

Ms. McCue said if you look at the Sunrise statute it clearly says if you are licensing a new profession or occupation then you must comply. She said they are not doing that and not creating another professional group.

There is a provision in the bill that states the pharmacist has to remain responsible for the technician. The basic requirement is the person be 18 years old and a high school graduate. She said she discussed the bill with an employee of the Legislative Auditor's office and he agreed with the interpretation of the statute.

The chairman responded that even though they expect a significant amount of specified training there is not any examination nor any point where you can say the person has received adequate training.

She continued by saying technicians are used in other states and asked if they are licensed and certified.

Ann Gidel said they had looked at the rules in other states such as Washington, Oregon, Idaho, Minnesota, Nevada, Wisconsin and Arizona, Michigan and Utah. She said it varied by state. Washington does certify and has two different types based upon retail or hospital situations. Idaho and Oregon are not requiring certification but are proposing the supervising pharmacist is responsible for the technicians training program.

The chairman asked if there was an association of technicians.

Ann Gidel responded that there is the American Society of Pharmacy Technicians. The Society has not come forward with any recommendation. Pharmacy associations are coming out with recommendations on core training programs and some are advocating certification in the future.

The chairman recognized Senator Towe who said by going through the utilization plan it authorizes the practice of the pharmacy technician. If the Board decides an individual should not be performing the functions proposed in the plan they will disapprove the plan.

Mary McCue said that was true and the plan has to be annually renewed.

The chairman said the requirements are on the pharmacist not on the technician.

Mr. David Runkel said the pharmacist is liable for the actions of the technician. The product that is dispensed or the information given out is directly related back to the pharmacist.

The chairman recognized Senator Towe who asked why the bill was needed.

Mr. Runkel said several legal counsels on the national level reviewed the Montana statute and said they could not utilize technicians in this manner unless the statute was amended.

Senator Towe asked if this was direct or general supervision.

Mary McCue responded that it is direct supervision.

The chairman recognized Senator Jacobson who said she did not understand how they got around the Sunrise process. She read from the statute. She said because we were not licensing them it was not applicable to the Sunrise process.

Mary McCue and her colleagues said the approval was not of the individual but of the site. An individual at the site will be responsible for implementing the plan and monitoring the plan. The site pays the fee to utilize the individuals.

Senator Towe suggested the bill should be sent to the Rules Committee to see if there is a problem.

The chairman asked who in the Auditor's office looked at the bill.

Senator Jacobson suggested that person address the committee about the bill.

The chairman asked for further questions from the Committee. There being none she asked the sponsor to close.

Closing by Sponsor:

Representative Brown said she appreciated the thoroughness of the hearing and hoped the questions would be addressed. She said when the members of the profession get together and decide what they want, it is unfortunate when the Legislature has to put a stumbling block in their way. They worked on the bill for a long time and she asked for concurrence on the measure.

HEARING ON SENATE BILL 174

Presentation and Opening Statement by Sponsor:

Senator Franklin said she was asked by the state licensure board and the professional clinical psychologists to carry the bill. She said the measure provides for continuing education for psychologists, provides for an additional fee be levied for continuing education and lengthens the term of members on the Board. The most compelling aspect of the legislation is the continuing education section. The bill requires all clinical psychologists to maintain a certain number of continuing education hours on an annual basis. In 1986 the American Psychological Association proposed that all state psychology boards require continuing education. Nineteen states have approved mandated continuing education and five states have legislation pending.

This is not unusual, a variety of professional groups require continuing education, from dentists to social workers. In order to maintain high standards it is important to continue the professional education. The age of information is developing new techniques rapidly. Professional psychologists are making a statement about their need to stay current. All professionals have an obligation to maintain their educational level. This addresses the problem of living in a state that has some isolation factors for all professionals. This bill speaks to that issue. One additional issue that may present itself is access to continuing education. She referred to Section 1, subsection 2 of the bill. It allows for alternative programs in home study. She asked the chairman to recognize the witnesses in favor of SB 174

Proponents' Testimony:

The first witness to testify in favor of SB 174 was Michael McLaughlin, chairman of the Board of Psychologists in Montana. See Exhibit #4 for a copy of his testimony.

The second witness to testify in favor of SB 174 was Jim Smith, representing Dr. Jane Fischer of the Montana State Psychologists Association. He said the bill had strong support and the endorsement of the Association.

The third witness to testify in favor of SB 174 was Dan Anderson of the Department of Institutions. He said he agreed with the testimony that had been given and said he looked forward to working with the psychologists on continuing education programs.

The fifth spokesman on SB 174 was W. James Kembel, administrator of the Public Safety Division of the Department of Commerce who noted he was available to answer questions and that a fiscal note would be prepared on the bill.

Opponents' Testimony:

The first witness to testify in opposition to SB 174 was Terry Minow, representing the Montana Federation of State Employees. She said she appeared in reluctant opposition to the bill. She said the members agree there should be continuing education for licensed psychologists but the question is who will pay for the costs. For private psychologists the costs will be passed along to the patients in the form of rate increases. For psychologists working for the State of Montana there is no increased compensation, which will result in out-of-pocket costs. She noted the expenses that would be incurred. Some training can only be obtained in Florida, Dallas, San Diego and Spokane. She said this was a difficult bill to testify against.

She reminded the committee that professionals working for the State of Montana earn far below the market rate, somewhere in the range of 18-20 percent. She noted examples. She said they would not oppose the bill if the State would agree to pay the costs of continuing education for state employees. They have attempted to address the issue in collective bargaining without success. The bottom line is that the bill will increase the educational requirements for the psychologists who work for the State without increasing the employees compensation accordingly. The bill would result in a decrease in pay for State employed psychologists. She thanked the committee for their consideration.

Questions From Committee Members:

The chairman recognized Senator Hager who asked Dr. McLaughlin about the extension of the board member terms.

Dr. McLaughlin replied that in the past it has been helpful to have a rotation of individuals. He said there is a fair amount of workload. He said most individuals would likely serve two terms at the most. In the past there have been concerns about the willingness of individuals to serve because of the workload. Most psychologists in the private sector find that providing volunteer work is a hardship on them and the willingness of individuals to serve is the issue.

The chairman recognized Senator Jacobson who wanted to know why the bill carried an immediate effective date.

Dr. McLaughlin said the bill provides enabling legislation to allow the board to develop rules and the purpose of the effective date is to allow the board time to make the changes. Even with the draft rules there is staggered implementation.

The chairman recognized Senator Towe who asked how many hours the bill required and about accreditation programs.

Dr. McLaughlin said 20 hours per year. He said the American Psychological Association has two categories of continuing education that they have approved. The first is formal presentations in which there is an examination required and the documentation of the person providing the workshop has to be on file. They must provide a certificate denoting the knowledge areas the person completed and must have an exam over the material. Category two are workshops provided at a state psychological association meeting in the spring and fall of each year. All of the material does not have to be on file.

Senator Towe asked about the costs of attendance.

Dr. McLaughlin said the costs vary and depend on the nature of the program. The lower end is in the range of \$20.00. Most of it depends on where the materials are coming from. On the state level, category two, there are no charges for the workshops presented by the Montana Psychological Association meetings.

Senator Towe asked if audio programs were applicable.

Dr. McLaughlin said nationally there were many audio program available to psychologists.

Senator Towe commented to Terry Minow that if the Board attempted to get state waivers or free accredited programs and authorizes video and audio tapes the cost would be minimal.

Terry Minow said if the cost is low and the training is provided at the state meetings then she did not think there would be a major problem. She said she did not know if 20 hours would be provided at the state meetings.

Dr. McLaughlin said the current draft of the rules that the Board has developed would be that up to half of the units could be gained through study groups. The requirement is that there be four professionals in the study group with a required reading list and that minutes be kept at the meetings. He said this was a cost-free way to achieve the credits.

The chairman commented that some agencies have continuing education funds and wanted to know if this was something that had been requested in the bargaining negotiations.

Terry Minow said they had requested additional training in a number of different bargaining units. In the Department of Institutions we have had difficulty in achieving any kind of funding for additional training. She said she was not familiar with the Department of Family Services. She said they were able to receive a certain amount of training in data entry in the Department of Administration.

Closing by Sponsor:

Senator Franklin closed by thanking the committee for the hearing and said the opponent brought up an interesting point of accessibility. Her hope is that this bill will generate a new level of focus on continuing education of professionals. The burden lies in all areas, in the professional realm as well as with the state agencies.

Presentation and Opening Statement by Sponsor:

Senator Harding opened by saying a similar bill was passed in the 1989 session. She said the measure simply asks for cooperation between the state and federal governments. She said constituents contacted her about problems with mice eating bulbs out of the ground. She said in the past year mice had been a problem statewide. The bill has all of the guidelines needed to work with the Environmental Protection Agency (EPA). There was a temporary suspension of above ground use of strychnine. The measure urges the congressional delegation to assist with funding for the data that is needed to process rodent control chemicals.

Proponents' Testimony:

The first witness to testify in favor of SJR 7 was Lorraine Gillies, representing the Montana Farm Bureau. See Exhibit #5 for a copy of her testimony.

The second witness to testify in favor of SJR 7 was Susan Brooke, representing the Montana Stockgrowers and Woolgrowers. She urged the committee to support the measure.

The third spokesman on the measure was Daniel Sullivan who was present at the request of Senator Harding. See Exhibit #6 for a copy of his testimony.

Opponents' Testimony:

None.

Questions From Committee Members:

The chairman recognized Senator Towe who asked if a coyote was a rodent. He talked about research being done in Denver.

Daniel Sullivan said the resolution supported registration of certain types of pesticides. He said registration is very specific to the types of pests it controls.

The chairman recognized Senator Pipinich who asked about compound 1080 and its impact on the food chain.

Daniel Sullivan said there is sodium cyanide that is used for control of coyotes and in an M-44 device. It has limited uses that are target specific. He has no evidence of where birds of prey have been damaged by sodium cyanide.

Senator Pipinich asked about small underground rodents and said he was scared of using pesticides because of two families of

eagles that live in the area. He wanted to know if they would be damaged by eating the rodents treated with cyanide.

Daniel Sullivan said the pesticides designed to kill mammals and birds have the potential of killing other animals as well. The purpose of the registration process which EPA requires for all pesticide registration is to look at the effects of the compound on human, health and environmental safety. The standards are rigorous. Once the compound goes through the process those types of questions are answered. If the process shows the hazards are low and will not cause severe population effects to non-target animals then the compound has a good chance of being registered. Once it is registered it comes with directions for use. If used correctly hazards to wildlife are further reduced.

Senator Pipinich said he had grain laced with poison that he wanted to use on pocket gophers. The Department told him he was prohibited from using it because of the eagles.

Daniel Sullivan said all above ground uses for strychnine have been prohibited. There is another species called the pocket gopher, the temporary prohibition allows its use on pocket gophers.

The chairman asked if homeowners could use certain types of poisons and asked about their usage when agriculture areas are located close to urban areas.

Daniel Sullivan replied that in agricultural situations the use is restricted and not available to homeowners. In a mixed use area it is determined on a case by case basis.

The chairman recognized Senator Towe who asked if a skunk was a rodent.

Daniel Sullivan replied that it was not.

The chairman recognized Senator Pipinich who asked about cartridge type poisons.

Daniel Sullivan said there are gas cartridges and aluminum phosphate cartridges. Both are legal. A gas cartridge is in the general use category and the aluminum phosphate is for restricted use.

The chairman asked the committee for further questions. There being none. The chairman recognized the sponsor to close.

Closing by Sponsor:

Senator Harding thanked the committee for a good discussion and hearing and said last year the loss of crops to rodent problems was approximately \$400 million nationwide.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 7

Motion:

Senator Towe moved to pass SJR 7.

Discussion:

There was no discussion from committee members.


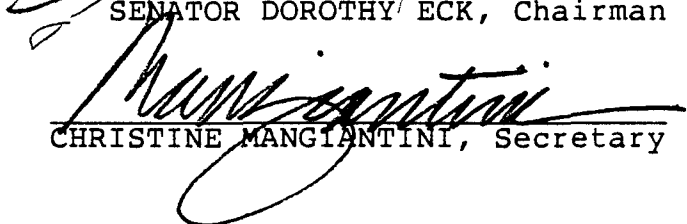
Amendments, Discussion, and Votes:

Recommendation and Vote:

The motion carried by a unanimous vote.

ADJOURNMENT

Adjournment At: 4:41 p.m.


SENATOR DOROTHY ECK, Chairman

CHRISTINE MANGIANTINI, Secretary

DE/cm

ROLL CALL

PUBLIC HEALTH, WELFARE COMMITTEE
AND SAFETY

Date 01-30-91

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT	X		
SENATOR FRANKLIN	X		
SENATOR HAGER	X		
SENATOR JACOBSON	X		
SENATOR PIPINICH	X		
SENATOR RYE	X		
SENATOR TOWE	X		
SENATOR ECK	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 31, 1991

MR. PRESIDENT:

We, your committee on Public health, Welfare, and Safety having had under consideration Senate Joint Resolution No. 7 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 7 do pass.

Signed. _____

Dorothy Eck, Chairman

1-31-91
And. Coord.

1-31-91 8:35
Sec. of Senate

Testimony

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 1-30-91

FILE NO. HB 118

HOUSE BILL 118 - PHARMACY TECHNICIAN

January 30, 1991

Presented by

Dave Runkel, Rph, F.A.S.C.P.

Mt. State Pharmaceutical Association/Mt. Society of Hospital
Pharmacists

Liaison and Board Member

Good afternoon, my name is Dave Runkel and I am a Hospital Pharmacist. I am employed at the Deaconess Hospital in Great Falls and have been practicing for 9 years.

My goal over the next few minutes is to provide you with a short history on how the idea of Technicians (Techs) has evolved, what roles the techs will fill, how this will allow the Pharmacist to more fully utilize his or her knowledge and outline the positive effects of expanding the Pharmacist and tech roles for both the patient and health care system.

The idea of using Techs in pharmacy is not new. It has been discussed since the late 1950s. As you will hear later the Federal Government has used Techs in the Veterans Administration (VA) hospitals since the late 1960s. Private institutions and retail pharmacies have employed Techs since the mid 1970s.

As the profession of pharmacy has developed over the years, pharmacists have become experts in drug distribution and medication use. While gaining this expertise, we have analyzed the various functions performed. These analyses have shown many tasks involved non-judgemental, repetitive work. These non-judgemental duties, have been proven to be verifiable by a Pharmacist.

The Tech role is seen as a progression or an updating of the practice of pharmacy, similar to the progression of many other health care professions and their increasing use of technical personnel. The progression of the practice of pharmacy also involves expanding the role of the Pharmacist. The expanding role of the pharmacist will benefit both the patient and the public.

The individual patient is benefited by the pharmacist being able to spend more time with patient concerns. The specific concerns a Pharmacist can address are:

1. Individual patient counseling on how to take their medications properly.
2. Providing the patient with knowledge of side effects and how to avoid or handle these potential problems.
3. Patient referral within the Health Care System.

4. More complete Drug-Drug, Drug-Allergy, Drug-Food and Drug-Disease state screening.

5. Drug Regimen review. A process that helps to eliminate unnecessary drugs and avoid duplication.

All of these activities combine to provide better health care to the patient.

Health Care dollars are also spent more efficiently. Below are two examples of this.

1. Pharmacists that consult for Nursing Homes have been able to show better patient care and a net savings of a projected 220 million dollars annually. These are 1983 dollars.

2. The Federal Government has passed laws requiring States to provide:

- a. Retrospective reviews of all Medicaid patient drug regimens.
- b. Physician and Pharmacist education in areas that are shown to be a problem as a result of drug regimen review.
- c. Patient counseling by Pharmacists when the prescription is dispensed.

These activities have increased the quality of patient care and paid 1.5 to 3.0 dollars back for every dollar spent.

As you can see there is a role for Pharmacists and Techs to fill. The new roles will not only save money but increase the quality of services provided to the individual patients. The safety of using Techs has been demonstrated not only in the VA hospitals, but also in private settings in other states. The passage of this bill will be the first step in a progression of activities that will update the practice of pharmacy and keep the individual patient's safety and welfare as the number one concern.

P.O. Box 683
Helena, Montana 59624
January 29, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 1-30-91

BILL NO. HB 118

Public Health, Welfare & Safety Committee
Dorothy Eck, Chairperson
State of Montana Senate
Helena, Montana 59601

Chairperson Eck and Members of the Committee:

My name is Ann Gidel. I am a registered pharmacist in the State of Montana. I have spent my career working for the Department of Veterans Affairs and am currently employed at the Fort Harrison VA Medical Center as the Pharmacy Supervisor and Clinical Pharmacy Coordinator. I am also here today representing the Montana Society of Hospital Pharmacists. I have served on the Board of Directors of that organization since 1985 and am currently the Immediate Past-President.

I am here to express my support for House Bill 118 that will update the Pharmacy Practice Act to allow pharmacists to utilize technical help for distributive functions. The Montana Society of Hospital Pharmacists has looked at the need to update the Pharmacy Practice Act for years. This is felt necessary for several reasons:

1. A shortage of pharmacists is becoming apparent in the state. Certain functions such as compounding IV solutions, and filling unit dose cassettes do not require the judgement of a pharmacist and therefore could be performed by trained technical help. This would enable us to reserve pharmacist's time for more professional responsibilities such as patient education and drug usage evaluations.
2. The current law does not establish standards of practice where auxiliary personnel may be utilized. In addition it does not specify training requirements of these individuals. The proposed changes will more clearly define the responsibilities technicians would be able to perform and the training required. Furthermore the changes will ensure the establishment of utilization plans that outline procedures for a pharmacist's final check of all products prior to their reaching the patient. This standardization is felt to be an improvement in assuring patient safety over the current law.

Although the Montana Society of Hospital Pharmacists has felt changes in the law were necessary for years, we have not pursued Legislative changes previously, because we felt that careful review of the issue was necessary. In that time, we have developed a consensus of opinion with the Montana State Pharmaceutical Association, and among hospital and retail pharmacists on specifically what regulations should be suggested to the State Board of Pharmacy to govern the responsibilities, supervision, training, and quality assurance of technicians in distribution functions. During this process, we have kept the State Board of Pharmacy informed of our activities and utilized them as a reference source regarding regulations currently in place in other states and for input on how such regulations could be implemented in our state.

As I previously stated I am an employee of the Department of Veterans Affairs. As a federal institution we are exempt from the state regulations governing the use of technical help. Since my employment with the Department of Veterans Affairs, I have worked closely with and supervised technicians performing distributive functions. I can verify that mechanisms have been developed to ensure the quality of work and the patient's safety are maintained. Procedures require a pharmacist to maintain the ultimate responsibility for the drug delivered to the ward or dispensed to the patient. This assurance is refined through performance requirements and quality management monitors as part of our "utilization plan":

1. Using IV compounding as an example, certification training is initially required. Procedures require a pharmacist's check of the technician's calculations required for compounding, and the assurance of proper solution and additives. Errors identified in the checking process are recorded. This is linked to performance standards which take in to consideration the number of errors recorded and the potential severity of the error. As a matter of record it is important to note that errors are essentially non-existent. In addition to error documentation, our quality management plan requires regular aseptic technique monitoring and sterility monitoring to ensure proper technique by all employees is maintained.
2. With respect to unit dose cart filling, pharmacists check all carts to ensure the proper drugs have been dispensed. Errors are again recorded in a log book, which are periodically tabulated and applied to the technician's performance standards. Satisfactory performance is dependent upon maintaining an error rate less than that specified in the standard. To reflect upon the trained technician's capabilities in this area our average error rate equates to 0.06%.

Ex. 2

1-30-91

HB 118

Through the utilization of technical help, we have been able to free up our pharmacists' time to perform more professional tasks. Tangible benefits are many. We calculate conservative estimates of cost savings achieved through pharmacists' interventions with physicians on such things as receiving authorization to use lower cost therapeutically equivalent drugs and recommendations to eliminate unnecessary drugs from a patient's drug regimen. The estimated savings for FY89 was \$89,674 and for FY90 was \$94,820. These savings are based upon the federal government's drug costs and do not even closely represent the savings that can be achieved in the private sector. Intangible benefits that increase patient safety are also evident through such efforts. Pharmacists' monitoring of patient's drug therapy has been shown extremely effective in preventing adverse drug reactions that occur from drug toxicity or drug interactions. Pharmacists are the ideal professionals to educate patients on their medications, which has been shown to decrease hospital admissions through improved compliance in taking medications, earlier identification of adverse drug reactions and taking medications at the proper times to avoid food and drug interactions.

I will close with the summary that I have worked with technical help for the past 15 years. I strongly feel that such assistance is a great asset to the profession of pharmacy in providing cost-effective and safe drug therapy to our patients. I thank you for your time.

Ann Gidel

Exhibit 2a
1-30-91
HB 118

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 30th day of JANUARY, 1991.

Name: MARK EICHLER

Address: 4224 Green Ace
Helena, MT

Telephone Number: 449-2555 H 443-5850 W

Representing whom?
MSPA

Appearing on which proposal?
HB 118

Do you: Support? X Amend? _____ Oppose? _____

Comments:

TESTIMONY GIVEN.

I would just like to reinforce what my colleagues have expressed in their testimony. This bill is the product of literally years of dicussion and work on the part of Montana pharmacists. Throughout the many conferences and individual discussions, a primary focus was that of patient safety. This updating of the Pharmacy Practice Act will allow pharmacists of Montana to effectively utilize support personnel in non-discretionary roles allowing pharmacists more flexibility in their schedules to employ their knowledge of medications to benefit the patient. Some examples of pharmacist activities which can have positive implications for ~~the~~ patient are; patient counselling, profile monitoring for interactions and duplication, therapeutic drug monitoring, and drug usage evaluation. As was pointed out, this is not a new concept and with the ever increasing demands for a pharmacists knowledge and expertise, it will be essential for us to be able to utilize appropriately trained, supervised, and monitored technical support personnel so the practicing pharmacist can fulfill society's needs in todays complex healthcare environment.

John Wood.

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 1-30-91

BILL NO. HB 118

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 30th day of Jan, 1991.

Name: Stan Hall

Address: 5770 Sharptail Dr. Helena, MT.

Telephone Number: 449 4924

Representing whom?

Self

Appearing on which proposal?

118

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

Have worked with similar system for 10 years.
It is cost effective & safe.

Ex. 36

1-30-91

HD 118

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 30 day of January, 1991.

Name: Mary McCae

Address: 2224 Gold Rush Ave.

Telephone Number: 442-4448

Representing whom?

Mt. State Pharmaceutical Ass'n

Mt. Society of Hospital Pharmacists

Appearing on which proposal?

House Bill 118

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

Ex. 4

1-30-91

SB 174

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 30th day of January, 1991.

Name: Michael McLaughlin, Ph.D

Address: P.O. Box 3089
Great Falls MT 59403

Telephone Number: 761-2100

Representing whom?

Board of Psychologists

Appearing on which proposal?

SB 174

Do you: Support? X Amend? Oppose?

Comments:

SENATE HEALTH & WELFARE

EXHIBIT NO. 4

DATE 1-30-91

BILL NO. SB 174

SENATE BILL 174 CONTINUING EDUCATION FOR PSYCHOLOGISTS

DR. MICHAEL MCLAUGHLIN, PH.D. CHAIRMAN, BOARD OF PSYCHOLOGISTS PROPONENT

THE BOARD OF PSYCHOLOGISTS URGES PASSAGE OF SENATE BILL 174 FOR THE FOLLOWING REASONS:

- 1) A CONTINUING EDUCATION PROGRAM WILL IMPROVE THE QUALITY OF SERVICES PROVIDED TO THE PUBLIC.
- 2) IT HAS BECOME A STANDARD OF PRACTICE FOR THE PROFESSION OF PSYCHOLOGY.
- 3) CONTINUING EDUCATION HAS THE SUPPORT OF STATE AND NATIONAL PSYCHOLOGICAL ASSOCIATIONS..
- 4) A NATIONALLY APPROVED SYSTEM OF CONTINUING EDUCATION IS IN PLACE.
- 5) KNOWLEDGE BASE OF PSYCHOLOGY IS EXPANDING RAPIDLY.



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

BILL # SJR #7; TESTIMONY BY: Lorraine Gillies
DATE 1/30/91; SUPPORT Support; OPPOSE _____

Madam Chair, Members of the Committee:

For the record, I am Lorraine Gillies, speaking on behalf of the Montana Farm Bureau.

We strongly support SJR #7. Our Congressional delegation must be encouraged to impress upon the EPA the necessity of strichnine and Compound 1080 to Montana's Agriculture. The Department of Agriculture should have these tools in their management plan, and the producer needs these chemicals to control predators and also those animals which compete for forage and carry infectious disease.

Thank you.

SENATE HEALTH & WELFARE

EXHIBIT NO. 5

DATE 1-30-91

BILL NO. SJR 7

SIGNED: Lorraine Gillies

Statement by the Montana Department of Agriculture on Senate
Joint Resolution No. 7.

Presented to the Senate Committee on Public Health, Welfare and
Safety on January 30, 1991.

Appearance before the Committee by Department personnel was at
the request of Senator Ethel Harding to provide technical and
background information on SJR 7. Department employees present:

George Algard, Bureau Chief, Technical Services Bureau,
Environmental Management Div.

Daniel Sullivan, Vertebrate Pest Specialist, Technical
Services Bureau, Environmental Management Div.

STATEMENT:

Field rodents, which include ground squirrels, pocket gophers, prairie dogs and field mice, cause significant damage to agricultural crops in Montana. These burrowing rodents reduce crops yields by foraging on pasture, hay and grain crops. The presence of rodent mounds and burrows results in damage to farm machinery and irrigation structures and injury and loss of livestock. Losses to the Montana agricultural community from field rodents are estimated at 30 million dollars per year.

The ability of agricultural producers in Montana and other western states to manage field rodent damage to their crops has been severely restricted because of the loss of effective and economical rodenticides such as strychnine and Compound 1080. The rodenticides that remain available are not sufficiently effective or can not be applied economically to the large acreages often populated by these rodents.

The U.S. Environmental Protection Agency (EPA) requires the registration of all pesticides, including rodenticides, used in the U.S. Rodenticides, such as strychnine and Compound 1080, have been cancelled by EPA largely because re-registration requirements required by EPA have not been met. Data collection needed for registration of these rodenticides is expensive, ranging from \$500,000 to \$3,000,000 per registration. The registrants, primarily small companies and government agencies, have not had sufficient funds to gather registration data.

In the U.S., the USDA Denver Wildlife Research Center (DWRC) is one of the primary entities for the registration of vertebrate pesticides, especially field rodenticides. The DWRC has the necessary research staff and facilities to gather registration data for the traditionally used rodenticides or the development of new alternatives. However, the Center lacks the necessary funding. SJR 7 addresses this issue by urging Montana's Congressional Delegation to support funding for the DWRC through the USDA budgeting process.

A major concern surrounding vertebrate pesticides, including

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field rodenticides, is their potential to cause nontarget deaths. EPA's process for the registration of pesticides is rigorous. Studies to determine a pesticide's affect on human health and the environment are conducted. Pesticide compounds not meeting EPA's standards for health, safety and environmental impacts are not registered. Those that do, when placed in the market place, are labeled with use directions, safety requirements and use precautions that permit the user to apply the products safely with minimal environmental affects. SJR 7 is asking that the registration process proceed and the registration of these rodenticides be decided based on the outcome of the research data.

EPA's temporary cancellation of strychnine rodenticides in 1988 resulted from a ruling by a Federal District Court that stated EPA's registration of strychnine rodenticides violated the federal Endangered Species Act. As a result of the court's ruling, it is EPA's responsibility to modify labeling of strychnine products to provide protection of endangered and threatened species. To date, EPA has made little process in strychnine relabeling.

As a result, the Montana Department of Agriculture has prepared, and will be submitting to EPA, a strychnine management plan. The proposed management plan would permit the use of strychnine baits for ground squirrel control while at the same time providing for protection of endangered and threatened species that occur in Montana. The plan has been developed in consultation with the Montana Office of the U.S. Fish and Wildlife Service which is responsible for protection of endangered and threatened species in Montana. Strychnine would continue as a restricted use pesticide which requires users to undergo training and testing to become certified and licensed pesticide applicators. The plan would prohibit some former strychnine users from using strychnine baits. However, most areas of Montana that previously benefited from strychnine use to control ground squirrel damage would regain its use. SJR 7 asks the Montana Congressional Delegation to support the Department's strychnine management plan and to encourage its support by EPA.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 30 day of Jan., 1991.

Name: Susan Bricker

Address: 420 N. Calif.
Helena MT 59601

Telephone Number: 442-3420

Representing whom?

representing whom?
MT Stockgrowers / MT Woolgrowers

Appearing on which proposal?

SJR 7

Do you: Support? ✓ Amend? _____ Oppose? _____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date January 30, 1991 Bill No. SJR 7 Time 4:40 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved a do pass on SJR 7. There being
no objection the motion carried.

DATE: January 30, 1991

COMMITTEE ON

SB 174 - FRANKLIN HB 118 - BROWN

VISITORS' REGISTER

SIR 7 - HARDING

[illegible]