



STATE OF KANSAS

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August 21, 1979

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ATTORNEY GENERAL OPINION NO. 79-177

The Honorable Charles F. Laird  
State Representative, Fifty-Ninth District  
3501 Shawnee Court  
Topeka, Kansas 66605

Re: Mentally Ill, Incapacitated, Dependent Persons--  
Adult Care Homes--Conditions of Admission

Synopsis: K.S.A. 1978 Supp. 39-936 (as amended by L. 1979, ch. 131, §1) prohibits an adult care home from requiring that a resident obtain medication from a particular supplier. However, it does not proscribe a requirement by an adult care home that its residents use a "unit dose system" in providing for their medication needs.

\* \* \*

Dear Representative Laird:

You request our opinion as to whether an adult care home violates K.S.A. 1978 Supp. 39-936 (as amended by L. 1979, ch. 131, §1) by requiring that a resident's medicine be packaged in "unit dose" form, where there is no requirement that a resident obtain his medication from a particular "supplier." You also inquire as to how the statute should be construed where only one supplier in a particular community offers the "unit dose system."

K.S.A. 1978 Supp. 39-936 (as amended by L. 1979, ch. 131, §1) provides, in part, as follows:

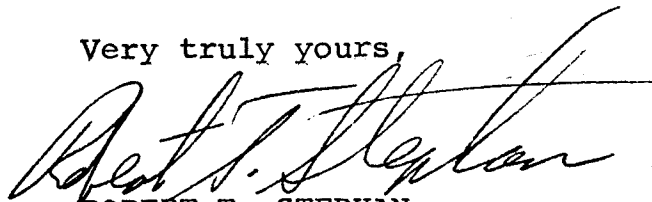
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"No adult care home shall require as a condition of admission to or as a condition to continued residence in the adult care home that a person change from a supplier of medication needs of their choice to a supplier of medication selected by the adult care home. Nothing in this paragraph shall be construed to abrogate or affect any agreements entered into prior to the effective date of this act between the adult care home and any person seeking admission to or resident of the adult care home." (Emphasis added.)

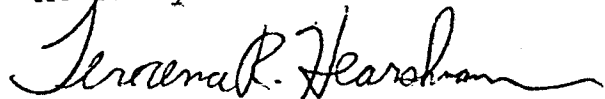
As is clear from the underscored portion of the above statutory excerpt, the statute prohibits only a requirement that a resident obtain his medication from a particular supplier. It does not proscribe requirements as to the packaging of a resident's medicine or prohibit what is known as a "unit dose system." The mechanics of such a system are described in Attorney General Opinion No. 75-455, and, in the interest of brevity, we will not repeat such description herein.

Neither do we perceive any violation of the statute where an adult care home requires the "unit dose system" and there happens to be only one supplier in a particular community which offers such a system. In this situation, the home is not requiring that a particular supplier be utilized, and the resident would be free to switch to another supplier if such supplier decided to offer the system. The resident would also have the option of buying medication at a supplier not offering the system, and taking the drugs to the unit dose supplier for packaging. In short, it is our opinion that there is no violation of the statute in this factual context.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Terrence R. Hearshman  
Assistant Attorney General

RTS:BJS:TRH:gk