

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 1:30 p.m. on March 11, 2004 in Room 231-N of the Capitol.

All members were present except:
Senator Chris Steineger- absent

Committee staff present:
Ms. Emalene Correll, Legislative Research
Mr. Norm Furse, Revisor of Statutes
Mrs. Diana Lee, Revisor of Statutes
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee:
Mr. Larry Buening, Executive Director, State Board of Healing Arts
Mr. Doug Smith, Executive Director, Kansas Academy of Physician Assistants

Others attending:
Please See Attached List.

Recognition of Student Nurses attending the meeting

Upon calling the meeting to order, the Chair recognized and welcomed the Senior Nursing Students from Emporia University at Emporia, Kansas to the Public Health and Welfare Committee Meeting.

Hearing on HB2779 - an act concerning the State Board of Healing Arts, relating to supervision of physician assistants

The next order of business was the hearing on HB2779 and asked Mr. Furse to give a brief overview of the bill. His highlights included:

- the bill was introduced by the House Committee on Health and Human services and amended by the House;
- the bill basically relates to two physician assistant changes:

1) on page 2 and this is throughout the bill, the physician assistants' language is changed to "physician" without the apostrophe s ('s). The legislature has been doing this for the last couple of years.

2) the policy change in the bill is on page 6, in lines 41 through 43 and at the top of page 7, line 1. The current law provides that physicians are limited to have under their supervision, two physician assistants. This language would change, and would allow the Board to limit by rules and regs, the number of physician assistants a responsible physician may supervise at any one time.

Lastly, he stated the balance of the sections relate just to the terminology change on the term "physician assistant."

A discussion ensued between Senator Barnett, Mr. Furse, and Ms. Correll when the questions were asked:

1) regarding your interpretation of current language, if a health care provider or licensed practitioner has two physician assistants and one is on vacation, do you interpret the law to allow that provider to have a second person come in or a combination of part-time employees; and

2) doesn't there have to be the name of the supervising physician on file with the Board showing the physician assistants that the physician supervises?

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The Chair then announced the first proponent conferee, Mr. Larry Buening, Executive Director, Board of Healing Arts, who stated:

- 1) the provisions of Sec.6 have been reviewed and approved by the Physician Assistant Council and the Board's Legislative Committee;
- 2) the proposed language, if adopted, will provide more flexibility than current language but still provides assurance that adequate/appropriate supervision will be provided;
- 3) two of the statutes, one regarding a violation and the other imposing requirements on a physician, are unaffected by the change being proposed in Sec. 6.

A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The second proponent was Mr. Doug Smith, Executive Director, Kansas Academy of Physician Assistants, who offered: the history of the physician assistant and facts (ex. In Kansas, there are nearly 600 PA's licensed by the Board of Healing Arts), and stated removing the two PA limit will allow for flexibility and appropriate utilization of PAs in Kansas, improving patient access to care. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair then announced that the Sedgwick County Medical Society did submit testimony and were concerned about the bill. Dr. Kevin Hoppock's testimony offered:

- 1) If the Committee believes it best to delete in the statutes any reference to the number of PA's a physician may utilize, the society strongly recommends that the word "may" in line 42, page 6 be deleted and the word "shall" be inserted, assuring the Board must address the issue of numbers, direction, and supervision of PA's by practicing physicians.
- 2) It is noteworthy that current law allows physicians to supervisor more that two PAs when the medical care is provided in a hospital (see Sec. 6, pages 6-7)?

A copy of his written testimony is (Attachment 3) attached thereto and incorporated into the Minutes as referenced.

The Chair then asked for questions and comments from the Committee. A discussion among Senators Brungardt, Wagle, Barnett, and Salmans, Ms. Correll, Mr. Furse, Mr. Buening, and Mr. Smith included:

- with Senator Barnett's previous question, Mr. Buening's answer, Mr. Smith's testimony, all speaks to the idea that there would be two or fewer PA's per physician, but the statute clearly goes from two to some number, what is missing here, it looks like a radical change in policy as opposed to an accommodation of juggling schedules and technical judgment; what is the intent (Are we going to a certain number for physicians depending on what type of practice they have and where they live?).
- The Chair stated that she is hearing concern regarding two employees and one goes on vacation, you need to bring in a third person to substitute, but if we do something, what follows this?
- Is there any suggested language or intent that might fit the statute?
- Ms. Correll asked if it would it be possible to say no more than two full-time as approved by the Board? (At least if you had a situation where someone was supervising four or five people the Board would have to be aware the situation existed, essentially giving the Board the freedom what constitutes the two when it comes to full time)
- it's difficult in this context to put an hourly basis in this because some people have 60-70 hours some weeks;
- have we had any occurrences of any PA's going outside their boundaries or beyond their scope under current law? (Mr. Buening gave the statistics: from 3-1-03 through 2-29-04 had 19 investigative cases that went for review by the PA council, of which, nine had some sort of allegation about not being in appropriate contact with their physician, ex. PA failed to recognize respiratory failure and did not notify the responsible physician, another used the doctor's DEA number inappropriately, hospital reports, and

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three malpractice suits.);

- what were Mr. Buening's thoughts regarding Ms. Correl.'s suggestion?
- concerns on the 80 hours, in rural areas a PA is called in to relieve one or two physicians for the weekend, do you see anything in this that would complicate that arrangement?
- when a physician is gone (vacation, sick, a conference, etc.) who is to supervise that employer?

As there was no further discussion, Mr. Furse offered one possible change, which was to delete the new ital. material, reinsert current law, and add a phrase "for the equivalent of two full-time PA's as defined by the Board."

The Chair closed the hearing.

Reminder

The Chair stated she had committed to the Kansas Health Institute not to have a meeting next Thursday, March 18, so the Committee could attend the luncheon on Medicare prescription drug federal reform and wanted to remind them of this, so they could call and get their reservations in, otherwise, the Committee will meet next Monday, March 15, 2004 for a hearing on a bill request on long term care.

Adjournment

As there was no further business, the meeting was adjourned. The time was 2:30 p.m.

The next meeting is scheduled for Monday, March 15, 2004.