

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:37 P.M. on March 16, 2006 in Room 231-N of the Capitol.

All members were present.

Late Arrival:

Wagle	1:39-Excused
Haley	1:39
Left	1:40
Returned	2:00
Jordan	1:39
V. Schmidt	1:45-Excused

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Norm Furse, Office of Revisor of Statutes
Diana Lee, Office of Revisors of Statutes
Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Chris Way - MICT, BA - Director EMS Labette County Medical Center
John Hultgren - MICT, I/C - Director EMS Dickinson County
Conrad Olson - MICT - President NE KS Regional EMS Council, Inc.
Chip Wheelen - Kansas Association of Osteopathic Medicine
Miranda Zorn - Individual conferee
Representative Bob Bethell
Larry Buening - Kansas Board of Healing Arts
Bob Twillman - LIFE Project Pain Management and Public Policy Task Forces
Douglas Smith - Kansas Society of Anesthesiologists
Rod Jones, M.D. - Pain Management L.C.
Jerry Slaughter - Kansas Medical Society
Representative Delia Garcia
Leanard Hall - Kansas Association of the Deaf, Inc.
Dr. Howard Rodenberg - Kansas Department of Health and Environment

Others attending:

See attached list.

Discussion and Action on SB 546—An act concerning the board of emergency medical services; establishing a statewide data collection system

Upon calling the meeting to order, Chairman Barnett asked for Emalene Correll to review and give new language and definitions on **HB 546**

Chairman Barnett called upon Diana Lee to review the bill and to read a new balloon attached. A copy of the balloon is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair called the attention to written testimony whom were present at the Committee for questions.

The Chair recognized proponent conferee, Christopher Way, MICT, BA, Director, Emergency Medical Services Labette County Medical Center who stated his support for the changes that have been made to **SB 546**. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair recognized proponent conferee, John Hultgren, MICT, I/C, Director Emergency Medical Services

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Dickinson County stated if **SB 546** has been amended to exclude Sec. 3 then he will be supportive of passing out the proposed legislation. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

The Chair recognized proponent conferee, Conrad Olson, MCIT, President NE Kansas Regional Emergency Medical Services Council, Inc. stated if the Task Force includes representation from all six EMS Regions as well as other subject experts a project will be developed that will enhance emergency medical care to our State, and he with Region V support the Board of EMS on **SB 546**. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

With no questions or comments from the Committee, the Chair closed the discussion on **SB 546**.

The motion was made by Senator V. Schmidt that the amendments be made. It was seconded by Senator Gilstrap and the motion carried.

The motion was made by Senator V. Schmidt that the bill be moved out favorably. It was seconded by Senator Gilstrap and the motion carried.

Discussion and Action on HB 2752– An act concerning health care; relating to trauma facilities.

Chairman Barnett called upon Norm Furse to review the language and new balloons for **HB 2752**. A copy of the balloons are (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

The Chair called the attention to written testimony whom were present at the Committee for questions.

The Chair recognized proponent conferee, Conrad Olson, MCIT, President NE Kansas Regional Emergency Medical Services Council, Inc. stated that as EMT's and Paramedics most know what a hospital can and cannot adequately treat. By designating hospitals in advance we will know what types of injuries a facility our local hospitals can manage and what patients we need to send to higher level care facilities. Region V support the designation of trauma facilities in Kansas. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

With no questions or comments from the Committee, the Chair closed the discussion on **HB 2752**.

The motion was made by Senator V. Schmidt to move both amendments on both pages, the stricken language and added balloons. It was seconded by Senator Jordan and the motion carried.

The motion was made by Senator V. Schmidt that the bill be moved out favorably. It was seconded by Senator Wagle and the motion carried.

Hearing on HB 2649–An act concerning health care; relating to pain patient's bill of rights

Chairman Barnett opened the hearing on **HB 2649**, and asked Emalene Correll to review again the language of **HB 2649** for the Committee.

The Chair called upon first proponent conferee, Chip Wheelen, Kansas Association of Osteopathic medicine stated that the revised section two would make it clear that the "pain patient's bill of rights" is a statement of public policy; not a new cause of action that could result in civil lawsuits against physicians. That the revised version of section three amends the Healing Arts Act to assure that those physicians who prescribe pain medication, including narcotics, in accordance with the applicable standard of care will not be disciplined by the Board of Healing Arts for that reason. And that the new language in section four simply adds balance and clarity to the bill by making it clear that it is not the Legislature's intent to impair the Board's role as a regulatory agency, nor to interfere with the investigative authority fo law enforcement agencies therefore recommending the bill for passage. A copy of his testimony is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

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Chairman Barnett called upon the next proponent conferee, Miranda Zorn, an individual conferee who stated her experience as a patient getting an “staph-like infection” from a shot given to her at the hospital. And a bad experience in surgery not receiving enough anesthesia. A copy of her testimony is (Attachment 8) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon the third proponent conferee, House Representative Bob Bethell who stated his support for **HB 2629** that is a product of several years of study and negotiations resulting in a bill that will provide appropriate pain management for persons suffering from the affects of medical treatment or natural progression of disease. A copy of his testimony is (Attachment 9) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon the next proponent conferee, Larry Buening, Kansas Board of Healing Arts stated that the Board has been working with Dr. Twillman to offer four new amendments to the Committee and that the Board is supportive of the concept of a Pain Patients’ Bill of Rights, but asks that the Committee favorably consider the amendments requested. A copy of his testimony is (Attachment 10) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon the next proponent conferee, Bob Twillman, Ph.D., LIFE Project Pain Management and Public Policy Task Forces, stated that despite our superb public policy and supportive regulatory boards, available statistics indicates that the quality of pain management in Kansas is below average. And states the importance of certain sections that make the bill important in promoting the relief of pain for all Kansans by adopting **HB 2649**. A copy of his testimony is (Attachment 11) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon the last proponent conferee, Douglas Smith, Kansas Society of Anesthesiologists who states that the bill provides patients suffering from pain with certain expectations in regard to the care and treatment they receive. They encourage that the legislation be passed out favorably. A copy of his testimony is (Attachment 12) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon his first opponent conferee, Rod Jones, M.D., Pain Management L.C. states that **HB 2649** was initially drafted to improve access to adequate pain relief for terminal cancer and dying patients, its application to non-malignant pain patients, as well as, many cancer patients is misdirected. He also provides an article on “Opioid Guidelines in the Management of Chronic Non-cancer Pain.” A copy of his testimony is (Attachment 13) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon his first neutral conferee, Jerry Slaughter, Kansas Medical Society states that they are in conceptual support of the intent of the bill, but they are concerned about how, in the real world, its provisions will play out. They would be more than willing to meet with the stakeholders in this issue and continue to work on language that advances the goals of th bill without creating problems that could actually make the assessment and treatment of pain more problematic. The Kansas Medical Society urges the Committee to not take action on this measure until the groups have had a chance to meet and consider appropriate alternatives. A copy of his testimony is (Attachment 14) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett announced that written testimony was offered from Deanne Bacco, Kansas Advocates for Better Care, Laura Green, Executive Director for Drug Policy Forum of Kansas, and Phyllis Zorn, Mother of Miranda Zorn, individual conferee. A copy of this testimony is (Attachment 15) attached hereto and incorporated into the Minutes as referenced.

With no more conferees’ to give testimony and no questions or comments from the Committee, Chairman Barnett then closed the hearing on **HB 2649**.

Hearing on HB 2825—An act providing for establishment of a voluntary data bank of available interpreters for certain purposes and development of qualifications for interpreters

Chairman Barnett opened the hearing on **HB 2825**, and asked Emalene Correll to review the language and

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explain **HB 2825** for the Committee.

Chairman Barnett called upon the first proponent conferee, House Representative Delia Garcia who states that **HB 2825** leads to greater safety and protection measures for all Kansans. It provides for this voluntary, comprehensive data bank of interpreters as a resource for Kansans in the health care field, not just the court system. This bill minimizes medical errors, while increasing the quality of care for Kansans, because these interpreters will know the medical terminology. Therefore, this bill will encourage people to seek out early services by having an interpreter in a safe environment. A copy of this testimony is (Attachment 16) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon the next proponent conferee, Leonard Hall, President of Kansas Association of the Deaf, Inc., who states that there is a major need to provide for standards and data bank of Foreign Language Interpreters, because there are no standards and data bank for them in Kansas. Amendments to the bill and language are provided. A copy of this testimony is (Attachment 17) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon the last proponent conferee, Dr. Howard Rodenberg, Director, Division of Health, Kansas Department of Health and Environment states that KDHE is in support of the bill as revised. The bill provides for a mechanism to establish a voluntary data bank and directory of available interpreters to assist Kansans in obtaining meaningful access to needed health care. A copy of this testimony is (Attachment 18) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett announced that written proponent testimony was offered from Karrie Bacon, Kansas Commission on Disability Concerns, Linda De Coursey, American Heart Association, Gabriela Flores, Executive Committee Member, Foreign Language Interpreter Consortium of Kansas Association of Interpreters, Nancy Jorn, MN, ARNP, Director of Maternal Child Health Field Services Lawrence/Douglas County Health Department, Zach Campbell, Jewish Vocational Service Trilingual Employment Specialist, Maria Cecilia Ysaac-Belmares, A+ Communications, Owner; Executive Committee Member, Foreign Language Interpreter Consortium of Kansas Association of Interpreters, Marcela Renna, World Languages, freelance Spanish Interpreter. A copy of this testimony is (Attachment 19) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett announced that written neutral testimony was offered from Capt. Edwin Galan, USPHS, Region VII, DHHS, Office of Minority Health, Gary Daniels, Secretary, Kansas Department of Social and Rehabilitation Services. A copy of this testimony is (Attachment 20) attached hereto and incorporated into the Minutes as referenced.

With no more conferees' to give testimony and no questions or comments from the Committee, Chairman Barnett then closed the hearing on **HB 2825**.

Hearing on HCR 5011—A concurrent resolution expressing the Legislature's recognition and appreciation for family caregivers throughout the state

Chairman Barnett opened the hearing on **HCR 5011**.

Chairman Barnett announced that written proponent testimony was offered from Karrie Bacon, Kansas Commission of Disability Concerns, Alyce Brown, AARP Kansas. A copy of this testimony is (Attachment 21) attached hereto and incorporated into the Minutes as referenced.

With no more conferees' to give testimony and no questions or comments from the Committee, Chairman Barnett then closed the hearing on **HCR 5011**.

The motion was made by Senator Brungardt to move the bill out on the consent calendar. It was seconded by Senator V. Schmidt and the motion carried.

Adjournment

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