

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on January 17, 2008 in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Terri Weber, Kansas Legislative Research Department
Sara Zafar, Kansas Legislative Research Department
Nobuko Folmsbee, Revisor of Statutes
Jan Lunn, Committee Secretary

Conferees appearing before the committee:

Justin Cessna
James Hamilton, MD, FACS - Surgeon, Tallgrass General and Vascular Surgery
Robert St. Peter, MD - Kansas Health Institute
Candace Ayars, PhD - Interim Director Public Health Studies of Kansas Health Institute
Brad Smoot - Legislative Counsel, Blue Cross and Blue Shield
Scott Weber, MD - Medical Director, Blue Cross and Blue Shield
Andy Allison, PhD - Kansas Health Policy Authority

Others attending:

In addition to the attached list there were approximately other 42 attendees with newspaper and television media representatives attending.

Informational Hearing on Bariatric Surgery

Chairman Barnett introduced Justin Cessna who appeared before the committee to request help with his concerns related to his medical need for bariatric surgery and the denial of benefits for weight loss procedures regardless of medical necessity by his insurance company. Mr. Cessna's testimony is attached to these minutes as a matter of record. ([Attachment 1](#)).

Chairman Barnett requested that all testimony be heard prior to questions. Chairman Barnett recognized James Hamilton, MD, who spoke to the fact that bariatric surgery is a disease, is a covered benefit for qualified Medicare recipients when performed at Bariatric Centers of Excellence, can reduce co-morbid conditions, and can reduce long-term medical costs. Dr. Hamilton spoke from two perspectives: one, as a surgeon who provides this procedure, and two, as an individual who has had bariatric surgery. Dr. Hamilton's testimony and substantiating literature is attached and is incorporated into this record. ([Attachment 2](#))

Robert St. Peter, MD, from the Kansas Health Institute was recognized by Chairman Barnett. Dr. St. Peter introduced Candace Ayars, Interim Director Public Health Studies of Kansas Health Institute and an obesity epidemiologist, who provided testimony regarding the long-term efficacy of bariatric surgery performed by experienced surgeons following rigorous patient screening. Dr. Ayars testimony ([Attachment 3](#)) is incorporated into these minutes.

Brad Smoot, Legislative Counsel for Blue Cross and Blue Shield, was introduced by Chairman Barnett. Mr. Smoot provided comments related to insurance coverage for bariatric surgery, indicated associated complications and varying reports of death rates are reasons why many insurers exclude coverage for weight loss surgeries.. Mr. Smoot's testimony ([Attachment 4](#)) is included and considered to be part of this record. Mr. Smoot introduced Dr. Ralph "Scott" Weber, Medical Director for BCBSKS who stood for questions.

Chairman Barnett recognized Andy Allison, PhD, Deputy Director of the Kansas Health Policy Authority. Dr. Allison submitted testimony ([Attachment 5](#)) which shall become part of this record. Dr. Allison reported that effective January 2008, the state employee health plan includes coverage for non-surgical obesity treatment, dietician consultations, and expanded coverage for prescription weight loss medications. He indicated an explosion in obesity research has occurred involving knowledge of quality indicators and continued advancement in procedures, etc.

A question was raised by Senator Schmidt regarding an existing list of procedures that are covered by

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on January 17, 2008 in Room 136-N of the Capitol.

Medicare but not by other health plans, whether bariatric surgery is considered to be experimental by insurance companies, self-insured groups and small-group markets, and whether studies exist related to long-term efficacy of this procedure.

Written testimony submitted:

Cynthia K. Smith, JD, Advocacy Counsel, Sisters of Charity of Leavenworth Health System
(Attachment 6)

Ira Stamm, PhD (testimony received after the meeting but circulated to Committee members on January 18, 2008) (See Attachment 7)

Chairman Barnett indicated continued work in the arena of bariatric surgery will occur through the Public Health and Welfare Committee, conferees, and others who are interested.

The meeting was adjourned at 2:30pm