

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on March 16, 2009, in Room 136-N of the Capitol.

All members were present except Senator Haley, Senator Colyer, and Senator Brungardt who were absent.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Conferees appearing before the Committee:

Jack Confer, executive director, Kansas Board of Healing Arts
Jerry Slaughter, executive director, Kansas Medical Society

Others attending:

See attached list.

Due to the substantive nature of Senate Resolution 1851, urging review, modification, and reorganization of laws pertaining to the maintenance and availability of health information, Senator Barnett returned it to the committee for final consideration. Following review of the resolution (now containing a number) and upon a motion by Senator Kelsey and a second by Senator Schmidt to favorably pass out Resolution 1851 to the full Senate, the motion carried.

Doug Taylor, office of the revisor of statutes, briefed those attending on **HB 2010 - Board of healing arts; storage, maintenance and transfer of medical record; medical record maintenance trust fund.** The bill establishes a medical records maintenance trust fund and grants authority to the Kansas State Board of Healing Arts to store, maintain and transfer abandoned medical records or medical records when no custodian has been appointed. The board is required to adopt rules and regulations necessary for the bill.

HB 2010 - Board of healing arts; storage, maintenance and transfer of medical record; medical record maintenance trust fund. Jack Confer, executive director of Board of Healing Arts, was recognized who explained the bill will provide the agency authority to maintain patients' medical records if the healing arts professional is no longer able to do so. In addition, the legislation provides for expeditious judicial process to ensure patients' medical records can be available. Mr. Confer cited two examples substantiating the proposed legislation (Attachment 1).

Following questions from senators relative to the current process, jurisdiction, clarification regarding the fees trust fund, and expediting the judicial process, Chairman Barnett recognized Jerry Slaughter, executive director of the Kansas Medical Society.

Mr. Slaughter indicated the Kansas Medical Society supports (Attachment 2) the legislation currently being considered, and he indicated he would like to offer an amendment that would address an issue regarding the ability of physicians to delegate certain acts to registered nurse anesthetists (RNAs) and others. Mr. Slaughter further explained that in recent months questions have been raised whether RNAs can order pre- and post-operative medications and diagnostic tests without an order from a physician, and also whether registered nurses and licensed practical nurses can carry out orders issued by a registered nurse anesthetist. The Attorney General issued an opinion (Attachment 3) based on a request from the Board of Nursing. Mr. Slaughter indicated subsequent meetings were held with representatives from the Kansas Association of Nurse Anesthetists, Kansas Society of Anesthesiologists, Kansas Hospital Association, and the Board of Nursing. As a result of meetings with the groups listed, an amendment was proposed that will remove any ambiguity and will clarify that physicians can delegate to nurse anesthetists the ability to order pre- and post-operative medications and diagnostic tests pursuant to that physician's order, and further, the amendment clarifies that registered nurses and licensed practical nurses can carry out orders issued by a registered nurse anesthetist pursuant to the physician's order. The amendment was

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included in Mr. Slaughter's testimony.

Senator Barnett called committee members' attention to written testimony submitted by John Breth, Kansas Society of Anesthesiologists, and requested members consider his testimony during deliberations.

Senator Schmidt moved to adopt the amendment discussed and the technical amendments required and to pass out **HB 2010** favorably; Senator Kelly seconded the motion. The motion passed.

Senator Barnett called committee attention to **HB 2297 - Geriatric medicine; approved postgraduate training program for KU medical school and doctor of osteopathy loan programs** which was heard on March 4, 2009. An amendment to the base bill had been proposed that would include the Kansas National Guard in the list of programs participating in the Medical Student Loan Program or Osteopathic Medical Service Scholarship Program. Senator Kelly explained that she supported the inclusion of geriatricians to the program list so that they could practice in rural and/or underserved areas and to add the National Guard to the list of programs could possibly dilute the numbers of practitioners who might elect to practice in these rural, frontier or underserved areas. She encouraged Colonel Callahan to bring back legislation specific to the Kansas National Guard during the next session. Senator Barnett and other committee members offered their support and assistance to Colonel Callahan relative to submitting stand-alone legislation.

Senator Kelsey moved to report **HB 2297** favorable for passage; Senator Kelly seconded the motion. The motion carried.

Senator Barnett adjourned 2:00pm.

The next meeting is scheduled for March 18, 2009.