

## MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Daniel Hawkins at 1:30pm on Tuesday, February 10, 2015, 546-S of the Capitol.

All members were present

Committee staff present:

Scott Abbott, Office of Revisor of Statutes  
Jennifer Ouellette, Legislative Research Department  
Patrick Orr, Kansas Legislative Committee Assistant  
Erica Haas, Legislative Research Department  
Norm Furse, Office of Revisor of Statutes

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

### **Possible bill introductions**

Representative Wilson submitted an act concerning still-birth research. Chairman Hawkins introduced a conceptual bill on limited license for physicians. Lea Taylor, KDADS, introduced conceptual bill to clean up statutes to issue regulations dealing with behavioral issues.

### **Discussion & possible action on: HB2004 — Kansas right to try act.**

Chairman Hawkins opened the hearing on **HB2004**. Norm Furse, staff revisor, gave overview of bill.

*Chairman Hawkins called for final action on **HB2004**. Representative Kelly moved and Representative Thompson seconded to recommend **HB2004** favorably for passage.*

Norm Furse, staff advisor, explained a technical balloon amendment to the bill. On page 2 line 10 change ambulatory to recuperation. On page 3 lines 15-20 change wording from manufacturer may provide or patient may pay the cost of the drug. The bill should read the patient should pay a reasonable cost. ([Attachment 1](#))

*Representative Ward made a motion to amend and accept the Revisors amendment. Representative Concannon seconded to accept the amendment. Discussion ensued. Motion carried.*

Representative Ward presented a balloon amendment to **HB2004** offered by the Kansas Medical Society that defines a physician as a person licensed to practice medicine and surgery by the board of healing arts (Section 4 (a)). It further states that no physician who in good faith recommends or participates in an investigational drug shall be subject to criminal penalties nor be subject to have committed an act of unprofessional conduct pursuant to K.S.A. 65-2837 (b) (Section 5). It strikes the phrase "as long as the recommendations are consistent with medical standards of care." Finally, it

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removes negligence on the physicians part. ([Attachment 2](#))

Representative Concannon made a motion the committee move and accept the KMS amendment.

Representative Kelly seconded. Discussion ensued.

Representative Concannon closed and moved the amendments for passage. Motion carried.

Representative Wilson made a substitute motion to table **HB2004**. Representative Ward seconded.

Division was called. Motion failed 8 to 9.

Representative Hill made a motion to strike the word "soon" on page 2 line 18 because the definition for that word is uncertain. Representative Schwab seconded.

Discussion ensued. Representative Hill closed and moved the amendment for passage. Division was called. The amendment to strike the word "soon" passed 9 to 8.

Representative Dick Jones made a motion to strike page 3 Section 4 (b) stating that an entity that stands to make a profit from experimental drug sales to perform an equal amount of pro bono work.

Representative Ward seconded. Discussion ensued. Due to the complex nature of this amendment

Representative Jones withdrew this motion. Representative Ward agreed and removed his second.

Representative Schwab moved to pass out **HB2004** as amended favorably for passage. Representative Osterman seconded. A division was called. Motion passed 9 - 8.

**Discussion & possible action on: HB2032 — Relating to diabetes information reporting.**

Chairman Hawkins called for final action on **HB2032**.

Scott Abbott, staff revisor, gave overview of the bill.

Representative Osterman moved to pass out **HB2032** favorably for passage. However, there was no second. Motion failed.

The meeting was adjourned at 2:35pm.