

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Daniel Hawkins at 1:30pm on Thursday, March 10, 2016, 546-S of the Capitol.

All members were present except:

Representative John Edmonds – Excused

Committee staff present:

James Fisher, Legislative Research Department
Renae Hansen, Kansas Legislative Committee Assistant
Erica Haas, Legislative Research Department
Eileen Ma, Office of the Revisor of Statutes
Renae Jeffries, Office of the Revisor of Statutes

Conferees appearing before the Committee:

Max Foster, Behavioral Sciences Regulatory Board
Cynthia Schendel, KNASW
Kelli Ludlum, KDADS
Aaron Dunkel, KDHE
Representative Barbary Bollier
Rick Cagan, NAMI
Susan Techer
Will Darrah, Positive Directions, Inc.
Amy Campbell, Mental Health Coalition
Susan Crain Lewis, Mental Health America of the Heartland
Mike Burgess, Disability Rights Center of Kansas
Gayle Taylor-Ford, International Pain Foundation
Kari Rinker, National MS Society
Charles Coffee, MD

Others in attendance:

[See Attached List](#)

There were 44 present including those that signed the guest list.

Representative John Whitmer moved to pass the February committee minutes, seconded by Representative Jim Kelly.

Motion passed.

Hearing on: SB449 — Psychiatric health; behavioral sciences regulatory board amendments; prohibiting outsourcing of state psychiatric hospitals.

CONTINUATION SHEET

MINUTES of the Committee on Health and Human Services at 1:30pm on Thursday, March 10, 2016 in Room 546-S of the Capitol.

Eileen Ma gave the committee an overview of **SB449**.

Questions were asked and comments made by Representative Les Osterman.

The fiscal note for **SB449** was presented to the committee.

Proponents:

Max Foster, Behavioral Sciences Regulatory Board, ([Attachment 1](#)) offered testimony in support of **SB449**. He noted this legislature affects various areas of their agency.

Questions were asked and comments made by Representatives: Dan Hawkins, and Les Osterman.

Cynthia Schendel, KNASW, ([Attachment 2](#)) , offered testimony in support of **SB449**. She noted that on the senate side they were opposed to the bill but, the senate amended the bill and made it more amenable to their agency.

Written Proponents:

Steve Denny, Kansas Association of Addiction Professionals, ([Attachment 3](#)) , presented written testimony in support of **SB449**.

Neutral:

Kelli Ludlum, KDADS, ([Attachment 4](#)) , spoke from a neutral position on **SB449**. She noted that one of the added amendments was not welcome by KDADS. They also strongly urge the committee to strike the language in **SB449** regarding hospital privatization.

Questions were asked and comments made by Representatives: Dan Hawkins, Les Osterman, Jim Ward, and Scott Schwab.

In response to one question, she noted that they believe it would be irresponsible to not look at privatizing the hospitals as a potential option. They have not made the decision to privatize, but it would be irresponsible to not look at that. They are wanting to look at how to make these hospitals better down the road in 5 or 10 years.

One legislator noted that they would like to have the Governor speak before the legislature and say that he is not going to privatize the state hospitals until he comes before the legislature.

There were no opponents to **SB449**.

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MINUTES of the Committee on Health and Human Services at 1:30pm on Thursday, March 10, 2016 in Room 546-S of the Capitol.

The hearing on **SB449** was closed.

Hearing on: SB341 — Allowing step therapy for medicaid patients.

Revisor Renae Jeffries gave the committee an overview on **SB341**.

The fiscal note on **SB341** was presented to the committee

Proponents:

Aaron Dunkel, KDHE, ([Attachment 5](#)) , presented testimony in support of **SB341**.

Questions were asked and comments made by Representatives: Dan Hawkins, John Whitmer, Jim Ward, Les Osterman, and Randy Powell.

Opponents:

Representative Barbara Bollier, ([Attachment 6](#)) , spoke to the committee as an opponent to **SB341**. One of the huge reasons the American public is opposed to the affordable care act is because of the patient/care giver relationship. This bill is somewhat like that, and one might be concerned about the same issue with this bill. There is no exception involved in this bill for the patient and caregiver relationship and decision making process.

Rick Cagan, NAMI, ([Attachment 7](#)) , spoke as an opponent to **SB341**. He believes this is not good public policy and is urging the committee to reject this bill. He noted that especially for the mental health issues, step therapy is not the best route for treatment. He believes there should be concessions in the bill to at least carve out exceptions for mental health and psychiatric treatment.

Susan Techer spoke on behalf of Donna Sweet, MD, ([Attachment 8](#)) , in opposition to **SB341**. She is an HIV specialist in Kansas and the therapy for HIV treatment currently is a miracle helping to provide nearly similar life spans as other non-HIV patients.

Questions were asked and comments made by Representative Jim Ward.

Will Darrah, Positive Directions, Inc., ([Attachment 9](#)) , spoke in opposition to **SB341**. He noted the current drug regimen helps suppress the HIV virus so that it can not be passed to others. Requiring step therapy across the board makes us lose the tool to keep HIV from spreading and thereby eventually causing more patients to contract the HIV virus and costing more. Included in his testimony was a chart ([Attachment 10](#)) .

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Amy Campbell, Mental Health Coalition, ([Attachment 11](#)) , spoke as an opponent to **SB449**. She noted that they were surprised that the bill does not exclude mental health illnesses. Included in her testimony are some suggested language changes to the bill. She noted that if you want an idea to last long term, you must include it in statute as the state of Connecticut did.

Susan Crain Lewis, Mental Health America of the Heartland, ([Attachment 12](#)) , spoke in pronounced opposition to **SB341**. She gave an example of a friend of hers who died young due to complications to an old drug that was required for her to use as part of step therapy during her treatment process.

Mike Burgess, Disability Rights Center of Kansas, ([Attachment 13](#)) , spoke in opposition to **SB341**. He noted that carving out exceptions for mental health treatment is an important protection for consumers.

Gayle Taylor-Ford, International Pain Foundation, ([Attachment 14](#)) , spoke to the committee in opposition to **SB341**.

Kari Rinker, National MS Society, ([Attachment 15](#)), spoke in opposition to **SB341**. She noted other states have put in some strong patient protections within the step therapy process.

Charles Coffee, MD, private citizen, spoke in opposition to **SB341**. He had no written testimony. He noted that there should be exceptions for HIV and cancer where there are new medications coming out that work for the patients, they get better, and they have fewer side effects. He requested that the committee look at those kinds of things as they are looking at working this bill.

Written Opponents:

Submitted as written only testimony were:

- Peggy Johnson, Susan G. Komen ([Attachment 16](#)) ,
- Amy Goldstein, State Pain Policy Advocacy Network ([Attachment 17](#)) ,
- Keri Strahler, Citizen ([Attachment 18](#)) ,
- Rachelle Columbo, KMS, ([Attachment 19](#)) ,
- Michele Guadalupe, Arthritis Foundation ([Attachment 20](#)) ,
- Bob Williams, KS Assoc. Osteopathic Medical ([Attachment 21](#)) ,
- Darla Templeton, Epilepsy Foundation ([Attachment 22](#)) ,
- Eric Voth MD, Stormont Vail, ([Attachment 23](#)) ,
- Joseph Sankoorikal, MD, Midwest Rehabilitation ([Attachment 24](#)) ,
- AiMed, International Myeloma Foundation, Alliance for Patient Access, National Patient Advocate Foundation ([Attachment 25](#)) ,
- Hilary Gee, Cancer Action network, ([Attachment 26](#)) ,
- Terica Gatewood, Pharm-D, ([Attachment 27](#)) ,

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- Kyle Kessler, ([Attachment 28](#)), and,
- Mark Cox, Midwest Hemophilia Association, ([Attachment 29](#)) .

The hearing on **SB341** was closed.

Subcommittee reports on:

Research Analyst Erica Haas presented the committee with the subcommittee report ([Attachment 30](#)) , and the subcommittee recommendations ([Attachment 31](#)) , on waiver integration.

Comments were made regarding the subcommittee recommendation by Subcommittee chair: Representative Willie Dove.

Questions were then asked and comments made by Representatives: Les Osterman, Jim Ward, Randy Powell, and Dan Hawkins.

Chairman Hawkins thanked the subcommittee for their work on this waiver integration.

The next meeting is scheduled for March 14, 2016.

The meeting was adjourned at 3:13 PM.