

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Julia Lynn at 8:30 a.m. on Wednesday, February 18, 2015, 548-S of the Capitol.

All members were present

Committee staff present:

Reed Holwegner, Legislative Research Department
Debbie Bartuccio, Kansas Legislative Committee Assistant
Norm Furse, Office of Revisor of Statutes
Edward Penner, Legislative Research Department
Chuck Reimer, Office of Revisor of Statutes

Conferees appearing before the Committee:

Secretary of State Kris Kobach
Bill Rich, Professor of Law, Washburn University
Dr. P. Brent Koprivica, PBK & Associates PA, Kansas City, Kansas
Fred Greenbaum, President and Managing Partner, McAnany, Van Cleave and Phillips
John David Jurcyk, Partner and Principal, McAnany, Van Cleave and Phillips
Jodi Fox, Attorney and Shareholder, McAnany, Van Cleave and Phillips
Keith Mark, Attorney, Mark and Burkhead Attorneys-at-Law
Mark Holland, Mayor and CEO, Unified Government of Wyandotte County in Kansas City, Kansas
Mark Fronce, Owner of Boulevard Auto Truck Repair, Kansas City, Kansas
Bart Thomas, Owner of Kansas Outdoor Advertising, Manhattan, Kansas
Mark Walls, Vice President of Communications and Strategic Analysis for Safety National, on Behalf of Kansas Self-Insurers Association
Dr. Mark Melhorn, on Behalf of the Kansas Medical Society
Dr. David Hufford, Mid-America Orthopedics, Wichita, Kansas
Mike O'Neal, CEO, The Kansas Chamber
Douglass Hobbs, on Behalf of the Kansas Society for Human Resources

Others in attendance:

[See Attached List](#)

Hearing on: SB167 — Workers compensation use of American medical association guides to the evaluation of permanent impairment.

Chairperson Lynn opened the hearing on **SB 167**. She reminded the Committee that four years ago the Legislature adopted significant reforms to Workers Compensation. These reforms corrected unintended consequences derived from a series of court decisions. Two years later, in 2013, some interests believed it was necessary to revisit the reforms. Among these proposals was a switch from the *4th Edition of the AMA Guides for Permanent Impairment Evaluation* to the *6th Edition*, allowing the *6th Edition* to take effect starting this year. Now, **SB 167** is before the Committee, a bill that would take Workers Compensation back to the *4th Edition*.

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MINUTES of the Committee on Commerce at 8:30 a.m. on Wednesday, February 18, 2015, 548-S of the Capitol.

Chairperson Lynn recognized the following conferees.

Secretary of State Kris Kobach provided testimony in support of the bill. ([Attachment 1](#))

Bill Rich, Professor of Law, Washburn University, provided testimony in support of the bill. ([Attachment 2](#))

Dr. P. Brent Koprivica, PBK and Associates PA, Kansas City, Kansas, provided testimony in support of the bill. ([Attachment 3](#))

Fred Greenbaum, President and Managing Partner, McAnany, Van Cleave and Phillips, provided testimony in support of the bill. ([Attachment 4](#))

John David Jurcyk, Partner and Principal, McAnany, Van Cleave and Phillips, provided testimony in support of the bill. ([Attachment 5](#))

Jodi Fox, Attorney and Shareholder, McAnany, Van Cleave and Phillips, provided testimony in support of the bill. ([Attachment 6](#))

Keith Mark, Attorney, Mark and Burkhead Attorneys-at-Law, provided testimony in support of the bill. ([Attachment 7](#))

Mark Holland, Mayor and CEO, Unified Government of Wyandotte County in Kansas City, Kansas, provided testimony in support of the bill. ([Attachment 8](#))

Mark Fronce, Owner of Boulevard Auto Truck Repair, Kansas City, Kansas, provided testimony in support of the bill. ([Attachment 9](#))

Bart Thomas, Owner of Kansas Outdoor Advertising, Manhattan, Kansas, provided testimony in support of the bill. ([Attachment 10](#))

Mark Walls, Vice President of Communications and Strategic Analysis for Safety National, on behalf of Kansas Self-Insurers Association, provided testimony in opposition to the bill. ([Attachment 11](#))

Dr. Mark Melhorn, on behalf of the Kansas Medical Society, provided testimony in opposition to the bill. ([Attachment 12](#))

Dr. David Hufford, Mid-America Orthopedics, provided testimony in opposition to the bill. ([Attachment 13](#))

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Mike O'Neal, CEO, The Kansas Chamber, provided testimony in opposition to the bill. ([Attachment 14](#))

Douglass Hobbs, on behalf of the Kansas Society for Human Resources, provided testimony in opposition to the bill. ([Attachment 15](#))

Written-only testimony in support of the bill was provided by:

- Denise Tomasic, Attorney, Kansas City, Kansas ([Attachment 16](#))
- Jeff Cooper, Attorney in Private Practice ([Attachment 17](#))
- Timothy Voegeli, Manager, Tubeless Solutions, LLC ([Attachment 18](#))
- Mike Scanga, Owner, Bicycle X-Change, Wichita, Kansas ([Attachment 19](#))
- Rick Martens, Owner, SOLO, LLC, Olathe, Kansas ([Attachment 20](#))
- Art Davis and Robin Van Huss, Owners, Traditions Furniture, Wichita, Kansas ([Attachment 21](#))

Written-only testimony in opposition to the bill was provided by:

- Adam Mills, President and CEO, Kansas Restaurant and Hospitality Association ([Attachment 22](#))
- Kevin McFarland, Leading Age Kansas, ([Attachment 23](#))
- Mike Beam, Senior Vice-President, Kansas Livestock Association ([Attachment 24](#))
- Roy T. Artman, Kansas Building Industry Workers' Compensation Fund ([Attachment 25](#))
- Don McNeely, Secretary, Kansas Automobile Dealers Workers' Compensation Fund ([Attachment 26](#))
- Dan Murray, National Federation of Independent Business ([Attachment 27](#))
- Steven Graham, Spirit AeroSystems ([Attachment 28](#))
- Dr. James L. Madara, American Medical Association ([Attachment 29](#))
- Jason Watkins, Wichita Metro Chamber of Commerce ([Attachment 30](#))

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Written-only testimony neutral to the bill was provided by:

- Larry Karns, Director, Division of Workers Compensation, Kansas Department of Labor ([Attachment 31](#))

There were questions concerning the number of states utilizing the *4th* and *6th Editions* of the *AMA Guides for Permanent Impairment Evaluation*. Dr. Melhorn stated he believed the majority of physicians favor using the *6th Edition*, which is based on the most recent science.

At the conclusion of the question and answer session, Senator Lynn closed the hearing on **SB 167**.

Possible action on bills previously heard

There was no action on bills previously heard.

Chairperson Lynn adjourned the meeting at 9:27 a.m. The next meeting is scheduled for February 19, 2015.