

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:40am on Tuesday, January 26, 2016, 346-S of the Capitol.

All members were present

Committee staff present:

Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Natalie Scott, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Natalie Nelson, Legislative Research Department
Suzanne Nelson, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Nancy Clarkson, Private citizen; spouse of decedent, Glenn Clarkson; co-author of SB96;
Melissa Clarkson, PhD., Private citizen, daughter of decedent, Glenn Clarkson; co-author of SB96;

Others in attendance:

[See Attached List](#)

Hearing on: SB96 — Kansas disclosure of unanticipated medical outcomes and medical errors act.

The Chair asked for bill requests or bill introductions; there were none.

Chair King made a brief announcement that going forward effective today, committee testimony, approved minutes, and weekly agendas will be available through Dropbox to the committee members, and will also be available to the public on the Kansas Legislature website (www.kslegislature.org) on the Senate Judiciary committee page under the link "Committee Documents."

The Chair turned the committee's attention to **SB96** and opened the hearing.

Jason Thompson gave a brief overview of the bill and stood for questions. There were none.

Nancy Clarkson presented testimony in support of **SB96**. ([Attachment 1](#)) She explained that she and her daughter, Melissa Clarkson, authored this bill because of their family's experience surrounding the treatment and subsequent death of her husband, Glenn Clarkson. Mr. Clarkson had been severely burned while taking part in a controlled grass burn.

Mrs. Clarkson related they learned that medical errors frequently occur and that a "wall of silence" is

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the norm, not the exception. She communicated that patients and their families have the right to know when they have been harmed by a medical error and doctors and hospitals should act with honesty, transparency, and integrity when errors occur. She urged the committee to pass this bill and said she would stand for questions at the appropriate time.

Melissa Clarkson presented testimony supporting **SB96**. She said that this bill is based on four principles that describe rights and responsibilities:

- 1) Patients have the right to know unanticipated outcomes and medical errors that occurred during their care and treatment.
- 2) Health care administrators and workers are responsible for timely and authentic conversations with patients, families, or their representatives about unanticipated outcomes and medical errors.
- 3) Patients who have been harmed due to medical errors have the right to be treated fairly and compensated appropriately.
- 4) Health care institutions have the responsibility to create procedures for disclosing unanticipated outcomes and medical errors to patients and their families. ([Attachment 2](#))

Nancy and Melissa Clarkson answered questions from Senator Knox and Senator Lynn.

Chair King then turned the committee's attention to the proponent written-only testimony of Callie Jill Denton J.D., Executive Director for Kansas Association for Justice. ([Attachment 3](#))

Opponent written-only testimony was submitted as follows:

Rachelle Colombo, Director of Government Affairs, Kansas Medical Society ([Attachment 4](#)) ;

Bob Williams, Executive Director, Kansas Association of Osteopathic Medicine ([Attachment 5](#));

Travis A.Oller, D.C., Kansas Chiropractic Association ([Attachment 6](#)); and

Deborah Stern, Sr. VP Clinical Services and General Counsel, Kansas Hospital Association ([Attachment 7](#)) .

Rachelle Colombo was present and answered questions from Senators Knox, Pettey, Haley, and Chair King regarding the current policies in place, and what would be the most appropriate way to disclose such information.

There being no other conferees or written testimony, and no other questions, Chair King closed the hearing on **SB96**.

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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Chairperson King called the committee's attention to changes on this week's agenda. The meeting adjourned at 11:40 am. The next meeting will be Wednesday, January 27, 2016.

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