

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Michael O'Donnell at 1:33pm on Wednesday, March 16, 2016, 118-N of the Capitol.

All members were present except:

Senator Susan Wagle – Excused

Committee staff present:

Randi Walters, Kansas Legislative Committee Assistant

Scott Abbott, Office of Revisor of Statutes

Iraida Orr, Legislative Research Department

Whitney Howard, Legislative Research Department

Kyle Hamilton, Office of Revisor of Statutes

Conferees appearing before the Committee:

Representative Marc Rhoades presenting testimony for Jessie Kaye, President and CEO, Prairie View

Kyle Kessler, Executive Director, Association of Community Mental Health Centers (CMHCs) of Kansas, Inc.

Sky Westerlund, LMSW, Executive Director, Kansas Chapter, National Association of Social Workers (KNASW)

Kelli Ludlum, Assistant Secretary, Kansas Department for Aging and Disability Services (KDADS)

Jessica Nasternak, J.D., M.S., Director of Legal and Policy, Kansas Coalition Against Sexual and Domestic Violence (KCSDV)

Kathy Ostrowski, Legislative Director, Kansans for Life (KFL)

Joshua M. V. Mammen, MD, PhD, FACS, Surgical Oncologist and State Chair for Kansas Commission on Cancer

Robert D. Durst, Jr., MD, Dermatology, P.A., Fellow of the American Academy of Dermatology

Amy Holdman, Private Citizen

Joseph Levy, Scientific Advisor, American Suntanning Association and Executive Director, International Smart Tan Network

Others in attendance:

[See Attached List](#)

Hearing on: HB2571 — Licensure renewal of community mental health centers.

Chairperson O'Donnell opened the hearing on **HB2571**. Scott Abbott, staff revisor, presented a briefing on the bill.

Representative Marc Rhoades testified in support of **HB2571** by presenting highlights from the

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testimony of Jessie Kaye, President and CEO at Prairie View Behavioral Healthcare. After presenting his testimony, Representative Rhoades responded to questions from Committee members. ([Attachment 1](#))

Kyle Kessler, Association of CMHCs of Kansas, testified in support of **HB2571** indicating that consistent evidence shows that accreditation programs improve the process of providing healthcare services. Mr. Kessler stated that they believe this would incentivize more CMHCs to seek national accreditation and receive exposure to emerging and best practices in health care. Mr. Kessler indicated that they believe this can lead to the most efficient and effective administrative processes for this network of providers. ([Attachment 2](#))

After questions by the Committee were addressed, the hearing continued.

Sky Westerlund, KNASW, testified in opposition of **HB2571** indicating that KNASW is not in support of the state allowing accreditation to serve as the same purpose of state licensure. Ms. Westerlund stated that the purpose of accreditation is about being prescribed national standards of operations and quality improvement whereas state licensure is about protecting the public. Ms. Westerlund urged the Committee to preserve the strong licensure and state oversight that is currently in place. ([Attachment 3](#))

After questions by the Committee were addressed, the hearing continued.

Kelli Ludlum, KDADS, provided neutral testimony for **HB2571** by addressing some of the differences between state licensure and national accreditation. Ms. Ludlum also outlined some legislature considerations that they believe will help further improve the bill. ([Attachment 4](#))

After questions by the Committee were addressed, Chairperson O'Donnell closed the hearing on **HB2571**.

Hearing on: SB497 — Birth risk factor screening for pregnant women.

Chairperson O'Donnell opened the hearing on **SB497**. Scott Abbott presented a briefing on the bill.

Jessica Nasternak, KCSDV, provided neutral testimony for **SB497** indicating that because the safety issues around domestic violence are directly linked to the behaviors of a third party, not the patient, screening for domestic violence requires a different approach than the others mentioned in **SB497**. Ms. Nasternak's testimony indicated that because of the uncertainty as to the safety, confidentiality, and training when screening for domestic violence, KCSDV is neutral to **SB497**. ([Attachment 5](#))

Kathy Ostrowski, KFL, provided neutral testimony on **SB497** indicating that this bill makes no reference to the current statutes that already govern the Kansas Department of Health and Environment's outreach to the public and medical profession about the effects of tobacco, alcohol and drug use during pregnancy. Ms. Ostrowski stated that those statutes which explain what is already

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happening when a women sees the physician are attached to her testimony. ([Attachment 6](#))

Written testimony in opposition of **SB497** was submitted by:

Denise Cyzman, Kansas Association for the Medically Underserved (KAMU) ([Attachment 7](#))

Dr. Rob Freelove, CEO, Salina Family Healthcare Center; Program Director, Smoky Hill Family Medicine Residency Program ([Attachment 8](#))

Dr. Dave Sanford, CEO, Grace Med Clinic ([Attachment 9](#))

Teresa Lovelady, MBA, MSW, President & CEO, HealthCore Clinic, Inc. ([Attachment 10](#))

After questions by the Committee were addressed, Chairperson O'Donnell closed the hearing on **SB497**.

Hearing on: HB2369 — Prohibiting minors' access to a tanning device.

Chairperson O'Donnell opened the hearing on **HB2369**. Scott Abbott presented a briefing on the bill.

Dr. Joshua Mammen, Kansas Commission on Cancer, testified in support of **HB2369** indicating that it's well established information that tanning beds increase the risk of melanoma for individuals particularly when those individuals are at younger ages. Dr. Mammen stated that the best way to control cancer cost is to prevent cancer in the first place, and tanning beds increase the risk of cancer. ([Attachment 11](#))

Dr. Robert Durst, Dermatology, PA, testified in support of **HB2369** stating that the U.S. Food and Drug Administration (FDA) has classified suntanning beds as a Class II level, which puts it into the same class as cigarette smoking and asbestos. Dr. Durst indicated that the group of ages 14 to 17 is much less likely to know the dangers of tanning than the group of ages 18 to 22. Dr. Durst stated that this is not a matter of choice; this is a matter of protecting our children and grandchildren. ([Attachment 12](#))

Amy Holdman, private citizen, testified in support of **HB2369** by sharing her experience with being diagnosed with melanoma. Ms. Holdman indicated that she definitely feels that she has been diagnosed with melanoma due to tanning bed use. ([Attachment 13](#))

Joseph Levy, American Suntanning Association and International Smart Tan Network, testified in opposition to **HB2369** by highlighting his written testimony. Mr. Levy indicated that the risks that the proponents of this bill ascribe to sunbeds are not from studies that isolate tanning salons; but rather they come from studies that surveyed people who use home tanning units, units in un-monitored locations, and units in dermatology offices. Mr. Levy indicated that the data shows if you separate those groups out, that it's the dermatologists' sunbeds that double the risks; the home units that increase the risks by 40%; and the salons were only ascribed to a 6% increase in risk. ([Attachment 14](#))

Written testimony in support of **HB2369** was submitted by:

Marcie Kelly, private citizen ([Attachment 15](#))

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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Dr. Roy Jensen, Director, The University of Kansas Cancer Center ([Attachment 16](#))

Hilary Gee, Kansas Government Relations Director, American Cancer Society Cancer Action Network ([Attachment 17](#))

Ronda Hutchinson, BSN, RN, Vice-President of the Kansas School Nurse Organization ([Attachment 18](#))

Dr. Dennis M. Cooley, FAAP, Legislative Coordinator, Kansas Chapter of the American Academy of Pediatrics ([Attachment 19](#))

Dr. Charles Snyder, President, Kansas City Surgical Society ([Attachment 20](#))

Dr. Eric Fry, President, Kansas Society of Eye Physicians & Surgeons ([Attachment 21](#))

Rachelle Colombo, Director of Government Affairs, Kansas Medical Society ([Attachment 22](#))

Dr. David B. Hoyt, FACS, Executive Director, American College of Surgeons ([Attachment 23](#))

Dr. Stephen Salanski, President, Kansas City Medical Society ([Attachment 24](#))

Tracey Nicodemus, private citizen ([Attachment 25](#))

Corrie Fuester, private citizen ([Attachment 26](#))

Written neutral testimony for **HB2369** was submitted by:

Brandon Skidmore, Director, Bureau of Health Promotion, Kansas Department of Health and Environment ([Attachment 27](#))

After questions by the Committee were addressed, Chairperson O'Donnell closed the hearing on **HB2369**.

The meeting was adjourned at 2:28 p.m.

The next meeting is scheduled for March 17, 2016.