

Approved 3/14/87
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m./~~p.m.~~ on March 2, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research
Norman Furse, Revisor of Statutes Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Written testimony - Donald G. Strole, Kansas Academy of Physician Assistants

Others present: See attached list

The chairman announced to the committee that staff had advised him of difficulties with SB-259 which was passed out of committee February 26, 1987. This bill has not been turned in.

Senator Reilly made the motion to return SB-259 to committee. Senator Francisco seconded the motion. The motion carried.

Staff will present needed language changes to the committee at a later date.

Prior to adjournment on February 27, 1987, Senator Bond offered a substitute motion which would use the language Section 3 on the \$8,600 with the saving language from Illinois. This would protect the state from the Federal Government in requiring a pay back and by permitting a dropping back to the \$341 level if necessary. Senator Francisco seconded the motion. The \$8,600 income plan would go into effect upon approval of the Federal Government. The motion carried.

The committee took up Section VII, attachment 3 to February 27, 1987 minutes.

Senator Francisco moved that page 6, lines 194-201, be deleted as it is not an issue if the applicant/recipient's spouse does not apply for or receive medical assistance.

Senator Salisbury made a substitute motion to strike language on line 0192 "if the applicant or", strike all of line 0193 and on 0194 strike "the same room" and on line 0199 change "room" to "residence." Senator Mulich seconded the motion. The motion carried.

Item VIII was taken up and it was decided not to consider Section A at this time.

In regard to VIII B, Senator Kerr moved to put the same kind of saving language in the definition concerning assets as adopted for definition of income. Senator Hayden seconded the motion.

Senator Bond made a substitute motion to run it by HHS for approval and should they not approve, ask the Attorney General to seek a judicial determination prior to the implementation of this law and prior to the development of potential liability. Senator Francisco seconded the motion. The motion failed.

The original motion carried.

Senator Francisco moved to pass out SB-264 favorable as amended. Senator Salisbury seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m.~~pm~~ on March 2, 1987.

Written testimony was presented to the committee by Don Strohle, Kansas Academy of Physician Assistants concerning SB-35. (attachment 1)

The meeting adjourned at 10:55 a.m. and will meet March 3, 1987, room 526-S at 10:00 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 2, 1987

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

(PLEASE PRINT) NAME AND ADDRESS		ORGANIZATION
Marilyn Bradt	Lawrence	KINTH
Jim 17. Basin	Topoka	observer
Robert P. Guthrie	Topoka	ADRDA of Topoka
Brenda Stapp	Topoka	KDOA
Lynda Drow	Topoka	KDOA
HAROLD PITTS	Topoka	KCOA
Tom Hitchcock	Topoka	Bd. of Pharmacy
Jerry WALKER	TOPEKA	KMS
KEITH R. LANDIS	"	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
HAROLD RIEHM	"	Ks Assn Osteopathic Med
Don Scholz	Lawrence	Ks Academy of Phys Assits
Sally Cauth	Liberal	Auxiliary to KOA
Rick Marks & Donly		KOA.
H. L. Pittman	Milvau	visitor
Pete Bruny	Salina	KOA
Murray Am, O.D.	Augusta	KOA.
Jay Hawen	O.P.	KO4
John O. Miller	Topoka	AARP
JOE ROVANUE	TOPEKA	KANSAS LEGAL SERVICES, Inc.

KANSAS ACADEMY OF PHYSICIAN ASSISTANTS

TO: Senate Public Health and Welfare Committee

From: Donald G. Strole
Attorney for Physician Assistants

RE: Subst. Senate Bill 35

We would like to take this opportunity to address the subcommittee report on SB 35. Generally, we support the recommendation of the subcommittee to direct the Board of Healing Arts to adopt rules and regulations on the supervision of the PA by the responsible physician and on the issue of PA prescribing. We also tentatively support the requirement proposed by the subcommittee that in order for the PA to prescribe the responsible physician must be "regularly present" and be "continuously supervising" the PA. It is our understanding that the Board of Healing Arts will define what these terms mean.

We are aware that the Kansas Medical Society has proposed that no PA be allowed to prescribe at a "satellite clinic," unless the supervising physician is present and on-site. We believe that this is unnecessarily restrictive and in some situations may delay or prevent a patient from obtaining necessary medical treatment. We understand that sufficient protocols and control must exist to ensure that a PA is prescribing properly. We believe, however, that this is accomplished by the recommendations made by the subcommittee requiring the Board of Healing Arts to regulate such protocols.

It should be noted that to date no evidence has been presented by anyone that shows that any patient has ever been harmed by a PA with respect to the PA prescribing drugs. In fact, the Board of Healing Arts has only received five formal complaints on PA's in the last five years, none of which were from patients complaining about the PA. We feel that in the absence of any evidence that anyone has ever been harmed, the legislature should not pass legislation which significantly restricts the rights and practices of a particular profession. Without such evidence it would not seem that legislation completely prohibiting or severely restricting prescribing by PA's would have the rational basis necessary to justify it.

We do understand, however, that certain restrictions may be necessary to prevent harm from occurring in the future. Thus, in addition to the recommendations of the subcommittee KAPA would support any of the following specific regulations:

1. Requiring each supervising physician to submit to the Board of Healing Arts for approval the protocols under which the PA is practicing;

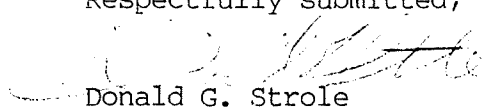
2. Requiring that as a part of the protocol, the physician submit for approval the list of drugs that the PA will be allowed to prescribe, which list could then be given to the Pharmacy Board so that any pharmacist who questioned a particular prescription could check with that Board to see whether the PA was authorized to issue that drug;

3. Requiring the Board of Healing Arts to adopt specific regulations regarding all aspects of satellite clinics staffed by PA's to ensure that adequate supervision and controls are present, including the amount of time that the supervising physician must be present at such clinics, the kinds of procedures that may be performed at such clinics in the physician's absence, and the location of such clinics in the state (eg. should they exist only in medically underserved areas?)

Finally, KAPA wishes to reiterate its opposition to the concept of "PA entrepreneurship." By official resolution KAPA has taken the position that "No PA may employ his or her supervising physician." Accordingly, KAPA would support any legislation prohibiting this enterprise.

Thank you for your consideration of these points.

Respectfully submitted,


Donald G. Strole
Attorney for Physicians' Assistants
16 E. 13th St.
Lawrence, Kansas 66044
(913) 842-1133

PA.Sub