

Approved 3-13-89 Ginger Barr, Chm
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Ginger Barr at
Chairperson

1:34 ~~xxx~~/p.m. on February 23, 1989 in room 526-S of the Capitol.

All members were present except:

Representative J. C. Long
Representative Mike Peterson
Representative Sam Roper - Excused
Representative Joan Wagnon - Excused

Committee staff present:

Mary Torrence, Revisor of Statutes Office
Mary Galligan, Kansas Department of Legislative Research
Juel Bennewitz, Secretary to the Committee

Conferees appearing before the committee:

Jane Mackey, President, Topeka Blood Bank
Joe Siemens, Administrator of the American Red Cross, Wichita Regional Blood Services
Chip Wheelen, Director of Public Affairs, Kansas Medical Society
Representative Martha Jenkins

HB 2327

Jane Mackey testified in support of the bill describing the number of tests taken and confidentiality procedures used by the Blood Bank, Attachment No. 1.

Through questions from the committee, the following information was established:

1. Donor blood is routinely checked for HIV virus.
2. The bill addressed the Blood Bank's ability to operate as an out-patient laboratory.
3. The Blood Bank is routinely inspected by the Food and Drug Administration and the American Association of Blood Banks; licensed by Medicare and participates in the American College of Pathologists proficiency tests.
4. The Blood Bank reports its findings to donors or doctors who have requested the test.
5. The Blood Bank or hospital can't receive third party reimbursement unless the Blood Bank is licensed as a laboratory.

Joe Siemens appeared as a proponent of the bill citing the volume of donated units of blood over selected units, exceeding most other labs in the state, Attachment No. 2.

The usual fee for this lab service is \$15.00.

Chip Wheelen gave some history of the bill affecting the blood banks. It originated at the request of KDHE, which prior to July, 1989, already approved labs doing serological tests for syphilis and controlled substances. The law does not exclude blood banks but exempts them.

There were no opponents to the bill.

HB 2284

Representative Jenkins described the intent of the bill, Attachment No. 3.

The following is a summary of extensive discussion by the committee:

1. The language "to the extent practical" applies to the individual and not the program.
2. Inmates with reduced mental capacity would not be required to participate.
3. Approximately 60% of the prison population would fall into this category. Neither KSP nor KSIR's slots are full.

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.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:34 ~~am~~/p.m. on February 23, 1989

4. There are three levels of GED:
 - a. Basic GED - 5th grade and below
 - b. Pre-GED - 5th - 8th grade
 - c. GED - 8th grade and above
5. The bill does not accelerate eligibility for parole.
6. The fiscal note is in the preparation process.
7. Time to complete a GED is based on the individual's motivation and progress.
8. It is not the intent to delay any inmate from obtaining parole if the GED is incomplete, he has a good record and can complete the GED on the outside.
9. The Secretary of Corrections did not suggest this could be accomplished through rules and regulations rather than legislation.
10. If at parole, an inmate has completed all terms of his contract, the Parole Board cannot add provisions to the contract. It may be possible that the Secretary of Corrections could add provisions.
11. The Attorney General issued an opinion dated February, 1989, that 1987-88 HB 3079 is not retroactive regarding inmate contracts drawn prior to 1988.
12. Representative Jenkins would offer an amendment at the next meeting for discussion regarding the Secretary entering inmates' contracts.
13. Care should be taken not to require a program not available at the time of the contract so as not to delay parole.

Tom Sloan, Special Assistant to the Secretary of Corrections, could not appear but is a proponent of the bill.

There were no opponents to the bill.

The meeting adjourned at 2:30 p.m. The next meeting of the committee will be February 27, 1989, 1:30 p.m. in Room 526-S.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE February 23, 1989

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Theresa Hodges	1806 Belle Ave, Topeka	K.D.H.E
Joe Siemens	707 N Main, ⁶⁷³⁰³ Wichita, KS	ARC (American Red Cross)
JANE MAUCEY	800 LANE, Topeka, KS	Topeka BLOOD BANK
Maggi Bilecki	3125 SW Arrowhead Topeka	
Debbie Edmonds	2120 SW Marvica Topeka	WU
Stephanie Haute	2110 MacVicar #1 Topeka	WU NS
Debra Anderson	8716 500 K-4 Neuf Topeka	WU NS
Kathy Summer	306 Durink St. Mary	WU NS
Katrina Neubarger	1816 McAlister Topeka	WU NS
Judy Lynch	5949 N.W. Topeka, Topeka	WU NS
Lora Heckman	4201 Drury Ln. Topeka	W.U. School of Nsg
Yong Cork	1620 Central Park, Topeka	WU NS
Janice Cole	Rt 1, 6725 NW 39th	Washburn University School of Nursing
Lisa Kueker	Box 34 BC, Newton, Ks	Bethel College nsg. student
Audra Keller	BC Box 34, N. Newton Ks.	" " " "
Sharon Juhl	408 Highland, Newton, Ks	B. C. nsg student
Shiranne Effer	505 W 12 B, Newton, Ks	Bethel College nursing Student
Debbie Cherry	P.O. Box 191 N. Newton, Ks.	" " " "
Sharon Lehman	R.R. 1 Box 57A Newton, Ks.	" " " "
Barbara Heeb	3884 Booth KC, KS 66103	University of KS, Nursing School
Shelley Barenklaus	8525 Willow Ln, DeSoto, KS	University of KS, Nursing School
ASA WISE	1125 Stratford ^{Salina, KS}	SOUTH J. High (Salina)
HARI JOHNSON	1416 ^{Salina, KS} SUNRISE DR.	SOUTH J. High (Salina)
Michael Horak	Topeka	Associated Press
Cheryl Hendricks	1558 S. Bentley Wichita, KS	Wichita State Univ.
Dena Kamp	2017 Pembroke, Topeka	



TOPEKA BLOOD BANK

February 23, 1989

Chairman Barr and members of the Committee on Federal and State Affairs, my name is Jane Mackey and I am the President of Topeka Blood Bank in Topeka, Kansas. I appear before you today in support of House Bill No. 2327, a bill which will provide blood banks the opportunity to be considered a "laboratory" and regulated by the secretary of health and environment when extending human immunodeficiency virus (AIDS) testing services to the medical community.

In March, 1985, the HIV test was approved by the Food and Drug Administration to screen the blood supply. We extended our testing services to area physicians and hospitals to keep high risk individuals from donating blood to learn of their HIV antibody status.

Since that time we have performed over 60,000 tests on each unit of blood that is donated and on patient samples from hospitals and local physicians. During 1988 we tested over 1,000 outpatient samples for HIV. Our volume of testing exceeds most area labs. Our proficiency is monitored by our required participation in the College of American Pathologists staff proficiency testing for HIV, a national test providing quarterly samples for evaluation. In addition, we are inspected annually by Medicare, the American Association of Blood Banks, and the Food and Drug Administration.

Patient confidentiality is maintained by assigning numbers to the samples to be tested rather than names. The test results are reported back to the prescribing physician for patient notification.

We are able to provide test results usually within 24 hours since the samples are included with our routine blood screening that is run almost daily. In cases where the sample is from an individual who is a potential organ donor, timely results are imperative.

I urge you to support HB #2327. This bill will not give blood banks any special consideration but would require blood banks to be reviewed and regulated as a laboratory by the secretary of health and environment in order to perform HIV testing for outpatients. This is a highly utilized service which, if not partially provided by the blood banking community, could create inconveniences for physicians and individuals desiring testing and increase the chance that high risk individuals would donate blood to learn of their antibody status.

HOUSE FEDERAL & STATE AFFAIRS
Attachment No. 1
February 23, 1989

Chairman Barr and members of the Committee on Federal and State Affairs, I am Joe Siemens, Administrator of American Red Cross, Wichita Regional Blood Services in Wichita, Kansas.

The Wichita Region encompasses 84 counties in Kansas and services 111 hospitals in those counties. I am here today in support of House Bill No. 2327, a bill which allows blood banks to be regulated by the Secretary of Health and Environment when performing HIV (human immunodeficiency virus) testing services for the medical community.

Since the beginning HIV testing in 1985, Wichita Regional Blood Services has provided testing services to physicians and hospitals as an alternative to people donating blood to learn of their HIV antibody status. Since 1985, 369,237 HIV tests have been performed on donated units of blood. During 1988, 636 tests were performed for other than donor blood analysis. This volume exceeds most other laboratories in the state. Wichita Regional Blood Services HIV testing proficiency is monitored by the College of American Pathologists and is inspected annually by the Food and Drug Administration. Due to the sheer volume and testing requirements, there are no other laboratories in Kansas more qualified to be doing HIV testing.

Your support of House Bill No. 2327 is requested so that all of the physicians and patients in Kansas can benefit from the services available in community blood banks.

Testimony before the House Federal and State Affairs Committee
H.B. 2284 - No Read, No Parole.
23 February 1989 - Martha Jenkins

Madame Chair, Members of the Committee,

House Bill 2284 expands the written agreement entered into by the Department of Corrections and the inmates entrusted to the D.O.C.'s custody. Under current law, defendants and the Secretary enter into an agreement specifying those educational, vocational, mental health or other programs which the secretary determines the inmate must satisfactorily complete in order to be prepared for release on parole. My bill makes statutory that the agreement shall require the inmate to have successfully completed the equivalent of a secondary education - the G.E.D.

I have long considered introducing a measure of this type in the past. But because of the prison overcrowding crises and the state's efforts to reduce the prison population, I've been reluctant to impose one more mandate on our inmates. It is not my intent to hamstring the Department of Corrections in their efforts to meet the federal court order. Yet the flip side is that it doesn't make sense to release parolees from our state prison's onto a job market if the parolees are illiterate. Not only are the inmates hampered in securing employment, but more than likely they will not be paroled if they don't have or can't get a job. I think we are doing our inmate population a great disservice when we don't encourage them to learn to read and write. We can't expect them to live peaceably in society, let alone contribute to it, if they have no means of earning a decent wage.

This bill is supported by both the Department of Corrections and Elwaine Pomeroy, Chairman of the Kansas Parole Board. I thank you for your consideration and I shall stand for questions.