

Approved: 3-24-95
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on March 20, 1995 in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research Department
Norman Furse, Revisor of Statutes
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Tim Madden, Kansas Department of Corrections
Chip Wheelen, Kansas Medical Society

Others attending: See attached list

Hearing on SB 358 - Application of peer review statute to health care providers monitoring health care at correctional institutions

Tim Madden, attorney for the Department of Corrections, addressed the Committee in place of Charles Simmons, Acting Secretary of Corrections, in support of **SB 358** which would amend K.S.A. 1994 Supp. 65-4915 to include within the definition of "peer review officer or committee" a health care provider monitoring the delivery of health care at correctional institutions under the jurisdiction of the Secretary of Corrections. Mr. Madden noted that the Department of Corrections has contracted with a physician from the University of Kansas Medical Center to monitor health care provided to the inmates under the custody of the Secretary of Corrections whose medical care is provided by a private corporation called Prison Health Services Incorporated. (Attachment 1)

In answer to a member's question during Committee discussion, Mr. Madden noted the Department of Corrections does not fall within the definitions of a health care provider, and the contract with Prison Health Services, a health care provider, would allow them under this act to establish a peer review system with the protections under this act. The Department of Corrections does not want to simply rely on medical information and peer review information provided by Prison Health Services. DOC would have the latitude to have their own monitor go in and do any investigations and interviews that the monitor believes are necessary. This would clarify that the Secretary of the Department of Corrections' monitor would have the same privilege under the peer review act as SRS has through the state hospital system. The Department of Corrections indicates that **SB 358** would have no fiscal effect.

Chip Wheelen, KMS, noted they had taken no position on the bill, however, the bill would provide the Department of Corrections with necessary peer review protection.

In answer to a question by staff, Mr. Madden noted that the contract with Prison Health Services is a statewide contract.

There were no opponents to the bill.

Action on SB 358

Senator Hardenburger made a motion the Committee recommend **SB 358** favorably for passage, seconded by Senator Jones. The motion carried.

The meeting was adjourned at 10:30 a.m.

STATE OF KANSAS



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Bill Graves
Governor

Charles E. Simmons
Acting Secretary

MEMORANDUM

DATE: March 20, 1995
TO: Senate Committee on Public Health & Welfare
FROM: Charles E. Simmons, Acting Secretary
SUBJECT: SB 358

The Department of Corrections requested that SB 358 be introduced and urges that it be enacted.

This bill amends K.S.A. 1994 Supp. 65-4915 to include within the definition of "peer review officer or committee" a health care provider monitoring the delivery of health care at correctional institutions under the jurisdiction of the Secretary of Corrections. The purpose of this amendment is to obtain the privilege of subsection (b) of the statute that the reports and other records of the peer review not be subject to discovery.

The Department believes it is important to monitor and review the delivery of health care to inmates in order to ensure that they receive necessary and proper care and treatment. A physician from the University of Kansas Medical Center is under contract to perform this review. We believe the effectiveness of this function would be improved if this process had the privilege set forth in subsection (b).

This amendment would place the correctional institutions on the same footing as state hospitals.

CES:dja

Senate Public Health & Welfare
Date: 3-20-95
Attachment No. 1