

Approved: 3-18-97
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 13, 1997 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Estel Landreth, DDS, President, Kansas Dental Board
Connie Hiatt, Kansas Dental Hygienists Association

Others attending: See attached list

Hearing on HB 2199 - Dental practices act amendments

Estel Landreth, DDS, Kansas Dental Board, appeared before the Committee in support of HB 2199 which would allow a dentist to use a dental assistant not licensed by the Kansas Dental Board in administering and monitoring nitrous oxide or oxygen if that person has satisfactorily completed a course of instruction on those functions approved by the Kansas Dental Board. (Attachment 1)

Connie Hiatt, Kansas Dental Hygienists Association, also expressed her support for HB 2199. Written testimony in support of the bill was distributed to the Committee from the Kansas Dental Association. (See Attachment 2)

There were no opponents to HB 2199.

Action on HB 2199

Senator Langworthy made a motion the Committee recommend HB 2199 favorably for passage, seconded by Senator Hardenburger. The motion carried.

Hearing on HB 2200 - Discipline of dentists and dental hygienists

Estel Landreth, DDS, Kansas Dental Board, appeared before the Committee in support of HB 2200 which would allow the Kansas Dental Board to assess a fine up to \$10,000 against a licensee in addition to any other disciplinary action already available to the Board. Dr. Landreth noted that the bill would conserve state funds by allowing persons who are found in violation of the law to share the costs they create for the state, and the statutes would be more specific and reduce prosecution costs. (Attachment 3)

There were no opponents to HB 2200.

During Committee discussion staff noted that technical language relating to fee collection and distribution needed to be clarified in the bill. The Chair announced that action on the bill would be taken by the Committee after staff has reviewed such language change.

Action on HB 2181 - Establishing a cancer registry

Senator Becker briefed the Committee on an amendment to HB 2181 which would add language in Section 4, page 2, line 11, relating to information contained on the cancer registry which, "shall be confidential, shall not be disclosed except as provided in Section 5 and amendments thereto, shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding." A balloon of the bill showing the proposed amendments was distributed to the Committee for their consideration. (See Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S
Statehouse, at 10:00 a.m. on March 13, 1997.

After Committee discussion on the amendments to **HB 2181**, Senator Jones made a motion the Committee adopt the proposed amendments as shown in the balloon of the bill, seconded by Senator Salmans. The motion carried.

Senator Lee made a motion to strike subparagraph (b) in Section 2, page 1, of the bill, seconded by Senator Hardenburger. The motion carried.

Senator Hardenburger made a motion the Committee recommend **HB 2181 as amended** favorably for passage, seconded by Senator Becker. The motion carried.

Adjournment

The meeting was adjourned at 10:35 a.m.

The next meeting is scheduled for March 17, 1997.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 3-13-97

NAME	REPRESENTING
Aaron John Schwerman I	Beloit - Mitchell County
Dallas Jay Fuller	Beloit - Mitchell
Sir Andrew Newald	Mitchell County - Beloit
Chris Pruitt	Beloit - Mitchell
Rita Goering	KFB
Stacy Carney	Barton County FB
Dawn McKeener	Barton County FB
Colette Thomas	Meade High School
Gov Ryckman	Meade High School
Eric Rothchild	Beloit - Mitchell County
Jean Schewe	" "
Tiffany Walter	" "
Joyne Engelbert	Beloit - Mitchell County
Carol Macdonald	Kansas Dental Board
Tim Youally	Kan Den. Hygien. Assoc.
Cornie Heatt	Kansas Dental Hygienist Assn.
Karyn Ford	Allen County - Moran
Manje Hammertacker	Crawford County - Girard
Angela Stette	Crawford Co. Girard

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 3-13-97

NAME	REPRESENTING
DeVaux C. Subbard	V. Coffey - Oswego
Ronald H. Brown	Labette County - Bartlett
Jenny Johnson	Crawford Cty. - Girard
Nancy Franklin	Crawford Cty - Girard
Maggie Dillon	" "
Susan Ulbrich	" "
Molinda Born	Coffey Co. - Lebo
Alissa Gillespie	Coffey Co. - Lebo
Karen Caustick	Allen Co. - Moran
Kacy Douglas	Allen Co. - Moran
Kelly Peters	Allen Co. - Chanute
Paul Heerde	Coffey Co - Gridley
Megan McManis	Jackson County - Holton
Matthew Schneider	" "
Rachel Brown	Crawford County - Girard
Josh Brady Mourning	Franklin County - Ottawa
Ryan Jensen	CLAY COUNTY K.S. - 679
Sam Johnson	Clay County
Kevin Robertson	K.S. DENTAL ASSN.

KS.
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BILL GRAVES
GOVERNOR

BOARD OF DENTAL EXAMINERS

KANSAS DENTAL BOARD
BUSINESS OFFICE
3601 SW 29TH STREET, S-134
TOPEKA, KANSAS 66614-2062
TELEPHONE NO. (913) 273-0780

March 13, 1997

STATEMENT IN SUPPORT OF HB 2199

presented by : Estel Landreth, DDS

President of the Kansas Dental Board

Senator Prager and Members of the Committee:

House Bill 2199 makes no substantive changes in the status quo.

Rolling certain regulations into statutes will add clarity within the profession. This will make it easier to inform licensees and will create a higher degree of compliance.

Senate Public Health & Welfare
Date: 3-13-97
Attachment No. 1



**Statement in Support of H.B. 2199
Carl C. Schmitthenner, Jr., Executive Director
Before the Senate Committee on
Public Health & Welfare**

March 13, 1997

Mr. Chairman and members of the Committee, I am Carl Schmitthenner. I am the Executive Director of the Kansas Dental Association. I appreciate this opportunity to express the support of the Kansas Dental Association for House Bill 2199.

This bill places into statute existing rules and regulations regarding the delegation of certain duties to unlicensed persons, the administration and monitoring of nitrous oxide by unlicensed persons, and the administration of local anesthesia by dental hygienists.

These regulations have been in place for several years. Dentists and their staffs have been practicing successfully in the manner permitted by these rules and regulations for some time. The approach contained in this bill provides a framework that has enabled the dental profession in Kansas to work through a variety of professional opinions and points of view regarding the utilization of dental office staff.

To bring a measure of permanence to the approach embodied in the regulations, the KDA supports legislation to make the existing rules and regulations a part of statutory law.

Again, Mr. Chairman and members of the Committee, thank you for your consideration of these comments.

5200 Huntoon
Topeka, Kansas 66604-2398
913-272-7360

Senate Public Health & Welfare
Date: 3-13-97
Attachment No. 2



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March 13, 1997

STATEMENT IN SUPPORT OF HB 2200

presented by : Estel Landreth, DDS

President of the Kansas Dental Board

Senator Prager and Members of the Committee:

House Bill 2200 makes substantive changes in the effect of law. It contains more specific language on the use of prescription drugs and/or habit forming substances.

HB2200 will statutorily allow the Dental Board to impose fines to recoup expenses when licensees are found to be in violation of state or federal law. This also gives the board an alternative in disciplinary actions other than suspension or revocation of a license.

This bill will conserve state funds allowing persons who are found in violation of the law to share the costs they create for the state, and the statutes will be more specific, consequently reducing prosecution costs.

The Kansas Dental Board would urge your favorable consideration of these measures.

Senate Public Health & Welfare
Date: 3-13-97
Attachment No. 3

HOUSE BILL No. 2181

By Committee on Health and Human Services

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9 AN ACT establishing a cancer registry in the state of Kansas and providing
10 for rules and regulations for the operation thereof.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. As used in this act:

14 (a) "Confidential data" means any data which permits the identifi-
15 cation of individuals.

16 (b) "Health care provider" means a person licensed to practice med-
17 icine and surgery, a hospital as defined in K.S.A. 65-425 and amendments
18 thereto, any individual providing health care services or a pathology lab-
19 oratory.

20 (c) "Secretary" means the secretary of the department of health and
21 environment.

22 Sec. 2. (a) The secretary is hereby authorized to collect data pertain-
23 ing to all cancers occurring in Kansas into a registry which shall be the
24 cancer registry for the state of Kansas. The secretary shall adopt rules and
25 regulations which use the most efficient, least intrusive means for col-
26 lecting cancer data consistent with ensuring the quality, timeliness, com-
27 pleteness and confidentiality of the cancer registry. The rules and regu-
28 lations shall specify who shall report, the data elements to be reported,
29 timeliness of reporting and format for collecting and transmitting data to
30 the registry.

31 (b) Hospitals, providers of cancer screening, diagnostic or therapeutic
32 services, and pathology laboratories may be required by rule and regu-
33 lation to report information regarding all persons identified with cancer
34 to the cancer registry.

35 (c) Reporting by persons licensed to practice medicine or surgery and
36 other individuals providing health care services shall be limited to re-
37 sponding to requests for information regarding persons with cancer pre-
38 viously identified by other means.

39 Sec. 3. Uses of registry data which are not confidential in nature
40 include, but are not limited to:

41 (a) The production of statistical data which outline the frequency,
42 distribution, severity at diagnosis, treatment and survival for each type of
43 cancer;

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- 1 (b) the design and implementation of cancer screening programs
- 2 which have been demonstrated to decrease cancer mortality;
- 3 (c) assessing the cancer risk in the Kansas population;
- 4 (d) identifying previously unrecognized risk factors and causes of can-
- 5 cer;
- 6 (e) monitoring the potential health impact of environmental expo-
- 7 sures;
- 8 (f) monitoring health care access and utilization and effectiveness of
- 9 services for the prevention and treatment of cancer; and
- 10 (g) quantifying costs associated with cancer care.

11 Sec. 4. The information contained on the cancer registry shall not be
 12 subject to the provisions of the Kansas open records act. The secretary
 13 shall ensure that the confidentiality of any data collected which might be
 14 used to identify an individual with cancer or a health care provider is
 15 maintained. Storage of cancer data shall be in a manner which will protect
 16 all information which uniquely identifies individuals.

17 Sec. 5. Confidential data shall be securely locked and used only for
 18 the following purposes:

- 19 (a) Ensuring the quality and completeness of the registry data.
- 20 (b) Investigating the nature and cause of abnormal clusterings of can-
- 21 cer.
- 22 (c) Offering through the personal physician, to persons with cancer,
- 23 access to cancer diagnostics and treatments not available except through
- 24 clinical trials. As long as such trials are conducted with the informed,
- 25 written consent of the cancer patient, the confidential data is approved
- 26 for release by the secretary for the purpose of such clinical trials and the
- 27 clinical trials are approved by the clinical entity.
- 28 (d) Releasing data back to the institution or individual which reported
- 29 cases as long as such release includes only those cases previously reported
- 30 by the requesting institution or individual.
- 31 (e) As part of an exchange agreement with another state, confidential
- 32 data collected on a resident of another state may be released to the cancer
- 33 registry of that person's state of residence if that state has confidentiality
- 34 requirements that provide assurance of protection of confidentiality
- 35 equivalent to that provided by Kansas under this act.
- 36 (f) Releasing information upon consent, in writing, of the person who
- 37 is the subject of the information, or if such person is under 18 years of
- 38 age, by such person's parent or guardian.

39 Sec. 6. The secretary shall designate a panel, including at least one
 40 physician licensed to practice medicine in Kansas and the registry direc-
 41 tor, which shall establish policies for release of nonconfidential data and
 42 shall review requests for the confidential registry data. No restrictions are
 43 placed on release of data which are statistical in nature.

shall be confidential, shall not be disclosed
 except as provided in section 5 and amendments
 thereto, shall not be subject to subpoena,
 discovery or introduction into evidence in any
 civil or criminal proceeding and

collected pursuant to this act

1 Sec. 7. Any health care provider, whether a person or institution,
2 who reports cancer information to the registry in good faith and without
3 malice, in accordance with the requirements of this statute, shall have
4 immunity from any liability, civil or criminal, which might otherwise be
5 incurred or imposed in an action resulting from such report. Notwith-
6 standing K.S.A. 60-427 and amendments thereto, there shall be no priv-
7 ilege preventing the furnishing of such information or reports as required
8 by this act by any health care provider. Nothing in this section shall be
9 construed to apply to the unauthorized disclosure of confidential or priv-
10 ileged information when such disclosure is due to gross negligence or
11 willful misconduct.

12 Sec. 8. This act shall take effect and be in force from and after its
13 publication in the statute book.

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