

Approved

Date: *January 18, 2001*

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:39 a.m. on January 17, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Haley (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Paul Davis, Kansas Bar Association (KBA)
Judge Paul Miller, Chair, Kansas Sentencing Commission
Barbara Conan, Director of Public Affairs, Kansas Trial Lawyers Association (KTLA)

Others attending: see attached list

Minutes of January 16, 2001 were approved on a motion by Senator Donovan, seconded by Senator Adkins. Carried.

Conferee Davis presented a joint request by the KBA and the KTLA to introduce a bill which would guarantee Kansans access to their medical records and assure that those records are available at a reasonable cost. (attachment 1) Senator Gilstrap moved to introduce the bill, Senator Goodwin seconded. Carried.

Conferee Miller presented an overview of the Kansas Sentencing Commission (KSC). He stated that the purpose of the formation of the KSC by the legislature was to write sentencing guidelines to eliminate sentencing disparity in the prison population and he detailed the Commission's history, statutory charge, structure and function. (a copy of the Sentencing Guidelines and related statutes are available in the legislative research department at the capitol) The Committee received a copy of the sentencing grid which the Conferee also detailed. (attachment 2) Discussion followed regarding recent controversy over the effectiveness of the guidelines and the request for a moratorium on any changes to the guidelines until their effectiveness can be fully apprized. Senator Oleen updated the Committee on the status of this issue which is currently before the Senate.

Conferee Conan gave a very brief overview of the KTLA and stood for questions. She stated that other than the cooperative effort between the KBA and KTLA on the above mentioned bill request, KTLA had no further legislative requests. (no attachment)

The meeting adjourned at 10:18 a.m. The next scheduled meeting is January 18, 2001.

S. J. Jud
1-17-01
att 1



**KANSAS BAR
ASSOCIATION**

1200 SW Harrison St.
P.O. Box 1037
Topeka, Kansas 66601-1037
Telephone (785) 234-5696
FAX (785) 234-3813
www.ksbar.org

January 17, 2001

TO: Chairman John Vratil and Members of the Senate Judiciary
Committee

FROM: Paul Davis, Kansas Bar Association Legislative Counsel

RE: Request for Bill Introduction

Mr. Chairman and Members of the Committee:

I am Paul Davis, Legislative Counsel for the Kansas Bar Association. I am here today on behalf of a cooperative effort between KBA and the Kansas Trial Lawyers Association. We are jointly requesting introduction of a bill guaranteeing Kansans access to their medical records and assuring that those records are available at a reasonable cost.

Currently, there is no statute that guarantees Kansas citizens the right to obtain their medical records. Our bill draft would assure that records are available to patients or their representative. Kansas appears to be one of the only states that do not statutorily guarantee a patient's access to his or her medical records.

This bill also proposes to bring the cost of acquiring medical records under a standardized schedule as set out under the current Kansas Workers Compensation Act. By statute, the costs charged for acquiring medical records in a workers compensation action are set by the Director of Workers Compensation. We seek to bring requests for medical records in other cases under the same formula. About half of the states have statutory limits on the costs that can be charged for those records.

There is no standard for the amount charged per requested page, nor is there a standard for the clerical/administrative costs related for retrieval of the medical records. For that reason, there currently is a wide variance in the amount charged by individual health care providers for medical records outside the workers compensation system. Anecdotally,

S. J. Jud
1-17-01
att 1

we have examples of charges that range from \$25 and up for only a few pages. Our bill attempts to provide a uniform schedule for copying and retrieving medical records.

I also want to point out that the costs of obtaining medical records are mostly absorbed by average citizens. If there is litigation or the potential of litigation, attorneys that obtain these records usually pass the cost on to their clients.

I respectfully ask the Committee to approve this bill for introduction. Thank you for your consideration.

Handwritten notes:
10-1-1
2-22-01

SENTENCING RANGE - NONDRUG OFFENSES

Category⇒	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

Probation Terms are:

- 36 months recommended for felonies classified in Severity Levels 1 – 5
- 24 months recommended for felonies classified in Severity Levels 6 – 7
- 18 months (up to) for felonies classified in Severity Level 8
- 12 months (up to) for felonies classified in Severity Levels 9 - 10

Postrelease terms are:

- 36 months for felonies classified in Severity Levels 1 – 4
- 24 months for felonies classified in Severity Level 5 – 6
- 12 months for felonies classified in Severity Levels 7 - 10

Postrelease for felonies committed before 4/20/95

- 24 months for felonies classified in Severity Levels 1 - 6
- 12 months for felonies classified in Severity Level 7 - 10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Handwritten notes:
04-2
5-7-98
10-17-01