

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 20, 2002 in Room 210 Memorial Hall

All members were present except: Representative Dale Swenson, Excused

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department  
Norman Furse, Revisor of Statute's Office  
Renea Jefferies, Revisor of Statute's Office  
June Evans, Secretary

Others attending: See Attached Sheet

The Chairman stated the committee would work 7 bills today.

The Chairman asked the committee what their wishes were on **HB 2744 - Allowing registered professional nurses to conduct sexual assault examinations.**

Representative Morrison moved and Representative Storm seconded to amend HB 2744 on page 1, lines 15, 24, 27 and 28 and add "licensed physician assistant" after "physician" and before "or". The motion carried.

Representative Morrison moved and Representative Storm seconded a substitute motion to add "licensed physician assistant who has been specially trained" after "physician" and before "or". The motion carried.

Representative Morrison moved and Representation Long seconded to move HB 2744 out favorably as amended. The motion carried.

The Chairman asked the committee what action they wished on **HB 2285 - Amending and supplementing the optometry law.**

Representative Patterson moved and Representative Flaharty seconded to gut HB 2285 and replace with contents of HB 2745 and making it **Sub HB 2285 - Patients contact lense prescription release.** The motion carried.

Representative Patterson moved and Representative Long seconded to accept amendments provided in HB 2745. The motion carried (Attachment 1).

Representative Long moved and Representative Showalter seconded to move **Sub. HB 2285** out favorably as amended. The motion carried.

Representative Welshimer wanted to be recorded as voting NO.

The Chairman asked what the committee's pleasure was on **HB 2808 - Organ donation registry program, division of vehicles.**

Representative Storm moved and Representative Merrick seconded that **HB 2808** be moved out favorably.

Representative Storm reminded the committee this was not as was sent to us, it is more like \$1200. The fiscal note was for all of the extra postage and it was determined that information about the registry could be placed on the existing packet. There are 2 blank pages that could provide that information.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on February 20, 2002.

Representative Storm moved a substitute motion and Representative Merrick seconded to amend **HB 2808** on page 1, line 37, and add "the Kansas federally designated organ procurement organization provide and maintain the education materials the Division of Vehicles are to distribute." The motion carried.

Representative Showalter moved and Representative Long seconded on page 6, line 2 to strike "On and after January 1, 1999," and begin the new sentence with "For". The motion carried.

Representative Long moved and Representative Lightner seconded to move **HB 2808** out favorably as amended. The motion carried.

The Chairman asked what the committee's pleasure was on **HB 2666 - Child autopsies, court ordered, elimination of unfunded liability.**

Representative Morrison moved an amendment and Representative Long seconded to have the money come from the coroner's fee fund.

Representative Palmer moved and Representative Showalter seconded a substitute motion to strike "department of health and environment" on page 2, line 3, and replace with "the Attorney General's Child Death Review Board" and on lines 5 and 6 strike "secretary of health and environment" and replace with "the Attorney General's Child Death Review Board".

Dr. Lorne Phillips stated right now there is no money and we are not allowed to use money from the coroners fee fund and no one is paying for the autopsies.

After discussion Representative Palmer withdrew her substitute motion.

The Chairman stated we're back on Representative Morrison's motion.

Representative Long moved and Representative Lightner seconded to repeal the existing Section 2. and substitute K.S.A. 22a-245 and move **HB 2666** out favorably with amendment to have the money come from the coroner's fee fund. The motion carried.

The Chairman asked what the committee's wishes were on **SCR 1609 - Memorializing Congress regarding the high cost of prescription drugs.**

Representative Welshimer voted NO.

Representative Morrison moved and Representative Long seconded to Table **SCR 1609**. The motion carried.

The Chairman asked what the Committee wanted to do with **HB 2372 - Certification of Behavior Analysts.**

Representative Merrick moved and Representative Lightner seconded to amend and do a gut and go on **HB 2372** and reinsert the language as it left the Committee last year. The motion carried.

Representative Merrick moved and Representative Lightner seconded to move **HB 2372** out favorably as amended. The motion carried.

The Chairman asked the Committee what they wanted to do on **HB 2809 - Public health departments, duties, tests, and inoculations of pupils enrolled or enrolling in school.**

Representative Storm moved and Representative Long seconded to amend and strike "shall" and revert to "may" on line 20. The motion carried.

Representative Long moved and Representative Lightner seconded to move out favorably as

CONTINUATION SHEET

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Memorial Hall at 1:30 p.m. on February 20, 2002.

amended. The motion carried.

Representative Palmer voted NO.

The Chairman stated the committee had done a very good job and the meeting adjourned at 2:40 p.m. and the next meeting will be February 21.



Hs HHS  
2-20-02  
Atch # 1

# HOUSE BILL No. 2745

By Committee on Health and Human Services

1-29

9 AN ACT concerning optometry; relating to contact lens; amending  
10 K.S.A. 65-1504b and repealing the existing section.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. This act shall be known as the patient's contact lens  
14 prescription release act.

15 Sec. 2. K.S.A. 65-1504b is hereby amended to read as follows: 65-  
16 1504b. (a) *Each patient shall be entitled to receive upon request a copy*  
17 *of such patient's contact lens prescription once the same prescription has*  
18 *been determined and the adaptation period has been completed. No con-*  
19 *tact lens prescription may be limited by an expiration date or otherwise*  
20 *to a period of less than 12 months from either the date the prescription*  
21 *is first determined or the last date of the contact lens evaluation by a*  
22 *licensee or a person licensed to practice medicine and surgery, whichever*  
23 *date is later, unless a health related reason for the limitation is noted in*  
24 *the patient's medical record.*

25 (b) It shall be unlawful for any person to dispense an ophthalmic lens  
26 or lenses without first having obtained a ~~prescription~~ *valid, unexpired*  
27 *prescription as defined in K.S.A. 65-1501a, and amendments thereto, or*  
28 *order therefor from a duly licensed optometrist or a person licensed to*  
29 *practice medicine and surgery.*

30 (c) *It shall be unlawful for any person to dispense contact lenses*  
31 *within 60 days prior to the prescription expiration date for such contact*  
32 *lenses in a greater quantity than necessary to complete the prescription,*  
33 *however, nothing in this act shall be interpreted to prohibit a contact lens*  
34 *prescription from being rewritten by a licensee prior to its expiration. The*  
35 *rewritten prescription shall then become the patient's current contact lens*  
36 *prescription.*

37 New Sec. 3. For purposes of this section and section 4 and amend-  
38 ments thereto a person dispensing contact lenses means a person or entity  
39 not licensed under K.S.A. 65-1505, and amendments thereto, or licensed  
40 to practice medicine and surgery in Kansas who mails contact lenses to  
41 patients in Kansas pursuant to a contact lens prescription which such  
42 person or entity did not determine.

43 New Sec. 4. Persons who fall within the scope of section 3, and

Any prescription for a specific brand of contact lenses available only from the licensee or person licensed to practice medicine and surgery, but which are generally marketed under an alternate brand, must disclose the name of the manufacturer and the trade name of the alternate brand.

or dispenses



1 amendments thereto, may dispense contact lenses ~~through the mail~~ upon  
2 meeting the criteria of this section and payment of a registration fee set  
3 by the board of examiners in optometry. Registration fees shall not exceed  
4 the annual fee for an initial or renewal permit to practice optometry in  
5 this state as provided in K.S.A. 65-1505 and amendments thereto. Ap-  
6 proval of the registration for dispensing contact lenses shall be provided  
7 by the board upon certification by the person dispensing the contact  
8 lenses that such person:

9 (a) Is licensed or registered to dispense contact lenses in the state  
10 where the dispensing facility is located;

11 (b) provides the location, names and titles of all principal corporate  
12 officers and of the person who is responsible for overseeing the dispensing  
13 of contact lenses in Kansas;

14 (c) complies with directions and appropriate requests for information  
15 from the regulating agency of each state where such licensee is licensed  
16 or registered;

17 (d) certifies that such licensee will respond directly and within a rea-  
18 sonable period of time, not to exceed 15 days, to all communications from  
19 the board concerning the dispensing of contact lenses in Kansas;

20 (e) maintains records of contact lenses and their corresponding valid,  
21 unexpired prescription dispensed in Kansas;

22 (f) agrees to cooperate with the board in providing information to the  
23 regulatory agency of any state where it is licensed or registered concern-  
24 ing matters related to the dispensing of contact lenses in Kansas;

25 (g) provides a toll-free telephone service for responding to questions  
26 and complaints from individuals in Kansas during the licensee's regular  
27 hours of operation and agrees to (a) include the toll-free number in lit-  
28 erature provided with mailed contact lenses and (b) refer all questions  
29 relating to eye care for the lenses prescribed to the licensee licensed to  
30 practice medicine and surgery who determined the contact lens  
31 prescription;

32 (h) provides the following, or substantially equivalent, written noti-  
33 fication to the patient whenever contact lenses are supplied:

34 WARNING: IF YOU ARE HAVING ANY OF THE FOLLOWING  
35 SYMPTOMS, REMOVE YOUR LENSES IMMEDIATELY AND  
36 CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEAR-  
37 ING YOUR LENSES AGAIN: UNEXPLAINED EYE DISCOM-  
38 FORT, WATERING, VISION CHANGE OR REDNESS;

39 (i) fills contact lens prescriptions according to the strict directions of  
40 a licensee or person licensed to practice medicine and surgery in Kansas,  
41 without any deviation or substitution of lenses; and

42 (j) consents in writing to the personal and subject matter jurisdiction  
43 of the district courts and board of examiners in optometry for actions

1 arising out of this act.

2 New Sec. 5. (a) The board of examiners in optometry may revoke  
3 the registration or license of any person dispensing contact lenses in Kan-  
4 sas under this act for failure to comply with the requirements set forth  
5 in sections 1 through section 4, and amendments thereto, and the Kansas  
6 optometry law pursuant to K.S.A. 65-1501 *et seq.*, and amendments  
7 thereto.

8 (b) Upon a finding of any violation of this act or any optometry law  
9 in Kansas, in lieu of or in addition to any other action, the board may  
10 assess a civil fine not in excess of \$10,000 against such person dispensing  
11 contact lenses under this act. The board shall remit all moneys received  
12 by it under this section to the state treasurer in accordance with the  
13 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
14 such remittance the state treasurer shall deposit the entire amount in the  
15 state treasury. The state treasurer shall then deposit into the optometry  
16 fee fund an amount from such deposits equal to the board's actual costs,  
17 including attorney fees, related to fine assessment and enforcement as  
18 certified by the president of the board. All expenditures from such funds  
19 shall be made in accordance with appropriation acts upon warrants of the  
20 director of accounts and reports issued pursuant to vouchers approved  
21 by the president of the board or by a person designated by the president.

22 (c) If a person dispensing contact lenses is operating in violation of  
23 the patient's contact lens prescription release act or the Kansas optometry  
24 law or both, the board of examiners in optometry or the attorney general  
25 may commence an action to enjoin such person from further violations  
26 of the act or from mailing, shipping or otherwise ~~delivering~~ dispensing contact lenses  
27 in Kansas.

dispensing

New Sec. 6. The board of examiners in optometry shall administer and enforce the provisions of this act, and the board is hereby granted such specific powers as are necessary for the purpose of administering and enforcing such law, including adopting rules and regulations, which rules and regulations shall not be inconsistent with the provisions of this act.

28 ~~Sec. 6.~~ K.S.A. 65-1504b is hereby repealed. 7

29 ~~Sec. 7.~~ This act shall take effect and be in force from and after its 8

30 publication in the statute book.