

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:36 a.m. on February 4, 2002 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

None

Others attending: see attached list

The minutes of the February 1st meeting were approved on a motion by Senator O'Connor, seconded by Senator Gilstrap. Carried.

Bill introductions:

Senator Vratil requested introduction of three bills. The first bill repeals K.S.A. 59-511 and 59-512 which will allow illegal aliens the right to inherit or transmit "real" property. Following discussion Senator Oleen moved to introduce the bill, Senator O'Connor seconded. Carried. The second bill conforms Kansas law to federal regulations regarding the alcohol/drug testing of train crew members in railroad accidents. Senator Donovan moved to introduce the bill, Senator Goodwin seconded. Carried. The third bill "cleans up" a conflict in the tort claims act by replacing the word "registered" with the word "licensed". Senator Donovan moved to introduce the bill, Senator Umbarger seconded. Carried. (no attachments)

Final Action on:

SB 95—enacting the interstate compact for adult offenders supervision

SB 377—concerning access to health care records by patients and authorized representatives

SB 383—amending the interlocal cooperation act

SB 384—concerning agreements with Native American Indian tribes

SB 173—concerning divorce; re: grounds

Following the Chair's review of **SB 95** and discussion, Senator Goodwin moved to pass the bill out favorably, Senator Adkins seconded. Carried.

The Chair reviewed **SB 377**. Following discussion, Senator Oleen moved to delete Section 2 (b), pg.2, lines 1-3, Senator Pugh seconded. Carried. Senator Schmidt moved to adopt the Board of Healing Arts amendments by adding New Sec. 4 at the end of line 9 on pg. 2 and the renumbering of Section 5, Senator Donovan seconded. Carried.(attachment 1) Following discussion regarding handling fees, Senator Schmidt moved to amend the bill by increasing the handling fee from \$15 to \$20 and retain the \$.35/page, Senator Donovan seconded. Following further discussion and a vote, the motion failed. Senator Pugh moved to pass the bill out favorably as amended, Senator Adkins seconded. Carried.

Following the Chair's review of **SB 383** and discussion, Senator Haley moved to pass the bill out favorably, Senator Oleen seconded. Carried.

Following the Chair's review of **SB 384** and discussion, Senator Oleen moved to pass the bill out favorably, Senator Goodwin seconded. Carried. After further discussion Senator Oleen moved to amend the bill to make it effective upon the date recorded in the Kansas Register, Senator Goodwin seconded. Carried, with Senator Pugh wishing to be recorded as a nay vote.

Following the Chair's review of **SB 173** and discussion on an amendment he offered which would maintain current law for spouses without dependent children, Senator Vratil moved to amend the bill as follows: excerpt lines 15-18 beginning after the word "grounds:" and insert them in line 19 after the word "spouses:" and delete lines 19-21 beginning after the word "spouses:" through line 22 and the word "preserved" and delete lines 23-24 beginning after the word "spouse" in line 23, Senator Goodwin seconded. Carried, with Senator Oleen wishing to be recorded as a nay vote on the amendment. Senator O'Connor moved to pass the bill out favorably as amended, Senator Donovan seconded. Carried 6-4, with Senators Oleen, Goodwin, and Schmidt wishing to be recorded as nay votes.

The meeting adjourned at 10:34 a.m. The next scheduled meeting is February 5, 2002.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Feb 4, 2002

NAME	REPRESENTING
Connie Burns	Whitney B. Damron, PA
Shirley Mason	AARP Volunteer
Barb Conrad	KTLA
Ruth Hausmann	Sen. Bob Lyon
Bunda Harmon	KSC
Barb Jombs	KSC
Joe Herold	KSC
Judith Kessler	SRS - Medicaid
Mindy Whit	Hearney Law
Jean Barbee	Defense Counsel
Jason Moore	Ks Pharmacists' Assoc.
Sally Bottenberg	KS Peace Officers Assn
Kyle Kesler	DOB
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Stuart Little	Damron & Assoc.
Mike Obit	Pinegor - Smith
Marsha Strahm	CWA of Ks.
BOB ANDERSON	KPHA
John Reinhart	AARP KANJA

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 02/04/02

NAME	REPRESENTING
KAMMETER	VWV
Mary Ellen Oulee	Via Christi
Tom Bell	KIFA
Harriet Ann Rower	KATP
Rep Herr	Wesley Medical Center, Prairie
Scott Damm	St Lukes Shawnee Mission
Nancy Lindberg	AOB
Steve Kopylov	KTLA
Ken [unclear]	to Dental Assn
Chris Collins	KMS
Whitney Danna	KS Bar Assn.

Health
Sys

1999
10/11/02
JMS

SENATE BILL No. 377

By Special Committee on Judiciary

Proposed Amendments to Senate Bill No. 377

9 AN ACT concerning access to health care records by patients and au-
10 thorized representatives.

11

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

13 Section 1. As used in this act: (a) "Health care provider" means those
14 persons and entities defined as a health care provider under K.S.A. 40-
15 3401 and K.S.A. 7-121b, and amendments thereto, except that "health
16 care provider" shall not include a health maintenance organization.

17 (b) "Authorized representative" means the person designated in writ-
18 ing by the patient to obtain the health care records of the patient or the
19 person otherwise authorized by law to obtain the health care records of
20 the patient.

21 (c) "Authorization" means a written or printed document signed by
22 a patient or a patient's authorized representative containing: (1) A de-
23 scription of the health care records a health care provider is authorized
24 to produce; (2) the patient's name, address and date of birth; (3) a des-
25 ignation of the person or entity authorized to obtain copies of the health
26 care records; (4) a date or event upon which the force of the authorization
27 shall expire which shall not exceed one year; (5) if signed by a patient's
28 authorized representative, the authorized representative's name, address,
29 telephone number and relationship or capacity to the patient; and (6) a
30 statement setting forth the right of the person signing the authorization
31 to revoke it in writing.

32 Sec. 2. (a) Subject to applicable law, copies of health care records
33 shall be furnished to a patient or a patient's authorized representative
34 within 30 days of the receipt of the authorization, or the health care
35 provider shall notify the patient or the patient's authorized representative
36 of the reasons why copies are not available. Health care providers may
37 condition the furnishing of the patient's health care records to the patient
38 or the patient's authorized representative upon the payment of charges
39 not to exceed a \$15 handling or service fee and \$.35 per page for copies
40 of health care records routinely duplicated on a standard photocopy ma-
41 chine. Providers may charge for the reasonable cost of all duplications of
42 health care record information which cannot be routinely duplicated on
43 a standard photocopy machine.

1 (b) ~~The limits provided in subsection (a) shall be increased or de-~~
 2 ~~creased on an annual basis effective January 1 of each year in accordance~~
 3 ~~with the centers for medicare and medicaid services market basket survey.~~

4 Sec. 3. Any health care provider, patient or authorized representative
 5 of a patient may bring a claim or action to enforce the provisions of this
 6 act, and any court having jurisdiction of such claim or action, upon a
 7 showing that the failure to comply with this act was without just cause or
 8 excuse, shall award the costs of the action and order the patient's health
 9 care records produced without cost or expense to the requesting party.

10 Sec. 4. This act shall take effect and be in force from and after its
 11 publication in the Kansas register.

(5)

Commencing January 31, 2004, and every two years thereafter, the copying fee limits established in subsection (a) shall automatically be increased or decreased, as applicable by a percentage equal to the percentage change in the consumer price index-u during the preceding 24-month calendar year. "Consumer price index-u" means the index published by the bureau of labor statistics of the United States department of labor that measures the average change in prices of goods and services purchased by all urban consumers, United State city average, all items, 1982-84=100. The new amount resulting from each biannual adjustment shall be determined by the secretary of health and environment and made available to the public on January 31st of each such year as provided in this subsection.

New Sec. 4. Nothing in this act shall be construed to prohibit the state board of healing arts from adopting and enforcing rules and regulations that require licensees of the board to furnish health care records to patients or to their authorized representative. To the extent that the board determines that an administrative disciplinary remedy is appropriate for violation of such rules and regulations, that remedy is separate from and in addition to the provisions of this act.