

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 27, 2002 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. Dan Hermes, Lobbyist, for Kansas Coroners Association
Mr. Michael Pepoon, Sedgewick County, for Dr. Jamie Oebertz
Mr. Rob Linderer, Executive Director, Midwest Transplant Network
Ms. Sheila Walker, Director, Division of Vehicles, Kansas Department of Revenue
Ms. Julie Hein, Lobbyist, for National Kidney Foundation of Kansas and Western Missouri

Others attending: See attached guest list.

Hearing on HB2666 - an act concerning autopsies; relating to payment

Upon calling the meeting, Chairperson Susan Wagle announced there would be a hearing on two bills, the first being HB2666 as stated above. She then asked Ms. Emalene Correll, Kansas Legislative Research Department, to give a briefing on the bill.

Ms. Correll explained that this bill relates in part to the child death legislation passed eight or nine years ago that requires that there be an autopsies in all instances of child death except for those that are specifically covered under the law. She stated a number of language changes were made, including:

- relating to where the fees will be paid from, language stricken in lines 6 thru 11 (page 2) leaving no responsibility to the department of health and environment and inserting the "district coroner's fund" will bear this responsibility. She does not recall the legislature has ever appropriated any money for this.
- "Payments" stricken and in its place, adding "Distributions" with regards to counties under this act, and adding "and payments of fees for autopsies undersub (f); and
- relating to charges for birth and death certificates and adds "fee for the first copy of a death certificate shall include a \$4 surcharge and for each additional copy of the same certificate requested at the same time shall include a \$2 surcharge."

She stated a new subsection was added (sub (d)) regarding receipt of fee for certified certificates "\$1 of each fee shall be remitted to the state treasurer who shall deposit into the state treasury and credit it to the vital statistics maintenance fee fund. Lastly she stated there is a statute amended in this bill that is amended in another bill that the Committee has already worked, regarding "abstracts of certificates" so at some point these will need to be reconciled in both houses.

A discussion then ensued among Senators Wagle and Salmans, Ms Correll and Mr. Furse regarding such issues as: specific increases, part of the changes that look like new is current law, amended one and repealed the other, looks like several new fees, but it is not, and the cost of death certificates now.

The Chair then recognized the first proponent, Mr. Dan Hermes, representing the Kansas Coroners Association who stated that the bill:

- 1) its current form, allows the Secretary of Health and Environment to pay for child autopsies from the district coroner fund which is financed by a one-dollar increase in the fee charged for each copy of a death certificate (this is the only new fee);
- 2) as introduced, it would have eliminated the requirement for the state to reimburse counties for the cost of autopsies on children;
- 3) in practice, the unfunded mandate exists as the Department of Health and Environment is currently not paying for child autopsies as is required by law; and,
- 4) in the past the Department had reimbursed but discontinued due to the number of requests has grown beyond the capacity of the fund and the authority to use this fund for this purpose does not exist.

A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

Again, a question and answer discussion ensued between Senators Salmans and Wagle, Ms. Correll, Mr. Furse, Dr. Phillips, and Mr. Hermes regarding issues of clarify the fees, what fund taken out of, why depleted, how many deaths in the state per year are children, to what child autopsies are being performed.

The next proponent to testify was Mr. Michael Pepoon, Sedgewick County who presented testimony provided by Dr. Jamie Oeberst, Deputy District Coroner for the Sedgwick County Regional Forensic Science Center. Dr. Oeberst wrote that a coroner shall not make a determination that the death of a child less than one year of age was caused by sudden infant death syndrome (SIDS) unless such an autopsy is performed and that differential diagnosis in suspected SIDS includes, but not limited to, child abuse, infectious disease and congenital abnormalities. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair asked the Committee to look at the written testimony submitted by Ms. Judy Moler, General Counsel/Legislative Services Director for the Kansas Association of Counties. A copy of her written testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Another question and answer discussion ensued between Senators Wagle and Salmans, Mr. Furse and Mr. Pepoon regarding cost of autopsies, cases of abuse found, litigation, actual fee collected and actual fee deposited, and no change on page 4 (it's current law).

As there was no opponent testimony offered, the Chair announced the hearing on the bill was closed.

Hearing on HB2808 - an act relating to the division of vehicles; concerning driver's licenses and identification cards; providing information for an organ donation registry program

The Chair then announced a hearing on the second bill, HB2808 as stated above and called upon Mr. Furse to explain the bill. Mr. Furse stated:

- 1) that new Sec.1 was the key to the bill and that other sections relate back to Sec.1 which provides for the creation of a state wide tissue and organ donor registry that would be created by the Kansas Federally Designated Organ Procurement Organization (KFDPOPO), and created off of the information that is generated at least in part from the driver's license and/or identification cards;
- 2) the language provides that these organizations cannot use this information for fund-raising purposes;
- 3) sub.©) states that all costs associated with the creation, written materials and maintenance of the registry are to be paid by KFDPOPO;

4) Sec. 2 provides the process of obtaining a drivers license and written information: explaining their right to make and anatomical gift, describing the registry program, giving the applicant the opportunity to be placed on the registry, and if applied would forward the information to the registry ; and

5) Sec. 3 is a parallel section relating to identification cards.

A question/comment discussion ensued between Ms. Correll, Senator Haley and Mr. Furse regarding provisions made for removing the name from the registry, federally recognized directory, any opponents from the House side, and a proposed amendment from the Department.

The Chair then recognized the first proponent to testify, Mr. Rob Linderer, Executive Director, Midwest Transplant Network who stated his organization, in operation for almost 30 years, was responsible for providing organ procurement and transplant services to 6 transplant centers and procurement services to more than 200 hospitals and they also recover tissue and eyes for transplantation. He stated there are 22 other states that currently have donor registries and provided a statistic of 17 people dying every day out of more than 80,000 people waiting nationally for a transplant. A copy of his testimony is ([Attachment 4](#)) attached hereto and incorporated into the Minutes as referenced.

A question/comment discussion ensued between Senators Wagle, Barnett and Salmans, Ms. Correll, and Mr. Linderer regarding verification of names, do other states allow for change of mind, what happens if card not with you, send out verification sheets, can you as an adult put your child on the list, who is authorized legally, if you know if a person is contaminated who do you notify, relying on healthcare providers to notify and complying with federal law to notify and nothing mentioned in the bill.

The next to testify was Ms. Sheila Walker, Director of the Kansas Division of Vehicles who stated that it was the Division's intent to use the space already available in the renewal pamphlet to provide the required information, eliminating the need for an additional \$70,000 for increased postage costs (which had been requested in their original fiscal note). A copy of her testimony is ([Attachment 5](#)) attached hereto and incorporated into the Minutes as referenced.

The final proponent to testify was Ms. Julie Hein, the government affairs consultant for the National Kidney Foundation of Kansas and Western Missouri who gave a history of the Foundation and stated that this bill imitates a program that was implemented by U.S. Secretary of Health and Human Services, Mr. Tommy Thompson, when he was Governor in the State of Michigan. Ms. Hein also defined the three step process of becoming a member and adding the bill is an additional opportunity for individuals to designate their wishes. A copy of her testimony is ([Attachment 6](#)) attached hereto and incorporated into the Minutes as referenced.

Final action on HB2808 - an act relating to the division of vehicles; concerning driver's licenses and identification cards; providing information for an organ donation registry program

The Chair then asked Mr. Furse if any technical changes needed to be added to the bill. As there were none, Senator Praeger made a motion to pass the bill out favorably. It was seconded by Senator Harrington and the motion carried

Final action on HB 2718 - an act concerning the department of health and environment; relating to vital statistics

The Chair then recognized Mr. Furse asking him to explain the changes in the balloon that the Committee had before them. Mr. Furse basically: stated that KDHE did not think they could accommodate Senator Jordan's request, so he pulled out, added "abstract" after certificate, page 2 having a technical change (state "treasure" to "treasurer"), page 3 are note changes and will monitor for federal changes, class B demeanor, sub (2)transporting dead bodies without a permit changed to class C misdemeanor, sub (3) filling out the forms, and Sec. 6 relates to altering part of vital statistics act. A copy of his balloon is ([Attachment 7](#)) attached hereto and incorporated into the Minutes as referenced.

As there were no questions of Mr. Furse, Senator Barnett motioned that the Committee adopt the amendment. This was seconded by Senator Brungardt and the motion passed. Senator Steineger made a motion to move the bill out of Committee as amended. Senator Harrington seconded and the motion carried.

Final action on HB2666 - an act concerning autopsies; relating to payment

The Chair stated that since the printing error at the bottom of page 2 of the bill had not been corrected, Senator Barnett motioned to pass the bill and giving the revisor the ability to make the technical change. Senator Brungardt seconded the motion and the motion carried.

Adjournment

Adjournment time was at 2:30 p.m.

The next meeting is scheduled for April 9, 2002.

CONTINUATION SHEET