

MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:00 p.m. on February 15, 2011, in Room 546-S of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Melissa Calderwood, Kansas Legislative Research Department
Iraida Orr, Kansas Legislative Research Department
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Marjorie Powell, Pharmaceutical Research Manufacturing Association
Darlene Whitlock, Stormont-Vail
Dr. Don Fishman

Others attending:

See attached list.

The Chair opened the hearing on **SB 117—Drug utilization review program; subject to KOMA rules and regulations.** Staff stated that this legislation would require meetings of the Medicaid Drug Utilization Review Board to be held subject to the provisions of the Kansas Open Meetings Act. It would add four (4) requirements for meeting conduct: (1) non-members of the committee could only be recognized to speak during designated public comment periods; (2) manufacturers and other interested parties would have to submit formulary requests in a standard format three or four weeks in advance of the meeting; (3) the KHPA would have to notify interested parties of committee meetings at least six weeks before the meeting date; and, (4) before final action was taken, a 15-minute public comment period would be required for each drug in the therapeutic drug class under review.

Marjorie Powell, legal counsel for the Pharmaceutical Research Manufacturing Association (PhRMA), commends the bill for separating the prescription drug formulary advisory committee from the drug utilization board process; for establishing detailed procedures for the creation of the preferred drug list; establishing a process for input for pharmaceutical manufacturers, providers, patients and other interested parties to provide information to the Committee during a public comment period; and including a specific direction that the committee should consider first and foremost the efficacy and safety of the specific medicines (Attachment #1).

The Chair called upon Dr. Barbara Langner, Medicaid Director, Kansas Health Policy Authority (KHPA), to clarify some of the issues raised by Ms. Powell. She said opposition to this legislation by the KHPA was due to the fact that it lengthened the time for collection of rebates, not as many drugs could be reviewed in any one session, and finally who could talk during the session.

The Chair asked if the Kansas Health Policy Authority would commit to meeting with the Pharmaceutical Research and Manufacturers of America and Dr. Robert Moser from the Department of Health and Environment in order to evaluate their current position and the direction they should take. The KHPA agreed to proceed with PhRMA.

There being no further conferees, the hearing on **SB 117** was closed.

The hearing on **SB 139—Members of regional trauma councils and advisory committee on trauma** was opened. Staff stated that this bill would clarify that members of the Regional Trauma Councils (RTC) and members of the Advisory Council on Trauma (ACT) under the authority of the Kansas Department of Health and Environment are considered peer review officers.

Darlene Whitlock, nurse educator from Stormont-Vail Regional Hospital, informed the committee that as a member of the Kansas Emergency Nurses Association, the Association was in support of this legislation. Emergency nurses from each of the six trauma regions have been actively involved in the development of the Kansas Trauma System to assure quality by evaluating the care delivered, thus benefiting future patients and serving as an educational opportunity for all involved (Attachment #2).

CONTINUATION SHEET

The minutes of the Public Health and Welfare Committee at 1:00 p.m. on February 15, 2011, in Room 546-S of the Capitol.

Dr. Don Fishman, a trauma surgeon from Overland Park, stated that evaluation of statewide trauma system effectiveness, accessibility, cost, and quality of care is essential. Use of identifying records to analyze performance and identify opportunities for improvement is imperative. These records must be accessible for these purposes while being protected from inappropriate disclosure (Attachment #3).

Dr. Rosanne Rutkowski, Kansas Department of Health and Environment (Attachment #4) and Chad Austin, Kansas Hospital Association (Attachment #5) both presented written testimony in favor of this legislation.

There being no further conferees, the hearing on **SB 139** was closed.

The Chair called for final action on **SB 33—school sports head injury prevention**. A technical amendment was introduced to read “Healthcare provider” means a person licensed to practice medicine or surgery, or an advanced registered nurse practitioner, a physician assistant, or an athletic trainer working pursuant to delegation by or a written collaboration agreement with a person licensed to practice medicine or surgery. It was moved by Senator Brungardt, seconded by Senator Huntington to adopt the Chairs' technical amendment to the bill regarding changing advanced registered nurse practitioner to advanced practice registered nurse. Motion carried.

After further discussion by the committee it was moved by Senator, Brungardt, seconded by Senator Huntington to insert the definition “by a person licensed to practice medicine or surgery” in line 31 in place of “a licensed health care provider”. Motion carried.

After further discussion it was decided to work on the wording of the balloons and return the corrected wording back to the committee for final action.

The meeting adjourned at 2:30 p.m. The next meeting of the committee is February 16, 2011.

The next meeting is scheduled for February 16, 2011.

The meeting was adjourned at 2:23 p.m.