

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on February 15, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Nobuko Folmsbee, Office of Revisor of Statutes
Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Jerry Slaughter, Kansas Medical Society
David Wilson, AARP
Nancy Zogleman, representing Andrea Douglas, PhRMA

Others attending:

See attached list.

Upon calling the meeting to order, Chairman Barnett asked that the Committee review the Minutes for February 14, 2007 for approval at the end of the meeting.

The Chair then announced that the next order of business would be to open the hearing on **SB 285**.

Hearing on SB 285 – An act concerning the healing arts act; prohibiting billing from anatomic pathology services in certain circumstances

The fiscal note for **SB 285** was available for the Committee to view. A copy of the fiscal note is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon proponent conferee, Jerry Slaughter, Kansas Medical Society who stated that the bill would add a new section to the Healing Arts Act making it unprofessional conduct for a physician to bill a patient for certain pathology (laboratory) services unless those services were personally rendered by the physician, or unless the services were provided under the physician's direct supervision. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as references.

The Chair closed the hearing on **SB 285**.

The motion was made by Senator Schmidt to move the bill out favorably. It was seconded by Senator Brungardt and the motion carried.

Action on SB 201 – An act concerning restriction on person maintaining or residing, working or volunteering at child care facilities or family day care homes

Chairman Barnett called upon Nobuko Folmsbee to explain the balloon for **SB 201**. Nobuko handed the Committee the draft of the bill with the new changes. A copy of the draft is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Materials from the **SB 201** hearing were included for the members to review. A copy of the materials are (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

The motion was made by Senator Schmidt to accept the amendment and move the bill out favorably. It was seconded by Senator Brungardt and the motion carried.

Action on SB 202 – An act concerning child care facilities; relating to definitions

Chairman Barnett called upon Nobuko Folmsbee to read the changes for **SB 202**. A draft of the bill with the new changes were given out to the Committee. A copy of the draft is (Attachment 5) attached hereto and

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incorporated into the Minutes as referenced.

Materials from the **SB 202** hearing were included for the members to review. A copy of the materials are (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

The motion was made by Senator Schmidt to accept the amendment and move the bill out favorably. It was seconded by Senator Jordan and the motion carried.

Action on SB 284 – An act concerning the radiologic technologists practice act

The Chair called upon Nobuko Folmsbee to explain **SB 284**. A draft of the bill with the new changes were given out to the Committee. A copy of the draft is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

Materials from the **SB 284** hearing were included for the members to review. A copy of the materials are (Attachment 8) attached hereto and incorporated into the Minutes as referenced.

The Chair called the Committee's attention to a letter submitted by Lawrence Buening, Kansas Board of Healing Arts. The Chair ask that Larry come before the Committee to explain his testimony. A copy of his testimony is (Attachment 9) attached hereto and incorporated into the Minutes as referenced.

The motion was made by Senator Brungardt to accept the amendment and move the bill out favorably. It was seconded by Senator Wagle and the motion carried.

Chairman Barnett then opened the hearing on SB 229.

Hearing on SB 229 – An act concerning prescription drugs; creating the prescription confidentiality act

The fiscal note for **SB 229** was available for the Committee to view. A copy of the fiscal note is (Attachment 10) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon Nobuko Folmsbee to read and explain **SB 229** for the Committee.

Questions for Nobuko came from Senators Schmidt, Barnett, and Emalene Correll regarding HIPPA, remedies for Consumer Protection Act, and collection of data.

Chairman Barnett called upon proponent conferee, David Wilson, AARP - Kansas who stated that this bill will help maintain the privacy between a doctor and patient and enable doctors not to be targeted by drug manufacturers to increase sales without regard to efficacy. A copy of his testimony is (Attachment 11) attached hereto and incorporated into the Minutes as referenced.

Questions came from Senators Schmidt, and Barnett regarding other States that have passed similar legislation, physicians requests, opposition position by AMA, medicaid prescribing habits.

The Chair called upon opponent conferee, Nancy Zogleman representing on behalf of Andrea Douglas, PhRMA who stated that this bill restricts pharmaceutical manufacturer use of prescriber data. A copy of her testimony is (Attachment 12) attached hereto and incorporated into the Minutes as referenced.

Questions came from Senators Brungardt and Barnett regarding how information is acquired on an individual prescriber, off-label use, preverse process, counter detailing, prescriber education program.

Chairman Barnett then closed the hearing on **SB 229**.

The Chair announced that the final item on the agenda was for the Minutes to be approved for the Senate Public Health and Welfare Committee on February 14, 2007.

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The motion was made by Senator Haley to approve the Minutes. It was seconded by Senator Gilstrap and the motion carried.

Adjournment

As there was no further business, the meeting was adjourned at 2:25 p.m.

The next meeting is scheduled for February 21, 2007.