

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 13, 2008 in Room 136-N of the Capitol.

All members were present, with the exception of Senator Jordan who was excused.

Committee staff present:

Terri Weber, Kansas Legislative Research Department
Sara Zafar, Kansas Legislative Research Department
Nobuko Folmsbee, Revisor of Statutes
Rena Jefferies, Revisor of Statutes
Jan Lunn, Committee Secretary

Conferees appearing before the committee:

Kathy Damron, President, Strategic Communications of Kansas
Andy Marso, Private Citizen
Brenda E. Walker, Director, Bureau of Disease Control and Prevention, Kansas Department of Health and Environment
Allyn Bandell, Pharm. D., Director, Medical Science, Infectious Disease, MedImmune, Inc.
Daniel Reynolds, D.O.
Gianfranco Pezzino, M.D., M. P. H., Associate Director of Public Health Systems, Kansas Health Institute

Others attending:

In addition to the attached list, there were approximately sixteen (16) others attending.

Discussion and final action on **SB 491 - Prescription Monitoring Program**

Chairman Barnett asked Nobuko Folmsbee, revisor of statutes, to provide an overview of the balloon amendments that were approved at the February 7, 2008, meeting. Ms. Folmsbee distributed a copy of the approved balloon amendment including technical changes required as a result of the amendments. (Attachment 1)

Senator Barnett proposed an amendment relative to the prescription monitoring program advisory committee. Instead of "two licensed physicians nominated by the Kansas medical society," Senator Barnett proposed "two licensed physicians, one nominated by the Kansas medical society and one nominated by the Kansas association of osteopathic medicine. . . ." Senator Barnett moved the amendment; Senator Wagle seconded the motion. The motion carried.

Senator Journey proposed an amendment within Section 5 (4) and (6), to include language referring to K.S.A. 22-2502 and adding "inquisition subpoena" to the appropriate section as well as technical changes resulting from the amendment. A copy of the proposed balloon amendment is attached to these minutes as a matter of record. (Attachment 2) Senator Journey moved to adopt the amendment; Senator Brungardt seconded the motion. The motion passed.

Ms. Folmsbee reviewed the next amendment proposed by the Kansas Medical Society in which "medical care facility as defined in K.S.A. 65-425" was added to Section 1. (c) (2). (Attachment 3) Senator Schmidt moved to accept the amendment; Senator Wagle seconded the motion; the motion passed.

The last amendment was proposed by the National Association of Chain Drug Stores and the Kansas Pharmacy Board (Attachment 4) providing for the use of a nationally recognized telecommunications format for the transmission of data; eliminating the requirement to show identification when you are not the patient, but picking up the drug for someone else; and eliminating the notice to the patient that the pharmacist is monitoring controlled substances and drugs of concern. Following discussion, Senator Journey expressed concern related to the proposed deletion requiring identification if a prescription is picked up by someone other than for whom it was prescribed. Senator Schmidt clarified that in rural pharmacies, registered pharmacists are well acquainted with their customers, and in addition, this issue could be handled by separate legislation or within rules and regulations should national standards require. Senator Schmidt moved to accept the proposed amendment, Senator Brungardt seconded the motion. The motion passed with seven in favor

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and Senator Journey in opposition.

Senator Barnett requested clarification regarding the prescription monitoring program and whether this was intended to be a real-time exchange of information. Senator Schmidt clarified that the Board of Pharmacy would determine the reporting standard during design and implementation, but it is expected that the reporting delay to be no longer than a seven-day period. Senator Schmidt added that the Methamphetamine Precursor Tracking Program is anticipated to be a real-time exchange of information.

Senator Schmidt moved to pass out as a substitute bill **SB 491 Prescription Monitoring Program**, as amended, and to advance it to the Senate for passage. Senator Gilstrap seconded the motion. The motion passed.

SB 529 - Educational awareness regarding meningococcal meningitis vaccine.

Chairman Barnett recognized Kathy Damron, representing Sanofi-Pasteur, who delivered supportive testimony for **SB 529**, distributed a copy of the Center for Disease Control's "Recommended Immunization of Persons Aged 7-18 Years", and introduced Andy Marso, a young man who experienced meningococcal meningitis while a student at a Kansas university. Ms. Damron's testimony is attached, and therefore, considered to be part of the record. (Attachment 5)

Andy Marso, a 2004 graduate of the Kansas University School of Journalism and journalist at The Olathe News, provided testimony. Mr. Marso's testimony was compelling and frightening as he spoke about his disease process, his fight for survival, his multiple surgical procedures, his four and one-half month hospital stay, his thirteen-month rehabilitation experience, and his life following recuperation. Mr. Marso's message was one of promoting meningitis awareness, and particularly, vaccination. The current vaccine has the power to prevent 85% of cases; the future dream is the development of a vaccine to prevent 100% of all meningococcal meningitis cases. Mr. Marso's testimony is attached and therefore, incorporated into these minutes (Attachment 6)

Ms. Brenda Walker, KDHE, supported **SB 529** and indicated educating students in grade 6 through 12 would lower the disease incidence in Kansas. Ms. Walker's testimony is attached. (Attachment 7)

It was noted that written testimony was submitted by the following:

Dan Morin, Kansas Medical Society (Attachment 8)

Chairman Barnett recommended the scope of **SB 529** be broadened to include education for other infectious diseases for which the Centers for Disease Control recommend immunization. Ms. Folmsbee distributed a balloon amendment to **SB 529**. (Attachment 9)

Senators Palmer and Wagle questioned whether the bill would mandate immunization, clarification was provided that the bill provides for educational awareness of each infectious disease and each such disease's vaccines. Senator Schmidt moved the amendment, it was seconded by Senator Brundgardt. The motion passed. Senator Schmidt moved to pass out favorably **SB 529** as amended; seconded by Senator Wagle. The motion passed.

SB 548 - School-based influenza vaccination pilot program.

Chairman Barnett recognized Allyn Bandell, Pharm.D., MedImmune, Inc. Dr. Bandell spoke in support of **SB 548** and the efforts to increase education on influenza vaccination in children as well as to evaluate feasibility of a school-based influenza vaccination program. Dr. Bandell's testimony is attached and considered to be part of this record. (Attachment 10)

Daniel Reynolds, D.O., and local pediatrician also spoke in support of **SB 548** and his involvement in an influenza clinic at Auburn Washburn USD 437 School District. He briefly discussed influenza morbidity in children as well as pediatric hospital admissions. Dr. Reynolds testimony is attached (Attachment 11).

Brenda Walker, Director, Bureau of Disease Control and Prevention, Kansas Department of Health and

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Environment, presented statistics relative to the impact of influenza illness and supported **SB 548** as the first step in assessing feasibility for immunizations in a school-based setting. (Attachment 12)

Gianfranco Pezzino, MD, MPH, Kansas Health Institute, spoke from a neutral perspective regarding **SB 548**, noting that in his experience: immunizing children makes sense, outbreaks in school precede home and community, and this pilot program could add value in providing real-life experience to provide prophylaxis in case of a pandemic. Dr. Pezzino's testimony is attached and is incorporated into this record. (Attachment 13)

Written testimony was submitted by:

Dr. Ann Elliott, Director of Student Services, Auburn Washburn USD 437 (Attachment 14)

Ellen Losew, MD, FAAP, The Medical Center, PA, Hutchinson, Kansas (Attachment 15)

Dan Morin, Kansas Medical Society (Attachment 16)

Senator Vicki Schmidt moved to pass out favorably **SB 548 -School-based influenza vaccination pilot program**. Senator Journey seconded the motion; the motion passed.

The minutes of the February 4 and February 7, 2008, Public Health and Welfare Committee were reviewed. Senator Palmer moved to accept the minutes as submitted; Senator Brungardt seconded the motion. The motion.

The meeting was adjourned at 2:35pm.