

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:37 P.M. on March 15, 2006 in Room 231-N of the Capitol.

All members were present.

Late Arrival:

Haley	1:40
Gilstrap	1:40
Journey	1:40

Committee staff present:

Terri Weber, Kansas Legislative Research Department
Norm Furse, Office of Revisor of Statutes
Diana Lee, Office of Revisors of Statutes
Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Ron Hein - Lobbyist
John Peterson - Lobbyist
Carolyn Middendorf - Kansas State Nurses Association
Deanne Bacco - Kansas Advocates for Better Care
Margaret Farley - Kansas Trial Lawyers
Richard Morrissey - Kansas Department of Health and Environment
Dr. Paul Concannon - Kansas Medical Society
Darlene Whitlock - Kansas Hospital Association
Joseph Conroy - Kansas Association of Nurse Anesthetists

Others attending:

See attached list.

Discussion and Action on HB 2285—An act concerning health care; relating to the board of examiners for hearing instruments, membership, powers and duties, relating to licensure, disciplinary actions; fee and penalties

Upon calling the meeting to order, Chairman Barnett asked Norm Furse to review the bill and read a new balloon attachment that was handed out to the Committee. A copy of the balloon is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon Ron Hein, Lobbyist who stated that he submitted an amendment change and passed out the amendment to the Committee. A copy of the amendment is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett then called upon John Peterson, Lobbyist who stated that he supported the amendment change to Section 8. No written testimony was provided.

The motion was made by Senator Haley to move the amendments by Norm Furse, Ron Hein, and John Peterson. It was seconded by Senator V. Schmidt and the motion carried.

Hearing on HB 2342—An act concerning nurses and physician assistants; relating to the pronouncement of death

The Chair asked Norm Furse to review the bill and read the new language in the balloons passed out to the Committee. A copy of the amendment is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon proponent conferee, Carolyn Middendorf, Kansas State Nurses Association who stated that there are 18 states that permit either RN's or ARNP's, or both, to pronounce death in a variety of settings and circumstances, and submits amendments to the Committee. A copy of her testimony is

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(Attachment 4) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon opponent conferee, Deanne Bacco, Executive Director for Kansas Advocates for Better Care who stated that the current law is not “broken” and this bill seeds to establish a case exception for persons who die in nursing homes. She submits Dr. Mary Dudley, Chief Medical Examiner of Sedgwick County suggestions on suspicious deaths in nursing homes that some coroners are concerned about the existing process, and would be even more concerned about this proposed change that sets the communications. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon the second opponent conferee, Margaret Farley, Kansas Trial Lawyers who stated her opposition to the bill with several points of reason and that they need more oversight of the deaths of adult care home residents, not less urging the Committee to vote no on **HB 2342**. A copy of her testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett asked for questions or comments from the Committee. Questions came from Senators V. Schmidt, and Haley regarding that the words in Farley’s testimony “(This of course begs the question of how the living are able to get the prompt physician response they need, but that is another story)” were not appropriate or needed to be included in her testimony.

The Chair announced that written proponent testimony was offered from Cindy Luxem, Kansas Health Care Association, Debra Zehr, Kansas Association of Homes and Services for the Aging, Douglas Smith, Kansas Academy of Physician Assistants, Sandra Kuhlman, Kansas Hospice and Palliative Care Organization, Jerry Slaughter, Kansas Medical Society. A copy of her testimony is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

With no more conferees’ to give testimony and no questions or comments from the Committee, Chairman Barnett then closed the hearing on **HB 2342**.

Hearing on HB 2752—An act concerning health care; relating to trauma facilities

Chairman Barnett opened the hearing on **HB 2752**, and asked Terri Weber to review the language and explain changes on **HB 2752** for the Committee.

Chairman Barnett called upon his first proponent conferee, Richard Morrissey, Kansas Department of Health and Environment who is speaking on behalf of and reading the testimony of Dr. Howard Rodenberg, MD, MPH, Director of Health for the Kansas Department of Health and Environment who stated the trauma system should provide optimal care given available resources, for all trauma patients no matter where they are injured or treated, and that he urges the Committee to support **HB 2752**. A copy of his testimony is (Attachment 8) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon the next proponent conferee, Dr. Paul Harrison, Chair of the Advisory Committee on Trauma, who shared a power point slide handout asking for the Committee’s support of **HB 2752**. A copy of his testimony is (Attachment 9) attached hereto and incorporated into the Minutes as referenced.

Next, the Chair called upon proponent conferee, Dr. Craig Concannon, M.D., F.A.C.P, Kansas Medical Society, who stated that the bill would provide three tools necessary to enable the trauma system to work most efficiently both systematically and economically, it would allow designation of trauma hospitals based on their capabilities as well as identifying and appropriately affordable fee structure to allow maximal participation by all facilities, and provides provisions to link trauma registry data to peer review processes so that continuous evaluation of the system will enable optimal patient outcome. A copy of his testimony is (Attachment 10) attached hereto and incorporated into the Minutes as referenced.

The Chair then called upon proponent conferee, Darlene Whitlock, R.N., M.S.N., C.E.N., with Kansas State Nurses Association and ENA, who stated it is hoped that this proposed legislation would result in a decrease in both incidence and severity of injury through strengthened quality-improvement activities. A copy of her

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testimony is (Attachment 11) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon the next proponent conferee, Melissa Hungerford, Executive Vice President of Kansas Hospital Association, who stated that **HB 2752** makes two important changes to the statutes governing our trauma planning process. A copy of her testimony is (Attachment 12) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon the last proponent conferee, Joseph Conroy, CRNA, Kansas Association of Nurse Anesthetists stated concerns regarding section (f) of proposed changes in **HB 2752** and asks that the Committee amend new (f) to clarify that the ACT *shall not* base the trauma level designations on criteria that place practice limitations on CRNAs' that are not required by state law. A copy of his testimony is (Attachment 13) attached hereto and incorporated into the Minutes as referenced.

The Chair announced that written proponent testimony was offered from Mary Mulryan, Kansas Board Emergency Medical Services. A copy of her testimony is (Attachment 14) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett asked for questions or comments from the Committee. Questions came from Senator Barnett regarding Dr. Harrison's and Dr. Concannon's view on the amendment.

With no more conferees' to give testimony and no questions or comments from the Committee, Chairman Barnett then closed the hearing on **HB 2752**.

The Chair announced that with no time remaining, the final item the agenda was for the Minutes to be approved for Public Health and Welfare Committee on March 8, 2006, and March 9, 2006.

The Committee approved the Minutes for March 8, 2006, and March 9, 2006 after corrections were made.

Adjournment

As there was no further business or time, the meeting was adjourned at 2:35 p.m.

The next meeting is scheduled for Thursday, March 16, 2006.