

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on March 12, 2001 in Room 210 Memorial Hall

All members were present except: Representative Geraldine Flaharty, Excused  
Representative Lana Gordon, Excused

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department  
Renae Jefferies, Revisor of Statute's Office  
June Evans, Secretary

Conferees appearing before the committee: Phyllis Gilmore, Executive Director, Behavioral Sciences  
Regulatory Board  
Michael Moser, M.D., M.P.H., KDHE

Others attending: See Attached Sheet

The Chairperson stated the minutes of March 5, 7 and 8 would be approved at the end of the meeting.

The Chairperson opened the hearing on **SB 186 - Behavioral Sciences Regulatory Board Investigations Procedures and Subpoena Power.**

Dr. Bill Wolff gave a briefing on **SB 186.**

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, testified as a proponent, stated that **SB 186** was the result of discussion during the interim meetings of the Health Care Reform Oversight Committee. **SB 186** amends current law to grant subpoena power in connection with investigations to the Behavioral Sciences Regulatory Board, subject to the scrutiny of the district court. It also allows for confidentiality of information obtained during investigations. The language of this bill was taken from the Board of Healing Arts Act.

Under current law the BSRB can only ask for information. If a respondent chooses not to cooperate, there is no recourse. This ties the board's hands and offers little public protection (Attachment 1).

The Chairperson closed the hearing on **SB 186.**

The Chairperson opened the hearing on **SB 64 - HIV and AIDS Reporting.**

Dr. Bill Wolff gave a briefing on **SB 64.**

Michael Moser, M.D., M.P.H., KDHE, testified in support of **SB 64**, stating it is primarily concerned with maintenance of the requirement that reports of HIV infection made to KDHE contain the name of the person with this infection. This occurred after years of discussion involving KDHE, community-based organizations, HIV infected individuals, and health care providers. There are some concerns and uncertainty concerning the impact of a name reporting requirement on HIV testing usage. A requirement was attached to the authorizing legislation requiring the Secretary of Health and Environment to make a report about the testing program to the Legislature by January 8, 2001 associated with this requirement was another provision repealing the requirement for reporting of HIV and AIDS cases on July 1, 2001 in the absence of legislative action to re-authorize them. **SB 64** was introduced to remove the sunset provision and makes reporting of names with reports of HIV and AIDS an established feature of public health practice in Kansas.

The report submitted was based on the first 12 months of named reporting for HIV, covering the period July 1,

CONTINUATION SHEET

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1999 to June 30, 2000.

Without repeal of the sunset provision in the current law, HIV and AIDS would no longer be reportable conditions in our state. This would prevent KDHE from conducting critical epidemiologic activities, such as confidential partner counseling and referral services (Attachments 2, 3 and 4).

The Chairperson closed the hearing on **SB 64** and stated the committee would work bills that had hearings earlier and the committee would work **SB 50** on Tuesday, March 13. Two committee members were missing and one has indicated she would like to be present when action is taken on **SB 50**.

The Chairperson stated the committee would be working **HB 2229**, and although we don't normally work the bill the same day we have hearings, we are getting at the point in the session where if there are no strong objections, we could work **SBs 64 and 186**, but if anyone on the committee would rather not work those two bills we will not do so.

The Chairperson asked what the committee's pleasure was on **SB 64**.

Representative Long moved and Representative Lightner seconded to move **SB 64** out favorably. The motion carried.

The Chairperson asked what the committee's pleasure was on **SB 186**.

Representative Long moved and Representative Lightner seconded to move **SB 186** out favorably. The motion carried.

The Chairperson asked the committee what their wishes were on **SB 212**.

Representative Lightner moved and Representative Storm seconded to move **SB 212** out favorably and place on the Consent Calendar. The motion carried.

The Chairperson said hearings were held earlier on **HB 2229 - Kansas senior caregiving initiative**. A balloon stripping the 85% rule was distributed (Attachment 4).

Representative Palmer asked if there was a fiscal note?

The Chairperson stated as the bill was originally written there was a fiscal note but the balloon struck the 85% rule and made it within the limitations of appropriations so therefore there would be no fiscal note.

Representative Palmer stated she would like to look at the information that was distributed earlier before making a determination.

The Chairperson stated action would be taken on **HB 2229** on Tuesday, March 13 or we would not take any action.

Representative Long moved and Representative Swenson seconded approval of the minutes of March 5, 7 and 8. The motion carried.

The meeting adjourned at 2:15 p.m. The next meeting will be March 14.