

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 7, 2008 in Room 136-N of the Capitol.

All members were present.

Senator Barnett, Senator Schmidt, Senator Gilstrap, Senator Brungardt, Senator Haley, Senator Palmer, Senator Journey, Senator Wagle, Senator Jordan

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
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:

Julie Hein, Kansas Pharmacy Coalition
Dan Morin, Kansas Medical Society
Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy
Verle Carlson, DVM
Jeff Breandau, Special Agent-in-Charge, Kansas Bureau of Investigation
Dana Ketterling
Gary Reser, Executive Vice President, Kansas Veterinary Medical Association

Others attending:

See attached list. There were approximately 32 individuals attending the meeting

Chairman Barnett opened the hearing on **SB 491 - Prescription Monitoring Program**

Larry Buening, Kansas State Board of Healing Arts, was not in attendance, however, his written testimony was submitted, and therefore, is considered to be part of these minutes and record. (Attachment 1)

Julie Hein, Kansas Pharmacy Coalition, was recognized by Chairman Barnett. Ms. Hein indicated that members of her professional associations support prescription monitoring all over country and are dedicated to success of monitoring programs. However, specific concerns with some of the language contained in the bill were discussed and amendments to the bill were suggested. Ms. Hein submitted detailed testimony related to proposed amendments; testimony is attached and incorporated into these minutes. (Attachment 2)

Dan Morin, representing the Kansas Medical Society, spoke regarding basic support of **SB 491**, noting similar legislation occurs in approximately thirty-five states, with an additional fourteen states in a legislative process. Mr. Morin indicated support of **SB 491**. Mr. Morin offered one amendment that clarifies the intent that administration of a controlled substance or drug of concern as part of treatment is not required to report. Mr. Morin's testimony is attached, and therefore, becomes part of this record. (Attachment 3)

Senator Barnett recognized Debra Billingsley, Executive Secretary from the Kansas Board of Pharmacy, who spoke as a proponent of **SB 491**. Ms. Billingsley indicated support for the amendments, and clarified other points brought up in earlier discussion. Ms. Billingsley's testimony is attached (Attachment 4) and is considered to be part of this record.

Verle Carlson, DVM, representing the Kansas Board of Veterinary Examiners and practicing food-animal veterinary for many years, addressed the committee. Dr. Carlson offered a balloon amendment that would establish a Veterinary Controlled Drug Monitoring Task Force to develop a plan relative to veterinary reporting and work with the PMP Advisory Committee to implement veterinarian reporting should it become necessary. Dr. Carlson's testimony is attached and incorporated into this record (Attachment 5).

Jeff Breandau, Kansas Bureau of Investigation, was recognized to testify on **SB 491**. Agent Breandau offered supportive testimony related **SB 491**, rescheduling of pseudoephedrine, and the inclusion of veterinarians in

CONTINUATION SHEET

MINUTES OF Senate Public Health and Welfare Committee at 1:30 P.M. on February 7, 2008 in Room 136-N of the Capitol

the prescription monitoring program. Agent Breandau's testimony is attached, and therefore, considered to be part of this record. (Attachment 6)

Dana Ketterling, private citizen and mother of a young person who became addicted to prescription drugs, provided a very poignant testimony regarding her experience. Her testimony included thoughts and insights from her incarcerated young adult. Ms. Ketterling's testimony is attached, and incorporated into this record. (Attachment 7)

Gary Reser, Executive Vice President of the Kansas Veterinary Medical Association, spoke encouraging veterinarian exemption and supporting the proposed balloon amendment previously discussed. Mr. Reser's testimony is attached (Attachment 8) and is incorporated into these minutes as a matter of record.

Questions were heard from Senators Journey, Palmer, Gilstrap, Brundgart and Haley regarding whether access to the PMP data by local, federal, or state law officer enforcement would be more difficult if the bill required a signature from a judge as opposed to a law enforcement supervisor, how the PMP would operate within a hospice environment, whether any conferee knew of veterinarian abuse of controlled substances, whether there was a comfort level from the veterinary constituents with proposed amendments, and whether the bill's sponsors could support veterinary exemptions.

Following thorough discussion, Senator Schmidt moved to include a balloon amendment to establish a methamphetamine precursor scheduling task force, seconded by Senator Journey. The motion passed. Senator Schmidt moved to accept the balloon amendment proposed by the Board of Veterinary Examiners. Senator Wagle seconded the motion. The motion passed.

Chairman adjourned the meeting at 2:30pm.