

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on January 31, 2008 in Room 123-S of the Capitol.

All members were present except:

Senator Laura Kelly - excused

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Kristen Clarke Kellems, Assistant Revisor of Statutes
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Representative Kay Wolf
Martin Kennedy, Commissioner, Kansas Department on Aging
Barbara Gibson, Director, Kansas Department of Health and Environment
Barbara Langner, Ph.D., Kansas Health Policy Authority
Marilyn Page, Executive Director, Marian Clinic
Mitzi E. McFatrach, Executive Director, Kansas Advocates for Better Care
Cathy Harding, Executive Director, Kansas Association for the Medically Underserved
Craig Kaberline, Executive Director, Kansas Area Agencies on Aging Association
Frank Whitchurch, Manager Pharmacy Operations, Prescription Solutions of Johnson County
Mary Sloan, Director, Kansas Association of Homes and Services for the Aging
Debra Billingsly, Executive Secretary, Kansas Board of Pharmacy

Others attending:

See attached list.

Bill Introductions

Senator Steineger moved, with a second by Senator Wysong, to introduce a conceptual bill concerning coal fired power plants. Motion carried on a voice vote.

Senator Steineger moved, with a second by Senator Teichman, to introduce a conceptual bill concerning drainage and levees, general provisions (Attachment 1). Motion carried on a voice vote.

Chairman Umbarger acknowledged Kathy Damron, representing the University of Kansas, who explained two requests for bill introductions. Senator Steineger moved, with a second by Senator Schodorf, to introduce a conceptual bill authorizing the University of Kansas to sell property in Lawrence. Motion carried on a voice vote.

Senator Schodorf moved, with a second by Senator Teichman, to introduce a conceptual bill to clarify use of non-state funds for capital improvements. Motion carried on a voice vote.

Chairman Umbarger explained a bill request on behalf of the Kansas Department of Corrections. Senator Steineger moved, with a second by Senator Emler, to introduce a conceptual bill concerning fee funds for crime victims. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

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HB 2578—Establishing the utilization of unused medications act; exemptions

Staff gave a briefing on the bill which was given by Jill Wolters, Senior Assistant, Revisor of Statutes Office (Attachment 2).

The following conferees testified in support of the bill:

State Representative Kay Wolf explained that disposal of prescriptions and over the counter medications is a common practice today even when they are unopened or expired (Attachment 3). The bill would make sure that the medications are coming from a controlled environment. She noted that the bill is good public policy. Continued rising costs and the availability of healthcare are a major concern for everyone.

Martin Kennedy, Commissioner of Licensing, Certification and Evaluation, Kansas Department on Aging, reported that currently both state and federal regulations require facilities to dispose of discontinued or expired medications and biologicals. Mr. Kennedy noted that the Agency asks that Sec 3(a) language be amended as stated in his written testimony (Attachment 4).

Barbara Gibson, Director, Primary Care Office, Office of Local and Rural Health, Kansas Department of Health and Environment, testified that they support the amendment to include mail order pharmacies (Attachment 5). This new program would provide another resource to ensure access to pharmaceuticals for those Kansans in need who use the critical safety net system. She also noted that they support the amendment to include mail order pharmacies.

Barbara Langner, Ph.D., Kansas Health Policy Authority, explained that Health Policy is in support of the bill, good policy and helpful to low income citizens (Attachment 6).

Marilyn Page, Executive Director, Marian Clinic, mentioned that it is important to strengthen the bill to enable the safety net clinics to give timely care to individuals (Attachment 7). Ms. Page gave an example on page two of her testimony regarding a patient with cardiac concerns.

Mitzi E. McFatrigh, Executive Director, Kansas Advocates for Better Care (Attachment 8). Ms. McFatrigh explained that they strongly support the concept of the bill whereby unused medications are recovered and repackaged for distribution to indigent persons in need of medications.

Cathy Harding, Executive Director, Kansas Association for the Medically Underserved (Attachment 9). Ms. Harding mentioned that safety net clinics would be eligible to participate in the utilization of unused medications act by dispensing the medications to medically indigent individuals seeking care at the clinic. She also noted that the bill also recognizes and addresses the need for prescription drugs among low income individuals who cannot afford to pay for them.

Craig Kaberline, Executive Director, Kansas Area Agencies on Aging (Attachment 10). Mr. Kaberline explained that he had the opportunity to travel to Tulsa County, Oklahoma, to view the area containing all of the medications that came in from the nursing homes in the area. He suggested having discussions with the individuals in Tulsa County because they have the longest-running program.

Frank Whitchurch, R.Ph., Manager of Pharmacy Operations, Prescription Solutions of Johnson County (Attachment 11). Mr. Whitchurch mentioned that when they became aware of Representative Kay Wolf's sponsorship of **HB 2578**, the professional staff at their pharmacy saw an opportunity to make a difference for patients in their home state. Rather than destroy these medications, they would like an opportunity to donate them through this legislation. Mr. Whitchurch noted that the risk to the patient is small.

Mary Sloan, Director of Governmental Affairs, Kansas Association of Homes and Services for the Aging (Attachment 12). Ms. Sloan explained that their organization supports the bill because it would enable unused medications to be salvaged, instead of destroyed, and to be made available for use by indigent persons thereby enabling those doing without needed medication to obtain it.

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Debra Billingsly, Executive Secretary, Kansas Board of Pharmacy ([Attachment 13](#)). Ms. Billingsly testified as a neutral position regarding the bill. She noted that the policy of the bill is good. Ms. Billingsly explained that the Board of Pharmacy is concerned that the bill includes eligible medications from all adult care homes. They suggested that eligible medications be limited to those institutions where the medication has not reached the end user (e.g., the patient) and has been under the control of the institution.

Written testimony was submitted by:

Michael Larkin, Executive Director, Kansas Pharmacists Association ([Attachment 14](#))

Amy Falk, Executive Director, Caritas Clinics, Inc. ([Attachment 15](#))

Laurel Alkire, Executive Director, Senior Services, Inc., Wichita ([Attachment 16](#))

David Randazzo, Executive Director, Claridge Court and Member, KAHSA ([Attachment 17](#))

Cindy Luxem, CEO/President, Kansas Health Care Association ([Attachment 18](#))

Ernie Kutzley, Advocacy Director, AARP ([Attachment 19](#))

Terri Roberts, Executive Director, Kansas State Nurses Association ([Attachment 20](#))

Amanda Lowe, President and CEO, Health Partnership Clinic of Johnson County ([Attachment 21](#))

The Chairman closed the public hearing on **HB 2578**. Chairman Umbarger requested that Senator Vicki Schmidt, the Revisor and interested parties work on amendments to the bill.

The Chairman welcomed Melissa Ness, Chair, and Jim Redmon, Executive Director, Kansas Children's Cabinet and Trust Fund. Copies of the Children's Initiative Fund Briefing Binder dated October 17, 2007, were distributed. Copies of this binder are available from the Children's Cabinet and Trust Fund.

One of their key roles is to review and recommend. In reference to the briefing binder, page 1, the information lists programmatically what the funds are used for and the kinds of programs are listed in the booklet. Section 2 has all the programs and budget amounts, page 6 lists the CIF funding for all programs and gives a sense of how these dollars are being spent. Geographic regions are shown. The criteria the Cabinet has worked with the University of Kansas for evidence based practices and whether or not over the years they are improving and moving on.

Chairman expressed appreciation for the updated booklet with all the detail and thoroughness of the information provided.

Copies of the Kansas Children's Cabinet and Trust Fund, CIF FY 2009 Funding Recommendations were distributed to the Committee ([Attachment 22](#))

The meeting adjourned at 12:00 p.m. The next meeting was scheduled for February 1, 2008.