

Approved: March 31, 2010

Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Brenda Landwehr at 1:30 p.m. on February 11, 2010, in Room 784 of the Docking State Office Building.

All members were present except:

Representative Owen Donohoe
Representative Mike Slattery
Representative Valdenia Winn
Representative Scott Schwab
Representative Bill Otto

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Kathie Sparks, Kansas Legislative Research Department
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Damian May, Senior Director, Vistakon (Attachment 1)
Gary Robbins, Kansas Optometric Association (Attachment 2)
Representative Connie O'Brien (Attachment 5)
Kirk Miller and Bill Schwitzer, Plumbers and Pipefitters Local 441 (Attachments 6, 7, 8 & 9)
Mark Aghakhani, President of Ancient Formulas, Inc. (Attachment 12)
John Federico, on behalf of Kansas Naturopathic Physicians Association (Attachment 13)
Medhi Khosh ND, Kansas Naturopathic Physicians Association (Attachment 14)
Lori Blankenship ND (Attachment 15)
Peter Kimble ND (Attachment 16)
Stacey Howell (Attachment 17)
Christy Kennedy (Attachment 18)
Jerry Slaughter, Executive Director, Kansas Medical Society (Attachment 21)

Others attending:

See attached list.

HB 2584 - Optometrists dispensing medication and lenses

Chairperson Landwehr opened the hearing on **HB 2584**.

Damian May, Senior Director, Vistakon, a division of Johnson & Johnson Vision Care, Inc., provided testimony in support of the bill. He stated new technology, in the form of contact lenses that emit therapeutic pharmaceutical agents, is emerging to treat eye disorders. Under current US state optometry and pharmacy statutes, these combination contact lens/drug products would be available immediately for prescription and dispensing by vision care professionals in 42 states. Kansas is a state that requires modification of existing statutes (**65-1501 and 65-1501-a**) to enable optometry professionals to dispense this technology to their patients. (Attachment 1)

Gary Robbins, Executive Director of the Kansas Optometric Association provided testimony in support of the bill. He indicated because the FDA has classified medicated contact lenses as drugs, a minor amendment to the optometry law is needed to allow Kansas optometrists to provide this emerging technology to their patients. (Attachment 2)

Steve Kearney, Kansas Society of Eye Physicians and Surgeons, provided written testimony in support of the bill. (Attachment 3)

Dan Morin, Kansas Medical Society, provided written testimony as a neutral supporter of the bill. He said the Kansas Medical Society is not opposed to moving the bill favorably from committee with the understanding that the pharmaceutical agents contained within the medicated lenses are those which

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 1:30 p.m. on February 11, 2010, in Room 784 of the Docking State Office Building.

optometrists already are allowed to prescribe under the Optometric Practice Act. ([Attachment 4](#))

The Chair gave the committee members the opportunity to ask questions and when all were answered, the hearing on **HB 2584** was closed.

HB 2590 - Medical gas installers

Chairperson Landwehr opened the hearing on **HB 2590**.

Representative Connie O'Brien provided testimony in support of the bill. She introduced it on behalf of Austin Stone who was injured in a medical gas accident in 2009. ([Attachment 5](#))

Kirk Miller and Bill Schwitzer, Plumbers and Pipefitters Local 441, presented testimony in support of the bill. ([Attachments 6, 7, 8 and 9](#)). The attachments include the statement from Kirk Miller, the original draft of the bill, a document with proposed changes, and a document explaining the changes.

Erik Sartorius, City of Overland Park, submitted written testimony in opposition of the bill. He stated the bill would place additional mandates on local governments with no guarantee of improvement of safety. ([Attachment 10](#))

Norm Furse, Office of the Revisor of Statutes, provided a written summary of the bill for the committee members. ([Attachment 11](#))

The Chair gave the committee members the opportunity to ask questions and when all were answered, the hearing on **HB 2590** was closed.

HB 2575 - H Sub for H 2575 by Committee on Health and Human Services - Naturopathic doctors licensure act

Chairperson Landwehr opened the hearing on **HB 2575**.

Mark Aghakhani, President of Ancient Formulas, Inc., provided testimony in support of the bill. His company manufactures herbal food supplements, nutritional products and vitamins and minerals, which are recommended by the naturopath physicians when treating patients. ([Attachment 12](#))

John Federico, on behalf of Kansas Naturopathic Physicians Association, provided testimony in support of the bill. ([Attachment 13](#))

Mehdi Khosh ND, member of the Kansas Naturopathic Physicians Association, provided testimony in support of the bill. ([Attachment 14](#))

Lori Blankenship ND, provided testimony in support of the bill. She provided a document entitled "Naturopathic Medical Education Accreditation". ([Attachment 15](#))

Peter Kimble ND, provided testimony in support of the bill. ([Attachment 16](#))

Stacey Howell provided testimony in support of the bill. She shared her experiences with health problems and how she was helped by naturopathic doctors. ([Attachment 17](#))

Christy Kennedy provided testimony in support of the bill. She shared her experiences with health problems and how naturopathic doctors had changed her life with their treatment. ([Attachment 18](#))

Marla Rhoden, Director, Health Occupations Credentialing, provided written testimony in support of the bill. ([Attachment 19](#))

Connie Sanberg provided written testimony in support of the bill, sharing her story on how a naturopathic

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 1:30 p.m. on February 11, 2010, in Room 784 of the Docking State Office Building.

doctor had improved her health. (Attachment 20)

Jerry Slaughter, Executive Director, Kansas Medical Society, provided testimony in opposition to the bill. He stated though they have concerns about the boundaries of this particular bill, they have consistently stated over the years that they did not oppose legal recognition for naturopaths, so long as it did not include a scope of practice that was beyond their training. From their review of the available information, they do not believe their training programs contain nearly enough depth, breadth and clinical exposure to warrant the expanded scope of practice authorized in this legislation, as it was introduced. Because they only saw the legislation for the first time a few weeks ago, they haven't had enough time to schedule a meeting with physicians from their organization to meet with the proponents of the bill. They would be happy to meet with them, and would welcome the opportunity for a dialogue to help them more clearly understand what exactly it is that they are seeking through this change in law. (Attachment 21)

The Chair gave the committee members the opportunity to ask questions and when all were answered, the hearing on **HB 2575** was closed.

The next meeting is scheduled for February 15, 2010.

The meeting was adjourned at 3:15 p.m.

HOUSE HEALTH & HUMAN SERVICES COMMITTEE

DATE: 2-11-10

NAME	REPRESENTING
Steve Irwin	KDHE
Chad Austin	KHA
Andrew Howen	Public
Stacey Howell	Nat. Doctors
DENIS WITTMAN	LOCAL 441 PIPEFITTERS
Kirk Miller	PLUMBERS & PIPEFITTERS LOCAL 441
Bill Schweitzer	IAPMO
KICK SCHNEIDER	PROF. MED. STEC.
John Bevers III	Air Safe
Rick Sayer	McElroys Inc. Plumbers Apprenticeship
Mirshine Jacobs	KSNA
Jackson Lindley	Hein Law
Bryan Diehn	Nat Doctors
Jim Dieck	Ks. Optometric Association
Gary Robbins	" "
THOMAS ROBERTSON	KS DENTAL ASSOCIATION
Mikelle Butler	Cap. Strateger
ERIK SARTORIUS	City of Overland Park
Jeff Bottoming	KFPA

Please use black ink