

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 January 16, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Emalene Correll, Kansas Legislative Research Department  
Terri Weber, Kansas Legislative Research Department  
Nobuko Folmsbee, Office of Revisor of Statutes  
Jim Wilson, Office of Revisor of Statutes  
Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Andrew Allison, Deputy Director and Acting Medicaid Director, Kansas Health Policy Authority  
Mack Smith, Executive Secretary, Kansas Board of Mortuary Arts  
Sen. Vickie Schmidt  
Lawrence Buening, Executive Director, Kansas Board of Healing Arts  
Debra Billingsley, Executive Secretary, Kansas Board of Pharmacy  
Julie Hein, behalf of Kansas Pharmacy Coalition  
Dan Morin, Kansas Medical Society

Others attending:

See attached list.

Upon calling the meeting to order, Chairman Barnett asked that the Committee review the Minutes for January 11, 2007 for approval at the end of the meeting.

**Presentation on Kansas Health Wave Program - Funding and Eligibility Overview**

Chairman Barnett called upon Andy Allison, Deputy Director, Kansas Health Policy Authority who presented information and statistics on concerning the Health Wave Programs. Highlights of his presentation included:

1. Program Structure for Kansas Health Wave
  - a. Background
  - b. Federal Funding
  - c. State Programs
2. Stairstep Income Thresholds Distinguish Medicaid and SCHIP Eligibility
3. Proposed Change in Stairstep Eligibility for SFY 2008 - Healthy Kansas First Five

A copy of his presentation is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair asked for questions or comments from the Committee. Questions came from Senators Palmer, V. Schmidt, and Wagle regarding the reason for two different firms within Managed Care, beneficiaries, Western Kansas, Federal and State requirements.

The Chair then asked for Emalene Correll to give a brief reading and to explain the changes to **SB 72, SB 62, and SB 63**. The chair announced the next order of business would be to open a hearing on **SB 72**.

**Hearing on SB 72 – An act concerning mortuary arts; relating to funeral directors and licenses.**

Fiscal Note for **SB 72** was available for the Committee to view. A copy of the fiscal note is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett then called upon proponent conferee, Mack Smith, Executive Secretary, Kansas Board of Mortuary Arts, stated that the bill is a result of the annual review of statues and regulation done by the Mortuary Arts Board and is simply meant to update and better define language and definitions in KSA 65-1713 and KSA 65-1751. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

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The Chair asked for questions or comments from the Committee. Questions came from Senator Haley and Emalene Correll, regarding requirements in other states like Missouri, and licensing concerning assistants and directors.

With no further discussion of conferees, Chairman Barnett closed the hearing on **SB 72**.

The motion was made the Senator Brungardt that the bill be moved out favorably. It was seconded by Senator Schmidt and the motion carried.

Chairman Barnett opened the hearing on **SB 62**.

### **Hearing on SB 62 – An act restricting the prescribing, ordering, dispensing, administering, selling, supplying or giving certain amphetamine or sympathomimeticamine controlled substances.**

Fiscal Note for **SB 62** was available for the Committee to view. A copy of the fiscal note is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

The Chair then called upon his first proponent conferee, Senator Vickie Schmidt who states her support of **SB 62** which from her experience concerning a prescriber's office to not provide a diagnosis on a prescription. The statute restricts the purpose of these drugs and will continue to do so with this proposed legislation. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon his second proponent conferee, Lawrence Buening, Executive Director, Kansas Board of healing Arts who stated his support for **SB 62** and provided a letter from Bradley Marples, M.D. to express substantial policy reasons for making the proposed amendments. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

The Chair then called upon the third proponent conferee, Debra Billingsley, Executive Secretary, Kansas Board of Pharmacy who stated that the Board of Pharmacy supports the amendment because of convenience to the patient. The changes poses no health or safety risk. A copy of her testimony is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon his fourth proponent conferee, Julie Hein, on behalf of Kansas Pharmacy Coalition, who stated her support on **SB 62**, and that it will help make the delivery of certain medications easier and less cumbersome for patients and pharmacists alike. She also stated her support for **SB 63** simply clarifies that all prescriptions need to be renewed at least on an annual basis. A copy of her testimony is (Attachment 8) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon his last proponent conferee, Dan Morin, Kansas Medical Society who stated his support for **SB 62**. No written testimony was available for the Committee.

The Chair announced that written testimony was provided by Charles Wheelen, Kansas Association of Osteopathic Medicine in support of **SB 62**. A copy of her testimony is (Attachment 9) attached hereto and incorporated into the Minutes as referenced.

With no more conferees' to give testimony and no questions from the Committee, Chairman Barnett closed the hearing on **SB 62**.

The motion was made by Senator Haley to move the bill out favorably on the consent calendar. It was seconded by Senator Gilstrap and the motion carried.

Chairman Barnett opened the hearing on **SB 63**.

### **Hearing on SB 63 – An Act concerning filling prescriptions**

Fiscal Note for **SB 63** was available for the Committee to view. A copy of the fiscal note is (Attachment 10)

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The Chair called upon the only proponent conferee, Senator Vickie Schmidt, who stated the current law allows for the refill after the one year period of time with some further clarification. With this bill the pharmacist will contact the prescriber after the one year date for the refill authorization. The purpose of this change is to at least require contact between the pharmacist and prescriber once a year on a p.r.n. refill. A copy of the fiscal note is (Attachment 11) attached hereto and incorporated into the Minutes as referenced.

The Chair asked for questions or comments from the Committee. Questions came from Senator Wagle regarding p.r.n. on a prescription, and certain prescriptions that are good for longer than a year.

With no more conferees' to give testimony and no questions from the Committee, Chairman Barnett closed the hearing on **SB 63**.

The motion was made by Senator Schmidt to move the bill out favorably. It was seconded by Senator Brungardt and the motion carried.

The Chair announced that the final item on the agenda was for the Minutes to be approved for the Senate Public Health and Welfare Committee on January 11, 2007.

The motion was made by Senator Schmidt to approve the Minutes. It was seconded by Senator Jordan and the motion carried.

As there was no further business, the meeting was adjourned at 2:25 p.m.

The next meeting is scheduled for Wednesday, January 17, 2007.