

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on February 16, 2009, in Room 136-N of the Capitol.

All members were present except Senator Kelly who was absent.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Conferees appearing before the committee:

Jack Confer, Executive Director and Scott Hesse, Counsel, for Kansas Board of Healing Arts
Linda Hubbard, Private Citizen

Others attending:

See attached list.

Senator Barnett inquired whether anyone wanted to comment on **SB 166** which was heard on February 12, 2009. Jerry Slaughter, Kansas Medical Society, commented that while his organization is supportive of the concept to provide KHPA management authority over mental health drugs for children and adolescents, some unanswered questions exist for which he would appreciate further communication with Dr. Andy Allison, Kansas Health Policy Authority. Bud Burke, a pharmaceutical lobbyist, indicated that many of the industry stakeholders have had no opportunity to review the compromised language and following review of the amendment, he requested an opportunity to comment.

Senator Barnett announced **SB 166** is an exempt bill, and the hearing would be continued at a date following turnaround.

Senator Barnett requested Nobuko Folmsbee, revisor of statutes office, brief those attending on **SB 200 - Board of healing arts; regulations of allied health care professionals.**

SB 200, as amended, would enact new law and would amend existing law concerning the State Board of Healing Arts and its regulation of certain allied health professionals. The bill regulates allied health professionals including: podiatrists, physician assistants, physical therapists, occupational therapists, respiratory therapists, athletic trainers, naturopathic doctors and radiologic technologists. These professions would be regulated (under the Board of Healing Arts) the same as medical doctors, osteopathic doctors and chiropractors. For the allied health professions specified in the bill, the legislation would enact new law allowing the Board of Healing Arts to enter into a written nondisciplinary resolution for various practice issues described in the bill. The second new section would enact new law allowing the State Board of Healing Arts to require a person to be fingerprinted and submit to a state and national criminal history record check as part of an original application for, or reinstatement of, any license, registration, permit or certificate. A technical amendment clarifies the disposition of fees.

Terri Weber, legislative research department, briefed committee members on **SB 173 - State health care benefits program; certain retired officers and** which allows any retired public officer/employee who, at the time of retirement, did not elect insurance. Upon a qualifying event, the retiree can re-enter the State Employee Health Insurance Plan. This creates a one-time opportunity for a retiree to re-enter the Plan bearing all costs.

SB 200 - Board of healing arts; regulations of allied health care professionals. Jack Confer and Scott Hesse, Kansas State Board of Healing Arts, spoke in support of this legislation. They indicated this bill supports and expands **HB 2620** which was passed during the 2008 Session. **SB 200** provides authority to the board to conduct criminal background checks and fingerprinting for the allied health professionals listed above (**Attachment 1**). In addition, the legislation would also enact new law creating a designation of a federally active license for physical therapists, and create a searchable, public information database. There were no opponents to **SB 200**.

CONTINUATION SHEET

Minutes of the Senate Public Health And Welfare Committee at 1:30 p.m. on February 16, 2009, in Room 136-N of the Capitol.

Discussion was heard related to collection and disposition of fees for background checks and fingerprinting. Ms. Folmsbee outlined the proposed technical amendment that contains language clarifying how monies from the collection of fees, charges or penalties are remitted to the State Treasurer.

Upon a motion by Sen. Schmidt to adopt the technical amendment and to move out **SB 200** favorably with a second by Senator Colyer, the motion passed.

SB 173 - State health care benefits program; certain retired officers and employees.

Linda Hubbard was present to describe her circumstances (Attachment 2) that lead to the creation of **SB 173**. Ms. Hubbard testified the law was changed in January 2001 to exclude retired employees from re-entering the State Employee Health Plan.

Discussion was heard related to rationale for the change in the law, the cost of passing this legislation, and the numbers of retirees that might re-enter the Plan. Clarification was provided that the entire cost of re-entry to the Plan is borne by the retiree, and there is no way to predict the number of retirees that could choose to take advantage of a one-time re-entry. Senators discussed an amendment that would provide a retroactive date "on or after January 1, 2006" and to amend the effective date as publication in the Kansas Register instead of the statute book.

Senator Schmidt moved to amend **SB 173** as discussed and to move out the bill favorably for presentation to the full Senate; Senator Haley seconded the motion which passed.

Senator Barnett adjourned the meeting at 2:09pm.

The next meeting is scheduled for February 17, 2009.