

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 17, 2009, in Room 136-N of the Capitol.

All members were present.

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:

Senator Chris Steineger

L. William Lyons, Director, HIV/AIDS Program, Bureau of Disease Control and Prevention, Kansas Department of Health and Environment

Kathryn Thiessen and Sheryl Kelly, Kansas AIDS Education & Training Center, Kansas University School of Medicine, Wichita, Kansas

Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy

Jeffery Brandau, Kansas Bureau of Investigation

Sandy Horton, Crawford County Sheriff

Mandy Hagan, Director, State Government Relations, Consumer Healthcare Products Association

SB 121 - Health care; reform in funding and structure of the federal and state programs.

Senator Steineger testified in support of **SB 121**. The bill provides that the governor and the Kansas Health Policy Authority are accountable to request the federal government to grant all necessary waivers and exemptions from the prescribed uses of funding for medicaid, medicare, the federal employee retirements income security act of 1974, the state children's health insurance program and any other relevant federal law to provide for the transfer of the federal moneys provided to Kansas in the form of single annual block grant for the purpose of providing health care to the residents of Kansas. Senator Steineger presented testimony (Attachment 1) indicating the State of Kansas would then decide how best to invest healthcare dollars with the Kansas Health Policy Authority designing rules and regulations for program operations and for distributions of moneys received.

Senator Barnett called attention to written testimony from John Meetz (Attachment 2), and Ken Daniel, (Attachment 3).

The hearing was closed on **SB 121**.

Chairman Barnett recognized Nobuko Folmsbee to brief those attending on **SB 147 - Department of health and environment; HIV screening for pregnant women and newborn children; rules and regulations**, and **SB 248 - Electronic logging system for sale of methamphetamine precursor**.

Ms. Folmsbee indicated that **SB 147** enacts new law that requires a physician or other health care professional to administer Human Immunodeficiency Virus (HIV) screenings for pregnant women and newborn children. The health care professional would administer the routine opt-out screening for HIV infection during the first trimester of the pregnancy. If a pregnant woman is determined to be at high risk for acquiring HIV infection, a repeat screening would be administered during the third trimester or at the time of labor and delivery. A pregnant woman would have the right to refuse an HIV screening at any time. If the mother's HIV status is unknown because of refusal to submit to the screening during the pregnancy, or for any other reason, the newborn child would be screened with an HIV test as soon as possible within medical standards. The mother's or guardian's consent would not be required to screen the newborn child.

SB 248 creates a statewide electronic logging system for sale of methamphetamine precursor. Ms. Folmsbee described various sections of the law which includes definitions; creation of the system; responsibility for the State Board of Pharmacy to maintain the logging system, confidentiality requirements for information logged, and the system's rules and regulations. Language was reviewed that

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related to fees, and costs for system implementation, information to be contained in the logging system as well as annual reporting requirements, the use of information contained in the system by law enforcement personnel, and waivers for exceptions to the logging requirement. Ms. Folmsbee also discussed penalties for violating the requirements contained in this bill.

Senator Barnett opened the hearing on **SB 147 - Department of health and environment; HIV screening for pregnant women and newborn children; rules and regulations.**

William Lyons, Kansas Department of Health and Environment, testified in support of this legislation indicating it is a bill to protect and prevent newborns from becoming HIV positive. Mr. Lyons provided statistics related to perinatal HIV transmission rates and therapeutic antiretroviral therapy which is initiated during pregnancy. Mr. Lyons indicated that in the state of Kansas approximately 4,400 pregnant women are not screened for HIV (Attachment 4), and with passage of this legislation, Kansas becomes compliant with CDC and National Public Health Service standards of care, becomes a leader in prevention resulting in decreased health care costs, and secures eligibility for additional federal funds from the Early Diagnosis Grant.

Senators questioned Mr. Lyons whether the HIV screening is part of the newborn screening panel, who is responsible for the screening costs, what are the costs of screening, and who is accountable for counseling the pregnant mother if a positive HIV result is discovered.

Dr. Dennis Cooley, a local pediatrician, clarified that in the case of screening a newborn (when the mother's HIV status is unknown), the HIV screening should not be included as part of the newborn screening panel. The need is to receive an immediate turnaround of HIV screening results so that treatment can be begun as soon as a positive HIV result is identified.

Mr. Lyons clarified costs would be borne by private payors or health plans, but that the cost for treatment would be born by Medicaid (if Medicaid was the mother's primary plan). He reviewed costs for testing, etc. Mr. Lyons also indicated that counseling would be provided by the mother's obstetrician, or if the patient is uninsured, by the nearest KDHE sponsored HIV Counseling and Testing site.

Catherine Thiessen and Sheryl Kelly, advanced nurse practitioners with Donna E. Sweet, MD, HIV expert in Wichita, Kansas, testified regarding the favorable passage of **SB 147** (Attachment 5). They explained that opt-out means the test is offered and unless the mother refuses, it is performed. Using this method, approximately 85-90% of all pregnant women are being tested in Kansas. With the passage of **SB 147**, the 10-15% of remaining women will be tested and if a HIV positive newborn is identified, healthcare professionals can ensure the quality of life the infant deserves is provided.

Ms. Folmsbee distributed a balloon amendment to add that the newborn child whose parents object to the HIV test as being in conflict with their religious tenets and practices is excluded from provisions contained in **SB 147**. In addition, a technical amendment was suggested that changes the word "woman" in line 18 to "women."

Senator Haley moved that the committee report **SB 147** favorably including the amendment and technical amendment presented. Senator Kelsey seconded the motion. There was no action on the motion.

Senator Barnett opened the hearing on **SB 248 - Electronic logging system for sale of methamphetamine precursor.** Deb Billingsley, Executive Secretary of the Kansas State Board of Pharmacy, was recognized to provide testimony on this bill. Ms. Billingsley provided a history of the legislation stemming from **SB 491** (passed in 2008) which established a Methamphetamine Precursor Task Force. The recommendation resulting from this group was that the State invest in an electronic logbook program. (Attachment 6) The costs associated with providing health care, providing environmental clean-up, eliminating criminal activity, and causing harm to families and children greatly outweigh the costs of such a system.

Jeff Brandau, Kansas Bureau of Investigation spoke in support of **SB 248**. Mr. Brandau indicated he was a member of the Task Force, and he briefed committee members on costs of methamphetamine

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environmental clean up, the electronic logging pilot project in southeast and western Kansas, sales tax revenue from the sale of pseudoephedrine in Kansas, and indicated that enactment of this legislation protects Kansas citizens while continuing to provide legitimate access to pseudoephedrine (Attachment 7).

Sandy Horton, Sheriff of Crawford County, discussed the pilot project conducted with two vendors and twenty-five pharmacies participating in the project. He distributed a spreadsheet reflecting law enforcement action resulting from the utilization of electronic data and manual logs. He supported **SB 248** as a means to decrease drug crime (Attachment 8).

Mandy Hagan, speaking as the industry representative on the Methamphetamine Precursor Task Force, supported **SB 248** (Attachment 9). Ms. Hagan indicated that similar legislation has been passed in Missouri, and she encouraged passage of **SB 248** during this legislative session.

Senator Barnett indicated that the hearing on **SB 248** would continue on February 25.

The next meeting is scheduled for February 24, 2009.

The meeting was adjourned at 2:33pm