

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 February 14, 2005 in Room 231-N of the Capitol.

All members were present except:

Susan Wagle- excused

Committee staff present:

Emalene Correll, Kansas Legislative Research Department

Terri Weber, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee:

Kent B. Murray, M.D.

James E. Sanders, M.D.

Lawrence T. Buening, Jr., Ex. Director Kansas Board of Healing Arts

Senator Dennis Pyle

Christine Ross-Baze, Director of Child Care Licensing and Registration Program, KDHE

Others attending:

See attached list.

Hearing on SB 183

SB 183– Scope of practice of federally active licensees under the healing arts act

Upon calling the meeting to order, Chairperson Barnett announced there would be a hearing on **SB 183**, an act concerning federally active licenses under the Kansas healing arts act; amending K.S.A. 65-2809 and repealing the existing section. The Chair asked Mr. Norm Furse, Revisor of Statutes, to give a brief overview of the bill.

Presentation “Kansas Trauma Update”

Chairperson Barnett thanked Mr. Furse for his overview and stated that the Committee would return to the hearing of **SB 183** after a presentation by Dr. Paul Harrison, Chair of the Advisory Committee on Trauma. A copy of his presentation is (Attachment 1) attached hereto and incorporated into the Minutes as referenced. Highlights of Dr. Harrison’s presentation included:

- 1) Goals of the Kansas Trauma System
- 2) What is a Trauma System
- 3) Kansas Milestones in Trauma
- 4) Advisory Committee on Trauma
- 5) Trauma Registry
- 6) Goals for 2005

The Chair thanked Dr. Harrison for his presentation, then asked the Committee for any questions and/or comments for Dr. Harrison.

Hearing on SB 183

Chairperson Barnett returned to the hearing on **SB 183**, the Chair called upon the first proponent conferee to testify. Kent Murray, M.D., began by thanking the Committee for allowing him to testify before them. Dr. Murray requested that the Committee act favorably on **SB 183** which provides for non-compensated medical activities for physicians with “federal active” licensure. He stated that extending the same limited practice exception currently held by those with an “exempt” license to “federal active” licensees has potential benefit to the citizens of the state and corrects what must certainly have been an oversight in the original legislation.

CONTINUATION SHEET

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A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair thanked Dr. Murray for his testimony and asks the Committee for any question and/or comments. Emalene Correll clarified a statement made by Dr. Murray in his testimony. Mr. Norm Furse recommends a language change.

Chairperson Barnett then calls upon the second proponent conferee to testify, Dr. James Sanders. Dr. Sanders stated that physicians in the "federal active" category pay full license fees to the Board of Healing Arts, maintain the required 150 hours of continuing medical education every three years required for licensure, and have the same requirements for reporting tort claims or adverse privileging actions as do physicians licensed in the "active" category. The limited exception authorized by **SB 183** is to allow for the performance of defined administrative functions and providing medical care of supervision without compensation, including practice as a charitable health care provider. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

As there were no questions for Dr. Sanders, the Chair called upon the third proponent conferee to testify. Lawrence Buening, Executive Director of the Kansas Board of Healing Arts, stated that **SB 183** expands, in a limited manner, the activities that may be performed by a licensee of the healing arts holding a federally active license. If enacted, **SB183** would allow the performance of administrative functions and services constituting the practice of the healing arts that are provided gratuitously. While performing services for the U.S. government, federally active licensees are covered for professional liability under the Federal Tort Claims Act. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

As there were no opponent or neutral conferees, Chairperson Barnett closed the hearing on **SB 183**.

Hearing on SB 208

SB 208--Concerning child care facilities and family day care homes; denial or revocation of license

The next order of business was a hearing on **SB 208**, an act concerning children and minor; relating to licensure of a child care facility day care home. The Chair asked Mr. Norm Furse to give a brief overview of the bill.

Chairperson Barnett thanked Mr. Furse for the overview, then asked the Committee for any questions and/or comments.

A range of questions and comments came from Senator Brungardt and Emalene Correll which included stating the bill addresses the operator of the facility, and concerning the permanent revocation of licenses, and if the person's name is on the abuse registry.

As there were no further questions for Mr. Furse, the Chair called upon the first conferee to testify. Senator Pyle, on behalf of his constituent, provided testimony in support of **SB 208**. A copy of his testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Senator Pyle, Chairperson Barnett called upon the first opponent to testify. Christine Ross-Baze, Director of Child Care Licensing and Registration Program, KDHE, stated that **SB 208** proposes new legislation affecting child care facilities and family day care homes. Specifically the bill requires the Secretary of Health and Environment to permanently deny, revoke or refuse to renew a certificate of registration or temporary permit for a licensed child care provider if the conditions set forth in the bill are met. A copy of her testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Ms. Ross-Baze, the Chair recommended that the conferees and revisors clarify language and come back to the Committee at a later date.

CONTINUATION SHEET

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Final action on SB 91

SB 91– Dental board fees

The next order of business was final action on **SB 91**, an act concerning fees, amending K.S.A. 65-1447 and repealing the existing section. Chairperson Barnett asked for Mr. Norm Furse to give a brief overview of the bill and it's amendments. A copy of the amendment is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

Senator Haley motioned that registration fees be lowered to \$250.00 and biennial registration be lowered to \$175.00. Senator Gilstrap seconded the motion. Motion Failed.

Senator V. Schmidt motioned to accept amendments proposed by Mr. Furse. Senator Journey seconded the motion. Motion Failed.

Senator V. Schmidt motioned to pass legislation favorably as amended. Senator Journey seconded the motion. Motion Passed.

Adjournment

As there was no further business, the meeting was adjourned. The time was 2:30 p.m.

The next meeting is scheduled for Tuesday, February 15, 2005.