

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:37 P.M. on February 22, 2006 in Room 231-N of the Capitol.

All members were present except:

Phil Journey- excused

Late Arrival:

Gilstrap 1:42

Haley 1:43

Committee staff present:

Emalene Correll, Kansas Legislative Research Department

Terri Weber, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Linda DeCoursey - American Heart Association

Marley Baum - RN, Critical Care Unit Stormont Vail

Larry Leas - Kansas Health and Fitness Association

Brian Walburn - Walburn's Athletic Clubs

Others attending:

See attached list.

Hearing on SB 511—An act concerning health clubs; requiring the availability of an automated external defibrillator and the availability during business hours of a qualified person to operate such defibrillator

Upon calling the meeting to order, Chairman Barnett opened the hearing on **SB 511**, and asked Emalene Correll to review and explain the language on **SB 511** to the Committee.

Chairman Barnett called upon the first proponent conferee, Linda De Coursey, American Heart Association who stated that several years ago, the American Heart Association and the American College of Sports Medicine joined to make a scientific statement urging fitness clubs to install automated external defibrillators (AEDs) and train staff to use them. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon the second proponent conferee, Marley Baum, RN in the Critical Care Unit at Stormont Vail Regional Health Care in Topeka stated her experiences as a registered nurse dealing with patients that have needed a AED due to cardiac arrest. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon the first opponent conferee, Larry Leas, Kansas Health and Fitness Association stated many of his clubs have difibrillators, and others are moving in that direction, however, he does not believe a government mandate is necessary or desirable. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Next, the Chair called upon opponent conferee, Brian Walburn, Walburn's Athletic Clubs in Emporia who stated the way the bill is written, it could increase insurance costs, and since there is no liability waivers written into this bill, clubs will have increased exposure. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

With no more conferees' to give testimony and no questions or comments from the committee, Chairman Barnett then closed the hearing on **SB 511**.

Action on SB 528—An act concerning public health; relating to the reporting of statistical data

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regarding termination of pregnancies and SB 529—An act concerning abortion

The Chair asked Senator Jordan to review **SB 528** and **SB 529** and to explain amendments on those bills to the Committee. Senator Jordan stated that he and others who have helped work on this bill are proposing that they fold **SB 529** into **SB 528**. A copy of the attachments is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett asked for questions from the Committee for Senator Jordan. Questions came from Senators V. Schmidt, Wagle, and Emalene Correll regarding listed physical and mental disabilities, defining disabilities, current language in bill and added language to bill, and changing language in bill.

The motion was made by Senator Jordan to accept the amendments. It was seconded by Senator Palmer and the motion carried.

The Chair recognized Senator Haley who stated he remembered some concerns that were expressed during the hearing and that some of those people were with them today. He made some notes on the bill about concerns of an easier duplicity of line c) 1 which is line 33 on page one of the bill and subsection c) 4 which would be line 39. He was sorry he didn't make extensive notes but there was some discussion as to whether or not that language was already in statute or does it create a different one. He was wondering if the Chair would comment on that again.

The Chair referred the question over to Senator Jordan who stated that line 4 should be struck.

Senator Haley asked then what of c) 1 which is line 33 of the bill.

The Chair asked Norm Furse who stated that the material within brackets would be deleted. And if you look close that you will see in line 38 that there is a bracket there after the word "fetus" and line 40 there is a bracket before the semicolon..

The Chair OK's Norm Furse's explanation with Senator Haley.

Questions also came from Senators Wagle, and Brungardt regarding ID protection, ID numbers to report, giving ID numbers to physicians, and tracking abortion if it is confidential.

The motion was made by Senator Jordan for a conceptual amendment concerning reporting by a referring physician. It was seconded by Senator Palmer and the motion carried.

The Chair recognized Senator Haley who stated that he was not comfortable with thinking what could potentially be a change. Existing statute provides confidentiality without some sort of hearing on this and what effect it has, other than the representation of Dr. Philips, on existing statute. And for that reason Senator Haley requested that his no vote be recorded.

Questions came from Emalene Correll, and Senator Wagle regarding data collection, requirement of information, and data collection in two different categories.

The Chair asked if there were any more question on a conceptual motion. Seeing none, he continued with the motion and the motion carried.

The motion was made by Senator Jordan to move the bill out favorably as amended. It was seconded by Senator Gilstrap.

The Chair recognized Senator Haley who stated that "Thank you Mr. Chair, as the Committee knows this is a controversial measure about **SB 528** and **SB 529**, not only in substance which are in the remainder of two bills now, it was originally three bills, but certainly the procedure on how these matters have come before this Committee in this matter. I did question how it got here and I had questioned how the Committee heard it, and I continue to question whether or not we really do need the measure that is before us today. We had heard

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from the professionals, those who are involved on a day to day basis with these reported requirements and there are still the questions to whether or not or why the Committee needs to have it at this time. I am concerned because, when the Committee should be focused on other issues regarding health care, access to care, prescription drugs among others. This attempt to once again grow reproductive health and the rights that have a chilling effect on Women in crisis pregnancies to make these decisions, becomes a waste of time, and a waste of effort. We only have a few moments here to address these issues Mr. Chair, and I would hope that our Legislature and certainly the Administration would do what they can to enhance access to care instead of provide the children. For that reason Mr. Chair I continue to question the procedures that brought this to us, this being **SB 528**, **SB 529**, and **SB 530** and I continue to oppose these measures. And I appreciate your indulgence because I really needed to get that off of my chest.”

The Chair recognized Senator Jordan who stated “Thank you Mr. Chair, I am glad that Senator Haley got that off of his chest, now I want to get something off of my chest. I have made a conceptual motion in this Committee that these bills be introduced. I want to make it clear, I want to make it public that I did that. That motion was seconded don’t know if Senator Haley was here or not but I did it and I am tired of the questioning being done. It was done, It was done as we normally do conceptual motions. I am sorry if Senator Haley has not brought forth some of the health care issues that are important to this State and has not introduced a bill. But I did introduce this bill and did introduce all three conceptually in one day in this Committee. I just want to make that very clear.”

The Chair recognized Senator Palmer who stated “I would also like to make it known also to you that I was here, I did second that motion. And I find it insulting to my integrity that you would ever say that I did not do that, and I was here. Thank you.”

The Chair recognized Senator Haley who stated “Let me certainly apologize publically to any of our colleagues who think that I would question their veracity or their integrity. I had hoped to have cleared this matter up by hearing the tape. I questioned leadership to let me hear how the motion was made and what exactly the phrase was that was used, because it was recorded that I was not here at that time. I think the matter could have been cleared up quite simply by hearing what the request to the conceptual motion was. That request has been denied by the Chair as is his prerogative to hear that. And so those questions persisted. I did not then nor do I now continue to question the veracity or truthfulness of any of the representations made by any of my colleagues. I would have liked to have heard the measure to see what exactly was stated in my absence and given I was not able to do that this matter has brought us to this point. But I will hope my colleagues in the Senate, please understand that I would never intentionally or unintentionally question your integrity.

Chairman Barnett continues that there has been a second to a motion.

The motion carries.

Senator Haley stated that he would like his no vote to be recorded.

Action on SB 469—An act concerning the behavioral sciences regulatory board; relating to impaired licensees

The Chair asks Norm Furse to review the bill and explain the new balloons that were handed out to the Committee. A copy of the balloons are (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

The Chair calls upon Sky Westerlund to review and share the balloons that she came up with in working with Norm Furse that were handed out to the Committee. A copy of the balloons are (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

Question came from Senators Haley, Barnett, and Palmer regarding Intervention Act, language to strike and replace, amendments on the first page, definition of the term “impairment,” definition of the term “disability,” taking off work as employee, compensation of time, and fiscal impact.

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The motion was made by Senator V. Schmidt to adopt the amendments. It was seconded by Senator Haley and the motion carried.

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

The Chair announced that the final item on the agenda was for the Minutes to be approved for Public Health and Welfare Committee for February 2, 2006, February 8, 2006, February 9, 2006, February 15, 2006, and February 16, 2006.

The motion was made by Senator Palmer to approve the Minutes. It was seconded by Senator Wagle and the motion carried.

Adjournment

As there was no further business or time, the meeting was adjourned at 2:35 p.m.

The next meeting is scheduled for Wednesday, March 1, 2006.