

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 March 15, 2005 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
Norm Furse, Office of Revisor of Statutes
Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee:

Sherry DuPerier, Kansas Board of Hearing Aid Examiners
Kenneth Smith, Hearing Associates, Inc.
Haris Zafar, Audiology and Hearing Aid Services Inc.
Barry Williams
Ron Hein, Kansas Hearing Aid Association
Jeffery Moore, Wichita Ear Clinic
Raymund Hull, Wichita State University
Ron Burch, Midwest Ear, Nose, and Throat
Irene Wagner, Audiology and Hearing Aid Services Inc.
DJ Hurst, Lawrence Otolaryngology Associates
Minnie Baldrige, Midwest Ear, Nose and Throat
Susan Gibson, Lawrence Otolaryngology Associates
Ed Clausen, Midwest Hearing Aids
Dr. Barber, Kansas Hearing Aid Association

Others attending:

See attached list.

Continued Hearing on HB 2285

HB 2285– Concerning the board of examiners for hearing instruments; licensure, penalties, discipline, powers and duties

Upon calling the meeting to order, the Chair announced that today would be a continuance of yesterday's hearing on **HB 2285**, an act concerning health care; relating to the board of examiners for hearing instruments; membership, powers and duties; relating to licensure, disciplinary actions, fees and penalties; amending K.S.A. 74-5801, 74-5802, 74-5804, 74-5805, 74-5806, 74-5807, 74-5808, 74-5809, 74-5810a, 74-5811, 74-5812, 74-5813, 74-5814, 74-5815, 74-5816, 74-5818, 74-5819, 74-5820, 74-5821 and 74-5823 and repealing the existing sections. Chairperson Barnett called upon the next opponent to testify, Sherry DuPerier, Kansas Board of Hearing Aid Examiners. Ms. DuPerier stated in her testimony that no hearing was held in the house and there was no committee discussion of the amendment before the committee reported the bill favorable without the KSHA examination waiver amendment. This amendment is ill thought out and ill conceived. Let the parties meet and work out a reasonable solution outside the legislative arena. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Ms. DuPerier, the Chair called upon the next opponent conferee to testify, Dr. Kenneth Smith, Hearing Associates Inc.. A copy of Dr. Smith's testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Dr. Smith, the Chair called upon the next opponent conferee to testify, Haris Zafar, Audiology and Hearing Aid Services Inc.. A copy of Dr. Zafar's testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Dr. Zafar, Chairperson Barnett called upon the next opponent conferee to testify, Dr. Bary Williams. A copy of Dr. Williams's testimony is (Attachment 4)

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attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Dr. Williams, the Chair called upon the next opponent conferee to testify, Ron Hein, Kansas Hearing Aid Association. A copy of Mr. Hein's testimony is ([Attachment 5](#)) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Mr. Hein, Chairperson Barnett called the Committee's attention to the written testimony submitted by the following individuals: Jeffery Moore, Raymund Hull, Ron Burch, Irene Wagner, DJ Hurst, Minnie Baldrige, Susan Gibson, Ed Clausen, and Dr. Barber. A copy of their testimonies are ([Attachment 6](#), [Attachment 7](#), [Attachment 8](#), [Attachment 9](#), [Attachment 10](#), [Attachment 11](#), [Attachment 12](#), [Attachment 13](#), and [Attachment 14](#)) attached hereto and incorporated into the Minutes as referenced.

As there were no further questions, comments and/or conferees the Chair closed the hearing on **HB 2285**.

Final action on HB 2077

HB 2077– Establishing a cancer drug repository program

The next order of business was for the Committee to take final action of **HB 2077**, an act concerning the state board of pharmacy, establishing a cancer drug repository program. Chairperson Barnett asked Norm Furse to give a brief overview of the bill and its amendments. A copy of his handouts are ([Attachment 15](#) and [Attachment 16](#)) attached hereto and incorporated into the Minutes as referenced.

The Chair asked the Committee for questions and/or comments for Mr. Furse. Senator V. Schmidt asked about page 2 is this definition of “unit dose”, do we know the origin of this definition. Emalene Correll asked if the Kansas Board of Pharmacy has a maximum for “unit dose”. Senator Palmer asks where criminal liability is addressed in the bill. Senator Journey addresses the necessity of the balloon amendment on page 3.

Senator Journey motioned to accept balloon amendment on page 3. Senator V. Schmidt seconded the motion. Motion Passed.

Senator V. Schmidt motioned to accept amendment on page 2 and strike out line 8-9. Senator Jordan seconded the motion. Motion Passed.

Senator Barnett motioned to eliminate line 32 and down on Page 2 and change line 33 “appropriate”, and on line 34 remove dental hygienist. Senator Brungardt seconded the motion. Motion Passed.

Senator V. Schmidt motioned to strike lines 24-26 on page 2. Senator Palmer seconded the motion. Motion Passed.

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

Final action on HB 2336

HB 2336– Requirements for licensure for optometrists and use of certain drugs

The next order of business was for the Committee to take final action on **HB 2336**, an act concerning the regulation of optometrists; amending K.S.A. 65- 1501a and 74-1505 and K.S.A. 2004 Supp. 65-1505 and 65-1509 and repealing the existing sections. Chairperson Barnett asked Norm Furse to give a brief overview of the bill and its amendments. A copy of his handout is ([Attachment 17](#)) attached hereto and incorporated into the Minutes as referenced.

Senator Brungardt moved that after consideration of the proposed changes contained in HB 2336 which would require after certain dates all optometrists to become therapeutic licensees and glaucoma licensees, the

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Senate Committee on Public Health and Welfare finds that this change bears a reasonable relationship to the health, safety and welfare of the citizens of this state and that proposed Alternative II on the balloon amendments to HB 2336 be adopted. Senator V. Schmidt seconded the motion. Motion Passed.

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

Adjournment

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

The next meeting is scheduled for Wednesday, March 16, 2005.