

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 2:08 P.M. on March 9, 2005, in Room 526-S of the Capitol.

Committee members absent:

Representative Brenda Landwehr- excused
Representative Jason Watkins- excused

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department
Mary Galligan, Kansas Legislative Research Department
Renaë Jefferies, Revisor of Statutes' Office
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Cindy D'Ercole, Senior Policy Analyst, Kansas Action for Children
Senator Jim Barnett
Kevin Robertson, Executive Director, Kansas Dental Association
Kent Murray, MD, Chief of Staff, Robert Dole (VA) Medical Center
Larry Buening, Executive Director, Kansas Board of Healing Arts

Others attending:

See attached list.

The Chair opened the hearing on [SCR 1604](#).

Cindy D'Ercole, Senior Policy Analyst, Kansas Action for Children, spoke as a proponent. ([Attachment 1](#)) She said the bill is similar to [HB 2137](#) in that deals with childhood obesity and school nutrition, but that it differs by addressing the issue from a policy standpoint, focusing on a partnership with the Sunflower Foundation to request that the State Board of Education lead in conducting a study of the state's public schools to provide a baseline which will determine current school food programs, the availability of health classes, physical activity intended to promote healthy bodies, and the availability of *a la carte* food on school premises. She observed that the bill will help the Board comply with the federal Child Nutrition Act, which requires each school district receiving federal funds to establish a wellness policy by June 30, 2006.

Senator Jim Barnett spoke as a proponent for the bill, saying that what is most needed is information, especially in the area of physical activity in schools. ([Attachment 2](#))

Kevin Robertson, Executive Director, Kansas Dental Association, said that the Association supports the bill; however, he noted that oral health is an important component of the obesity discussion, and he suggested amending the bill to include oral health, since oral health contributes to overall health. ([Attachment 3](#))

Chris Wilson, Executive Director, Kansas Dairy Association, provided written testimony in support of the

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 2:08 P.M. on March 9, 2005, in Room 526-S of the Capitol.

bill ([Attachment 4](#)), as did Ron Hein, representing the Kansas Beverage Association. ([Attachment 5](#))

A member, noting the many obesity bills brought forward during this session, questioned the need for another one. Billie Hall, CEO of the Sunflower Foundation, explained that this particular bill focuses on policies, especially regarding physical activity. She said that in Kansas there is no baseline regarding physical activity, a lack which this bill addresses. The bill will help the State Board of Education evaluate options. Senator Barnett commented that the proposed oral health amendments are considered friendly ones.

The Chair closed the hearing on **SCR 1604** and opened the hearing on **SB 183**.

Kent Murray, MD, Chief of Staff, Robert Dole (VA) Medical Center, spoke as a proponent for the bill. ([Attachment 6](#)) He listed his credentials, noting that for this bill he is speaking as a private citizen. He outlined the current medical licensing categories: Inactive; Active (a physician actively practicing who is required to carry malpractice insurance); Federally Active (physicians covered under the Federal Tort Claims Act, who must meet all requirements of an active physician except the requirement for malpractice insurance); and Exempt (retired, non-practicing physicians). He stated that under current law he cannot practice outside the walls of the VA Hospital, a prohibition which keeps him from doing clinical teaching, calling in a prescription for his wife, or practicing in ways allowed to exempt physicians. He stated that the bill expands the scope of practice under the federally active category with language lifted from exempt licensure statutes, changes which will allow him to perform administrative functions, peer review, disability determination, utilization review, or render an expert opinion. The provisions of the bill also allow him to serve as a charitable health-care provider, provide direct professional services, or supervise professional services, all without compensation. He noted that, under the bill, the only difference between the exempt and the federally active categories is that he is still required to maintain his continuing education.

Larry Buening, Executive Director, Kansas Board of Healing Arts, stated that the Board reviewed the bill and declared support for it. ([Attachment 7](#)) He said presently there are 221 medical doctors, 19 osteopaths, and 5 chiropractors holding federally active licenses.

James Sanders, a physician working with the Eastern Kansas Health Care System (VA), provided written testimony in support of the bill. ([Attachment 8](#))

The Chair closed the hearing on **SB 183**.

Staff provided a briefing on **SB 91**, which sets new statutory maximums for fees collected by the Kansas Dental Board from dentists and dental hygienists; it also adds three new fees. A Senate amendment also gives the Board authority to require the registration of mobile dental clinics. The proposed increase in fees would result in an additional \$63,910 for the Board and concomitant contribution to the State General Fund of \$12,783; for FY 2007 the numbers would be \$139,735 and \$27,945, the variance from year to year caused by the biennial licensing sequence of dentists one year, dental hygienists the next year. The bill is supported by the Kansas Dental Association.

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 2:08 P.M. on March 9, 2005, in Room 526-S of the Capitol.

The minutes for March 8 were approved.

The meeting was adjourned at 2:50 p.m. The next meeting is scheduled for Thursday, March 10, 2005.