

**MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE**

The meeting was called to order by Chairperson Brenda Landwehr at 1:30 PM on Thursday, February 2, 2012 in Room 784 of the Docking State Office Building.

All members were present except:  
Representative Bethell - Excused

Committee staff present:  
Norm Furse, Office of the Revisor of Statutes  
Jay Hall, Kansas Legislative Research Department  
Joseph Leiker, Kansas Legislative Research Department  
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:  
Cathy Harding, Executive Director, Kansas Association for the Medically Underserved (Attachment 1)

Others in attendance:  
See attached list.

Chairperson Landwehr welcomed Cathy Harding who presented a report on the preliminary results from an independent evaluation of the Dental Hub Program, designed and operated by the Kansas Association for the Medically Underserved (KAMU) and its member clinics. (Attachment 1)

**HB 2525—Amendments to the optometry law**

The Chair proceeded to work the bill.

Representative Crum made a motion to amend the bill to create in the state treasury the optometry litigation fund. All moneys credited to the fund shall be used to pay all costs and fees associated with litigation expenses of the board of examiners in optometry. The fund shall be administered by the board. The motion was seconded by Representative Mast. The motion carried.

Representative Crum made a motion to cap the fund at \$400,000. The motion was seconded by Representative Bollier. The motion carried.

Representative Mast made a motion to pass out the bill as amended favorable for passage. The motion was seconded by Representative Calloway. The motion carried.

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## CONTINUATION SHEET

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### **SB 211–Pharmacists; dispensing prescriptions**

Revisor Furse noted that this is a carryover bill and was introduced last year so it reflects some dates that are out of date and he referenced the items that needed to be changed. On page 1, line 23, the term legend drug is used. Legend drug is a perfectly good term and it means the same as prescription drug. In the pharmacy act the defined term is prescription drug so to be consistent, the term prescription drug should be inserted in place of the term legend drug.

*Representative Flaharty made a motion to accept the technical changes as suggested by Revisor Furse. The motion was seconded by Representative Mast. The motion carried.*

*Representative Mast made a motion to pass out the bill as amended favorable for passage. The motion was seconded by Representative Flaharty. The motion carried.*

### **HB 2159–Physical therapists evaluation and treatment of patients**

The Chair proceeded to work the bill.

Revisor Furse noted that this is a carryover bill and was introduced last year so it reflects some dates that need to be updated. He also noted this section of the bill was amended last year in which the name of the advanced registered nurse practitioners in the nursing act was changed to advanced practice nurses and there were a number of references throughout the statutes that relate to that. He recommended doing a substitute bill to include all of these changes as well as any amendments made to the bill by the committee.

*Representative Flaharty made a motion to adopt the substitute bill with the technical changes suggested by Revisor Furse. The motion was seconded by Representative Mast. The motion carried.*

*Representative Bollier made a motion to propose to change the language on page 1, line 25, substituting the word “continuation” with the word “combination”. The motion was seconded by Representative Calloway. The motion carried.*

*Representative Bollier made a motion to make a change to add after the word “thereof” the words “after ten patient visits or” and to change from a “period of 45 calendar days” to a “period of 30 calendar days”. The motion was seconded by Representative Calloway. The motion carried.*

*Representative Bollier made a motion to add “(d) Physical therapists may not provide debridement and wound care services, nor initiate treatment of a patient who has an acute cardiac or pulmonary condition without a referral by a physician.” Representative Otto seconded the motion.*

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There was much discussion on the suggested amendment. It was also determined to be difficult to define a medical condition such as an acute cardiac or pulmonary condition in this statute for physical therapists when the definition is not anywhere in the medical statutes.

The motion to add amendment "d" as outlined above failed.

Representative Bollier made a motion to add "(e) A hospital or ambulatory surgical center may require that physical therapy services provided in such facility must be authorized by a physician member of such facility's medical staff." The motion was seconded by Representative Weber. The motion failed.

Representative Bollier made a motion to add "(f) Notwithstanding the provisions of this section, nothing in the physical therapy practice act shall be construed to prohibit any individual, group or blanket policy of accident and sickness, medical or surgical expense insurance coverage or any provision of a policy, contract, plan or agreement for medical service, from requiring as a condition of coverage of physical therapy services that such physical therapy services are medically necessary as determined by a physician." There was no second for the motion so the motion failed.

Representative Flaherty made a motion to pass out the substitute for **HB 2159** as amended favorable for passage. The motion was seconded by Representative Trimmer. The motion carried. Representative Bollier requested to be recorded as a no.

Chairperson Landwehr inquired as to whether there were any bill introductions.

Representative Bollier made a motion to introduce a dental care bill to reach a place of compromise between all parties and to provide an opportunity for dentists who are retired to operate without a liability insurance requirement. The motion was seconded by Representative Mah. The motion carried.

Representative Landwehr made a motion to introduce a bill to reverse the SRS decision on food stamps for children of illegals. The motion was seconded by Representative Flaherty. The motion carried.

The meeting was adjourned at 3:00 p.m.

The next meeting is scheduled for February 6, 2012.