

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on March 09, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Fund – excused  
Representative Huebert - excused  
Representative Kiegerl - excused  
Representative Seiwert – excused  
Representative Peterson - excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Kathy Ostrowski, Legislative Director, Kansans for Life  
Herbert Hodes, M.D. Center for Women's Health

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2337 Licensing of abortion clinics by department of health and environment.**

Mike Heim reviewed the thirteen sections in the bill.

Representative Brunk asked for a definition of “culpable mental state” in Section 8 on page 5. Mike said it is not considering the mental state when a crime is committed because that is no excuse for the crime. Representative Loganbill asked Mike if he was aware of any other statute that goes into this amount of detail for any other medical condition. Mike said he was not the best one to answer that question. Representative Knox asked if doctors offices, hospital and surgical centers were licensed now by KDHE? Mike said there was a license procedure but again, he is not the best one to ask. He also asked if the fee structure was similar to the fees in this bill. Representative Brunk said that a revised fiscal note was coming.

Kari Bruffett, Assistant Secretary, Policy & External Affairs, Kansas Department of Health and Environment said that a new fiscal note was being worked on and would be made available soon. Representative Knox asked if the inspections and licensure were fee funded? Charles Moore, KDHE answered the question in relation to hospitals. State licensing is all state funds. Once a hospital is medicaid, medicare certified, then there is a combination of Federal and state money.

Kathy Ostrowski, Legislative Director of Kansans for Life presented testimony as a proponent of **HB 2337 (Attachment 1)**. She said that abortion clinic licensure is on firm constitutional ground. **HB 2337** is based on the abortion industry's own professional standards, and for the most part, is identical to the bills that were passed and vetoed in 2003 and 2005. The attachments mentioned in her testimony are available from Kansans for Life.

Representative Brunk called attention to the fact that two other legislative bodies had passed very similar bills in 2003 and 2005. Representative Rubin asked what the status of Krishna Rajanna's license was. Kathy said that it was eventually revoked.

Herbert Hodes, M.D., Center for Women's Health, presented testimony as an opponent of **HB 2337 (Attachment 2)**. He said that the authors of **HB 2337** ignored the May 2002 Guidelines for Office-Based Surgery passed by the Kansas Board of Healing Arts.

Representative Gatewood asked for an explanation of the RU486 portion of the bill. Dr. Hodes said that

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he did not prescribe RU486 because he was not comfortable with some of its issues. The main thing is where does the patient live and how willing is she to come back. He said that that portion of the bill was perfect. Representative Wolfe Moore stated that this bill was about asking to legislate guidelines for a procedures, and in affect, overruling the physicians and surgeons who set out these guidelines. Representative Knox asked if disclaimers of liability were standard procedure? Dr. Hodes said that you cannot give away your privileges. Patients sign the disclaimer because they want the surgery. The reason for the disclaimer is to get the patient to return to us for a follow up exam.

Representative Patton said that you mentioned that there had been many deaths over the last few years from abortions with unintended outcomes, how many? Dr. Hodes denied that he said many deaths. He said there had been a few in Kansas, maybe 5 maternal deaths in the last 5 years or 10 years.

The Chairman said that he would keep this hearing open for a later date.

The next meeting is scheduled for March 10, 2011.

The meeting was adjourned at 3:15 p.m.