

## MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Brenda Landwehr at 1:55 P.M. on March 17, 2008 in Room 526-S of the Capitol.

All members were present except:

Representative Schroeder, Excused  
Representative Shultz, Excused  
Representative Colyer, Excused

Committee staff present:

Norman Furse, Revisor of Statutes Office  
Dianne Rosell, Revisor of Statutes Office  
Melissa Calderwood, Kansas Legislative Research Department  
Cindy Lash, Kansas Legislative Research Department  
Chris Haug, Committee Assistant

Conferees appearing before the committee:

Robert Waller, Chief Administrator for the Kansas Board of Emergency Medical Services  
Diane Glynn, J.D., R.N., Practice Specialist  
Chad Austin, Vice President, Government Relations, Kansas Medical Society (KMS)  
Sarah Tidwell, M.S.N., R.N. VP of the Kansas State Nurses Association (KSNA)  
Tony Anno, BSN, R.N. St. Jude Medical  
Dan Morin, Director of Public Affairs, Kansas Medical Society  
Representative Gene Rardin

Others Attending:

See Attached List.

The hearing for **SB512 - Emergency medical services, attendant's certificate requirements** was opened.

Proponents:

Robert Waller, Chief Administrator for the Kansas Board of Emergency Medical Services (KBEMS) provided testimony in support of **SB512**. (Attachment 1) The passage of **SB512** provides assurance to the general public that KBEMS has provided the appropriate screening of applicants and ensures KBEMS responsibility to public safety. There was a question on what was being struck. Mr. Waller will provide a balloon on exactly what he would like to have removed or changed. There was a question about whether there was a shortage of EMT's. Mr. Waller said 40% of EMT's are volunteer jobs. KBEMS is currently stable. He couldn't say it will be stable next year.

There was no additional testimony.

The hearing for **SB512** was closed.

The hearing for **SB107 - Fingerprinting and criminal history background checks for certain licensees of the board of nursing** was opened.

Proponents:

Dianne Glynn, J.D., R.N., Practice Specialist, Kansas State Board of Nursing spoke in support of **SB107**. (Attachment 2) Ms. Glynn provided testimony on behalf of the board members to provide support for this bill which will allow the Board of Nursing to ask an applicant for licensure to be fingerprinted and submit to a national and state criminal history record check.

There was discussion regarding the expungement of records in page 1, line 32 and 33. Ms. Glynn said it was important to see the pattern of convictions. There was additional discussion about if the law only allowed adult convictions, would it severely limit their ability to hire. Ms. Glynn said it would limit them, but not severely. There was a question about the pass through fund on line 34. Ms. Glynn said the money would not count against them for appropriations purposes. The committee has concerns about including juveniles. There was more discussion about KBI and FBI history records. The language is necessary to get the Federal

## CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:30 P.M. on March 17, 2008 in Room 526-S of the Capitol.

records. The KBI will pass the fees onto the FBI. They do not get juvenile history with federal requests, only adult history. If the non-conviction language is struck, they would need to check with the KBI to insure the language wasn't required by the FBI. Dianne Rosell, Revisor of Statutes, said the background check and fingerprinting language from the gaming bill was, "magic language". The Feds place different requirements on different requests. Ms. Rosell provided a balloon on this bill. (Attachment 3) Ms. Rosell is doing additional research on adjudication.

Chad Austin, Vice President, Government Relations, Kansas Medical Society, spoke in favor of **SB 107**. (Attachment 4) They feel it is a good policy to have background checks on nurses.

Opponents:

Sarah Tidwell, M.S.N., R.N. Vice President of the Kansas State Nurses Association (KSNA) provided testimony against **SB107**. (Attachment 5) KSNA would like to amend line 32 and 33 and take off reference to juveniles and the expunged records. They would also like clarification of whether this language is needed by the FBI. There was discussion about the review committees and looking at convictions and expungement. Ms. Tidwell said she would not have looked at the arrest records as strongly as she would the conviction records.

Tony Anno, BSN, R.N., St. Jude Medical gave testimony against **SB107** (Attachment 6). Mr. Anno believes this is an intrusion on personal rights.

Dan Morin, Director of Governmental Affairs, Kansas Medical Society, did not have written testimony but wanted to speak on a possible amendment to this bill. **SB81-H Sub for S 0081 by Committee on Health and Human Services--Health reform act of 2008** was recently melded into **HB2620 -State board of healing arts, non-disciplinary resolutions**. This is currently in Senate Health Care Strategies. They have concerns about arrests and expungement. The selectivity part of the bill or choosing the Nurses bothered them. The burden of the cost on the license applicants also bothers them. There was discussion about whether the language still exists in the modified **HB2620** bill and it does. There was discussion about which titles currently need to be fingerprinted. Larry Buening, Executive Director, Board of Healing Arts, made a comment about this. Attorney's are required, people who work in day care, nursing homes and there are a few others. (No Written Testimony)

Written Testimony against the bill was provided by Julie Reyes, RN, Kansas City Kansas. (Attachment 7)

The hearing on **SB107** was closed.

The hearing on **HB2914 -Enacting the pharmaceutical manufacturing disclosure act** was opened.

Representative Gene Rardin, provided testimony in support of **HB2914**. (Attachment 8) This bill is designed to educate the consumer about the practices of pharmaceutical companies in working with their physicians. There was discussion on how this benefits the consumer. Representative Rardin said this helps the consumer by opening up the records and getting the information out there. Is marketing driving the high cost of pharmaceuticals? There was further discussion about whether the cost of research of drugs would need to be included and what the health benefit is. Representative Rardin said it is more of an economical benefit.

Written testimony in support of the bill was provided by Ernest Kutzley, Advocacy Directory for AARP, (Attachment 9) and John Cattelino (Attachment 10)

The hearing on **HB2914** was closed.

The meeting adjourned at 3:22 p.m. The next meeting was scheduled for March 18, 2008.