

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 18, 2002 in Room 210 Memorial Hall

All members were present except: Representative Patricia Lightner, Excused

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department
Norman Furse, Revisor of Statute's Office
Renea Jefferies, Revisor of Statute's Office
June Evans, Secretary

Conferees appearing before the committee: Rob Linderer, Executive Director, Midwest Transplant Network
Marsha Schoenfeld, Family Services Coordinator, Midwest Transplant Network
Sheila J. Walker, Director, Division of Vehicles
Julie J. Hein, government affairs consultant, National Kidney Foundation of Kansas and Western Missouri
Chris Collins, Director of Government Affairs, Kansas Medical Society
Sally Finney, Kansas Public Health Association, Inc.
W. Kay Kent, RN, MS, Administrator/Health Officer, Lawrence-Douglas County Health Dept.
Terri Roberts, J.D., R.N., Executive Director, Kansas State Nurses Association
Representative Welshimer
Tom Bell, Senior Vice President/Legal Counsel Kansas Hospital Association
Fred J. Lucky, Vice President/Finance, Kansas Hospital Association
Larrie Ann Lower, Executive Director of the Kansas Association of health Plans (KAHP)

Others attending: See Attached Sheet

The Chairman stated after tomorrow this committee would be working bills, so please be on time.

The Chairman referred **HB 2715 - Assistance animals for handicapped and disabled persons** to the Sub-Committee on Credentialing.

The Chairman opened the hearing on **HB 2808 - Organ Donation Registry Program, Division of Vehicles.**

Staff gave a briefing on **HB 2808.**

Representative Storm stated this bill had been patterned after the Michigan bill and introduced Rob Linderer, Director, Midwest Transplant Network.

Rob Linderer, Executive Director, Midwest Transplant Network, testified in support of **HB 2808**, stating the organization is a non-profit, federally designated organ procurement organization (OPO) serving the state of Kansas and 62 counties in western Missouri. They have been in operation for almost 30 years and are responsible for providing organ procurement and transplant services to 6 transplant centers and procurement services to more than 200 other hospitals. In addition, they also recover tissues and eyes for transplantation. Midwest

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on February 18, 2002.

Transplant Network staff work collaboratively with other healthcare professionals and organizations to coordinate the medical/legal aspects of donation necessary to provide transplant organs and tissues to patients locally and throughout the country. As a federally certified OPO, they are members of the National Organ Procurement and Transplant Network (OPTN) administered by the United Network for Organ Sharing (UNOS).

HB 2808 would provide a timely means of accessing information regarding an individual's intention to be an organ or tissue donor and provide additional means for people to participate in the registry.

Currently, Kansas law provides the means for an individual of legal age to indicate their wishes regarding donation on the back of their driver license or by an organ donor card. Although these documents provide legal consent, in most situations they are not available at the precise time they are needed. The voluntary registry would provide an around-the-clock, accessible means for authorized procurement personnel to verify a deceased person's intent to donate. Although registry participation would not constitute legal consent, it would provide the person approaching their next-of-kin with information that would help them fulfill their loved-one's wish to be a donor (Attachment 1)

Marsha Schoenfeld, Family Services Coordinator, Midwest Transplant Network, testified as a proponent, stating her husband was killed in an automobile wreck and since they had talked about him being a donor she knew that was his wish.

Sheila J. Walker, Director, Division of Vehicles, testified stating if **HB 2808** were passed, it would provide for the distribution of educational information regarding the collection and transfer of organ and tissue donor information, to a statewide organ and tissue donor registry, accessible by federally designated organ procurement organizations. The bill requires the state to disseminate donor education information with drivers' license renewal notices. The state currently mails approximately 300,000 driver's license renewals annually. The postage costs for these mailings would increase approximately \$70,000 per year. Request amendment making it clear that the Kansas federally designated organ procurement organization provide and maintain the education materials that are to be distributed.

Donors wishing to participate would have their name and address automatically forwarded to the donor registry – preferably electronically. This change would require five days of programming to develop a method of electronic transmission to the donor registry, at an in-house cost of \$1,200 (Attachment 2).

Julie J. Hein, Government Affairs Consultant, National Kidney Foundation of Kansas and Western Missouri testified in support of **HB 2808**. The mission is to assist patients with kidney disease and one of the goals is increasing organ donation awareness. Ms. Hein has been a kidney donor. Some people believe if they have the organ donor sticker on the front of their driver's license that is all they need, but they must also sign the back of their driver's license along with two witnesses. **HB 2808** gives individuals additional opportunity to designate their wishes (Attachment 3).

Chris Collins, Director of Government Affairs, Kansas Medical Society, testified in support of **HB 2808**. The Kansas Medical Society strongly supports any and all efforts to increase the number of organ donors (Attachment 4).

Representative Jim Garner, provided written testimony in strong support for **HB 2808** which would create an organ donor registry through the federally designated organ donor bank, the Midwest Transplant Network (Attachment 5).

The Chairman closed the hearing on **HB 2808**.

The Chairman opened the hearing on **HB 2809 - Public health department, duties, tests and inoculations of pupils enrolled or enrolling in schools.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on February 18, 2002.

Staff gave a briefing on **HB 2809**.

Sally Finney, Kansas Public Health Association, Inc., testified as a proponent to **HB 2809**, which is to protect the limited local resources of local health departments as they struggle to provide an ever-expanding array of essential health services to the public. KPHA asks the bill be amended to retain current language on line 20, reverting back to “may” rather than “shall” (Attachment 6).

W. Kay Kent, RN, MS, Administrator/Health Officer, Lawrence-Douglas County Health Department, testified in support of **HB 2809**, with the exception that in line 20 “shall” be changed back to “may” (Attachment 7).

Terri Roberts, J.D., R.N., Executive Director, Kansas State Nurses Association, provided written testimony in support of **HB 2809** (Attachment 8).

The Chairman closed the hearing on **HB 2809**.

The Chairman opened the hearing on **HB 2801 - Prompt payment of refunds by health care providers**.

Staff gave a briefing on **HB 2801**.

Representative Welshimer, a proponent, who introduced this bill stated it would require a medical provider to provide reimbursement to the patient within 30 days after the reimbursement is accrued on the provider’s bookkeeping system (Attachment 9).

Tom Bell, Senior Vice President/Legal Counsel introduced Fred J. Lucky, Vice President/Finance, Kansas Hospital Association, who testified as an opponent to **HB 2801**. The bill requires that, in the event any health care provider is paid more than such provider is entitled to receive from a consumer, such provider shall promptly refund the overpayment amount to the consumer within 30 days from which the overpayment accrued on such provider’s bookkeeping system. KHA supports the prompt repayment to consumers of funds that are contractually and legally owed. However, **HB 2801** does not accomplish this and is unworkable (Attachment 10).

Larrie Ann Lower, Executive Director of the Kansas Association of Health Plans (KAHP), testified as an opponent to **HB 2801**. During the 2000 Legislative Session, K.S.A. 40-2440 through 40-2442 were passed and these statutes created the Kansas Health Care Prompt Payment Act.

HB 2801 refers to K.S.A. 60-513d and amendments thereto as the definition of “health care provider.” Included in that definition of providers is the language “a health maintenance organization.” Since HMO’s are required to comply with the provisions of the current prompt payment act for accident and sickness insurance (K.S.A. 40-2440 through 40-2442), we ask that the following amendment be adopted to clarify that the provisions of this bill do not apply to HMO’s (Attachment 11).

Chris Collins, Director of Government Affairs, Kansas Medical Society, testified as an opponent to **HB 2801**. The current health care payment system is a complex and time consuming process that involves industry-specific accounting and valuation mechanisms. The payment of a medical claim is a time-consuming and expensive process involving multiple parties. There is already a proliferation of federal statutes and regulations governing the payment of claims (Attachment 12).

The Chairman closed the hearing on **HB 2801**.

The meeting adjourned at 3:15 p.m. and the next meeting will be February 19.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210,
Memorial Hall at 1:30 p.m. on February 18, 2002.