

## 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 April 4, 2002 in Room 210, Memorial Hall

All members were present except:            Representative Lana Gordon, Excused  
   Representative Peggy Long, Excused  
   Representative Dale Swenson, Excused  
   Representative Jonathan Wells, Excused

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

Conferees appearing before the committee:    Senator Susan Wagle

Others attending:    See Attached Sheet

The Chairperson called the meeting to order, announcing since the hearings have not been closed, and Senator Wagle could not make it on Monday, would take her testimony today.

Senator Wagle stated in 1995 she was diagnosed with Stage 4 non-hodgkins lymphoma. She was treated by her oncologist and went to the Mayo Clinic. The medical doctors did not mention the alternative medicine that was so helpful. After it was announced she had cancer individuals showed up at her door with unscrupulous items for sale they claimed was a cure. Some wanted to take her to Mexico for thousands of dollars. This is very profitable, charging hundreds or thousands of dollars they claim is a cure. These people are preying on the ill. This type of person should be stopped and the naturopathic doctors should be allowed to prescribe alternative care and that is why **SB 610** should be passed (Attachment 1).

The Chairperson closed the hearing on **SB 610**.

The Chairperson stated there would not be a meeting tomorrow. No meetings are scheduled for Monday or Tuesday because we don't know if we will be here. We have meetings on call for Wednesday and Thursday of next week. The Chairman of the Credentialing Sub-Committee will continue giving his report on their findings. He did not get to complete his report that was accepted here earlier and he didn't get to finish in sub-committee because of the length of time in trying to resolve all of the issues.

Vice Chairperson Morrison said the sub-committee had presented to the full committee a record of the minutes, and all of the amendments which had been considered as a sub-committee. Those were put together in a balloon which were distributed. Other amendments will be coming forward such as the Healing Arts Board, Kansas Medical Society and others. We did not have the time to accept more amendments. This is a very complex issue, not easy to work, and that is where we are.

The Chairperson said he pushed the Sub-Committee to get a result out before the standing committee. We try to push 365 days of work into 90 days and this bill was certainly limited because it was started in the Senate as opposed to the House. I have heard 2 or 3 times that having a vote is a very important part of it. I for one have dealt with this issue on 3 different occasions and there have been votes on it every time so I am not sure that having a vote is all that valid at this point, but if that is what you want we can accommodate. I have tried to set here and take the middle ground to see if there was in some way that we could cut something like 7 or 8 different amendments. Frankly, we just don't have the time to do that. We have been advised there are not going to be any summer interim committees which I think would be a great thing. I know you do not want to spend a lot more time going through a process.

## CONTINUATION

MINUTES OF THE HEALTH AND HUMAN SERVICES COMMITTEE, Room 210, Memorial Hall at 1:30 p.m. on April 4, 2002

Frankly, I am a little tired of it myself. We don't seem to be a whole lot further ahead each time this issue comes up. You would think some progress could be made in previous years but it doesn't seem to be that way. I came up with some suggestions and I am going to mention what these suggestions are. If we can't get together before next Wednesday on some of those suggestions, I don't have a good feel for where we are and one thing I would like to do at this point is thank all of the members of the Sub-Committee and all of the time they have spent on this issue. Time is of the essence. One of the things I personally think we should do is back off from licensure this year. I think there has been enough evidence presented and enough concern that licensure at this point and time might be too aggressive and possibly certification or registration would be an attempt to move toward licensure within the next 2 to 3 years with an agreed upon legislative package where the Board of Healing Arts could go ahead and do research work and make sure the requirements for licensure, and I realize some of you don't like the idea of the Board of Healing Arts. If you don't like the ideas I am pointing out, if you would come up with a suggestion, that could be workable, under the procedures there are some real concerns about those, especially on the IV but I am not so sure that it can't be worked out. I think we probably need to have a board that would work on alternative and complementary medicine that would possibly be under a separate board or possibly under KDHE. There are so many disciplines out there that we don't have that good of a handle on. I think there needs to be a little understanding, a little give and take on both sides and possibly we can get to something that would be workable. It won't be what either side really wants probably, but something that will get us down the road and on the path of licensure.

Representative Welshimer said the Sub-Committee did a lot of work on the bill and most of the amendments were clean up and technical and the staff fixed those up very well. Would like to see if Committee would like to keep the bill together, go through the amendments and keep them on the bill.

Chairman Boston said what he is saying is the recommendations I have would expedite the process. Have no problem with doing this as time presents itself. Frankly, think before we can get through that whole process we might run out of time. If that is what you want to do, we will work it as time allows.

Representative Welshimer said the amendments the sub-committee worked are just corrections and put back in the insurance, formulary is in the bill and another amendment that takes the word "naturopathy" out of the bill and leaves terminology of "naturopathy medicine terminology" and it reads beautifully. The staff has worked very hard on it.

Representative Kirk said she agreed, the sub-committee had worked very hard on this and would hate for the committee to not accept the balloon and don't want to stop now.

Representative Morrison suggested we all work on it next week, bring all the amendments and listen very closely to the suggestions that the Chairman made as to whether registration or whatever might be the way to go. This is a very complex issue. I know you are shaking your head "no" but the alternative might be no bill.

Representative Welshimer asked, wouldn't it be easier to have this bill cleaned up and all in one piece then look at the KMS amendment?

Representative DeCastro said what I am understanding is the representatives are saying we should work the bill with the trial lawyers language and come back and amend. Object to that, we need to look at the KMS amendment. Am willing to work the bill but with the other amendments.

The Chairperson said maybe he did not make himself clear, what he said was to expedite and get us to a point of agreement if that agreement was there. Want to get people together and work it out. We will work the bill. I am trying to eliminate, get people together where they can agree on things that they are agreeable to and get the product actually handled where once we start going this other route of working the bill, what I am trying to say is that we are limited on

## CONTINUATION SHEET

MINUTES OF THE HEALTH AND HUMAN SERVICES COMMITTEE, Room 210, Memorial Hall at 1:30 p.m. on April 4, 2002

the amount of time and if this is going to work like it has so far we probably are not going to get to a conclusion on it. We need to go through it and if enough time, fine, we will do it that way

Representative Storm said the amendments made in the sub-committee were much more than technical and clean up, much more than crossing the t's and dotting the i's.

While the Medical Society did not present amendments to the committee, they were working and negotiating with the naturopathic doctors. To say the Kansas Medical Society's wishes were not considered in the sub-committee is an overstatement.

Representative Flaharaty said it would be a lot simpler when we start working the bill, to start with the sub-committee amendment.

Chairman Boston said that was correct. That was the intent.

Representative Kirk said much of the controversial pieces taken care of in the balloon were done because there was a compromise out there. There are some pieces we did not deal with and those are the things we need to work on. The balloon is a starting point.

Representative Kirk moved the Committee accept the balloon of the sub-committee.

The Chairman said that was out of order. We want the members and audience to know what we are doing and explained the process again.

Representative Kirk moved and Representative Lightner seconded the full committee accept the sub-committee's balloon. The motion carried.

The Chairman stated we would work from the revised balloon dated March 25.

Representative Storm moved and Representative Lightner seconded to accept amendment and sub-committee report. The motion carried.

The Chairman suggested that negotiations take place and try to expedite between now and Wednesday and will come back and work the bill.

The following attachment was distributed: Boyd J. Landry, Executive Director, The Coalition for Natural Health (Attachment 2).

The meeting adjourned at 2:10 p.m. The next meeting will be April 10.

