

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:30 p.m. on March 16, 2004 in Room 526-S of the Capitol.

All members were present except:

Representative Brenda Landwehr- excused  
Representative Joe McLeland -excused

Committee staff present:

Dr. William Wolff, Legislative Research Department  
Renae Jefferies, Office of Revisor of Statutes  
Gary Deeter, Secretary

Conferees appearing before the committee:

Senator Barbara Allen  
Paul Morrison, District Attorney, Johnson County 10<sup>th</sup> Judicial District  
Jerry Slaughter, Executive Director, Kansas Medical Society  
Amy Campbell, Kansas State Ophthalmological Society  
(written testimony only) Gary Robbins, Executive Director, Kansas Optometric Association

Others attending:

See Attached List.

Acting Chair Nancy Kirk opened the hearing on [SB 466](#), a bill which deals with reporting medical information to the Division of Motor Vehicles.

Senator Barbara Allen spoke as a proponent. ([Attachment 1](#)) She said the bill will allow a physician or optometrist to report to the appropriate authorities a condition in a patient which could prevent that patient from safely operating a motor vehicle, noting that the Senate adopted amendments suggested by the Kansas Medical Society.

Paul Morrison, District Attorney for Johnson County's 10<sup>th</sup> Judicial District, spoke in support of the bill. ([Attachment 2](#)) He stated that the bill updates the statutes ([K.S.A. 8-255c](#)), which currently do not address privacy or privilege issues, noting that the bill protects these health-care providers from civil liability, also protecting them from the strictures of HIPAA (Health Insurance Portability and Accountability Act) regarding privacy and confidentiality.

Answering questions, Mr. Morrison said the reporting procedure sets in motion a process to review the patient's driver's license, but does not automatically result in revocation of the license. He said there is no mandate in the bill requiring a physician to make a report, and it provides confidentiality assurances for the doctor and the patient; the medical information can be released only by order of a district court.

Jerry Slaughter, Executive Director, Kansas Medical Society, testified as a proponent. ([Attachment 3](#)) He said the bill is a positive step which brings Kansas in line with most other states regarding such

## CONTINUATION SHEET

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reporting procedures. Answering a question, he said that the bill allows privilege to be waived.

Members observed that the bill appears to protect the person on the street, the patient, and the health-care professional.

Answering another question, Martha Bean, Administrator for Driver's License Review, said that when a report is received, the review team does not automatically revoke a person's license, and any revocation is not permanent; a further positive medical report allows the person to renew his or her license.

Amy Campbell, Kansas State Ophthalmological Society, spoke as a proponent. ([Attachment 4](#)) She encouraged the Committee to retain the Senate amendments, noting that her governing board is in full support of the bill.

Not appearing, but providing written testimony as a proponent: Gary Robbins, Executive Director, Kansas Optometric Association ([Attachment 5](#))

The Chair closed the hearing on **SB 466**.

Staff Bill Wolff briefed the Committee on **SB 426**, which creates an institutional license under the Board of Healing Arts, saying that the statute would authorize the Board of Healing Arts to issue an institutional license to persons who are graduates of accredited schools of medicine or osteopathic medicine, who have had at least two years of approved postgraduate training in the United States, and who are employed by the Kansas Department of Social and Rehabilitative Services or the Kansas Department of Corrections, noting that the license may be renewed for another two-year period if the licensee's supervisor signs the renewal application.

Regarding **HB 2832**, Dr. Wolff said the bill addresses certification of emergency medical services attendants and the issuing of temporary certificates. He said the bill extends the temporary certification to two years and sets up a new process and standards for receiving a temporary license.

The minutes for 3-15-04 were approved.

A motion was made to work **SB 466**.

A further motion was made to recommended **SB 466** favorable for passage. The motion was seconded and passed.

The meeting was adjourned at 2:05 p.m. The next meeting is scheduled for Wednesday, March 17, 2004.