

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE.

The meeting was called to order by Chairperson Jim Morrison at 1:35 p.m. on March 13, 2003, in Room 143-N of the Capitol.

All members were present except Representatives Landwehr, Holland, Patterson, Hill, and Goico, all of whom were excused.

Committee staff present:

Bill Wolff, Kansas Legislative Research Department
Rena Jefferies, Kansas Revisor of Statutes' Office
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Chris Davlantes, Emergency Room Physician, Olathe Medical Center
Tuck Duncan, Topeka Attorney, American Medical Response
Chris Collins, Director of Government Affairs, Kansas Medical Society

Others attending: See Attached Guest List

The minutes for the 3-12-03 meeting were unanimously approved.

Representative Flaharty chaired the hearing on **SB 132**. She welcomed Dr. Chris Davlantes, an Emergency Room physician from the Olathe Medical Center, who, representing the American Heart Association, spoke in support of the bill, saying the only treatment for certain kinds of heart attacks is an automated external defibrillator (AED). (Attachment 1) He cited statistics to illustrate the value of such devices, stating that widespread distribution of this equipment could save the lives of an additional 50,000 individuals nationwide. Noting that a Good Samaritan might fear liability, he said the bill will alleviate such fears.

Answering questions, Dr. Davlantes said each unit costs about \$2500. He said there have been no successful lawsuits against a person using an AED; however, there have been several cases of litigation for not having one available. Staff noted that no fiscal note was listed, since the Department of Administration is mandated only to develop guidelines for placement of the devices, not to purchase them.

Kevin Walker, American Heart Association, commented on an amendment suggested by Kansas Medical Society, which adds language to clarify the original intent of the bill. (See amendment at the end of Attachment 3)

Tuck Duncan, a Topeka attorney speaking for John Hayworth, Kansas Director of Operations, American Medical Response, spoke in support of the bill, noting the bill's focus on training, maintenance and placement. (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at on March 13, 2003, in Room 143-N of the Capitol.

Answering a question regarding any contraindications of the device, Mr. Duncan said a person is legally safer to take positive action and use an AED; lawsuits are more likely for acts of omission. Dr. Davlantes stated that the device will deliver a shock to the heart only when one is needed.

Chris Collins, Director of Governmental Affairs, Kansas Medical Society, testified in support of the bill. She said the KMS encourages widespread availability of the devices, adding that physicians are slightly uneasy with the change in immunity for physicians. (Attachment 3)

Carolyn Mittendorf (Kansas State Nurses Association) and David Lake (Kansas Board of Emergency Medical Services) submitted written testimony. (Attachments 4 and 5)

Gary White, an attorney serving as Vice President of Kansas Trial Lawyers Association, said he had worked with all the originating principals of the bill, stating that the KTLA supports the concept of the bill and desires only to clarify one small point.

The hearing was closed for **SB 132**.

The Chair reminded members of their sub-committee assignments, noting a change replacing Representative Landwehr with Representative Williams. (Attachment 6) He said that **SB 225** would receive a briefing on March 18 and a hearing on March 20, with possible sub-committee deliberations on March 21 and 24. (Attachment 7)

The meeting was adjourned at 2:15 p.m. The next meeting is scheduled for Monday, March 17, at 1:30 p.m.