

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 7, 2001 in Room 231-N of the Capitol.

All members were present except: Senator Haley (EA)

Committee staff present: Ms. Emalene Correll, Legislative Research Department
Mr. Norman Furse, Revisor of Statutes
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Rebecca Zapick, Intern for Senator Barnett
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee: Ms. Mary Blubaugh, Executive Director, Board of Nursing
Ms. Terry Roberts, Lobbyist,
Kansas State Nurses Association

Others attending: See attached guest list.

Hearing on HB 2313 - State Board of Nursing approval of schools and programs

Upon calling the meeting to order, Chairperson Wagle announced that there would be a hearing on HB 2313 and SCR 1609 and asked that Mr. Norman Furse, Revisor of Statutes, give an overview of the bills

Mr. Furse began with HB 2313. Highlights of Mr. Furse's overview included: terminology changes from "accredited," referring to schools, to "approve," refresher courses for mental health technicians who had not practiced for a period of time, allow the Board to approve schools of nursing and programs for up to ten years, and two technical points in the bill. The two technical points touched on were: 1) if you are enrolled in the study of nursing you are not prohibited from distributing anesthesia, and 2) language adjustment regarding IV therapy. He stood before the Committee for questions.

Discussion between Senators Barnett and Salmans, Ms. Correll and Mr. Furse regarding literature Senator Barnett had received earlier in the session relating to nursing licenses and history of felons and so forth and was this a separate bill. Ms. Correll stated that the nurse practicing act was the only act that prohibited some persons who had been convicted of certain felonies from ever being licensed and that the Health Care Oversight Committee bill deleted that provision. Mr. Furse stated this was a House bill which had hearings and the House committee did not recommend the legislation.

Chairperson Wagle then recognized Ms. Mary Blubaugh, Executive Director, Board of Nursing to give the first of two proponent testimonies. Ms. Blubaugh defined the term "approved" as a mandatory and legal recognition of a program to begin or continue to operate by meeting essential standards. She defined "accreditation" stating it generally considered a voluntary process that focuses on program excellence and is conducted by peers. She stated in summary that HB 2313 contains a number of changes that clarify or updates current statutory language and that the Board has responded to the needs of the nursing community while considering the safety issues of the public. A copy of her written testimony is (Attachment #1) attached hereto and incorporated into the Minutes by reference.

The second proponent recognized by the Chairperson was Ms. Terry Roberts, Lobbyist, Kansas State Nurses Association. Ms. Roberts stated that the KSNA supports the license sections because it more accurately reflects the process that the agency goes through in determining the appropriateness of the qualification of applicants for licensure and the new language proposed on page eight should reduce the duplication that programs now experience when participating in the BON approval/renewal process. A copy of her written testimony is (Attachment #2) attached hereto and incorporated into the Minutes by reference.

Ms. Roberts stated that the Senate Subcommittee is having hearings on the Board of Nursing budget regarding grace periods for nurses seeking to renew their licenses, issuing of temporary permits and on-line renewal, and auditing of license applications for CE's. She asked the Committee for a couple of days before working the bill so that they can dialogue with the Board about whether they can work on some grace period language in an amendment to **HB 2313** or work with the agency so that the temporary permits could be issued in a more customer friendly way. Chairperson Wagle stated that the minority leader had to be out of town today and he did request that she not work any bills today as he wanted to be here and be involved. So no bills will be worked today and they do have another week to work.

Senator Brungardt asked Mr. Furse if he was comfortable with the language. Ms. Roberts stated that Mr. Furse was the one who revised this. But Chairperson Wagle did remind Mr. Furse that this bill still needed some technical revisions on pages 12 and 15 and he agreed and also included pages 3 and 11. Chairperson Wagle stated that since this issue had already been discussed in Appropriations, the Committee would dialogue with Senator Salmans, who was on the subcommittee, and Ms. Roberts and Ms. Blubaugh may dialog and see if the Committee wants to amend the bill before we work it. Senator Salmans said the subcommittee asked all of the Boards in attendance to go back and review to see if they wanted to have that 30-day grace period after a birthday, which was when the permit was up for renewal.

As this would close the hearing on **HB 2313**, Chairperson Wagle introduced Senator Barnett, who began proponent testimony

Hearing on SCR 1609 - memorializing Congress regarding the high cost of prescription drugs.

Senator Barnett began pulling out, from boxes he had brought from his practice, "freebies" he had received from the pharmaceutical companies which included clocks, golf shirts, Kleenex boxes, and an invitation paying him to attend a pharmaceutical conference out of town. He said he would gladly forgo all of this sort of marketing if it would help in the reduction of prescription drugs. He also explained how his patients have no other choice but to seek alternatives for the high cost of their medications. A copy of his written testimony is (Attachment #3) attached hereto and incorporated into the Minutes by reference.

The next to give proponent testimony was Mr. Don Hill, owner of two retail community pharmacies in Emporia. Mr. Hill provided copies of manufacturers' price updates he receives each Friday from a service provider showing how price increases range in the four to five 1/2% range and this being the second or third price increase for most of the items in the last 12 months. A copy of his written testimony is (Attachment #4) attached hereto and incorporated into the Minutes by reference.

Mr. Bob Williams, Executive Director of the Kansas Pharmacists Association, submitted written testimony. A copy of his written testimony is (Attachment #5) attached hereto and incorporated into the Minutes by reference.

The last conferee to testify was Ms. Nancy Zogleman, Senior Manager, State Government Relations for Pfizer, Inc. Ms. Zogleman stated Pfizer, Inc. was concerned with some of the information in the whereas clauses. She walked the Committee through handouts of attachments and suggested balloon amendments which she believed might clarify the provisions. A copy of her written testimony and handouts are (Attachment #6 and 7) attached hereto and incorporated into the Minutes by reference.

Chairperson Wagle then asked if there were questions or comments from the Committee. Questions were asked by Senators Harrington and Barnett and Ms. Correll of Mr. Hill and Ms. Zogleman ranging from price control, discounts and co-pay, does TV advertising impact the market, and inherent safeguards, to questioning spending 20M on marketing to change a box for over the counter medicine.

Adjournment

As there were no more questions, Chairperson Wagle thanked the conferees. The meeting adjourned at 2:25 p.m.

The next meeting is scheduled for March 12, 2001.