

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on March 18, 2009, in Room 136-N of the Capitol.

All members were present except Senator Kelsey who was excused and Senator Haley who was absent.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Conferees appearing before the Committee:

Cathy Harding, Kansas Association for the Medically Underserved
Melissa Ness, St. Francis Community Service
Dan Gronniger, KVC Behavioral Healthcare
Walt Hill, High Plains Community Health Center
Robert Stiles, Primary Care
Callie Hartle, Kansas Association for Justice

Nobuko Folmsbee briefed those on the **SB 305 - Kansas tort claims act; charitable health care providers** which amends the definition of “charitable health provider.”

Senator Barnett opened the hearing on **SB 305** by recognizing Cathy Harding, Kansas Association for Medically Underserved, who stood in support on **SB 305**. Ms. Harding stated that amending the definition of “charitable health care provider” to include mental health practitioners licensed by the Behavioral Sciences Regulatory Board would allow retired mental health professionals to volunteer their time in safety net clinics (Attachment 1).

Melissa Ness, St. Francis Community Services (Attachment 2), in collaboration with Dan Gronniger, KVC Behavioral Healthcare (Attachment 3), proposed an amendment to **SB 305**. These agencies provide mental health services to children and families. The intent of their amendment is to extend tort claims coverage to child welfare providers who are under contract with the State to provide services the State would otherwise provide by including them under the definition of charitable health care providers. They further offered that extending tort claims coverage to these providers would afford protection and would ensure operations that have been crucial to assisting troubled children and families in Kansas

Questions from senators included licensure for volunteers, privatizing of child welfare case management services, claims history related to practice issues, the possible inclusion others who provide services through agreements with the State of Kansas, etc.

Walt Hill, High Plains Community Health Center in Hays, spoke in support of **SB 305**, with the request to amend KSA 75-6102, section (4) (g) to include the definition of an “indigent health care clinic” as an outpatient ~~medical care~~ clinic operated on a not-for-profit basis which has a contractual agreement with the secretary of health and environment to provide health care services to medically indigent persons. Mr. Hill added that with the inclusion of community mental health centers under the Kansas Tort Claims Act will guarantee continued access to care and treatment for Kansans with mental illness (Attachment 4).

Robert Stiles, primary care director at the Kansas Department of Health and Environment, spoke from a neutral position (Attachment 5) indicating the passage of **SB 305** as amended could hold potential benefits for medically indigent Kansans through facilitating the provision of mental health services. It would allow enrolled mental health practitioners to enter into agreement with KDHE to receive coverage under the Tort Claims Act when providing care to medically indigent persons.

Considerable discussion was heard related to providers, professional counselors, licensed social workers, psychologists, etc., referrals to sub-specialty providers, pharmacists who provide medications to medically indigent individuals, numbers of private practitioners who have agreements with KDHE, liability caps, and remuneration for providing care by the private practitioner and the clinic from where

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the care is provided. Several senators expressed concern related to the amendments proposed.

Callie Hartle, Kansas Association for Justice, speaking from a neutral position on the bill (Attachment 6), but opposing any amendments indicated that any expansion of the Tort Claims Act must be thoroughly vetted, and the Legislature presented with information from all stakeholders following full discussion and evaluation of the proposal's merits.

Chip Wheelan , executive director of the Health Care Stabilization Fund, commented briefly on the original intention of the act (no written testimony). He suggested a technical amendment to replace the Department of Social and Rehabilitation Services with the Kansas Health Policy Authority as the agency that operates programs for persons receiving medical assistance.

Senator Schmidt moved to adopt the amendment expanding tort immunity to providers of child welfare services under contract with the state, to adopt the technical amendment discussed, and to report **SB 305** favorably for passage; Senator Brungardt seconded the motion. The motion passed.

Senator Barnett called members' attention to **SB 220 -Emergency medical services; authority of the board of emergency medical services**. Robert Waller, executive director of the Kansas Emergency Services Board, commented that the current proposed bill includes all suggestions discussed at previous meetings.

Senator Wysong moved to pass out favorably substitute for **SB 220**; Senator Kelly seconded the motion. The motion passed.

The meeting was adjourned at 2:33pm

The next meeting is scheduled for March 19, 2009.