

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:35 p.m. on February 19, 2002 in Room 313-S of the Capitol.

All members were present except: Representative Judy Morrison, Excused

Committee staff present: Mary Torrence, Revisor of Statutes
Russell Mills, Legislative Research Department
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:

Sandy Barnett, KS Coalition Against Sexual/Domestic Violence
Rev. Carolyn Brown, First Unitarian Universalist Church of Wichita
Mary Harren, Catholics Free Choice
Daniel Jung, Medical Student
K.C. Keating, Medical Student
Carla Mahaney, Planned Parenthood of Kansas & Mid-Missouri
Mark Pederson, Central Family Medicine
Sylvie Rueff, Kansas N.O.W.
Emily Taylor, member of State Board of Healing Arts
Robert Williams, Kansas Pharmacists Association

Others attending: See attached list

Without objection, bill was introduced by John Peterson requesting “Just Compensation - Hauler Displacement” for solid waste companies. [HB 3002]

Without objection, bill was introduced as requested by Paul Davis representing the Kansas Bar Association making numerous revisions to Kansas Corporation Code. [HB 3022]

Chairman Mays opened the hearing on HB 2711 - Health care providers' rights of conscience act.

Mr. Williams stated the Kansas Pharmacists Association adopted a Conscientious Objection resolution at last fall's convention following a survey of members, thus the opposition to the proposed legislation is to encourage the establishment of systems protecting the patient's right to obtain legally prescribed products/services. (Attachment #1) KPhA supports the right of the pharmacist to not participate in providing specific products/services, however advocates a patient's right to obtain legally prescribed services. Of specific interest in accessibility in rural settings because often a retail pharmacist will also serve as the hospital pharmacist.

Ms. Mahany rose in opposition of **HB 2711** because of its vagueness. She referenced testimony submitted by Sean Tipton of the American Society for Reproductive Medicine (Attachment #2) and Dr. Travis Stembridge, Chairman of the Kansas Section American College of Obstetricians & Gynecologists. (Attachment #3) She cited the proposed legislation's inadequacy of addressing of the emergency occurrences. Additionally **HB 2711** elevates 'moral beliefs' to the status of race, sex, religion, disability, etc. under the anti-discrimination laws of Kansas with no legal precedence for protecting everyone's unique moral framework. Following a brief review of the proposed amendment, she stated it remains insufficient as it is more limited than EMTALA. She stated the denial of health care services because of a vague 'moral' belief should never become a civil right. (Attachment #4)

Mr. Jung discussed his concern of the future education of medical students if professors elect not to teach specific information because they personally had a moral objection to specific products/services. Due to the potential for inadequate training, he opposed **HB 2711**. (Attachment #5)

Ms. Keating rose in opposition of **HB 2711** noting adequate access to education as a concern. She also stated it serves to restrict the rights of those who agree with and/or have personal convictions that exclusion of information about, referrals for, and availability of the services outlined in the bill is immoral. She discussed the credibility and licensure problems for Kansas-educated providers will emerge in states other than Kansas with progressive policies about patient rights and education. (Attachment #6)

Ms. Taylor voiced opposition to **HB 2711** stating this legislation defines participation to include counseling, advising, referring and admitting which could deny patients the right to receive any legal procedures they need or desire. She also voiced concerned about advance directives regarding end-of-life care. (Attachment #7)

Ms. Duke stated her opposition to **HB 2711** because it imposes personal beliefs on the practice of medicine by allowing hospitals and individuals to opt out of certain medical procedures they do not approve of in addition to protecting institution and individuals from liability if a patient is harmed by the refusal to provide these services. (Attachment #8)

Ms. Reuff stated her opposition of **HB 2711** would create of medical science, and its supporting public and private organizations and environment where the abilities of the many to support optimal health for the public will be limited by the few whose personal moral beliefs are inconsistent with the ethics and goals generally regarded and legally practiced in the medical community today. (Attachment #9)

Mr. Pederson voiced opposition to **HB 2711** due to employment contracts and malpractice issues (detailed in Attachment #10). He also questioned the ability of an organization to have a conscience recognized by this proposed legislation.

Ms. Brown stated opposition to **HB 2711** as a transparent attempt to manipulate the health care system and the right of conscience for the political agenda of opposing such issues of abortion, birth control, certain kinds of medical research and end-of-life decisions. Good conscience would put the needs of patients first and seek to promote political agenda in a direct way. (Attachment #11)

Ms. Wahto provided family examples of medical treatment potentially negatively affected if **HB 2711** becomes law. She requested the committee refrain from practicing bad medicine and to work on making law that protect the health care access of all Kansans. (Attachment #12)

Ms. Harren stated various legal procedures and products prohibited by the United States Catholic bishops' *Ethical and Religious Directives for Health Care Services* although numerous Catholic couples continue to utilize those options. She urged the committee to consider this "Denial of Care" bill and impose upon the health care providers the obligation of tending to their own conscience. (Attachment #13)

Ms. Barnett stated opposition to **HB 2711** in order to prevent patients perception of the health care system as an unsafe and unsupportive arena for victims due to withholding of information. She provided statistics regarding primary health care, emergency room care and other services that abuse victims rely on in a time of great need. (Attachment #14)

The committee recessed at 3:12 p.m. with testimony for **HB 2711** to continue on February 20, 2002.