

Approved: _____

Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on February 1, 1994 in Room 526-S of the Capitol.

All members were present except: Senator Jones, Excused
Senator Salisbury, Excused

Committee staff present: Norman Furse, Revisor of Statutes
Emalene Correll, Legislative Research Department
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee: Dr. Lorne A. Phillips, State Registrar and Director,
Center for Health and Environmental Statistics,
Kansas Department of Health and Environment

Jerry Slaughter, Executive Director, Kansas Medical Society

Others attending: See attached list

Staff briefing

Staff briefed the Committee on:

SB 548 - Compilation of pregnancy termination statistics

SB 549 - Health manpower planning

SB 550 - Birth certificate procedure

Hearing on SB 548 - Compilation of pregnancy termination statistics

Dr. Lorne A. Phillips, KDHE, testified before the Committee and submitted written testimony in support of **SB 548**. Dr. Phillips noted that K.S.A. 65-2401 is being revised to add and define induced terminations of pregnancy to the definition of vital statistics. (Attachment 1)

In answer to a member's question regarding what process is currently involved in persons reporting stillbirths and induced termination, Dr. Phillips noted that the providers in some cases submit to KDHE both the stillbirth form and the induced termination reporting form. In other cases, KDHE receives one or the other, and then the data is taken from the stillbirth form and transferred to the induced termination form.

There were no opponents to **SB 548**.

Hearing on SB 549 - Health manpower planning

Dr. Lorne A. Phillips, KDHE, appeared before the Committee in support of **SB 549**. Dr. Phillips noted that the bill would allow KDHE to make full use of the health manpower information obtained from the licensing boards to carry out departmental objectives. He commented that at the present time, KDHE receives information from approximately 20 licensing and certification groups of which such information is public information, and because of the way the statute is written, KDHE cannot release that information. (Attachment 2)

Question was asked by the Chair as to what assurances we have that information that is currently confidential will not be subject to open records. Staff noted that the confidentiality provision in the statute right now might apply both to the boards and the secretary of KDHE, and questioned Dr. Phillips' statement that these are open public records at the board level. Dr. Phillips commented that the information they receive from the Board of Healing Arts, for example, is in the form of a tape, and the information on that tape KDHE uses for determining manpower purposes which is exactly the same information that anyone can obtain from the Board of Healing Arts. He noted such information provides the physician's name, address and type of practice. Dr. Phillips stated he would ask the Board of Healing Arts to provide written testimony on this issue so that the Committee can have this information when the bill is worked.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S
Statehouse, at 10:00 a.m. on February 1, 1994.

Jerry Slaughter, KMS, appeared before the Committee and stated they support efforts of the state to collect and analyze for statistically purposes health manpower information to carry out departmental objectives, however, Mr. Slaughter expressed concern with taking this information public, especially the names of the individual physicians, and will request the Board of Healing Arts to clarify this issue.

Hearing on SB 550 - Birth certificate procedure

Dr. Lorne A. Phillips, KDHE, expressed support for **SB 550** that would allow the hospital administrator or their designee to sign a birth certificate when the physician is unavailable or cannot sign within the required five days. (Attachment 3)

Written testimony in support of **SB 550** was received from Wesley Medical Center, (Attachment 4) and Kansas Hospital Association, (Attachment 5).

A member questioned testimony from Wesley Medical Center regarding birth verification and foot print certificates that are no longer provided by the hospital, and Dr. Phillips noted that very few hospitals are providing this type of service any more because it was never a legal document, only a souvenir for the family.

There were no opponents on **SB 550**.

Action on Minutes

Senator Ramirez made a motion the minutes of January 25, 26 and 27, 1994, be approved as written, seconded by Senator Langworthy. The motion carried.

The meeting was adjourned at 10:40 a.m.

The next meeting is scheduled for February 2, 1994.

GUEST LIST

COMMITTEE: SENATE PUBLIC HEALTH & WELFARE

DATE: 2-1-94

NAME	ADDRESS	COMPANY/ORGANIZATION
Jensen Brandberg	KC.	PCAC
Peggy Jensen	Wich	PCAC
Sue Leebetter	Wich.	NOW
Dan Johnston	Wich.	PL. Parenthood
Jim Staghli	Topeka	KDHE
Lane R. [unclear]	Topeka	KDHE
Charles S. [unclear]	Topeka	KDHE
Kitty Miller	Wichita	St. Francis Medical
Chip Wheelen	Topeka	Ks Medical Soc.
KETH R LANDIS	Topeka	CHRISTIAN SCIENCE PUBLICATIONS
Dave Romney	Wich.	W. Eagle
Maura Strachan	Salatha	CWA of Ks.
Jim Rose	Topeka	Senate Staff
Gary Nelson	Topeka	SRS
Peggy A Bryant	KC	Kle Nursing Student
Alta Romney	Salatha	Right to Life of 15
Roger Franzko	Topeka	Ks Gov't Consulting
Brent Dumas	Wichita	Wichita Hosp.
Robin Walker	Topeka	SRS
Joe Furgame	Topeka	KCA

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

Testimony Presented To

Committee on Public Health and Welfare

by

The Kansas Department of Health and Environment

Senate Bill 548

K.S.A. 65-2401 is being revised to add induced terminations of pregnancy to the definition of vital statistics and to more specifically define induced termination of pregnancy (ITP).

The proposed revision will provide a distinction between an ITP and a stillbirth and will promote more accurate reporting of both events. This revision will also eliminate the possibility of double counting.

When the initial definitions in the Vital Statistics Act were drafted, induced termination of pregnancy was not defined neither was it defined when the initial or subsequent induced termination statutes were passed.

The language we are proposing has been taken from language proposed and accepted as part of the U.S. Model Vital Statistics Act. The language clearly delineates between an induced termination of pregnancy and a fetal death (stillbirth).

We recommend passage of S.B. 548 to eliminate confusion and duplicate reporting.

Testimony presented by:

Dr. Lorne A. Phillips
State Registrar and Director
Center for Health and Environmental Statistics
February 1, 1994

*Senate PH & W
Attachment #1
2-1-94*

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

Testimony presented to

Senate Committee on Public Health and Welfare

by

The Kansas Department of Health and Environment

Senate Bill 549

K.S.A. 65-1,113 requires the Kansas Department of Health & Environment (KDHE) to collect such information as is necessary to define the effective distribution of health manpower in Kansas. This bill will allow KDHE to make full use of the health manpower information obtained from the licensing boards to carry out departmental objectives (e.g. mailings to physicians advising them of programmatic changes that impact them and verifying addresses for mailing KDHE Laboratory results to physicians).

The passage of the Open Records Act in Kansas (K.S.A. 45-215 Et Seq.) opened governmental records except where precluded by existing laws. K.S.A. 65-1, 113, section (b), is an existing law which prevents KDHE from using health manpower information in an identifying manner. Yet this information in the hands of the licensing boards is an open record. We see no reason to maintain this restriction of usage. Contacts with the boards on this matter has produced no opposition to this change. We support this legislation and believe that it will assist KDHE and other entities such as the Health Care Data Governing Board in the management and utilization of health care data.

Testimony presented by: Dr. Lorne A. Phillips
State Registrar and Director
Center for Health & Environmental Statistics
February 1, 1994

Senate PH & W
Attachment #2
2-1-94

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

Testimony presented to
Committee on Public Health and Welfare
by
The Kansas Department of Health and Environment
Senate Bill 550

S.B. 550 would allow the hospital administrator, or their designee, to sign the birth certificate when the physician is unavailable or cannot sign within the required five days.

Currently the law states that only the physician in attendance at birth shall certify to the facts of birth, provide the medical information required and sign the birth certificate. Frequently, the physician is not available to sign the certificate within five days. Since the medical information is available in hospital records, the necessary information could be entered onto the certificate form by the medical records staff and then the hospital administrator or their designee could sign the certificate.

Currently there is no statutory authority for anyone other than the physician to sign the birth certificate if the birth occurs in an institution. If the event occurs outside an institution, there is a line of authority as to who can sign including the person in charge of the premises where the birth occurred.

This revision would allow the hospital to meet the five-day statutory deadline and would allow the Office of Vital Statistics to receive and process the birth records in a more timely manner which in turn means that the family could have access to certified copies more quickly. Frequently families need certified copies to carry on personal business.

The revision being proposed has been enacted in other states where they experience the same problems in obtaining the signature of the physicians.

KDHE initiated this same legislation during the 1993 legislative session in the form of H. B. 2407; however, the bill was killed in committee. Committee members felt more effort needed to go into education and efforts to enforce the existing laws to persuade the physicians to sign in a more timely manner. Every effort has been made during this past year to do so, however, there has been little if any improvement in reporting. The delinquency rates continue to be staggering. Therefore, we are proposing once again that the hospital administrator be allowed to sign the birth certificate in the absence of the physician.

We are confident that this change in legislation will have no impact on the accuracy or validity of the information being reported. The positive impact would be a significant improvement in the timeliness of reporting.

If this provision is not implemented, efforts to link other Department programs to the vital statistics system will also be jeopardized as many of those programs are dependent upon timely data; i.e., neonatal screening, infant hearing screening, immunizations, etc.

We, therefore, recommend passage of S.B. 550.

Testimony presented by: Dr. Lorne A. Phillips
State Registrar and Director
Center for Health and Environmental Statistics
February 1, 1994

Senate PH&E

*Attachment #3
2-1-94*



Date: January 31, 1994

Senator Sandy Praeger
Chairperson, Senate Public Health & Welfare Committee
Room 128-S
State Capitol Building
Topeka, Kansas 66612

Re: Senate Bill 550 An ACT concerning certificate of birth; amending K.S.A. 65-2409a and repealing the existing section; also repealing K.S.A. 65-2409.

Senator Praeger, thank you for the opportunity to give information to this committee regarding Senate Bill 550. We represent HCA Wesley Medical Center in Wichita, Kansas. HCA Wesley averages 406 births per month. Our statistics show that we average 89 birth certificates a week that are not filed with the state within 5 days of birth.

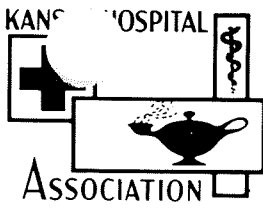
HCA Wesley Medical Center is supporting Senate Bill 550. Birth verifications and foot print certificates are no longer provided by the hospital. We encourage mothers to file for the birth certificate with the state. Mothers who receive assistance need the birth certificate for proof of birth. Timely filing of the birth certificate is important to the family as well as the Kansas Division of Vital Statistics. Filenet is the new optical disk computer system purchased by the Vital Statistics and Records Program to process requests more timely and efficiently.

Another point, one that is being evaluated carefully by many concerns, is, "What value does the physician's signature add?" The hospital can validate the birth without the physician's signature. Mothers are leaving the hospital within a few hours of birth, demands on the doctors' time is much greater; thus, Senate Bill 550 would help the hospital and the physicians process the birth certificates more timely.


Donna Fletcher, R.R.A. Director, Health Information Management Department


Nikki Adams, A.R.T., Manager, Health Information Management Department

Senate P.H.W.
Attachment #4
2-1-94



Donald A. Wilson
President

February 1, 1994

TO: Senate Public Health and Welfare Committee
FROM: Kansas Hospital Association
RE: Senate Bill 550

The Kansas Hospital Association appreciates the opportunity to comment on Senate Bill 550. This bill would authorize the hospital chief executive officer or his or her designated representative to certify the facts of birth to the Department of Health and Environment.

In many ways this bill can be seen as a technical change. Current law already requires the hospital CEO or his or her designated representative to gather the necessary information and file the birth certificate with the state. The language of SB 550 is therefore consistent with current statutes.

SB 550 also promotes efficiency in the system. Current statutes contain an absolute requirement without regard for the practicalities that may accompany a given situation. SB 550 simply provides that when the attending physician's signature cannot be easily obtained, a responsible official of the medical care facility may attest to certain facts.

Thank you for your consideration of our comments.

Senate PH & W
Attachment #5
2-1-94