

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on January 27, 2011, in Room 784 of the Docking Building.

All members were present except:

Representative Holmes
Representative Kuether
Representative Suellentrop

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Stephen Howe, Tenth Judicial District Attorney-Olathe
Scott Schultz, Associate General Counsel-Kansas Office of the Securities Commissioner
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriff's Association and Kansas Peace Officers Association
Representative Colloton
Dr. Marc Inciardi, Department of Radiology, University of Kansas Medical School
Ashley Inciardi, KU Medical Student
Robert Stiles, Director of Primary Care Program, Kansas department of Health and Environment

Others Attending:

See attached list.

Chairman Kinzer requested a bill, on behalf of Representative Dillmore, concerning expungement of arrest records; docket fee; amending K.S.A. 2010 Supp. 22-2410 and repealing the existing section.

The request was accepted without objection by the committee.

The Hearing on **HB 2010 – Offenses and conduct giving rise to forfeiture** was opened.

Jill Wolters, Staff Revisor, presented an overview of the bill. (Attachment 1)

Stephen Howe, Tenth Judicial District Attorney- Olathe, addressed the committee in support of the bill, stating it would allow them to seize the cash or property obtained from illegal acts. (Attachment 2)

Scott Schultz, Associate General Counsel for the Kansas Office of the Securities Commissioner, testified before the committee in favor of the bill stating it would provide law enforcement with the necessary tools to better deter the commission of financial crimes throughout the state.

In addition, they further propose additional amendments to K.S.A. 60-4104 and K.S.A. 60-4117 to include violations of the Kansas Uniform Securities Act, such as securities fraud, in the list of covered forfeiture offenses. (Attachment 3)

Ed Klumpp, on behalf of Kansas Association of Chiefs of Police, Kansas Sheriff's Association and Kansas Peace Officers Association, submitted written testimony in support of the bill. (Attachment 4)

There were no opponents.

The Hearing on **HB 2010** was closed.

The Hearing on **HB 2029 – Charitable health care provider defined to include ultrasound technologist** was opened.

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on January 27, 2011, in Room 784 of the Docking Building.

Jill Wolters, Staff Revisor, presented an overview of the bill. ([Attachment 5](#))

Representative Colloton addressed the committee in support of the bill and explained, under the Kansas Tort Claims Act, the voluntary work of physicians and many other health care workers receive immunity when working in a clinic that serves the indigent, and this bill would add ultrasound technologists to the specific list of health care workers covered under this act. ([Attachment 6](#))

Dr. Marc Inciardi, Department of Radiology, University of Kansas Medical Center, spoke to the committee in support of this bill. He explained, as radiologists, they provide staff coverage for ultrasound examinations at the Jay Doc facility, which provides care for indigent patients and is operated by KU medical students, under the supervision and guidance of physicians who volunteer their services. He asks the committee to include ultrasound technologists who perform the ultrasound examinations to the specific list of health care workers that receive immunity from any claims arising from this volunteer work. ([Attachment 7](#))

Ashley Inciardi, a third year KU Medical Student, appeared before the committee, giving background information about Jay Doc, a clinic located in Kansas City, Kansas that serves the indigent population, providing services at no cost to the patient. In the desire to expand the services to provide ultrasound examinations, the issue immediately arose that ultrasound technologists who volunteer their time scanning patients were not included in the health care workers that receive immunity from malpractice claims. ([Attachment 8](#))

Barbara Atkinson, M.D., University of Kansas Medical Center and School of Medicine submitted written testimony in support of the bill. ([Attachment 9](#))

Robert Stiles, Primary Care Director, Kansas Department of Health and Environment (KDHE), spoke to the committee as a neutral position stating that currently all professions eligible to enter into agreements with the Secretary of KDHE are licensed through one of the Kansas licensee boards. This bill proposes to include a new profession in the definition of “charitable health care provider” in K.S.A. 75-6102, and one issue that would need to be resolved, prior to enrolling ultrasound technologists in the Charitable Health care Provider Program, is that it does not appear there is a statutory definition for “ultrasound technologist”; therefore, it would be necessary to define the term either in statute or regulation prior to beginning to enroll this group as charitable health care providers. ([Attachment 10](#))

Callie Jill Denton, Kansas Association for Justice, submitted written testimony in opposition of the bill. ([Attachment 11](#))

The Hearing on **HB 2010** was closed.

Chairman Kinzer advised the committee he plans to work **HB 2028** and **HB 2030** on Monday, January 31.

The next meeting is scheduled for January 31, 2011.

The meeting was adjourned at 4:30 p.m.