

Approved:

May 9 2012

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(Date)

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairperson Carolyn McGinn at 9:26 AM on Tuesday, May 1, 2012

All members were present except Senator Taddiken, who was excused.

Committee staff present:

Jan Lunn, Committee Assistant  
Melinda Gaul, Chief of Staff, Senator McGinn's Office  
Eli Johns, Intern, Senator McGinn's Office  
J. G. Scott, Chief Fiscal Analyst, Legislative Research Department  
Michael Steiner, Senior Analyst, Legislative Research Department  
Bobbi Mariani, Fiscal Analyst, Legislative Research Department  
Jill Wolters, Office of the Revisor of Statutes  
David Wiese, Office of the Revisor of Statutes  
Daniel Yoza, Office of the Revisor of Statutes

Conferees appearing before the Committee:

Jerry Slaughter, Executive Director, Kansas Medical Society

Hearing on **SB 469—Confidentiality of health information**

Nobuko Folmsbee, Office of the Revisor of Statutes, briefed committee members on **SB 469**, which amends a provision of the Kansas Health Information Technology and Exchange Act. The Act was passed during the 2011 Session and was intended to harmonize state law with Health Insurance Portability and Accountability Act (HIPAA) regarding individual access to protected health information while safeguarding protected health information. There are three exceptions included in the Act: peer review, risk management statutes, and any statutory health care provider-patient privilege. The amendment in the bill deletes the third exception. (Attachment 1)

Jerry Slaughter, Executive Director, Kansas Medical Society, spoke in support of **SB 469**. Mr. Slaughter described the purpose of the Kansas Health Information Technology and Exchange Act as one to ensure Kansas confidentiality and privacy laws were consistent and predictable

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CONTINUATION SHEET

Minutes of the SENATE WAYS AND MEANS Committee at 9:15 AM on Tuesday May 1 2012, in 548-S of the Capitol.

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under one set of rules. Mr. Slaughter also indicated that the Act inadvertently affected the evidentiary privilege statute for health care providers; therefore, **SB 469**, as presented, corrects the issue. (Attachment 2)

Senator Vratil move to amend Section 1. K.S.A. 2011 Supp. 6828 to read: “To the extent any provision of state law regarding the confidentiality, privacy, security or privileged status of any protected health information conflicts with the provisions of this act, the provisions of this act shall control, except that: (a) Nothing in this act shall limit or restrict the effect and application of the peer review statute, K.S.A. 65-4915, and amendments thereto; ~~or the risk management statute, K.S.A. 65-4921, and amendments thereto or any statutory health care provider-patient privilege; or any statutory health care provider-patient evidentiary privilege applicable to a judicial or administrative proceeding;~~ and (b) nothing in this act shall limit or restrict the ability of any state agency to require the disclosure of protected health information by any person or entity pursuant to law.” Senator Teichman seconded the motion, which passed on a voice vote.

Senator Schmidt moved to remove the contents of **HB 2249** and to insert the contents of **SB 469**, as amended, and to pass out favorably **HB 2249**; Senator Kelly seconded the motion, which passed on a voice vote.

Confirmation hearings for:

Robert Chestnut to the Pooled Money Investment Board for a term expiring March 15, 2016. Chairperson McGinn explained that since Mr. Chestnut is a reappointment to this Board, he is not required to appear before the Senate Committee on Ways and Means. (Attachment 3)

Following review of Mr. Chestnut’s application, Senator Francisco moved to recommend Robert Chestnut for reappointment to the Pooled Money Investment Board for a term expiring March 15, 2016; Senator Teichman seconded the motion, which carried on a voice vote.

Susan Valdez to the Crime Victims Compensation Board for a term expiring March 15, 2016. Chairperson McGinn explained that since Ms. Valdez is a reappointment to this Board, she is not required to appear before the Senate Committee on Ways and Means. (Attachment 4)

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Following review of Ms. Valdez's application, Senator Vratil moved to recommend Susan Valdez for reappointment to the Crime Victims Compensation Board for a term expiring March 15, 2016; Senator Emler seconded the motion, which carried on a voice vote.

Follow-up information:

Information from Gary Haulmark, Department of Social and Rehabilitation Services, was received and distributed (Attachment 5) concerning Larned State Hospital.

The meeting was adjourned at 9:58 a.m.

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