

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 13, 2003 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Mr. Norm Furse, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Dr. John Hayworth, Director of Operation for
American Medical Response, Kansas Division
Dr. Chris Davlantes, Emergency Room Physician at
Olathe Medical Center, representing
American Heart Association
Ms. Chris Collins, Director of Government Affairs,
Kansas Medical Society
Ms. Donna Whiteman, Attorney & Assistant Executive
Director of KS Association of School Boards
Ms. Carolyn Middendorf, KS State Nurses Association
Mr. Joe Fritton, Director of Facilities Management
Department of Administration

Others attending: See attached guest list

Hearing on SB132 - An act concerning automated external defibriliators

Upon calling the meeting to order, the Chair announced that there would be a hearing on **SB132**, an act concerning automated external defibriliators and asked Mr. Norm Furse, Revisor of Statutes, to give a brief overview. Highlights included: amending a section in the current law, limited liability for various kinds of actions, who authorizes the use and protection from civil damages, guidelines, and proper training when using the device.

The Chair then asked for questions and comments of Mr. Furse. Senators Salmans and Barnett ranging from changing batteries or make sure it's plugged in or who is involved in, are their other statutes where this is stated, who is responsible at the Capitol (reference to lines 28-29 and lines 38-39,) to the language of the bill.

The Chair then called upon the first of five proponent conferees, Mr. John Hayworth, Director of Operation, for American Medical Response, Kansas Division who stated that, although it requires nothing of EMS administrators, the bill allows administrators to know who in the community have AED; opening the door for his group to offer long term professional support to help purchasers of AED better prepare for an emergency. A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes by reference.

The next proponent was Dr. Chris Dalvantes, an emergency room physician at Olathe Medical Center and representing the American Hear Association, offered statistics including the number of Americans who die of sudden out-of-hospital cardiac arrest, many demonstrating ventricular fibrillation. Dr. Davlantes also offered three components of the bill. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes by reference.

CONTINUATION SHEET

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE at on February 13, 2003 in Room 231-N of the Capitol.

Page 3

The third proponent conferee to appear was Ms. Chris Collins, Director of Government Affairs, Kansas Medical Society, who stated the proposed amendment set forth in Section 1(b)(3), creates a reasonable protection from liability for those physicians, who in good faith, participate in the program and does not propose a blanket immunity from civil liability. A copy of her testimony is ([Attachment 3](#)) attached hereto and incorporated into the Minutes by reference.

The fourth proponent conferee was Ms. Donna L. Whiteman, Attorney and Assistant Executive Director, Kansas Association of School Boards, who stated that the proposed Section (2) provides protection from liability to school districts that own or control defibrillators conditioned upon the school district meeting and adhering requirements she listed in her testimony, a copy of which is ([Attachment 4](#)) attached hereto and incorporated into the Minutes by reference.

The last proponent conferee was Ms. Carolyn Middendorf, representing the Kansas State Nurses Association, who stated that the bill eliminates liability exposure for physicians, trainers, and acquirers of AED equipment and if passed, legislation should foster increased acquisition and placement throughout the state. A copy of her testimony is ([Attachment 5](#)) attached hereto and incorporated into the Minutes by reference.

The only neutral conferee was Mr. Joe Fritton, Director of Facilities Management in the Department of Administration who stated his Division operates the buildings in the Capitol Complex, Complex West and Forbes and negotiates more than 650 leases for state utilized properties throughout the state, stating there currently are not any building code requirements for defibrillators. A copy of his testimony is ([Attachment 6](#)) attached hereto and incorporated into the Minutes by reference.

Three written testimonies were provided from:

- 1.) Ms. Barb Conant, Director of Public Affairs, Kansas Trial Lawyers Association;
- 2.) Mr. R.E. "Tuck" Duncan, General Counsel, American Medical Response; and
- 3.) Mr. David Lake, Administrator, Kansas Board of Emergency Medical Services.

A copy of their testimonies is ([Attachment 7](#)) attached hereto and incorporated into the Minutes by reference.

The Chair thanked all of the conferees and then asked the Committee for questions or comments. Questions from Senators Brownlee, Wagle, Barnett, Harrington for Mr. Walker, Mr. Duncan, and Mr. Fritton and Mr. Lake ranged from: does the bill require rules and regs, historical perspective, the physical note, editing of "as follows" (and is a policy if left in), need to have a process to follow, to developing, implementing and following guidelines. A copy of the Fiscal Note for **SB132** is ([Attachment 8](#)) attached hereto and incorporated into the Minutes by reference.

Action on SB132

As there was no further discussion, a motion was made by Senator Barnett requesting the Committee to pass SB132 as amended. Senator Harrington seconded the motion and the motion carried. A motion to move the bill out favorably was introduced by Senator Brungardt and seconded by Senator Brownlee. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE at on February 13, 2003 in Room 231-N of the Capitol.

Page 3

Adjournment

As it was time for the Senate session and there was no further business, the meeting was adjourned. The time was 2:30 p.m. The next meeting is scheduled for February 17, 2003.