

MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on February 8, 2011, in Room 546-S of the Capitol.

All members were present except:

Senator Terrie Huntington, excused

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes

Katherine McBride, Office of the Revisor of Statutes

Melissa Calderwood, Kansas Legislative Research Department

Iraida Orr, Kansas Legislative Research Department

Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Shawn Sullivan, Acting Secretary, Department of Aging

Others attending:

See attached list.

Senator Schmidt opened the confirmation hearing for Shawn Sullivan as Secretary of the Department of Aging (Attachment #1). Mr. Sullivan was welcomed to the committee and addressed members, giving a brief background of his credentials and expressing what he felt he could contribute as the guiding force for the Department. Senator Kelly asked for further detail on his plans for transforming services and Senator Reitz complimented him on his emotional optimism considering the challenges he would be facing. It was moved by Senator Kelsey, seconded by Senator Steineger to unanimously recommend confirmation of Shawn Sullivan as the Kansas Secretary for the Department of Aging. Motion carried.

The Chair opened the hearing on **SB 90—Behavioral sciences board; licensure**. Explanation of the bill by staff noted that it would allow the Behavioral Sciences Regulatory Board to deny, refuse to renew, suspend, revoke, condition, limit, qualify, or restrict the license of any application or licensee when an allegation of abuse, neglect, or exploitation has been substantiated by the Department of Social and Rehabilitation Services. Staff introduced a balloon amendment which included a reference to K.A.R. 30-46-10 et seq. as further explanation to the term substantiated.

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board added that in addition to the explanation given by staff the bill would allow the refusal to license, limit, suspend or revoke even if the action was not practice related (Attachment #2). After discussion, Senator Kelsey requested additional wording to include “and appeals exhausted” as further clarification. Staff stated that on Line 30 the following statement could be inserted after *rehabilitation services* to read “and the appeal process has been exhausted and the substantiation of act has become final”. Senator Haley inquired if there would be substantial additional cases with enactment of this legislation and Ms. Gilmore replied that there have only been two cases that have required the board to proceed with this type of action. Senator Pilcher-Cook would like to see the definitions of these statutes before the committee has final action on this bill.

There being no further discussion, the hearing on **SB 90** was closed.

The meeting was adjourned at 2:07 p.m. The next meeting is scheduled for February 9, 2011.