

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 14 in Room 210 Memorial Hall

All members were present except: Representative Geraldine Flaharty, Excused
Representative Brenda Landwehr, Excused
Representative Peggy Palmer, Excused
Representative Jonathan Wells, Excused

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department
Norman Furse, Revisor of Statute's Office
June Evans, Secretary

Conferees appearing before the committee: Ron Hein, Mental Health Credentialing Coalition
Kerri Ruhlman, Executive Director, Kansas Adult Care Executives
Dr. Ernest Pogge, AARP State Legislative Committee
Lesa Roberts, Director, Health Occupations Credentialing, KDHE

The Chairperson opened the hearing on **HB 2227 - Behavioral Sciences Regulatory Board; statutes adjustment** and stated due to the bad weather some conferees were unable to attend but provided written testimony.

Norman Furse, Revisor of Statute's Office, gave a briefing on **HB 2227**, stating this amends several statutes and policy.

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, a proponent to **HB 2227** distributed testimony stating this was technical in nature (Attachment 1).

Ron Hein, Mental Health Credentialing Coalition, testified in support of **HB 2227** stating updating of the statutes to make all clinical level mental health professionals licensed by the BSRB subject to the responsibilities and entitled to the grants of powers for other clinical level mental health professionals so licensed that are already in existence in the statutes (Attachment 2).

Representative Storm asked for clarification, why is a temporary license needed – how often is the examination given?

Camille Nohe, Counsel, Secretary of State's Office, stated the examinations were given every 6 months; however, a person could be ill, in an accident or other reasons and were unable to take the examination before the two-year period.

The Chairperson closed the hearing on **HB 2227**.

The Chairperson opened the hearing on **HB 2154 - Criteria for employment in adult care homes and health agencies**.

Norman Furse, Revisor of Statute's Office, gave a briefing.

Representative Bob Bethell, stated that **HB 2700** was a similar bill last year but because of the word "unredacted" which means "everything" – all arrests which was intended only for felonies, had to ask the

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Governor to veto after having worked on it. The KBI is the only one that has juvenile records, private contractors do not have juvenile records.

Kerri Ruhlman, Executive Director, Kansas Adult Care Executives (KACE), testified in support of **HB 2154** as it addresses many concerns the adult care home administrators have with present procedures in determining whether an individual is legally prohibited from being employed by an adult care home (Attachment 3).

Dr. Ernest Poggee, AARP Kansas Business Center, testified in support of **HB 2154**, stating the AARP promotes and supports regulations that improve the quality of care in long-term nursing and care facilities (Attachment 4).

Lesla Roberts, Director, Health Occupations Credentialing, KDHE, testified as an opponent to **HB 2154**. The primary items of concern are: (a) This bill appears to restrict the records KBI sends to the department to only felony convictions for adults, (b) It is unclear how private contractors can ever be approved by the KBI as providing “the same or better” criminal history record information when access to juvenile records is a procedural requirement in determining an individual’s criminal history. A method of the KBI notifying the department of the status of private contractors would be required, (c) There is a requirement that the department provide copies of the information received from KBI, (d) There is no duration for which a criminal record is checked, therefore felony records which are provided to operators/employers may be in excess of 20 years. The requirements of the federal Fair Credit Reporting Act or other more restrictive access requirements under which the KBI must operate must be reconciled with **HB 2154** (Attachment 5).

Representative Kirk said the turnaround time was usually nearer to 10 days rather than 3 days.

Representative Showalter requested that Lesla Roberts, KDHE come back with suggestions to make this a better product.

After discussion, Representative Boston asked Representative Bethell, Dr. Wolff, and Mr. Furse to work with KDHE and resolve the concerns. There are time restraints so need to get this done by February 20.

The following written testimony was distributed: Debra Zehr, Kansas Association of Homes and Services for the Aging (Attachment 6), Linda Lubensky, Kansas Home Care Association (Attachment 7).

The meeting adjourned at 3:00 p.m. The next meeting will be February 15.