

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 26, 2002 in Room 210 Memorial Hall

All members were present except: Representative Peggy Palmer, Excused

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

Conferees appearing before the committee: Representative Bob Bethell
John Grace, Kansas Association of Homes and Services for the Aging
Artis Perrett, Presbyterian Manors of Mid-America
John Kiefhaber, Kansas Health Care Association
Secretary Clyde Graeber, KDHE
Joe Lawhon, Legislative Post Audit

Others attending: See Attached Sheet

The Chairman stated that **HB 2057 - Repealing the medical scholarship program** was passed out of this Committee last session and was below the line and referred back to this Committee.

Staff explained the balloon amendment and suggested if the committee passed **HB 2057** out of Committee they do it as a Substitute Bill. The bill came out of the Interim Health Care Oversight Committee in 2000 and transfers determination of the medically underserved areas from the Chancellor of the university of Kansas, or the designee of the chancellor to the secretary of health and environment. In Section 7 (b) "child psychiatry" was added. Two sections were repealed and deleted and 4 sections were amended either by deleting or amending.

The Chairman said would try to work and move out or kill the bill at the end of the meeting.

The Chairman stated since we were short on time and the two bills that are being worked are linked, will try to take testimony on both bills at the same time. The Chairman opened the hearings on **HB 2846 - Long term care, prevention program to improve quality of care and HB 2848 - Nursing facility citations, inconsistencies examined.**

Representative Bethell, a proponent for both **HB 2846** and **HB 2848** which were introduced because of concerns out of a post audit and stated that **HB 2846** is much the same as **HB 2229** last year. Kansas has some of the finest nursing homes in the country but the report does not reflect that. According to the chart it is believed there are inconsistencies in the inspections. Each state has their own standards. The survey is not the same in every state (Attachment 1).

Joe Lawhon, Legislative Post Audit, stated an audit was done in December 2001 that dealt with inspections of nursing homes (**HB2848**). Kansas has 6 regions. There were significant differences in the deficiencies found in the 6 regions. Areas out west were having 4 deficiencies and in the northeast there were 12 discrepancies. We could not answer the question, why such a disparity. KDHE has a good process of inspections. We could not figure out that one region was being inspected differently from the other. Recommendations were made and KDHE said they would respond.

John Grace, President/CEO, Kansas Association of Homes and Services for the Aging, testified

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as a proponent to **HBs 2846 and 2848**, stating the inspection process for Kansas nursing facilities has been in the news recently. The Wichita Eagle Newspaper wrote an article headlined "Wichita Nursing Homes get an F". A company from Denver distributed this material and indicated that, in their analysis, Wichita, Kansas had the worst nursing homes in the nation. KAHSa disagrees with their analysis and conclusion but do believe that Kansas has a much more strict enforcement system than most other states. It is believed the system needs further changes and these bills would formalize those long term improvements (Attachments 2 & 3).

Artis Perret, ARNP, Director of Clinical Services, Presbyterian Manors of Mid-America, testified as a proponent to **HB 2846** and **HB 2848** because they will help improve the quality of care in nursing homes across the state. **HB 2846** establishes a prevention program in the Department on Aging for the improvement of the quality of long-term care services and **HB 2848** calls on the Department of Health and Environment to examine and address the reasons for wide variation in the number of deficiencies around the state (Attachment 4).

The Chairman announced since we are running out of time will take testimony only on **HB 2846** and will hear the other testimony on **HB 2848** later if time permits.

Phyllis Kelly, Executive Director of the Kansas Adult Care Executives Association, testified as a proponent to **HB 2846** stating the most relevant is the high quality services and support at all levels of individual needs. Prevention program would go a long way to solve problems in long care homes (Attachment 5).

John Kiefhaber, Kansas Health Care Association, testified as a proponent to **HB 2846** that establishes a prevention program for the improvement of the quality of long-term care services. One thing that this bill would do is give them another tool to use in their job by allowing state surveyors to consult with professionals in the facility about patient care issues, everyone would gain the advantage of better knowledge. Surveyors are prohibited from passing along care planning technique that one facility has found especially effective and that could be very helpful. (Attachment 6).

Clyde Graeber, Secretary, KDHE, testified as an opponent to **HB 2846** stating the establishment of this program under the auspices of the Kansas Department on Aging to provide regulatory and best practices advice and direction to nursing home staff in long term care facilities. The bill would transfer three surveyor positions from KDHE to the Department on Aging. Losing these surveyor positions would result in KDHE's inability to do 41 nursing facility surveys or 211 complaint investigations each year. It is believed this would compromise resident safety and would jeopardize federal funds for facilities and the state.

KDHE currently provides consultation to the nursing home industry on a wide variety of subjects. Training for staff who perform the mandated minimum data set are offered almost monthly in areas throughout the state. This year the MDS educator has developed a course to assist health care professionals in nursing facilities in developing effective care plans using the Center for Medicare and Medicaid Systems Resident Assessment Instrument. Staff are available for meetings state wide on regulatory issues identified by the industry.

If the committee moves this bill forward, I would ask you to create the three new positions and fund the positions separately and not take them from KDHE. A reduction of these surveyors at KDHE would either reduce the number of annual surveys of nursing homes by 41 or prevent doing 211 complaint investigations (Attachment 7).

The Chairman asked Secretary Graeber if there is any continuity of the training of the inspectors around the country?

Secretary Graeber said the inspectors have 6 ½ years of nurses training then go through nursing home surveyor intensive training.

The Chairman said maybe Kansas is ahead of other states.

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Secretary Graeber said the Wichita paper was unfair to publish the article giving nursing homes an "F". He is going to write the editor of the newspaper. Some of the nursing homes in Wichita are the best.

Representative Showalter asked how often the homes were surveyed?

Secretary Graeber responded they are inspected once a year and there are follow-ups if problems. Complaints do bring about some results and am concerned if lose some surveyors can not follow up as quickly. Some complaints are unfounded.

The Chairman stated that insurance rates are rising as a result of 9-11, all insurance is higher. Some nursing home insurance is being raised dramatically.

Secretary Graeber said last week we had meetings and they were concerned about insurance and we set up a meeting next week to discuss insurance further. Some were generated by that article in the Wichita paper.

Representative Flaharty asked how many surveyors and facilities there were?

Pat Maben, KDHE, replied they surveyed all certified and licensed health entities. There are 88 surveyors and 300+ nursing home facilities.

The Chairman stated that time had just ran out and would have to come back at a later time on **HB 2848**, and time permitting, would work **HBs 2057 and 2846**.

Representative Showalter moved and Representative Lightner seconded approval of the minutes of February 14, 18, 19, 20 and 21. The motion carried.

The meeting adjourned at 3:25 p.m., and at this time there are no scheduled meetings.