

Approved: 3-30-09
Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Brenda Landwehr at 1:30 p.m. on February 16, 2009, in Room 784 of the Docking State Office Building.

Committee Members: All members were present except Representative Siegfried, excused.

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Melissa Calderwood, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Janet Grace, Committee Assistant

Conferees appearing before the Committee:

Mary Lou Davis, Board of Cosmetology (Attachment 1)
Representative Kasha Kelley (Attachment 2, 3, 4, 5, 6, 7)
Shanelle Dupree, Kansas Health Policy Authority (Attachment 8)
Secretary Don Jordan, Social and Rehabilitation Services (Attachment 9)
Balloon Amendment for **HB2198** (Attachment 10)

Others attending:

See attached list.

Chairman Landwehr called the meeting to order.

An objection was raised by Representative Ward that proper notification to the committee and the public was not done about this substitution prior to the meeting. Representative Merrick was in the committee as a substitute for Representative Siegfried.

HB 2243 - Cosmetology board fees.

Mary Lou Davis, Board of Cosmetology, provided proponent testimony for **HB 2243**. The Board's primary request for the statutory revision would allow the agency to implement on-line renewals for practitioners in the cosmetology professions. The renewal notices will continue to be sent without the packets. Both the practitioner and agency will benefit from this law revision. The practitioner who renews on-line will receive their license in a more timely manner. The Board will have a cost savings as well as more efficiency in their work processes. There is no restriction in law that will negate the implementation of on-line renewals for cosmetology, tanning and body art facilities. Currently, the Board licenses over 4,600 facilities. The Board does send courtesy notices for these annual renewals and will continue this practice. The second revision to this proposed legislation is due to several licensure fees being at their statutory limit, which the Board believes may need to be increased within the next 12-18 months. The fees have not been raised since 1998. The fees to be raised would be for the delinquent fee; the rest will remain the same under current law.

Norm Furse provided a review of the bill and the amendments to the committee.

The hearing was closed on **HB 2243**.

The committee worked **HB 2243**. Mary Lou explained the amendment to the committee. The Board originally asked for a delinquent fee. They have over 1,000 delinquents each year. Nothing is in statute for body art, tattooing, etc. The committee will continue to send renewal notices as they do for all other renewals; this would be added to the amendment. The current terminology is health and sanitation which encompasses infection control.

Representative Mast provided a motion to adopt the amendment before them, seconded by Representative Morrison. The amendment passed.

Renewal notices will be sent at least 30 days prior to expiration. Norm Furse added the language for the renewal notices into the bill. Representative Flaharty provided a motion to pass the amendment currently written by the Revisor. Representative Neighbor seconded the motion. The motion carried. Representatives Siegfried and Finney were not available for the vote. Representative Merrick did not vote.

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 1:30 p.m. on February 16, 2009, in Room 784 of the Docking State Office Building.

Representative Mast made the motion to pass **HB 2243** as amended. Representative Hermanson seconded the motion. The motion carried as amended. Representatives Finney and Siegfried were not available for the vote. Representative Merrick did not vote.

HB 2275 - Establishing a program for random drug screening of public assistance applicants and recipients.

Norm Furse provided an explanation of the new language for **HB 2275**.

Representative Kasha Kelley provided proponent testimony for **HB 2275** (Attachments 2, 3, 4, 5, 6, 7). She believes the amendments make this bill stronger. She provided the committee with the information on the 1996 Welfare Reform ACT, contract Awards, and State and Federal Forfeiture funds. Michigan was the first state to put forth such legislation in 1998. It was challenged by the ACLU on the grounds that it violated the Fourth Amendment. Michigan is not alone in its quest to see public dollars used legally, efficiently, and effectively. In a quick search on the Internet in 2008, California, Wisconsin, Virginia, and Missouri, among other states, took up the issue. So far in 2009, bills have been introduced in Indiana, Hawaii, Arkansas, Arizona, and West Virginia. Representative Kelley discussed the issue that drug users and abusers are legitimately in need, but it cannot be successfully argued that public funds should enable illegal activity. **HB 2275** does not seek to cast aside those with illegal drug-related problems. Instead, it seeks to identify those that are abusing a service meant for legitimate purposes, and helping them onto the path of rehabilitation. As unemployment rises and the citizens of Kansas struggle to make ends meet, the state has an obligation to make certain that programs sponsored by tax dollars are held accountable to the taxpayer for their effectiveness. The overarching intent of **HB 2275** is to preserve public assistance for its original intent, and to move those who abuse that intent into a treatment program where they can emerge a more proactive citizen, and if children are involved, parent. The aim of this bill is to save our state money and direct public funds toward their best and most effective use. Drug testing is one such proposal. Alcohol is not in this bill because it is not an illegal substance. **HB 2275** is meant for all on public assistance.

The committee discussed issues of how to handle the children of those with drug issues, methodologies of the screening, costs per test, if the food programs are part of this bill, and the ACLU challenging the bills on the basis of the Fourth Amendment.

Shanelle Dupree from the Kansas Health Policy Authority provided written testimony opposing **HB 2275** (Attachment 8).

Secretary Jordan provided neutral testimony for **HB 2275** (Attachment 9). Federal rules prohibit the Kansas Health Policy Authority from implementing drug screening as a condition of eligibility for Medicaid and SCHIP as well as SRS for the Food Assistance and Child Care programs. The goal of the SRS programs is to help people become employed and take care of their families. They currently do screen for drug and alcohol abuse now and can do random testing. Secretary Jordan's concern is to know what it would take to have a drug testing program equally available across all 105 counties.

The hearing on **HB 2275** was closed.

HB 2198 was worked by the committee. Representative Crum discussed the purpose of the amendment was to address the concerns presented by the committee when the bill was heard. Representative Crum moved the amendment. Representative Mast seconded the motion. There was discussion about the State mandating the health plan to small businesses. Currently, if you are an insurance company in Kansas, you have to offer a high deductible health care plan with this bill. This is done by most insurance companies now.

Norm Furse provided the balloon amendment to the committee (Attachment 10).

Representative Crum moved the balloon amendment, seconded by Representative Morrison. The motion was carried. Representative Merrick did not vote.

The committee continued discussion about the bill. The bill will help with rising health care costs. The insurance companies support this bill. Representative Crum moved the bill as amended with a second by Representative Morrison.

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A division vote was called, 8 yes, with a Chair vote to make it 9 yes, and 8 no. Representatives Flaharty and Neighbor asked to have their vote recorded as no for this bill. Representative Merrick did not vote. Representative Siegfried was available for this bill vote.

HB 2289 was opened for working, with Representative Crum reviewing the amendment. The amendment does three things:

1. Restricts the division of the bill to the smaller employee market;
2. Outlines and spells out the mandate lite are eliminated in the mandate lite legislation;
3. Eliminates short term policy;
4. Sunsets bill January 1, 2014.

Representative Crum provided the motion to move the amendment. Representative Mast seconded the motion. The motion carried.

Back on the bill: Representative Ward moved to change the name of the bill to “Coverage Lite” instead of “Mandate Lite”. Representative Slattery seconded the motion. Motion carried.

Representative Crum made a motion to move the bill out of committee as amended. Representative Mast seconded the motion.

There was discussion concerning the test tracking purposes and choices made in the health care policies. A division vote was called, 9 voted in favor with the Chair voting, 9 opposed. The motion failed.

The committee will work **HB 2287, HB 2259 and HB 2275** tomorrow.

The meeting was adjourned at 3:05 p.m.