

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on January 31, 2005 in Room 231-N of the Capitol.

Committee members absent: Mark Gilstrap- excused
Susan Wagle- excused

Committee staff present: Terri Weber, Kansas Legislative Research Department
Norm Furse, Office of Revisor of Statutes
Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee: Barb Conant, Director of Communications, Department of Aging

Others attending: See attached list

Hearing of SB 92

SB 92--Abuse of persons in adult care homes, duties of department on aging

Upon calling the meeting to order, Chairperson Barnett asked for any bill introductions. As there were none, the next order of business was a hearing on **SB 92**, an act relating to the department of aging; concerning duties thereof; amending K.S.A. 2004 Supp. 39-1404 and repealing the existing section. The Chair asked Ms. Terri Weber, Legislative Research, to give an overview of the bill. Ms. Weber stated that there was one amendment to K.S.A. 2004 Supp. 39-1404 and was located on lines 15-16.

As there were no questions for Ms. Weber, Chairperson Barnett called upon the first proponent, Ms. Barb Conant, Communication Director of Department on Aging. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced. Ms. Conant stated that one statutory reference was not amended during the 2004 session so that the current statute does not include the Kansas Department on Aging as having responsibility for investigating reports of abuse, neglect and exploitation. She also mentioned KDOA has already assumed those responsibilities so there is no fiscal impact associated with this bill.

Chairperson Barnett asked if there were any questions for Ms. Conant. As there were none, and there were no opponents or neutral conferees, or written testimonies, the Chair asked the Committee if they would like to take action on **SB 92**.

Senator Brungardt motioned that **SB 92** be passed and placed on the Consent Calendar. Senator Jordan seconded the motion. Motion passed.

Discussion on SB 10

SB 10--Schools; self-administration of medication

The next order of was discussion of **SB 10**, an act concerning schools and school districts; relating to the self-administration of medication; amending K.S.A. 2004 Supp. 72-8252 and repealing the existing section. The chair asked Mr. Norm Furse, Revisor of Statutes, to give an overview of the bill. A copy of his overview is (Attachment 2) attached hereto and incorporated into the Minutes as referenced. Mr. Furse's overview included the following:

- 1) Federal Conformity
- 2) On page 1, line 25: the word unlimited would be changed to limited
- 3) On page 2, line 7: the word may would be changed to shall
- 4) On page 2, lines 3-4: will be changed to K-12
- 5) On page 2, lines 21-26: Federal requirement
- 6) On page 2, lines 40-41: Note policy change re liability

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- 7) On page 3, lines 14-15: language from federal act
- 8) On page 3, lines 24-29: allows Board of Education to accept exceptions, the word resolution would be changed to policy
- 9) On page 3, line 30: the expiration date would be eliminated

Other policy questions that Mr. Furse included were:

- 1) Protection for schools and personnel if items exchanged or not disposed of properly?
- 2) Should teachers with whom student comes into contact be informed of the permission to self-medicate?

Chairperson Barnett thanked Mr. Furse for his overview and asked if HIPPA compliance should be a concern of the Committee at this time. The Chairperson then asked the Committee for any questions.

Questions for Mr. Furse came from Senators Schmidt, Journey and Palmer asking on page 2, lines 21-22 if there was a difference between “provider” and “practitioner”, if a child must show proficiency, and language questions on page 2, section 5, line 34.

As there were no further questions Chairperson Barnett stated that the Committee would now work **SB 10**.

Senator Journey motioned to change the word “unlimited” to “limited” on page 1, line 25. Senator Brungardt seconded the motion. Motion passed.

Senator Journey motioned to change the word “may” to “shall” on page 2, line 7. Senator Brungardt seconded the motion. Motion passed.

Senator Journey stated that **SB 10** is a distinct improvement from past legislation but feels that the deleted section from page 2, lines 40-41 should be reinserted. Senator Journey motioned that on page 2, deleted section from lines 40-41 be reinserted. Senator Palmer seconded the motion. Motion passed.

Discussion on the language change on page 3, line 12 from Senators V. Schmidt, Journey, and Palmer included: if back-up supply of medication is not a school can the student not self-medicate, with amendment would parents be required to supply back-up medication, what is the intent of this bill to require a back-up medication or require a place to store the back-up, and who defines “immediate access”?

Senator Palmer recommended that if a back-up is available it be reworded that “any back-up” be accessible.

Senator Journey motioned to amend SB 10 by changing page 2, line 12 to read “any back-up” medication. Senator V. Schmidt seconded the motion. Motion passed.

Senator V. Schmidt motioned to change on page 3, line 24 the word resolution to policy. Senator Palmer seconded the motion. Motion passed.

Senator Brungardt motioned to remove the expiration date on page 3, line 30. Senator Jordan seconded the motion. Motion passed.

Chairperson Barnett then asked the Committee to address the two questions raised by Mr. Furse. The committee has addressed question one. Senator Palmer suggests a new section should be added after line 32 on page 2 to include a requirement that teachers be notified that a student has been given permission to carry medication and self-medicate if necessary, in order to address question #2.

Chairperson Barnett asks Mark Tallman, Kansas School Board Association, if he sees any problems with this recommendation.

Senator Palmer motioned to amend **SB 10** by inserting proposed section (Attachment 3). Senator Journey seconded the motion. Motion passed.

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Action on the bill

The Chair then asked the committee if there was any further discussion on **SB 10**. With none, Senator Haley motioned to advance the legislation as amended. Senator Jordan seconded the motion. Motion passed.

Adjournment

As there was no further business, the meeting was adjourned. The time was 2:15 p.m.

The next meeting is scheduled for Tuesday, February 1, 2005.