

From: [Poling, Tucker \[BOHA\]](#)
To: [Julia Lynn](#); julia@senatorjulialynn.com
Cc: [Debbie Bartuccio](#); [Hunter-Roach, LeeAnn \[BOHA\]](#); [Shirley Morrow](#)
Subject: SB366 hearing
Date: Monday, February 17, 2020 6:52:18 AM

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Chairwoman Lynn,

I am scheduled to provide oral testimony in commerce committee this morning on SB366 (HB2506). However, my son woke up sick and it looks like I won't have childcare coverage until later this morning, so I am unable to make it to the committee hearing this morning.

The most important thing I wanted to add via oral testimony today that is not in my written testimony are our suggestions for potential amendments that could make this bill feasible to implement and give us workable discretion to protect patient safety while avoiding significantly growing the agency. Our suggested improvements are highlighted in my email below. I have not yet heard from Representative Croft in regard to the suggestions below so I don't yet know the proponents' position on our suggestions.

I will make myself available to you at your convenience if you would like to discuss these issues. And you can also reach me on my cell any time at 7850760-0686. Thank you for your consideration of our position.

Tucker

Tucker L. Poling, JD

Interim Executive Director

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Phone: (785) 296-8066

From: Poling, Tucker [BOHA]

Sent: Friday, February 14, 2020 5:43 PM

To: Chris Croft

Subject: RE: HB2506

Representative Croft,

Below are some amendments that I'll hope you'll consider. I can't say my board will be enthusiastic about the one size fits all approach in this bill even with these amendments, but you've already heard our position on that topic and our request to be exempted and instead to focus on streamlining our current endorsement statutes (e.g. K.S.A. 65-2833), so I won't belabor those requests. Below are 3 amendments that will make this bill much more feasible to implement, would give us *functional* discretion to protect patient safety by not lowering the education and training standards met by current Kansas healthcare providers, and would avoid significantly growing the agency.

1. **Add definition below for "completed application". This is essential to make the turnaround time mandate functional, because before we can determine whether someone's qualifications are substantially equivalent, or whether licensing them would jeopardize patient**

safety, or whether they need additional training and education, we need all the materials and follow up information (KBI background checks, AMA reports, transcripts, training program verifications, reports from credentialing agencies, information on prior malpractice lawsuits, etc.) called for in our application process.

- My suggestion: ““Complete application” means the licensing body has received all forms, documentation, background checks, and any other information requested by the licensing body for the purpose of evaluating the application consistent with the rules and regulations adopted by the licensing body pursuant to this section.”
2. **Change subparagraph (h) back to the current language in KSA 48-3406 (current language is in KSA 48-3406(f)) except for the new references to “applicant” (and make the corresponding changes to the companion paragraph, (i)).**
- In other words, in (h) change the “shall” back to “may” on page 4 line 27 and remove everything after the word “credentialed” on page 4 line 5.
 - In (i), change “shall” to “may” on page 5 line 8 and remove everything after the word “requirements” on line 10.
 - This change would eliminate the mandate that we temporarily license people even if they don’t have qualifications substantially equivalent to current KS healthcare providers, and it would cut out what I’ve referred to as the paperwork and litigation factory in this bill. This change alone would cut our fiscal note by more than 60%.
3. **Change the deadline from 10 to 45 days.** This cuts the current legal deadline by more than half. Current law calls for a decision to be issued on an application within 90 days *if practicable* (see K.S.A. 77-511), or 60 days for qualified military personnel or military spouses under current version of KSA 48-3406.
- So, you would be slashing the current deadline by more than half. That would change the deadline to a challenging but achievable deadline. Keep in mind that for the average application, we’ll usually be much shorter than this, the big challenge comes with meeting a legal requirement for 100% of applications.
 - This change, combined with the changes above, would cut our fiscal by probably 90%.

I want you to know we’re serious about working with you and anyone else to streamline our application processes. As I outlined in my testimony, that has been an area of focus for us over the past 4 months. We’ve reduced the application questions, eliminated unnecessary documentation requirements, restructured our licensing department, and I have pending with the AG revisions to licensing regs that reduce length and rigidity. And we’re beginning to see results (processing time faster than it’s been in two years). In addition to working with you to try to improve this bill, in the event this bill doesn’t become law, I’d be happy to work with you in regard to our current endorsement statutes KSA 65-2833 etc.

Let me know about what time might work best for you (see my email below) to discuss further. In addition, you can feel free to call my cell anytime at 785-760-0686. Look forward to talking more.

Tucker

Tucker L. Poling, JD

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From: Poling, Tucker [BOHA]
Sent: Friday, February 14, 2020 2:03 PM
To: Chris Croft <Chris.Croft@house.ks.gov>
Subject: RE: HB2506

Representative Croft,

Thanks for your email and willingness to hear our perspective on this. We're in a short recess but I've been in a Board meeting all day and it looks like we're going to go past 3:30. I'm working on some proposed revisions to run by you because I appreciate your desire to have some actual proposals for improvements to consider. I'm going to do my best to get those to you tonight or sometime tomorrow. I'm available tomorrow (Saturday) after 1:30 and can make myself available most any time Sunday. I think we both live in Johnson County so I'd be very happy to come to you wherever is convenient for you. Also can meet Monday early if that's best for you. Is Saturday afternoon Sunday afternoon, or Monday morning best for you (in any event I'm going to send you some suggestions to chew on as soon as feasible)?

Tucker

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From: Chris Croft <Chris.Croft@house.ks.gov>
Sent: Friday, February 14, 2020 8:21 AM
To: Poling, Tucker [BOHA] <Tucker.Poling@ks.gov>
Subject: HB2506

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Tucker,

Thank you for your testimony yesterday. I have a meeting this morning to work on the bill amendment based on all the testimony yesterday. I am asking that you provide any changes that you think appropriate. I'd also like to talk with you before Monday's hearing. I want the bill to work. I know we all will not be happy but I think we can find some common ground.

Please let me know what time works for you.

My schedule:

Friday – 8:30 – 9 am Session; 9 – 11 am With Revisor Working on Amendment; 2 – 4 pm Meeting in KC

Saturday – open

Sunday – 9 – 11:30 am appointment

Open all other times.

Respectfully,

Chris Croft

913-279-1215 (cell)

931-249-0290 (personal cell) – yes it's a Tennessee number – long story