

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 11:30 a.m. on February 20, 2004, in Room 526-S of the Capitol.

All members were present except:

Representative Jerry Williams- excused
Representative Joe McLeland - excused

Committee staff present:

Dr. William Wolff, Legislative Research Department
Rena Jefferies, Office of Revisor of Statutes
Gary Deeter, Secretary

Conferees appearing before the committee:

Ron Hein, Kansas Society of Radiologic Technologists

Others attending:

See Attached List.

The Chair announced that the Committee would work four bills before adjourning and began by opening consideration of [HB 2478](#), a bill dealing with self-medication by high school students.

A motion was made and seconded to pass out favorably **HB 2478**.

A motion was made and seconded to amend the bill extensively, making it a **substitute for HB 2478**. (Attachment 1) The committee discussed the merits of the substitute bill, some observing that the entire bill was too broad and the matter should be left to local school boards, others saying that more information was needed before an intelligent decision could be made. Some opposed the substitute but supported the original bill. A member was concerned that the substitute bill appeared to cover too many situations with too many variables, or, as another put it, deal with the problem at too high a level.

The question was called, and the motion to amend failed to pass.

Representative Wilson suggested that [HCR 5035](#) would accomplish the same thing as [HB 2478](#). After some discussion, the chair ruled that the Committee needed to continue work on the original bill.

During further discussion, a member noted that passing the bill would validate the practice of schools that presently allow self-medication.

The question was called and failed.

Based on testimony from the Kansas National Education Association, a motion was made and seconded to amend the bill so that relevant information would be provided to teachers as well as school nurses and the

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 11:30 a.m. on February 20, 2004, in Room 526-S of the Capitol.

administration. The motion passed.

A member called the question, which passed. The motion to pass **HB 2478** failed.

The Chair opened discussion of [HB 2698](#), licensure of radiologic technologists.

A motion was made and seconded to recommend the bill favorable for passage.

Ron Hein, representing the Kansas Society of Radiologic Technologists, was asked to present amendments which represented agreements worked out with the Kansas Medical Society, the Kansas Board of Healing Arts, and other interested parties. He provided [Attachment 2](#), a summary of the changes, and [Attachment 3](#), the balloon amendments.

A member objected to the use of paper to provide the amendments.

Mr. Hein said the first document explained the changes in the bill. Another amendment was passed out by the Revisor, one that included the collaboration of the Board of Healing Arts. ([Attachment 4](#)) Mr. Hein said the Revisor's amendments were technical, making the language consistent with other practices regulated by the Board of Healing Arts. He stated that the amendments exempted physician assistants and nurses from the licensure requirements, gave the Board of Healing Arts the ability to adopt rules and regulations for continuing education consistent with each practice, deleted the term "x-ray technician" and eliminated title protection for the term, instead substituting the term "X-ray operator" with no title protection, and deleted the requirement for registration of x-ray technicians, instead creating a registry administered by the Board to assure that x-ray operators participate in continuing education requirements. He noted that the amendments also allow hospitals as well as physicians to supervise x-ray operators and make the effective date parallel other renewal dates used by the Board.

Mr. Hein expressed gratitude to the Kansas Medical Society and the Kansas Podiatry Association for their cooperation on the amendments. Answering questions, he said podiatrists were exempt from the requirements of the bill except those supervised by podiatrists are to be listed in the registry administered by the Board of Healing Arts.

A motion was made, seconded, and passed to merge the two balloon amendments in order to create a substitute bill.

Members also expressed gratitude for the way the bill was crafted to address the concerns of other health-care practitioners.

A motion was made, seconded, and passed unanimously recommending the bill favorable for passage.

The Chair opened discussion on [HB 2658](#), an informal dispute resolution process for adult care homes.

A motion was made and seconded to recommend **HB 2658** favorable for passage.

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 11:30 a.m. on February 20, 2004, in Room 526-S of the Capitol.

Representative Bethell presented a balloon amendment, making a motion that the bill be amended. The motion was seconded. (Attachment 5)

Representative Bethell explained that the amendment removed the requirement that the Secretary of the Kansas Department on Aging appoint an independent review panel and inserted language requesting the CMS-designated quality improvement organization for Kansas conduct a hearing, noting that this designated organization also pay the costs for the panel. He said currently the Kansas Foundation for Medical Care is contracted with CMS to provide quality assurance services for care homes, hospitals and physicians, also noting that CMS administers a fund with approximately \$1.5 million that can be made available for the costs of the independent panels, eliminating the fiscal impact on the state and the Department of Aging.

The motion to amend passed.

The Committee continued discussion on the bill. Kathy Greenlee, Kansas Department on Aging, said the primary purpose of the civil monetary penalty fund was to transfer residents if a care home were to close, saying the fund is designed to benefit the residents, not the industry in general, and therefore the fund may not be available to defray costs inherent in the bill. A member commented that presently there exists an informal dispute resolution process, and he did not see enough evidence of a need for change.

The motion to recommend **HB 2658** favorable for passage was passed.

The Chair directed the Committee's attention to **HB 2306**, a bill to exclude adult care home inspection reports from judicial proceedings.

A motion was made to recommend **HB 2306** be passed. There was a second to the motion.

Representative Kirk made a motion to amend the bill. (Attachment 6) The motion was supported by a second.

Discussion centered around the effect of the bill to eliminate the discretion of a judge to decide which evidence is relevant. A member pointed out that the amendment allows a judge to include relevant information from an inspection report; it simply prohibits the use of reports beyond the specific focus of the lawsuit. Another member stated that because the inspection form 2567 is phrased to elicit emotional responses, an attorney can use the material in ways unrelated to the specific issue at hand.

The Chair and the Committee agreed to continue the discussion of **HB 2306** on Monday.

A motion to remove **HB 2538** from the table was made, seconded, and passed.

A motion to remove **HB 2562** from the table was seconded, but the motion failed.

The meeting was adjourned at 1:37 p.m. The next meeting is scheduled for Monday, February 23,

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 11:30 a.m. on February 20, 2004, in Room 526-S of the Capitol.

although the time of the meeting was left indefinite. The regular meeting time is 1:30 p.m.