

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:36 p.m. on March 11, 2004, in Room 526-S of the Capitol.

All members were present except:

Representative Don Hill- 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:

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board

Others attending:

See Attached List.

The minutes for 3-10-04 were approved.

For purposes of hearing proposed legislation, Representatives Nancy Kirk and Cindy Neighbor assumed the chair. Representative Kirk opened the hearing on [SB 443](#), a bill amending statutes under the Behavioral Sciences Regulatory Board regarding disciplinary action.

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, spoke as a proponent, saying that the Board regulates the majority of mental health professions in Kansas. ([Attachment 1](#)) She said the bill relates to several areas of disciplinary authority of the Board: conditioning of a license, assessing the costs of disciplinary action to the unsuccessful party, and requesting an injunction, restraining order or other court order. She noted that the language equalizes the Board actions among the various professions. She also noted that the Board has made progress in eliminating the backlog regarding disciplinary actions, moving from 100 cases pending four years ago to 26 active cases at the present.

Answering a question about how the term *condition* refers to a license, Camile Nole, Assistant Attorney General, explained that a condition is a stipulation added to a license that limits the individual's scope of practice in some way. To another question Roger Scurlock, Special Investigator, BSRB, replied that some complaints are resolved the same day, most within a month, and that complex ones may take up to a year.

The chair closed the hearing on [SB 443](#) and opened the hearing on [SB 452](#), an act regulating psychologists and assistants. Phyllis Gilmore stated that the bill repeals the part of the statute that allows an unlicensed assistant to work under a licensed psychologist. ([Attachment 2](#)) She said that through a survey Dr. Richard Maxfield, a BSRB member and practicing psychologist, discovered that the law applies to only

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six individuals in Kansas and concluded that the law is no longer necessary. Ms. Gilmore said the temporary licensure law passed in 1999 has supplanted the unlicensed assistant statute, noting that the bill grandparents those unlicensed individuals presently practicing under a licensed psychologist.

The Chair closed the hearing on **SB 452**.

Staff Bill Wolff provided a briefing on **SB 425**, saying the bill gives the Kansas Dental Board additional authority to regulate the use and type of anesthesia being administered by dentists and sets requirements for periodic renewal to assure dentists keep current in their use of anesthesia. He noted that dentists would now be subject to inspections regarding their use of anesthesia. Answering a question, Dr. Wolff said that the regulations would not apply to dentists participating in charitable work outside the office, since the bill focuses on office practice.

Chairman Morrison announced that there has been interest beyond the state regarding the pilot electronic committee project, noting that by the next session there may be available many enhancements in hardware and software as well as significantly increasing ease of use.

A motion was made and seconded to recommend **SB 443** as favorable for passage, with a further recommendation to place it on the Consent Calendar. The motion passed.

By motion and second **SB 452** was recommended as favorable for passage, also recommended to be placed on the Consent Calendar. The motion passed.

A motion was passed to work **SB 418**

A further motion and second recommended that the amendment suggested by the Kansas Medical Society for **SB 418** be adopted. The motion passed. The amendment inserts at page 2, line 26: *All medical records reviewed and maintained by the Department pursuant to this section shall be kept confidential and shall not be disclosed except upon the order of a court of competent jurisdiction and shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil matter.*

A motion was made and seconded to recommend favorably **SB 418** as amended. The motion passed.

A motion was made, seconded and passed with one dissent to reconsider **SB 511**.

The Chair invited comments from the audience regarding **SB 511**. Chris Collins, with the Kansas Medical Society, said that members of the Society had expressed concerns that the standards put into law could hamper future advances in screening techniques. She offered to work out language with Susan Kang, Policy Director, Kansas Department of Health and Environment, to accommodate these concerns. Ms. Kang replied that she would work with KMS to develop acceptable language.

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The Committee by consensus agreed to consider working the bill when informed by the principals that the language issues had been resolved. Ms. Kang and Ms. Collins said they planned to have language ready before the end of the 2004 session. The Chair requested the amendment language be received by Wednesday, March 17.

The Committee was adjourned at 2:30 p.m. The next meeting is scheduled for Monday, March 15, 2004.