

## MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:35 p.m. on March 15, 2004, in Room 526-S of the Capitol.

All members were present except:

Representative Cindy Neighbor- excused  
Representative Stephanie Sharp- excused  
Representative Sue Storm- 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:

Randall Forbes, Attorney, Kansas Dental Board  
Kevin Robertson, Executive Director, Kansas Dental Association

Others attending:

See Attached List.

The Committee minutes for the March 11 meeting were approved.

The Chair opened the hearing on [SB 425](#).

Randall Forbes, Attorney for the Kansas Dental Board, spoke in support of the bill, noting that the attached testimony was written by Larry Williamson, Executive Director for the Kansas Dental Board. ([Attachment 1](#)) Mr. Forbes stated that, because the techniques and components of anesthesia change through the years, the Board saw a need to address the different levels of sedation and adopt rules and regulations to better protect the public. He said that the bill expands the Board's authority to oversee the use of sedation, establishes various levels of sedation, sets concomitant levels of training and expertise with equipment, and provides for periodic inspections to assure compliance.

Answering questions, Mr. Forbes said the Board sought to address a continuum of levels of sedation in order to assure that the risks for each level are minimized.

Kevin Robertson, Executive Director, Kansas Dental Association, spoke as a proponent. ([Attachment 2](#)) He said that the Senate amended into the bill a requirement that each practicing dentist carry professional liability insurance, exempting only those who are retired or who are doing charitable work.

Members made comments about various items in the bill, suggesting that for some levels of sedation, a dentist should know more than CPR (cardio-pulmonary resuscitation) and that the wording of the bill did not thoroughly address deeper levels of sedation and requisite training for those levels. Mr. Robertson

## CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 1:35 p.m. on March 15, 2004, in Room 526-S of the Capitol.

observed that the bill establishes more strictures than current rules and regulations, saying he believes the Board will address some of the concerns expressed by members of the Committee through new rules and regulations.

The hearing on **SB 425** was closed.

The Chair suggested that the Committee consider action on **SB 453**. A motion was made to work SB 453  
The motion was seconded and passed.

The Committee engaged in extended discussion of the bill, which exempts school districts from child-care oversight by the Kansas Department of Health and Environment (KDHE). An amendment provided by Senator Barnett was discussed. A motion was made and seconded to adopt the Barnett amendment.  
(Attachment 3)

Further discussion followed. Members expressed concern that the change of wording from *facility, program or service* to *preschool* (page 1, line 34) might have unintended consequences, debating among themselves, with Senator Barnett, and with Diane Kramer (Director of Personnel, Emporia Public Schools) how the Emporia Head Start and other preschool programs were different from a private preschool that provided both education and day care. One member suggested that the word *preschool* could place a school district in competition with private preschools. Ms. Kramer commented that the Emporia preschool students were all from low-income families, noting that because of the need to provide more than 4 hours of education for them, the program fell under the oversight of KDHE's day-care licensing regulations. She also said that if the Emporia preschool were to be placed under KDHE oversight, the paper workload would double for the district, the district would encounter confidentiality issues because of HIPAA (Health Insurance Portability and Accountability Act), and would require a full-time, on-site administrator. She said except for the administrator, the district is already doing nearly everything that KDHE requires. Answering a question, she said the school district tried working with KDHE to adjust the agency's rules and regulations, but to no avail.

Members continued to express concerns about the amendment. A vote was taken on the amendment, and it failed to pass, 7-9.

A motion was made and seconded to table the bill. The motion failed, 5-11.

A motion was made and seconded to recommend SB 453 favorable for passage.

A substitute motion was made and seconded to assign SB 453 to the Legislative Coordinating Council for an interim study.

During further discussion of the motion, a member stated that an interim committee could bring all the principals to the table to work out the nuances of the issue, arrive at a more agreeable resolution than the Committee could do in the brief time available to it, and avoid what might prove to be poor public policy.

## CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 1:35 p.m. on March 15, 2004, in Room 526-S of the Capitol.

No further action was taken. The Chair adjourned the meeting at 3:03 p.m. The next meeting is scheduled for Tuesday, March 16, 2004.