

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:30 p.m. on February 19, 2004, in Room 526-S of the Capitol.

All members were present except:

Representative Doug Patterson- excused  
Representative Jerry Williams- excused  
Representative Judy Showalter- 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:

Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts  
Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association  
Candy Shively, Deputy Secretary, Kansas Department of Social and Rehabilitative Services

Others attending:

See Attached List.

The hearings were chaired by Representatives Stephanie Sharp and Tom Holland.

The Chair opened the hearing on [HB 2657](#), an act concerning mortuary arts, and welcomed Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts. ([Attachment 1](#)) Mr. Smith asked for support for the bill, noting technical changes to clarify the intent of the bill. He said currently statutes do not define where a dead human body can be transported following death, a point addressed in the bill. He stated that Section Two gives the Board subpoena authority and Section Three changes some details regarding the embalmer license examination, with the fourth section amending [K.S.A 65-1751](#) to allow the Board a wider range of disciplinary actions.

The Chair closed the hearing on [HB 2657](#) and opened the hearing on [HB 2717](#), an act licensing crematory operators. Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association, testified regarding the need for the bill. ([Attachment 2](#)) She said that since the bill was introduced, she discovered that all crematories in Kansas have holding facilities except three that embalm immediately, so her testimony included an amendment to the bill that deletes the requirement for a licensed crematory to have a holding facility and adds wording to allow any crematory to receive a dead body when it comes through a licensed funeral establishment. She said the intent of the bill was to assure that dead bodies were properly cared for and not to interfere with any crematory that had proper facilities to care for dead bodies. She noted that current law does not require a crematory operator to be licensed, and if a body is delayed in arriving at a crematory, the body should be cared for by someone who is knowledgeable in these areas.

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The Chair closed the hearing on **HB 2717** and opened the hearing on **HB 2718**, an act increasing the limits on funeral service agreements. ([Attachment 3](#)) Pam Scott explained that the statutory limit for funeral service agreements had not increased for 5 years, and the current limit of \$3500 was not sufficient to cover the average funeral costs, which, she noted, was nationally \$5211 for an adult, a price which excluded a cemetery lot and burial expense. She said the bill would have no negative fiscal impact and might have a positive one, since Medicaid funds would not be needed where there was an adequate funeral service agreement.

Candy Shively, Deputy Secretary, Kansas Department of Social and Rehabilitative Services, agreed with Ms. Scott's assessment, stating that increasing the limits could reduce the requirements for Medicaid funds to assist with funerals. ([Attachment 4](#))

The Chair closed the hearing on **HB 2718**.

Fiscal notes were included for each bill:

(**HB 2657** [Attachment 5](#))

(**HB 2717** [Attachment 6](#))

(**HB 2718** [Attachment 7](#))

A motion was made and seconded to amend **HB 2657** as recommended by the conferee's testimony. The motion passed. A motion was then made and seconded to pass **HB 2657** out favorably as amended. The motion passed.

A motion was made and seconded to amend **HB 2717** as recommended by the conferee. The motion passed. A further motion was made to pass out favorably **HB 2717** as amended, which also passed.

A motion to recommend **HB 2718** favorable for passage was made, seconded, and passed.

Staff Bill Wolff gave a briefing on **HB 2820**, a technical clean-up bill that brings the language of various licensees regulated by the Board of Healing Arts into uniformity. He said that the bill repetitively deals with inactive licenses, "federally active" licenses, lapsed licenses and their renewal, disciplinary measures authorized by the Board, and fee limits for various practitioners: podiatrists, physician assistants, physical therapists, respiratory therapists, occupational therapists, and naturopathic doctors (the last registered, not licensed).

Regarding **HB 2867**, he said the bill creates a new law by establishing a medical review panel for adult care homes. He explained that the term "health-care provider" included corporations and their employees at a facility and might include a physician treating a resident at the facility, also noting that the term "medical malpractice" was defined as any action alleging personal injury from health care rendered. He said Section 3 requires a medical review panel to be created to hear a complaint before any court action can go forward, the review panel being appointed by the Commissioner of Insurance, given subpoena authority, and consisting of a geriatric-trained clinician, a licensed physician, and a non-voting attorney. He listed the conclusions available to the panel, noting that the findings of the panel must be in writing

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and are non-binding, that the panel serves as an expert advisory board, that the panel members have absolute immunity from civil liability, and that the findings may be used as evidence in a court proceeding. Members are paid for their expenses through the Insurance Commission. Dr. Wolff said that one provision of the bill (Section 10) requires the medical review panel hearing to precede a federal court action; he questioned whether a state has authority to require such a stipulation.

Chairman Morrison took the chair to discuss with the Committee what bills needed to be considered further. A motion was made and seconded to table **HB 2538**. The motion passed with two dissenting votes, those of Representative Wilson and Representative Holland.

A motion was made to table **HB 2562**. The motion received a second and was passed with two dissenting votes, those of Representative Mast and Representative Goico.

The Committee agreed to work **HB 2478, 2698 and 2658** the following day.

A motion was made, seconded and passed to approve the minutes for February 16 and 17.

The meeting was adjourned at 2:50 p.m. The next meeting is scheduled for Friday, February 20, immediately following the adjournment of the House.