

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE.

The meeting was called to order by Chairperson Jim Morrison at 1:32 p.m. on February 20, 2003, in Room 243-N of the Capitol.

All members were present except Representatives Landwehr and Long, who were excused.

Committee staff present:

Bill Wolff, Legislative Research Department
Renae Jefferies, Revisor of Statutes' Office
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Doug Billings, Nuclear Technologist, Lawrence
Kevin Robertson, Executive Director, Kansas Dental Association
Jerry Slaughter, Executive Director, Kansas Medical Society
Deborah Stern, Kansas Hospital Association
Larry Buening, Executive Director, Kansas Board of Healing Arts
Chip Wheelen, Executive Director, Kansas Association of Osteopathic Medicine
Rebecca Rice, Kansas Chiropractic Association
Jane O'Bryan, Member, Board of Adult Care Home Administrators
Margaret Farley, Member, Kansas Trial Lawyers Association
Phyllis Kelly, Executive Director, Kansas Adult Care Association
Debra Zehr, Vice President, Kansas Association of Homes and Services for the Aging
Nancy Pierce, Kansas Health Care Association
Joseph Kroll, Director, Bureau of Health Facilities, Kansas Department of Health and Environment

Others attending: See Guest List.

Doug Billings, Nuclear Medicine Technologist, Lawrence, reviewed various levels of nuclear and radiologic technology, saying that all levels require increasing levels of knowledge and expertise, noting that ignorance of radiation procedures puts the patient at risk for misdiagnosis and radiation overexposure. Answering a question regarding the bill increasing wages for employers, he cited studies in Ohio and Maryland showing that after passage of licensure, the average salaries increased only 2-3% over a period of 8 years. (Attachment 1)

Kevin Robertson, Executive Director, Kansas Dental Association, said the Association is neutral regarding licensure of radiologic technologists, since dental procedures are exempt from the bill. He suggested a change to make the dental exemptions more nearly accurate, since dental assistants are not licensed in Kansas. (Attachment 2)

Jerry Slaughter, Executive Director, Kansas Medical Society, also spoke as a neutral party regarding the bill. He said that, after meeting with radiological technologists, KMS recognizes the need to improve

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE on February 20, 2003, in Room 243-N of the Capitol.

health care; however, he expressed concern regarding smaller medical offices or rural hospitals who could not employ such a person, suggesting that the increased costs would create a severe hardship. KMS suggested two optional amendments to exempt smaller hospitals and medical offices. ([Attachment 3](#))

Deborah Stern, Kansas Hospital Association, spoke in opposition to the bill because of the difficulty of designing a realistic scope of practice without negatively impacting the work-flow of smaller offices and rural hospitals. ([Attachment 4](#)) She suggested as options an interim study to add flexibility to the bill, create a minimal-training license, and expand the exemptions. She noted that under present statutes a hospital is legally liable for oversight of radiologic technologists, providing incentive for hospitals to provide adequate training for x-ray personnel.

Chip Wheelen, Executive Director, Kansas Association of Osteopathic Medicine, reviewed testimony of previous conferees, saying that the Committee had been led to believe that x-ray procedures are unregulated. Not so, he said. He cited existing KDHE regulations governing radiation procedures and equipment. Further, he noted that a physician can delegate personnel to do x-rays, something the bill prohibits. Further, he noted that Kansas statutes list the ways a license can be revoked, one of which is incompetence from improper supervision or delegation. He stated that the standards of accountability are already there; there is no need for licensure. He offered a draft amendment to broaden the scope of the bill. ([Attachment 5](#))

Rebecca Rice, Executive Director, Kansas Chiropractor Association, said that after hearing the previous testimony, she could add objections in addition to her comments in [Attachment 6](#); there are too many terms undefined, it is not clear what education is required, and the focus of the bill is ambiguous.

Larry Buening, Executive Director, Kansas Board of Healing Arts, said his board, which originally had oversight over medical doctors, osteopathic doctors and chiropractors, now oversees 13 health-care professions with over 1700 health-care professionals. ([Attachment 7](#)) He said this bill would add 1300 more individuals for oversight. He said his board of directors instructed him to oppose the bill because it creates problems of delegation, prohibiting a doctor from delegating unlicensed employees for radiologic services, and it limits access and availability of radiologic services in Kansas.

Committee members asked questions of conferees. Ms. Croucher said presently radiologic technologists receive an associate degree. Mr. Hein said the bill would not disable any present college programs.

The Chair closed the hearing on **HB 2274**.

Staff Bill Wolff provided a briefing on **HB 2171**, which he said involved standards of licensing for adult care home administrators, requiring such administrators to be of good character and properly trained; the bill also creates new fees. He explained that the bill lists three areas in which an administrator is subject to discipline.

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE on February 20, 2003, in Room 243-N of the Capitol.

Representative Bob Bethell as chair opened the hearing for **HB 2171**.

Jane O'Bryan, Member, Board of Adult Care Home Administrators, spoke in support of the bill, saying it establishes standards of character, training, and experience as eligibility criteria for licensing care home administrators. She noted the bill introduces an additional provision allowing the Board to deny, revoke, or suspend a license if the licensee has been disciplined by other licensing boards. (Attachment 8)

Margaret Farley, Member, Kansas Trial Lawyers Association, offered support for the bill. She said the bill will help improve the overall quality of care in adult care homes, noting that the work of care home administrators is a key to providing good care. (Attachment 9)

Phyllis Kelly, Executive Director, Kansas Adult Care Association, representing over 200 care home administrators in Kansas, also spoke in support of the bill. (Attachment 10)

The Chair closed the hearing on **HB 2171**.

Dr. Wolff briefed the Committee on **HB 2172**, saying that the bill creates an informal dispute resolution process for adult care home administrators as a way of challenging inspection reports, doing so by establishing an arbitration panel of a physician, another medical person, and a person appointed by KDHE. He said any penalty for a deficiency is postponed until the resolution process has been completed. Answering a question, Dr. Wolff said if the inspection process were transferred from KDHE to another agency, there is a transfer process in the new statute.

Representative Bethell opened the hearing for **HB 2172**.

Debra Zehr, Vice President, Kansas Association of Homes and Services for the Aging, said the bill addresses the concern of her members that the present review process is done by the agency that did the original survey. She said this bill would de-link that connection. (Attachment 11) Answering questions, Ms. Zehr said each care home is inspected annually; if deficiencies are severe, a re-inspection occurs within a week or two. She noted that most care homes are under federal guidelines, so a federal process is followed for IDR (Informal Dispute Resolution).

Nancy Pierce, Kansas Health Care Association, testified that her members had voiced similar concerns—that the present survey process is neither independent nor effective. (Attachment 12)

Phyllis Kelly, Executive Director, Kansas Adult Care Association, also spoke in support of the bill. (Attachment 13)

Joseph Kroll, Director, Bureau of Health Facilities, Kansas Department of Health and Environment, stated that the intention of the present IDR was not to make the resolution team independent, but to allow the administrator to sit down with the inspection team and work out disputes. He said that statistics from his

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE on February 20, 2003, in Room 243-N of the Capitol.

office show that most disputes are resolved amicably. He said the KDHE follows the federal regulations for inspections, noting that the bill makes IDR more cumbersome and costly and that, since the federal agency will not pay for the process created by the bill, the costs will be all state dollars. (Attachment 14) Answering questions, he said that, guided by federal standards, all violations are placed on a severity grid; most do not involve fines or banning new patients. He said state and federal law require public posting the results of inspections, but that these posting are not done until disputes are resolved. He said most federal and state inspectors are at least RNs; all have experience in administration, and all receive training.

Margaret Farley, Member, Kansas Trial Lawyers Association, spoke in opposition to the bill, saying the process for selecting panel members is vague and current procedures for resolving disputes are comprehensive and adequate. (Attachment 15) She noted that this bill would be costly to the state, adding a further level of bureaucracy without any benefit to administrators of care homes beyond what provisions for resolution they already have. She said if the bill passes, she would want to see the costs borne by care homes. The chair read a fiscal note from the Division of the Budget that the additional cost to the state would range from \$264,000 to \$338,000 annually.

The Chair closed the hearing on **HB 2172**.

The meeting was adjourned at 3:15 p.m. The next meeting is scheduled for Monday, February 24, at 1:30 p.m. Chairman Morrison announced that, if possible, all bills that had received a hearing would be worked.