

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

February 20, 2015
Room 152-S—Statehouse

Members Present

Representative Sharon Schwartz, Chairperson
Senator Vicki Schmidt, Vice-chairperson
Senator Tom Hawk
Senator Garrett Love
Senator Ralph Ostmeyer
Representative Steve Huebert
Representative Jerry Lunn
Representative Janice Pauls
Representative Ed Trimmer
Representative Jim Ward
Representative Valdenia Winn

Member Absent

Senator Oletha Faust-Goudeau

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Whitney Howard, Kansas Legislative Research Department
Natalie Scott, Office of Revisor of Statutes
Shirley Jepson, Committee Assistant

Conferees

Mary Leigh Dyck, Executive Director, Kansas Board of Technical Professions
Cindy Hermes, Kansas Insurance Department
Chris Tymeson, Chief Legal Counsel, Department of Wildlife, Parks and Tourism
Bill Waters, Division of Property Evaluation, Department of Revenue
Ryan Vincent, Deputy Counsel, Kansas Housing Resources Corporation
Martha Smith, Kansas Housing Resources Corporation
Joe House, Board of Emergency Medical Services
Kelley Melton, Senior Pharmacy Program Manager, Department of Health and Environment

Other Attendees

See attached list.

Afternoon Session

Chairperson Schwartz opened the meeting at 12:05 p.m.

Approval of Minutes

Senator Schmidt moved to approve the minutes of the January 28, 2015, meeting, as written. The motion was seconded by Senator Hawk. The motion carried without objection.

Review and Comment on proposed rules and regulations noticed for hearing by the Kansas Board of Technical Professions

KAR 66-14-1, requirements; KAR 66-14-2, definitions; KAR 66-14-3, continuing education activities; KAR 66-14-5, computation of credit; KAR 66-14-7, records; KAR 66-14-10, licensure in another jurisdiction; KAR 66-14-11, dual licensee.

Mary Leigh Dyck, Executive Director, Kansas Board of Technical Professions, appeared before the Committee to address the proposed rules and regulations ([Attachment 1](#)). Ms. Dyck explained the proposed rules and regulations are revisions pertaining to continuing education, to clarify language, make formatting changes, or update to the most current form of the statute.

Responding to questions from the Committee, Ms. Dyck indicated the Board determines what qualifies as being relevant to the subject of a continuing education activity and audits a certain percentage of continuing education records submitted.

Review and Comment on proposed rules and regulations noticed for hearing by the Kansas Insurance Department

KAR 40-1-28, insurance holding companies, reporting forms and instructions.

Cindy Hermes, Director of Public Outreach, Kansas Insurance Department, appeared before the Committee to address the proposed rule and regulation ([Attachment 2](#)). Ms. Hermes explained the proposed rules and regulations will amend the current regulation relating to reporting forms and instructions for insurance holding company systems filed by insurance companies. The proposed amended regulation is not mandated by federal law and will have minimal impact on companies required to update their procedures.

There were no questions or comments from the Committee.

Review and Comment on proposed rules and regulations noticed for hearing by the Kansas Department of Wildlife, Parks and Tourism

KAR 115-4-13, deer permits, descriptions and restrictions.

Chris Tymeson, Chief Legal Counsel, Department of Wildlife, Parks and Tourism, appeared before the Committee to address the proposed rule and regulation. Mr. Tymeson explained the proposed rule and regulation would allow greater flexibility in setting seasons and harvest allocations. He noted deer harvesting also is regulated under exempt rules and regulations. It is not anticipated that the proposed amendment would have any appreciable negative economic impact on the Department.

There were no questions or comments from the Committee.

Review and Comment on proposed rules and regulations noticed for hearing by the Kansas Department of Revenue, Division of Property Valuation

KAR 93-9-1, appraiser qualifications, appraisal reports.

Bill Waters, Division of Property Evaluation, Department of Revenue, appeared before the Committee to address the proposed rule and regulation. Mr. Waters explained the proposed rule and regulation addresses appraiser qualifications to value and classify complex industrial properties, requiring the appraiser to be certified or licensed by the Kansas Real Estate Appraisal Board. It requires the appraisal report to comply with the latest edition of the Uniform Standards of Professional Appraisal Practice, Kansas statutes and regulations, and the personal property appraisal guide.

Responding to questions from the Committee, Mr. Waters indicated there could be some cost to the counties; however, he could not estimate the impact.

Responding to a question from Natalie Scott, Office of Revisor of Statutes, regarding where any later edition of the Uniform Standards would be adopted by rules and regulations, as currently the Uniform Standards are not so adopted, Mr. Waters indicated the language in KAR 93-9-1(c)(1) was recommended by the Attorney General's Office.

Review and Comment on proposed rules and regulations noticed for hearing by the Kansas Housing Resources Corporation

KAR 127-2-2, installation standards.

Ryan Vincent, Deputy Counsel, Kansas Housing Resources Corporation, appeared before the Committee to address the proposed rule and regulation. Mr. Vincent explained the proposed rule and regulation is presented as a result of 2005 amendments made to the Kansas Manufactured Housing Act, which provide for the regulation of manufactured home installation in the state. The Kansas Housing Resources Corporation was charged with the responsibility of adopting uniform installation standards and monitoring the federal standards to ensure that Kansas is in compliance with federal law. Mr. Vincent further explained that revisions at the federal level (adoption of regulations on ground anchor installations in September 2014) required the proposed amendment to the installation standards.

Martha Smith, Kansas Manufactured Housing Association, responded to a question from the Committee, noting local or manufacturer standards also address how a manufactured building is to be secured to a basement foundation or slab.

Review and Comment on proposed rules and regulations noticed for hearing by the Board of Emergency Medical Services

KAR 109-10-1, revocation (curriculum approval); KAR 109-10-1c, approved advanced emergency medical technician education standards; KAR 109-10-1e, approved instructor-coordinator standards; KAR 109-10-2, revocation (long-term accreditation of training programs conducting initial courses of instruction); KAR 109-10-7, distance learning; KAR 109-11-3a, emergency medical technician (EMT) course approval; KAR 109-11-4a, advanced emergency medical technician (AEMT) course approval; KAR 109-11-6a, paramedic course approval; KAR 109-11-10, revocation (emergency medical technician-basic bridge course approval).

Joe House, Executive Director, Board of Emergency Medical Services, appeared before the Committee to address the proposed rules and regulations. Mr. House explained the proposed changes revoke rules and regulations that have become outdated due to changes in statute and revise others to ensure educational standards are adequately established and reflected.

Responding to questions from the Committee, Mr. House stated the Board meets on an annual basis to review the educational standards. Referring to 109-10-1c, Ms. Scott noted the referenced Board document had not been updated online. Mr. House stated it would be updated when the rule and regulation becomes effective.

A Committee member asked about the professionals listed in KAR 109-11-4a(c)(5) and whether “advanced practice registered nurse” and “professional nurse” should be listed. Mr. House replied he would review that list and take the concern to the Board.

Review and Comment on proposed rules and regulations noticed for hearing by the Department of Health and Environment, Division of Health Care Finance

KAR 129-5-1, prior authorization.

Kelley Melton, Senior Pharmacy Program Manager, Kansas Department of Health and Environment (KDHE), Division of Health Care Finance, appeared before the Committee to address the proposed rule and regulation ([Attachment 3](#)). Ms. Melton explained that an Executive Reorganization Order effective July 1, 2011, provides that the KDHE will be the single state agency for Medicaid, Medicare, and Children’s Health Insurance Programs in Kansas. Ms. Melton stated the proposed rules and regulations address proposed amended regulations to prior authorization for drugs on the preferred drug list.

Ms. Melton responded to questions from the Committee. She explained the process by which drugs are recommended and reviewed for inclusion on this list, costs and benefits to the state, and what illness or condition each class of drugs to be listed is used to treat.

The Committee requested a list of names of those who serve on the Drug Utilization Review Board that reviews and determines drugs to be listed on the preferred drug list or require prior authorization.

COMMITTEE COMMENTS AND RECOMMENDATIONS

Kansas Board of Technical Professions

After discussion, the Committee had no comments.

Kansas Insurance Department

After discussion, the Committee had no comments.

Kansas Department of Wildlife, Parks and Tourism

After discussion, the Committee had no comments.

Kansas Department of Revenue, Division of Property Evaluation

After discussion, the Committee had the following comments:

KAR 93-9-1. The Committee notes the standards are established solely in KSA 2014 Supp. 58-2141, and no longer are adopted in administrative rules and regulations promulgated by the Kansas Real Estate Appraisal Board. (Adoption of an earlier version was revoked with KAR 117-8-1 in 2012.) The Committee suggests the rule and regulation also reference that statute. Also, the Committee is curious to know what is meant by “Kansas statutes and regulations” in paragraph (c)(1). Please review and respond.

Kansas Housing Resources Corporation

After discussion, the Committee had no comments.

Kansas Board of Emergency Medical Services

After discussion, the Committee had the following comments.

KAR 109-11-4a. Please review and amend paragraph (c)(5), to reflect that an advanced practice registered nurse is required to be supervised by a

physician. Also, the Committee is unclear as to what constitutes a “professional nurse,” a term used in the same paragraph.

Kansas Department of Health and Environment, Division of Health Care Finance

After discussion, the Committee had the following request.

Request. The Committee requests the names of the people who are on the Preferred Drug List Advisory Committee and a written description of the process of placing and removing drugs from the prior authorization drug list.

Adjournment

The meeting was adjourned at 12:55 p.m. The next meeting of the Committee is “on call of the chair.”

Prepared by Shirley Jepson
Edited by Jill Shelley, Whitney Howard,
and Raney Gilliland

Approved by the Committee on:

March 13, 2015
(Date)