

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Mary Pilcher-Cook at 1:30 pm on Monday, February 16, 2015, 118-N of the Capitol.

All members were present except:

Senator Garrett Love – Excused
Senator David Haley – Excused
Senator Michael O'Donnell – Absent

Committee staff present:

Iraida Orr, Legislative Research Department
Randi Walters, Kansas Legislative Committee Assistant
Whitney Howard, Legislative Research Department
Rena Jefferies, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes

Conferees appearing before the Committee:

Pamela Fruechting, PhD, FNP-BC, ONP-C
Jon Morgan, DPM, FACFAS, Mid-America Orthopedics
David Blanco, DPM, Orthopaedic Specialists of the Four States, LLC
Mary Ellen Conlee, Kansas APRN Task Force
Doug Smith, Executive Director, Kansas Academy of Physician Assistants (KAPA)
Joe Ewert, Commissioner of Survey Certification and Credentialing, Kansas Department for Aging and Disability Services (KDADS)
Karren Weichert, CEO, Midland Care Connection, Inc.
Sam Allred, Executive Director, Via Christi HOPE PACE Programs
Chris Scott, Executive Director of Bluestem PACE
Kelley Melton, Pharm.D, Senior Pharmacy Program Manager Division of Health Care Finance (DHCF), Kansas Department of Health and Environment (KDHE)

Others in attendance:

[See Attached List](#)

Hearing on: SB141 — Podiatrists; supervising a physician assistant and advanced practice registered nurse.

Chairperson Pilcher-Cook opened the hearing on **SB141**. Nobuko Folmsbee, staff revisor, reviewed the bill.

Pamela Fruechting testified in support of **SB141**. Ms. Fruechting stated that **SB141** opens the door for podiatrists and nurse practitioners to work efficiently together, to work without having to work around the collaborative agreement with another physician, and it allows broader access to health care.

[\(Attachment 1\)](#)

Dr. Jon Morgan, Mid-America Orthopedics, testified in support of **SB141**. Dr. Morgan provided information regarding the training for podiatrists. He stated that the training is equal in length to most

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MDs and DOs of seven years after college. Dr. Morgan indicated that podiatrists are considered physicians in 38 other states. Dr. Morgan stated that **SB141** would allow him to enter into a collaborative agreement with a nurse practitioner to expand and provide more efficient care. ([Attachment 2](#))

Dr. David Blanco, Orthopaedic Specialists of the Four States, testified in support of **SB141**. Dr. Blanco indicated that it's very important that they describe themselves as physicians so that they are able to treat their patients with the best treatments and give them the care that they need. Also having the PAs and the nurse practitioners available would help them to see more patients to get people in sooner. Dr. Blanco stated that he believes that **SB141** will help treat patients better and give them more care and more time that they would need, and would definitely benefit podiatrists coming into the state. ([Attachment 3](#))

Mary Ellen Conlee, Kansas APRN Task Force, testified in opposition of **SB141**. Ms. Conlee indicated that their concern is with new Section 1. She stated that if the legislation grants podiatrists the authority to act as responsible physicians for APRNs, the rules and regulations should remain with the Board of Nursing. ([Attachment 4](#))

Doug Smith, KAPA, gave neutral testimony for **SB141**. Mr. Smith indicated that their national organization opposes supervision of PAs by anyone other than a DO or an MD. He stated that PAs really have no specialized training in podiatry or accreditation at their education institutions at this time. Mr. Smith stated that their position would be neutral, and they would hope that maybe the PAs could be taken out of this bill if it moves forward, and give them an opportunity to sit down and talk with the proponents to see how they can work language together that would meet their requirements. ([Attachment 5](#))

Written testimony in opposition of **SB141** was submitted by:
Jayne Hermes, MSN, APRN, NP-C, Hermes Healthcare ([Attachment 6](#))
Judith Harris, MSN, APRN, Hermes Healthcare ([Attachment 7](#))

After all questions by the committee were answered, Chairperson Pilcher-Cook closed the hearing on **SB141**.

Hearing on: SB142 — Kansas department for aging and disability services; programs for all-inclusive care for the elderly.

Chairperson Pilcher-Cook opened the hearing on **SB142**. Nobuko Folmsbee, staff revisor, reviewed the bill.

Commissioner Joe Ewert, KDADS, testified in support of **SB142**. He stated that currently the sites that are operated by the PACE programs are required to be licensed as an adult care home. Commissioner Ewert explained that there are two groups that do annual routine unannounced inspections and

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complaint inspections. **SB142** would consolidate those two groups and reduce the duplication and regulatory oversight. Commissioner Ewert explained that the other component of this is the requirement for licensed adult day care centers to include certain entities on the license, namely the building owner. His written testimony indicated that this legislation will assist in the expansion of PACE programs in new regions and will streamline the process for developing new PACE centers in Kansas. ([Attachment 8](#))

Karren Weichert, Midland Care Connection, Inc., testified in support of **SB142**. Ms. Weichert gave an overview of the PACE program. She stated that they have run into a couple of challenges with the landlord issue and the survey process. Ms. Weichert stated that they feel this bill would help reduce some of the administration issues and also remedy the solution for the landlord issue that they run into as they are looking to expand this program. ([Attachment 9](#))

Sam Allred, Via Christi HOPE PACE Programs, testified in support of **SB142**, focusing on the expansion process. Mr. Allred stated that when it becomes known to landlords that they would need to be responsible or accountable to operate the adult day center if the centers were to forego their obligations, they don't want to make a financial commitment to be liable for something they don't have control over. Mr. Allred indicated that if this bill is not passed, it will greatly delay PACE expansion throughout the state, and in some cases, it may stop it entirely. ([Attachment 10](#))

Chris Scott, Bluestem PACE, testified in support of **SB142**. Mr. Scott indicated that there are issues related to landlords and leasing the facilities. He stated to be able to cover this area, it's essential to be able to lease space for facilities across this territory. Mr. Scott spoke of the rural nature of their PACE program, and the needs that are met. Mr. Scott asked for support in passing this bill, stating that they think this is good for the seniors in Kansas and look forward to the opportunity to serve them. ([Attachment 11](#))

Written testimony in support of **SB142** was submitted by:
Rachel Monger, Director of Government Affairs, LeadingAge Kansas ([Attachment 12](#))

After questions by the committee were answered, Chairperson Pilcher-Cook closed the hearing on **SB142**.

Briefing on:

Kelley Melton, KDHE, gave a briefing on the Kansas Medicaid Drug Utilization Review (DUR) Board. Dr. Melton stated that the drug utilization review is something that all state Medicaid programs are required to do for their pharmacy benefit. Dr. Melton presented background for what sets the standards for their DUR program. ([Attachment 13](#))

After questions from the committee were addressed, Chairperson Pilcher-Cook adjourned the meeting at 2:24 p.m.

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The next meeting is scheduled for February 17, 2015.