

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Michael O'Donnell at 1:35pm on Tuesday, February 16, 2016, 118-N of the Capitol.

All members were present except:

Senator Laura Kelly – Excused
Senator Susan Wagle – Excused

Committee staff present:

Renae Jefferies, Office of Revisor of Statutes
Randi Walters, Kansas Legislative Committee Assistant
Iraida Orr, Legislative Research Department
Whitney Howard, Legislative Research Department
Kyle Hamilton, Office of Revisor of Statutes

Conferees appearing before the Committee:

Kahlea Porter, Kansas Department for Aging and Disability Services (KDADS) Counsel
Doug Jorgensen, Kansas State Fire Marshal
Tom Laing, Executive Director, InterHab
Kelli Ludlum Assistant Secretary, KDADS
Janis DeBoer, Executive Director, Kansas Association of Area Agencies on Aging and Disability (k4ad)
Kyle Kessler, Executive Director, Association of Community Mental Health Centers (CMHCs) of Kansas, Inc.

Others in attendance:

[See Attached List](#)

Hearing on: SB449 — Behavioral sciences regulatory board amendments.

Chairperson O'Donnell opened the hearing on **SB449**. Chairperson O'Donnell indicated that due to the short time frame, there wasn't a bill number in time to publicize the hearing for **SB449**, therefore an informational hearing was held on February 15. Chairperson O'Donnell opened the meeting to any new testimony, questions or comments from the Committee.

There being no conferees, the hearing on **SB449** was closed.

Final action on: SB449 — Behavioral sciences regulatory board amendments.

Chairperson O'Donnell opened final action on **SB449**. Max Foster, Executive Director, Kansas Behavioral Sciences Regulatory Board, answered questions from the Committee.

*Senator Denning moved, Senator Love seconded, to amend **SB449** conceptually to strike Section 11, and insert the same two-thirds vote language that the Kansas State Board of Healing Arts uses. After*

CONTINUATION SHEET

MINUTES of the Committee on Public Health and Welfare at 1:35pm on Tuesday, February 16, 2016 in Room 118-N of the Capitol.

some discussion, motion carried.

*Senator Haley moved, Senator Denning seconded, to recommend **SB449** as amended, favorably for passage. Motion carried.*

Hearing on: SB422 — Secretary for aging and disability services licensure of certain facilities and standards for treatment of certain individuals; background checks.

Chairperson O'Donnell opened the hearing on **SB422**. Kyle Hamilton, staff revisor, provided a briefing on the bill.

Kahlea Porter, KDADS, testified in support of **SB422**. Ms. Porter indicated that the changes outlined in **SB422** will provide: 1) a consolidated, more defined licensure process; 2) increased protection for individuals receiving the care/services through background checks; and 3) support for provider expansion, as well as enhanced protection for individuals and communities, through an improved enforcement process that includes intermediate steps. ([Attachment 1](#))

Doug Jorgensen, State Fire Marshal, presented neutral testimony on **SB422** stating that there is a chance with the additional inspections that they might need to hire an additional inspector. Mr. Jorgensen wanted to ask the Committee to consider giving them authorization to spend some existing funds from the Fire Marshal Fee Fund and possibly hire another inspector in the future if the numbers warrant it. ([Attachment 2](#))

Tom Laing, InterHab, presented neutral testimony on **SB422** stating that as the bill is currently written, KDADS is authorized to have an unimpeded right to enter the private residential premises of any person receiving services. Mr. Laing indicated that in their view, there should be no law or rule which grants an unimpeded right to the state to intrude without cause upon a person's privacy in their own home. ([Attachment 3](#))

Chairperson O'Donnell closed the hearing on **SB442**.

Hearing on: SB445 — Client assessment, referral and evaluation program amendments.

Chairperson O'Donnell opened the hearing on **SB445**. Kyle Hamilton, staff revisor, presented a briefing of the bill and responded to questions from Committee members.

Kelli Ludlum, KDADS, testified in support of **SB445**, stating that this legislation amends the Client Assessment Referral and Evaluation (CARE) statute to reflect the appropriate agency name and operations of the CARE program. Ms. Ludlum indicated that this is a statutory clean-up bill to address some outstanding name issues as well as to reflect the practical operations of the program today. ([Attachment 4](#))

Janis DeBoer, k4ad, presented neutral testimony on **SB445**. Ms. DeBoer indicated that they are the

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CONTINUATION SHEET

MINUTES of the Committee on Public Health and Welfare at 1:35pm on Tuesday, February 16, 2016 in Room 118-N of the Capitol.

Area Agencies on Aging (AAA) which is their legal entity, and they conduct the CARE assessments. Ms. DeBoer stated that Aging and Disability Resource Centers (ADRC) is a new label, and indicated that there is no legal entity called ADRC. Ms. DeBoer indicated that they think it's a bit premature to replace the legal entity with a new brand. ([Attachment 5](#))

There being no further conferees, Chairperson O'Donnell closed the hearing on **SB445**.

Hearing on: SB446 — State psychiatric hospital catchment area definitions.

Chairperson O'Donnell opened the hearing on **SB446**. Kyle Hamilton, staff revisor, presented a briefing of the bill.

Kelli Ludlum KDADS, testified in support of **SB446**, stating that the intent of the bill is to eliminate the statutory designation of each of the 105 counties to a prescribed state psychiatric hospital. ([Attachment 6](#))

Kyle Kessler, Association of CMHCs of Kansas, Inc., presented neutral testimony on **SB446**, by presenting some questions for consideration which are included in his written testimony. ([Attachment 7](#))

There being no further conferees, Chairperson O'Donnell closed the hearing on **SB446**.

Chairperson O'Donnell opened the meeting for questions on **SB422**, **SB445**, and **SB446**. All questions on the three bills were addressed by the conferees.

Final action on: SB402 — Charitable healthcare providers; continuing education credits for gratuitous care of eligible patients.

Chairperson O'Donnell opened final action on **SB402**.

Senator LaTurner explained a balloon amendment that had been distributed by the revisor during the hearing on February 10.

Senator LaTurner moved, Senator Love seconded, to adopt the balloon amendment. After some discussion, the motion carried.

*Senator LaTurner moved, Senator Love seconded, to recommend **SB402** as amended, favorably for passage. Motion carried.*

Final action on: SB122 — Hospital facility fees.

Senator O'Donnell opened final action on **SB122**. Following discussion, the Committee decided to postpone working the bill.

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CONTINUATION SHEET

MINUTES of the Committee on Public Health and Welfare at 1:35pm on Tuesday, February 16, 2016 in Room 118-N of the Capitol.

Final action on: SB363--Relating to licensure of acupuncturists

Chairperson O'Donnell opened final action on **SB363**.

*After some discussion, Senator LaTurner moved with the understanding that the bill will be fixed on the Senate floor, Senator Bowers seconded, to recommend **SB363** favorably for passage. Motion carried.*

The meeting was adjourned at 2:24 p.m.