Approved 2-24-83
Date

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Marvin Littlejohn at
Chairperson

1:30 a.m./p.m. on February 22, 1983 in room 423-S of the Capitol.

All members were present except: Elaine Hassler, excused.

Committee staff present: Bill Wolff, Research Department
Bruce Hurd, Revisor's Office
Sue Hill, Secretary to Committee

Conferees appearing before the committee:

Dr. Joseph G. Hollowell, Kansas Department of Health and Environment
Rep. Anita Niles, Sponsor of HB 2143.
Harry L. Falgren, Director of Kansas City Area Vocational-Technical School
Michael Goodwin, Kansas State Nurses Association, Wichita, Kansas
Ida Unsain, Kansas State Nurses Association

Visitor's register, see (Attachment No. 1.)

Hearings on HB 2294, Emergency Medical Technician-Intermediate Certificates
Hearings on HB 2143, Schools of nursing, accreditation by board of nursing, rules & regulations.

Hearings on HB 2294 began:

Dr. Joseph Hollowell distributed his printed comments to committee, see (Attachment No.2.). He stated that this bill will clarify the statute with regard to emergency medical technicians. There are several points in this bill as shown in detail in attachment No.2. Bill would clearly authorize the certification of EMT's who could start I-V's in keeping with current practices in the state. He further commented there are 38 other states that have this level of certification.

Dr. Hollowell recommends that the committee act favorably on this bill. He answered questions from committee on the bill in regard to training of the EMT's, attendance of medical supervisor's, different levels of the EMT's skill and training, and language in New Sec. 5. pg. 6, line 198 of the bill.

Staff recommended that more clean up language might be necessary on pg. 3., Sec. 3, since it has been some time since the bill originally written.

Hearings concluded on HB 2294.

Chairman brought to committee's attention some of the unusual circumstances that are before the committee on HB 2143. The bill was referred to two committees. House Ways and Means, and House Public Health and Welfare. When the bill was placed on our committee agenda, we did not know that nurses would be present today, and did not know that the House Ways and Means had hearings on this bill. Yesterday evening the Ways and Means acted on this bill at 5:30 p.m., and passed HB 2143 out as amended. A copy of the Standing Committee Report of House Ways and Means is before our committee today. See (Attachment No. 3.) Also please note (Attachment No. 4.) for the Attorney General's opinion in regard to Nursing Accreditation program. Please note underlined portions.

Chairman asked wishes of committee as to whether to go ahead today with the hearings on this bill. There is not a clean bill before committee, there are however conferees present today. Hearings could be conducted today, and continued later as well, it is up to the committee members. Voice vote taken and it was the concensus of committee to proceed with hearings on HB 2143.

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 a.m./p.m. on February 22, 19 83

Hearings on HB 2143 began:

Rep. Niles stated to committee she had been approached about a need to introduce this bill. Said her meetings with Jr. College and Vo-Tech people had urged her to have some changes made in the nursing program education to make it more equitable for vo-tech people, and Jr. college people that are planning a nursing program.

Rep. Niles distributed to committee an edited version of amendment, and some also available for nurses that were visiting committee meeting. See (Attachment No. 5.) Rep. Niles stated the bill in no way refers to nurses, only to the State Board of Nursing. She then referred to those conferees who were in committee to testify.

Before testimony the Chair asked Bill Wolff to comment regarding the procedure for filing Rules and Regulations and time restraints and possible problems. After making general coverage, Mr. Wolff referred to page 8 of bill which had set out the time restraints and the proviso that the Rules & Regulations had to be submitted to Board of Education but that bill did not set out when Board had to return them and it could make it difficult for the Board of Nursing to meet the December 15th filing deadline.

Mr. Harry Falgren, Director of Ks. City Area Vocational-Technical School distributed to committee his printed comments, see (Attachment No. 6.). Mr. Falgren stressed they are not trying to be critical of the State Board of Nursing, but there are some changes needed in the curriculum planning for nursing today. He remarked on items 1 thru 6 in the printed statement No. 6. The school Mr. Falgren represents is proud of their record having 95% of the students passing the State Board Nursing exam. They have been in operation 10 years, so feel they have a good track record. However with that record, they are distressed to be placed on warning having recommendations on requirements that need to be brought up to "standards".

Hourly requirements are being met, but from that point on he stated, the faculty is expected to develop a curriculum and it is a second guessing type of situation. Working in 1981, long hours to develop this curriculum, had it approved, and then later were put on warning. We can't deal with that he stated, it is the development of the rules and regulations that we wish to get at when we spoke with Rep. Niles. Stated further, we are not asking for a short cut program, or a down grade program, but in order for us to meet requirements, we need to know what those standards are so that the curriculum will be approved and accreditated by State Board of Nursing. Most of the meat of the proposed changes we wanted are now out of the bill, it seems, commented Mr. Falgren. See attachment No. 6. for details of statement.

Mr. Falgren answered questions from committee and staff.

Mr. Bob Severance of NCK VO-TECH had a brief comment to committee.

Ms. Lynelle King of Ks. State Nurses Association introduced Mr. Michael Goodwin Wichita. Mr. Goodwin opposes this bill. His main concern is with sight inspections of those visiting Schools of Nursing to identify the discrepancies or deficiencies within that program during the exit interview. This requires that a staff person makes those decisions and negate any input from members from the State Board of Nursing. Feels a need for language to clarify this. Rep. Niles then read from bill after coming out of House Ways and Means on how the language differed from earlier wording.

During questioning, it was determined that deficiencies described here would not be anything harmful to patients, it is only in the line of hours of class and etc. When asked if there was still a problem now that language is changed in bill, Mr. Goodwin stated that if the State Board of Nursing would have an opportunity to evaluate the report of the staff member's visit to schools, then his views would change somewhat, if indeed that language has been changed accordingly.

Chair in an effort to try to clarify for commitee with Rep. Niles that there were editorial comments in attachment No. 5. that she had written from changes in HB 2143 out of Ways and Means. Rep. Niles agreed there were.

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 a.m./p.m. on February 22, 1983.

Hearings on HB 2143 continue:

Ms. Ida Unsain of Wichita State School of Nursing spoke to committee. Her main concern is that in the state of this art, (nursing), a patented curriculum can not be developed for all the programs, R.N., LPN, etc. The needs of the particular communities dictate the curriculum as well as the students and the facility in which the curriculum will be implemented. These considerations need to be taken into account by this committee.

No such thing she stated as a definite curriculum of nursing. It is determined by three basic elements. Population being taught, intent of the education, and the facility and the health problems inherent to the area in which that program will be implemented.

Some further questions were fielded by Ms. Unsain.

Chairman had committee note that agenda for Wednesday, February 23rd, would be followed and further conferees would be heard on HB 2143 on Thursday the 24th.

Adjournment at 2:50 p.m.

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KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HOUSE BILL NO. 2294

PRESENTED FEBRUARY 22, 1983

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

This is the official position taken by the Kansas Department of Health and Environment on House Bill No. 2294:

This bill was drafted to clarify the statutes with regard to emergency medical technicians. For the past 2-3 years the Department has been recognizing the EMTs who have received additional training approved by KUMC in the area of intravenous therapy. It was the general interpretation of the statutes that what EMTs were allowed to do and what the Department of Health and Environment could endorse was dependent on what was in the KUMC approved course offering.

KUMC two months ago informed us that they would no longer approve such courses until they had clear statutory authority.

This bill then would give authority to:

1. Define this level of ambulance attendant (Emergency Medical Technician-Intermediate).
2. Specify the training needed after certification for one year as EMT - at least 40 hours is a course approved by the Kansas School of Medicine.
3. Specify the scope of additional practice (start certain IV fluids under verbal or direct supervision).
4. Require all ambulance services to have medical advisors.

STRENGTHS: This bill would clearly authorize the certification of EMTs who could start IVs in keeping with current practices in the state. Thirty-eight other states have this level of certification.

WEAKNESSES: None apparent.

(attachment no. 2.)

DEPARTMENT'S POSITION: The Department and the State Emergency Medical Services Council support this bill and recommend it to be reported favorably.

Presented by: Barbara J. Sabol, Secretary
Department of Health and Environment

Date: 2-22-83

GUEST REGISTER

HOUSE

pg 1 of 2

PUBLIC HEALTH AND WELFARE

PLEASE PRINT

NAME	ORGANIZATION	ADDRESS
Dawn Thorn	CCCC (Nursing)	Box 118, Miltonvale, Ks. 67466
Kathie Miller	C.C.C.C Nursing	303 Apollo, Osborne, Ks. 67473
Helen Dannenberg	CCCC Nursing	RR1 Gaylord, Ks 67638
Rolland Reed	CCCC Nursing	1106-5th St Clay Center, Ks 67432
Susan Sheets	Cloud County Comm. College - Nursing	509 E 2nd st Smith Center Ks 66967
Nola J. Everson-Divel	" " " " "	716 Cedar Concordia KS 66901
Carole DENTON	STORMONT-VAIL SCH. OF NURSING	1224 W. 13th TOPEKA 04
Lois Bartley	" "	2919 Skylark Dr. 05
Tammy Cash	" "	2816 Sunset Rd 66614
Julie Ledeboer	" "	2348 NW Landon Rd. Topeka KS
Renelda Connell	" "	2101 Ohio Topeka, Ks
Celinda Ming	" "	Scranton, Ks. 66537
KEVIN WADE	STORMONT-VAIL SCH OF NURSING	1008 S.E. 41ST TERR. TOPEKA, KS. 66609
DAN HUDSON	Ibid.	824 Cambridge Topeka, Ks. 66606
Kim Shaddix	Stormont-Vail School of Nursing	2924 W. 31ST Ct. #302 Topeka 66614
Kate Schulofsky	"	2517 W 13th Topeka 66604
Jan Cyphers	CCCC Nursing	303 E. 7th Concordia 66901
Nadine Kiehl	CCCC Nursing	517 E. 17th #202 Concordia, 66901
KEVIN Pouch	Stormont-Vail Sch. of Nsg.	2729 SE 29 Topeka Ks.
James Glenn	STORMONT-VAIL SCH. OF NSG	740 CHESTNUT LEAVENWORTH

(attachment no. 1.)

Date: _____

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

pg 2-22.

NAME	ORGANIZATION	ADDRESS
SUSAN RIGGS	STORMONT VAIL SCH. OF NSG.	2216 HAZELTON CT. TOPEKA
Doris A. Coats	Nsing-KEMTA Fort Hays State University	1308 E. 19th Hays, KS 67601
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	TOPEKA
Ed Culbertson	Budget Div.	TOPEKA
BOB SEVERANCE	NCK-VO-TECH	BOX 507, BENOIT
Bill Berry	Manhattan Vo-Tech	3136 Dickens, Manhattan
Harry L. Falgren	Kansas City AVTS	2220 No. 59th K.C. Ks.
Michele Hinds	Legislative Intern	Topeka
Lynelle Kin	K-State Nursing	"
Michael Brown	" " " "	Wichita
Ida C. Ursaine	KSNA	Wichita

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CRH2143k1

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your committee on Ways and Means

Recommends that House Bill No. 2143

"AN ACT concerning the board of nursing; relating to accrediting nursing programs; amending K.S.A. 74-1106 and K.S.A. 1982 Supp. 65-1118a and 65-1119 and repealing the existing sections."

Be amended:

On page 1, by striking all in line 27, and inserting in lieu thereof the following material to read as follows:

"Biennial renewal of accreditation -- schools of nursing..... 300.00";

On page 2, in line 60, by striking "four" and inserting in lieu thereof "two"; by striking all in lines 84 to 86, inclusive;

On page 3, in line 116, preceding "renewal" by inserting "biennial";

On page 4, in line 153, by inserting after "assessed" the following: "during the survey"; in line 154, by striking "during the survey"; in line 155, by striking "date" and inserting in lieu thereof "data"; in line 158, following the period, by inserting the following: "The preliminary survey or resurvey report shall be considered by the board prior to the assessment by the board of any deficiencies against the applicant or accredited school.";

On page 8, in line 281, by striking all after "board"; in line 282, by striking all preceding "may"; in line 293, by striking all after the period; by striking all in lines 294 and 295; in line 296, by striking all preceding "On";

And the bill be passed as amended.

(attachment no. 3.)

Wm W Reader Chairperson

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

February 5, 1982

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION 296-3751

ATTORNEY GENERAL OPINION NO. 82- 22

Dean Prochaska, Director
Vocational Education Section
Department of Education
120 East 10th
Topeka, Kansas 66612

Re: Public Health -- Nursing -- Schools of Nursing; Accreditation of Programs in Area Vocational Technical Schools and Community Colleges

Synopsis: K.S.A. 65-1119 requires that any institution desiring to conduct an accredited program in any field of nursing education must meet the standards of the state board of nursing as to curriculum and other matters. In addition to those standards established by statute, there exist administrative guidelines (at K.A.R. 60-2-101) which must also be followed. One such guideline provides that the individual educational institution be approved by the "appropriate state agency." In the case of area vocational technical schools or community colleges, this agency is the state department of education. However, such approval refers to the institution itself, and does not apply to the specific programs of nursing instruction, which must be approved by the state board of nursing. Cited herein: K.S.A. 65-1119, 71-801, 74-1106, K.A.R. 60-2-101.

* * *

Dear Mr. Prochaska:

As director of the Vocational Education Section of the State Department of Education, you request our opinion on a matter involving the accrediting of nursing programs. Specifically, you inquire concerning the "appropriate state agency" to accredit nursing programs being offerred in area vocational technical schools and community colleges in this state, i.e.

(attachment no. 4.)

is it the Board of Nursing or the Department of Education? As the department already accredits programs in such schools on a regular basis, you express concern that a duplication of services will exist if the board is found to possess this authority as to nursing programs.

The administrative regulation you cite, K.A.R. 60-2-101, contains requirements for approved schools of nursing. Paragraph A, which covers accreditation and approval, states that:

> "1. Educational institutions shall be approved by the appropriate state agency.
>
> "2. Hospitals and agencies providing facilities for clinical experience shall be licensed or approved by the appropriate groups." (Emphasis added.)

This regulation, it may be noted, was adopted by the Board of Nursing pursuant to K.S.A. 65-1113 et seq. and K.S.A. 74-1106 et seq. The latter act provides for the establishment of the board, and authorizes it [at K.S.A. 74-1106(c)(4)] to

> "prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and courses as meet the requirements of the appropriate act and rules and regulations of the board."

Similar authority is given by K.S.A. 65-1119, which provides at subsection (a):

> "An accredited school of nursing is one which has been approved as such by the board as meeting the standards of this act, and the rules and regulations of the board. An institution desiring to conduct an accredited school of professional or practical nursing or an educational and training program for advanced registered nurse practitioners shall apply to the board for accreditation and submit satisfactory proof that it is prepared to and will maintain the standards and basic professional nursing curriculum or the required curriculum for practical nursing or the required curriclum for practical nursing or the required curriculum for advanced registered nurse practitioners, as the case may be, as prescribed by this act and by the rules and regulations of the

board. Applications shall be made in writing on forms supplied by the board." (Emphasis added.)

While the Department of Education does possess authority over area vocational technical schools and community colleges, such authority is in the form of a general grant of power, and is not specifically targeted at any individual course of instruction. K.S.A. 71-801 et seq. This is in marked contrast to the language of the above-cited statutes, which deal specifically with the authority of the Board of Nursing to accredit programs of nursing instruction. Although the regulation adopted by the board recognizes this general supervision of the department (e.g. the institution must be approved by the department), approval of instructional programs in nursing has been placed by statute with the board. Any conflict between the statutes which exists as a result of this dual authority must be resolved in favor of the board, in that specific acts control over general ones. Chelsea Plaza Homes Inc. v. Moore, 226 Kan. 430 (1980).

In conclusion, K.S.A. 65-1119 requires that any institution desiring to conduct an accredited program in any field of nursing education must meet the standards of the state board of nursing as to curriculum and other matters. In addition to those standards established by statute, there exist administrative guidelines (at K.A.R. 60-2-101) which must also be followed. One such guideline provides that the individual educational institution be approved by the "appropriate state agency." In the case of area vocational technical schools or community colleges, this agency is the state department of education. However, such approval refers to the institution itself, and does not apply to the specific programs of nursing instruction, which must be approved by the state board of nursing.

Very truly yours,

Robert T. Stephan

ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS

Jeffrey S. Southard

Jeffrey S. Southard
Assistant Attorney General

RTS:BJS:JSS:hle

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H.B. 2143

The bill was amended in House Ways and Means Committee last night. The amended bill has not yet been printed, but the changes are these:

Page 1 and 2 The expiration of accreditation will expire every 2 years and the fee will be $300 - as is at the present time.

Page 4 The exit interview (which is similar to those held at adult care homes between Surveyors and Administrators) has been clarified.
It will read:
"This preliminary survey report shall constitute the final record of deficiencies assessed during the survey against the applicant or accredited school. All deficiencies shall be specifically listed and no additional deficiencies based on the data developed at that time shall be assessed at a later time. An exit interview shall be conducted in conjunction with the joint signing of the preliminary survey or resurvey report. The preliminary survey or resurvey report shall be considered by the board prior to the assessment by the board of any deficiencies against the applicant or accredited school."

Page 8 10 meetings are changed to the present No. 8.

Page 8 Lines 293-296. This one sentence has been deleted.

Vocational-Technical schools have requested definite rules and regulations so that there will be no future occasions where schools will be unclear as to what is demanded of them.

(attachment no. 5.)

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Position Paper on House Bill #2143

Presented by

Harry L. Falgren, Director

Kansas City Area Vocational-Technical School

The Kansas City, Kansas Public Schools through the Kansas City Area Vocational-Technical School has been operating a Licensed Practical Nursing program along with other health related programs since 1970. For the most part, we have experienced a good working relationship with the State Board of Nursing.

This past year, however, we had some experiences that were almost intolerable. The following is a short review of significant events since November, 1981:

1. A revised curriculum was submitted in November of 1981 for review and approval of the State Board of Nursing.

2. In January, we received a letter from the Nursing Education Specialist indicating that the revised curriculum was reviewed and approved for the 1982 school year.

3. In June, we had a 2-day survey visit made by the same person who had approved the curriculum in January. During this 2-day period, we were never informed of any deficiencies nor were we given any suggestions for improvement.

4. We received a telephone call during the last week of July from the Nursing Education Specialist indicating that our program was being placed on warning.

5. Received a letter dated July 26, 1982, indicating five requirements and ten recommendations. The first requirement was that we could not start our next class. The others were reasonable.

6. Met with Executive Administrator on October 5, 1982, and appeared before the State Board on October 21, 1982. Recommendation No. 1 was recinded with deadline changed to February, 1983. In the meantime, the deadline has been extended to March, 1984.

I have mentioned these experiences only as a way of reinforcing the need for the proposed changes.

Currently, each school is required to develop their own curriculum. Each school is subject to the same inconsistant approach.

Attachment No. 6.

The current revised 1982 Laws and Adminstrative Regulations relating to Registration of Nurses and Nursing Education on Page 17 states under Article 2--Requirments for Approved Schools of Nursing Section E.2 Curriculum for Schools of Practical Nursing:

(a) The curriculum shall include instruction and clinical experience in the care of adults, and children, including family relationships and child growth and development. Community health concepts should be integrated throughout the curriculum.

(b) The minimal hours of theoretical instruction shall be 550 hours with a similar number of hours of clinical instruction.

(c) The curriculum shall be structured in such a way so that the students are not required to spend more than 32 hours per week in scheduled theoretical and clinical instruction.

The faculty has to second-guess from that point. We are now being asked to convert our curriculum format to a system that we were using in 1978. In 1978, we were told that our system was too cumbersome and should be streamlined.

I strongly support the change that would require the development of a standard minimum curriculum and standards for accreditation.

Every practical nursing graduate is required to take the same licensure exam. I see no reason for there to be a different curriculum in each school.

It would be nice to have a curriculum developed and approved for accreditation by the State Board of Nursing that would also be adopted by the State Board of Education for funding purposes.

I would also like to support the change effecting survey or resurvey visits conducted by the State Board of Nursing. Combining these visits with our other accreditaion requirements using the procedure outlined would improve the system greatly. Representatives of state agencies are welcome at anytime to visit our programs and other assistance or suggestions.

I hope that you consider these changes favorable.