

Approved _____

Date 2-24-83
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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 23, 1983 in room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

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

Chairman called meeting to order.

Chairman noted that HB 2143 will not be on agenda today, but will have further hearings tomorrow.

Discussion and action this date on HB 2014, HB 2026, HB 2027, HB 2108, HB 2294, and HB 2337.

HB 2014

Rep. Friedeman moved to amend HB 2014, see (Attachment No. 2.) for details. Explaining his amendment, Rep. Friedeman stated it would establish some new criteria deciding when a new certificate of need is to be granted to an applicant. Motion seconded by Spaniol.

Rep. Walker made a substitute motion to move this bill out of committee passing favorably. Motion seconded by Rep. Harder.

Rep. Spaniol in discussion felt that Rep. Friedeman's amendment should be given consideration, and further discussion took place. Voice vote taken on the substitute motion, and the motion passed. HB 2014 moved out favorably for passage.

HB 2026

Chairman noted to committee to refer to balloon copy of this bill, see Attachment No. 3.). Staff reviewed the balloon, page 1, line 30, a new sentence is being added, "Adult care home does not mean adult family home." Pg. 3, line 82, "after nursing care is provided," insert, "by the adult care home". Pg.3, line 86, after "or simple nursing care", insert, "provided by the adult care home".

Rep. Green moved to accept amendment on the balloon copy of HB 2026. Seconded by Rep. Wagnon, and motion carried.

Discussion followed on the language regarding 24 hours inclusive care, and respite care. Rep. Kline then made a motion to move HB 2026 out favorably for passage. Motion seconded by Rep. Hassler, and motion carried.

HB 2027

Rep. Blumenthal had a balloon amendment distributed to committee on HB 2027. Pg.2, line 49, insert paragraph as shown in (Attachment No. 4.). Rep. Blumenthal moved this amendment to HB 2027 be adopted, seconded by Rep. Harder. Motion carried. A second amendment was proposed and suggested changes are shown on (Attachment No. 5.) Line 27, pg. 1, insert, "live independently". Line 29, insert, "The home is not required to furnish". Line 30, insert, "Adult family home does not mean adult care home". A motion by Rep. Wagnon was made to accept these amendments on HB 2027, the

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 AM/p.m. on February 23, 1983

HB 2027 continues:--

motion was seconded by Rep. Branson, and motion carried.

Rep. Friedeman presented an amendment to Chairman to read to committee, see (Attachment No. 6.) Pg. 4, line 148, Sec. 5, add section (c) to read as shown in this attachment no. 6. Motion by Rep. Friedeman made to accept this amendment to HB 2027, motion seconded by Rep. Branson. Discussion by committee to Staff and Dr. Harder of SRS.

Rep. Blumenthal made a substitute-motion to amend Rep. Friedeman's amendment to read 2 visits, (unannounced inspections). Motion was not seconded so dies for lack of same.

Further discussion by committee with Dr. Harder. Voice vote taken on Rep. Friedeman's motion, and motion carried.

Rep. Hassler offered an amendment to HB 2027, pg. 4, line 147, inserting a section. Sec. 6 as shown in (Attachment No. 7.) and renumbering section 6 and section 7. Rep. Hassler made a motion to add this amendment to HB 2027, seconded by Rep. Friedeman, voice vote taken, and motion carried.

Rep. Hassler moved that HB 2027 be reported out of committee as amended. Motion seconded by Rep. Blumenthal.

A substitute motion by Rep. Long that HB 2027 be reported out adversely, seconded by Rep. Spaniol, no discussion. Voice vote taken, then a show of hands indicated 5 yes, and 8 no. Substitute motion dies. HB 2027 reported out of committee as amended.

HB 2108

Rep. Green moved to pass this bill out favorably. Seconded by Rep. Kline, motion carried.

HB 2294

Rep. Wagnon noted that clean up language is necessary on this bill. Pg. 3. Sec. 3. Rep. Wagnon moved to strike Sec. 3 (a) and re-number sub-sections (b) and (c). Rep. Harder seconded the motion. Further discussion. Voice vote taken, and motion carried.

Rep. King made motion to table this bill until the sponsor of it can be present to relate to committee his area in connection with this bill. Motion seconded by Rep. Buehler. Voice vote, no's have it, motion dies.

Motion by Rep. Wagnon to move this bill out favorably as amended, seconded by Rep. Harder. In depth discussion continued.

Rep. Friedeman made a substitute motion to table HB 2294 until day certain, March 3, 1983. Seconded by Rep. Buehler. This is to clarify some of the language. Voice vote taken, motion carried. Bill tabled until March 3, 83.

HB 2337

Rep. King moved that HB 2337 be passed out of committee favorably. Seconded by Rep. Walker.

Rep. Branson made a substitute motion to amend language as suggested by Rep. Guldner in his comments during committee meeting February 21st. Pg. 1 of HB 2337, line 34, before "a" by inserting, "board of commissioners or board of trustees for the home"; in line 44, after "operation", by inserting "management and control". Discussion. Motion seconded by Rep. Helgerson, and motion carried.

Rep. Friedeman referred back to Rep. King's motion to move HB 2337 out favorably as amended. Seconded by Rep. Hassler, motion carried.

Meeting adjourned at 3:00 p.m.

Date: 2-23-83

GUEST REGISTER

HOUSE

097.72.

PLEASE PRINT

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
Nancy Zielke	KDOA	Topeka
George A. Dugger	"	"
Carl Schmitthauer	Ks Dental Assn	Topeka
Edgar Harder	Ks. Farm Bureau	Whitewater
Rebecca Kupper	Ks. Hospital Assoc.	Topeka
Robert G Bloom	Wood Summit Center K/HCA	Winfield
Dick Hummel	K/HCA	Topeka
Jim Richardson		Winfield
Bob Starnad		"
Frankie S Callison		"
Jean Edson	KANA	Topeka
Linda Snyder	Close-Up KS	Topeka
ANGELA VAUGHN	CLOSE-UP KS.	TOPEKA
Robert C. Harder	SRS	Topeka
Nancy Intermill	Ks NARAL	Topeka
Marilyn Bradt	WINH	Lawrence
Ron Schmidt	KDH&E	Topeka
Dick Macrissey	KDH&E	"
Joe Hollowall	"	"
Neuro Waters	Chamber of Commerce	Olathe

(Attachment
no. 1.)

Proposed Amendment to HOUSE BILL No. 2014

Be amended:

On page 5, following line 178, by inserting the following:

"Sec. 4. K.S.A. 65-4804 is hereby amended to read as follows: 65-4804. (a) A certificate of need may be granted only after an opportunity has been given to the appropriate health systems agency to review the project proposal, in accordance with procedures established in K.S.A. 65-4807, and the state agency has determined that, on the basis of evidence in the record ~~with respect--to--community-need-as-reflected-in-the-state-health-plan or-other-criteria-specified-by-the-statewide-health--coordinating council-until-a-state-health-plan-is-developed-and-approved~~ there is a sufficient need for the proposed project, based on the factors specified in subsection (b).

(b) In deciding whether there is sufficient need for the proposed project, the state agency shall consider the following factors: (1) Whether adequate financing exists with preference given for projects/^{for}which financing is arranged; (2) whether the proposed project duplicates services available within the geographic area to be served; (3) whether the proposed project will be cost-effective in providing the services to be offered; (4) whether the proposed project will improve the efficiency with which the services to be offered will be provided; (5) whether the proposed project will encourage competition within the geographic area to be served; (6) whether the quality of care will be improved within the geographic area to be served if the proposed project is approved; (7) ^Xthe degree of support for the proposed project within the community to be served; (8) whether the proposed project will maximize the utilization of scarce resources; (9) whether the use of outpatient facilities will be encouraged by approval of the proposed project; (10) whether approval of the proposed project will discourage over-utilization of services; and (11) whether approval of the proposed project will assist in the recruitment of physicians to the community to

(attachment
no. 2.)

be served.";

And by renumbering sections accordingly;

And by amending the repealer section and the title to insert
K.S.A. 65-4804.

HOUSE BILL No. 2026

By Representative Chronister

(By Request of the Social and Rehabilitation
Services Review Commission)

1-3

0017 AN ACT concerning adult care homes; affecting definitions of
0018 the various classifications thereof; amending K.S.A. 1982
0019 Supp. 39-923 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1982 Supp. 39-923 is hereby amended to
0022 read as follows: 39-923. (a) ~~The following words and phrases~~
0023 ~~when As used in this act shall, for the purposes of this act, have~~
0024 ~~the meanings respectively ascribed to them in this section:~~

0025 (1) "Adult care home" means *any skilled nursing home,*
0026 *intermediate nursing care home, intermediate personal care*
0027 *home, one-bed adult care home and two-bed adult care home*
0028 *and any boarding care home, all of which classifications of adult*
0029 *care homes are required to be licensed by the secretary of health*
0030 *and environment.*

Adult care home does not mean adult family home.

0031 (2) "Skilled nursing home" means ~~and includes~~ any place or
0032 facility operating for not less than 24 hours in any week and
0033 caring for three or more individuals not related within the third
0034 degree of relationship to the administrator or owner by blood or
0035 marriage *and* who by reason of aging, illness, disease or physical
0036 or mental infirmity are unable to sufficiently or properly care for
0037 themselves, and for whom reception, accommodation, board and
0038 skilled nursing care and treatment is provided, and which place
0039 or facility is staffed to provide 24 hours a day licensed nursing
0040 personnel plus additional staff, and is maintained and equipped
0041 primarily for the accommodation of individuals who are not
0042 acutely ill and are not in need of hospital care but who require
or skilled nursing care

(Attachment
no. 3.)

0081 *care and treatment and skilled nursing care, supervised nursing*
 0082 *care or simple nursing care is provided, and which place or*
 0083 *facility is staffed, maintained and equipped primarily for the*
 0084 *accommodation of individuals not acutely ill or in need of*
 0085 *hospital care but who require domiciliary care and skilled*
 0086 *nursing care, supervised nursing care or simple nursing care.*

by the adult care home

0087 When the home's capabilities are questioned in writing, the
 0088 licensing agency shall determine according to its rules and
 0089 regulations if any restriction will be placed on the care the home
 0090 will give residents.

provided by the adult care home

0091 (6) "Boarding care home" means ~~and includes~~ any place or
 0092 facility operating for not less than 24 hours in any week and
 0093 caring for three or more individuals not related within the third
 0094 degree of relationship to the administrator or owner by blood or
 0095 marriage *and* who by reason of aging, illness, disease or physical
 0096 or mental infirmity are unable to sufficiently or properly care for
 0097 themselves and for whom reception, accommodation, board and
 0098 supervision is provided and which place or facility is staffed,
 0099 maintained and equipped primarily to provide shelter to resi-
 0100 dents who require some supervision, but who are ambulatory
 0101 and essentially capable of managing their own care and affairs.

0102 (7) "Place or facility" means a building or any one or more
 0103 complete floors of a building, or any one or more complete wings
 0104 of a building, or any one or more complete wings and one or
 0105 more complete floors of a building, ~~except that~~ *and* the term
 0106 "place or facility" may include multiple buildings.

0107 (8) "Skilled nursing care" means ~~and includes~~ services com-
 0108 monly performed by or under the immediate supervision of a
 0109 registered professional nurse and additional licensed nursing
 0110 personnel for individuals requiring 24 hour a day care by li-
 0111 censed nursing personnel including: Acts of observation, care
 0112 and counsel of the ill, injured or infirm; the administration of
 0113 medications and treatments as prescribed by a licensed physi-
 0114 cian or dentist; and other nursing functions requiring substantial
 0115 specialized judgment and skill based on the knowledge and
 0116 application of scientific principles.

0117 (9) "Supervised nursing care" means ~~and includes~~ services

HOUSE BILL No. 2027

By Representative Chronister

(By Request of the Social and Rehabilitation Services Review Commission)

1-3

0017 AN ACT concerning adult family homes as therein defined;
0018 relating to registration thereof with the secretary of social and
0019 rehabilitation services.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. As used in this act:

0022 (a) "Adult family home" means a private residence in which
0023 care is provided for not less than 24 hours in any week for one or
0024 two adult clients who (1) are not related within the third degree
0025 of relationship to the owner or provider by blood or marriage, (2)
0026 by reason of aging, illness, disease or physical or mental infir-
0027 mity are unable to ~~sufficiently or properly care for themselves~~
0028 but are essentially capable of managing their own care and
0029 affairs, and (3) do not require skilled nursing care, supervised
0030 nursing care or simple nursing care.

live independently

. The home is not required to furnish

Adult family home does not mean adult care home.

0031 (b) "Skilled nursing care," "supervised nursing care" and
0032 "simple nursing care" have the meanings respectively ascribed
0033 thereto in K.S.A. 1982 Supp. 39-923, and amendments thereof.

0034 (c) "Physician" means any person licensed by the state board
0035 of healing arts to practice medicine and surgery.

0036 (d) "Secretary" means the secretary of social and rehabilita-
0037 tion services.

0038 Sec. 2. Any person maintaining an adult family home shall
0039 apply for registration of such home with the secretary on forms
0040 furnished by the secretary.

0041 Sec. 3. Upon receipt of an application for registration of a
0042 private residence as an adult family home and upon certification
0043 by the applicant that no person residing therein has an infectious

(Attachment no. 4.)

HOUSE BILL No. 2027

By Representative Chronister

(By Request of the Social and Rehabilitation
Services Review Commission)

1-3

Attachment
No. 5.

0017 AN ACT concerning adult family homes as therein defined;
0018 relating to registration thereof with the secretary of social and
0019 rehabilitation services.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. As used in this act:

0022 (a) "Adult family home" means a private residence in which
0023 care is provided for not less than 24 hours in any week for one or
0024 two adult clients who (1) are not related within the third degree
0025 of relationship to the owner or provider by blood or marriage, (2)
0026 by reason of aging, illness, disease or physical or mental infir-
0027 mity are unable to sufficiently or properly care for themselves
0028 but are essentially capable of managing their own care and
0029 affairs, and (3) do not require skilled nursing care, supervised
0030 nursing care or simple nursing care.

0031 (b) "Skilled nursing care," "supervised nursing care" and
0032 "simple nursing care" have the meanings respectively ascribed
0033 thereto in K.S.A. 1982 Supp. 39-923, and amendments thereof.

0034 (c) "Physician" means any person licensed by the state board
0035 of healing arts to practice medicine and surgery.

0036 (d) "Secretary" means the secretary of social and rehabilita-
0037 tion services.

0038 Sec. 2. Any person maintaining an adult family home shall
0039 apply for registration of such home with the secretary on forms
0040 furnished by the secretary.

0041 Sec. 3. Upon receipt of an application for registration of a
0042 private residence as an adult family home and upon certification
0043 by the applicant that no person residing therein has an infectious

(a)

0044 or communicable disease or health condition, the secretary shall
0045 determine the suitability of the residence for registration as an
0046 adult family home. If the secretary determines that the residence
0047 for which registration is sought, and the applicant therefor, can
0048 satisfactorily meet the requirements provided in section 4, the
0049 secretary shall register the residence as an adult family home.

0050 Sec. 4. The secretary shall administer the adult family home
0051 registration program in accordance with the following require-
0052 ments:

0053 (a) (1) The home shall meet health standards and safety reg-
0054 ulations of the community and the provisions of chapter 20 of the
0055 national fire protection association, life safety code, pamphlet no.
0056 101, 1981 edition.

0057 (2) The home shall have a written plan to get persons out of
0058 the home rapidly in case of fire, tornado or other emergency.

0059 (3) No more than two clients shall be in residence at any one
0060 time.

0061 (4) The home shall have adequate living and sleeping space
0062 for clients.

0063 (5) Each room shall have an operable outside window.

0064 (6) Electric fans shall be made available to reduce the tem-
0065 perature if there is no air conditioning. Rooms shall be heated,
0066 lighted, ventilated and available.

0067 (7) Sleeping rooms shall have space for personal items.

0068 (8) Each client shall have a bed which is clean and in good
0069 condition.

0070 (9) Lavatory and toilet facilities shall be accessible, available
0071 and in working order.

0072 (10) The kitchen shall be clean with appliances in good
0073 working order.

0074 (b) (1) A healthy and safe environment shall be maintained
0075 for clients.

0076 (2) There shall be a telephone in the home.

0077 (3) The provider may assist a client with the taking of medi-
0078 cations when the medication is in a labeled bottle which clearly
0079 shows a physician's orders and when the client requires assist-
0080 ance because of tremor, visual impairment, or similar reasons

annually from the date of such registration.

(b) Application for renewal of the registration shall be made to the secretary no later than 30 days prior to the annual expiration of that registration. The secretary within 15 days of the receipt of such application, shall cause to be made an on-site investigation of the residence. If the secretary determines that the requirements of subsection (a) of this section are met, the secretary shall again register the residence as an adult family home

6

Proposed Amendment to HOUSE BILL NO. 2027

Be amended:

On page 4, following line 147, by inserting the following new section to read as follows:

"Sec. 6. An adult family home which does not receive direct reimbursement from local tax funds or from state or federal funds for services provided to clients of the home is exempt from the provisions of this act.";

And by renumbering section 6 as section 7.

(Attachment
no. 6)

AMENDMENT TO H.B. 2027 REQUIRING ANNUAL
RENEWAL OF REGISTRATION AND ONE
UNANNOUNCED INSPECTION

FIRE DUTY IN
PASS

Line 0148. Section 5. Add new sections "c" and "d" to read:

(c) Registration, unless sooner suspended or revoked, shall
be renewable annually upon filing of the registrant and approved
by the secretary and the state fire marshal or their duly
authorized agents, of an annual application for renewal upon such
information in such form as the secretary prescribes. If appli-
cation for renewal is not so filed, such registration is automa-
tically cancelled as of the date of expiration.

(d) Authorized agents and representatives of the ^{Secretary} agency shall
conduct at least one unannounced inspection of each adult family
home during each year for the purpose of determining whether the
adult family home is complying with the provisions of this act
and applicable rules and regulations relating to the health and
safety of the clients of the adult family home.

*Line 148
Section 5
add new
section E*

*(Attachment
No. 7.)*