

Approved 3-3-83
Date sh

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 28, 1983 in room 423-S of the Capitol.

All members were present except: Rep. Friedeman, excused
Rep. Cribbs, excused
Rep. Green, excused

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

Conferees appearing before the committee:

Representative Anita Niles, sponsor of HB 2143
Mark Smith, Executive Secy. to State Board of Embalming
Dr. Robert Harder, Social Rehabilitation Services
Dick Morrissey, Department of Health and Environment
Ms. Sylvia Hougland, Department on Aging
Dick Hummel, Kansas Health Care Association
Lynelle King, Kansas State Nurses Association
Jan Bergman, Co-Owner, and Director of Nursing Service of Crestview Manor.
Nadine Burch, Ks. Coalition on Aging
Margaret Mulliken, Advisory Board on KDOA, Wichita, Ks.

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

Chairman called meeting to order.

Chair recognized Rep. Niles, sponsor of HB 2143, and she gave detailed explanation of the bill before committee. Citing line 145 to 149, on pg. 4, some language there. Rep. Niles feels there should at least be a paragraph beginning at line 149, in regard to the survey. Lines 162, 163, 164 were added and she hopes it is now clarified. On pg. 8, in (3) which has to do with guidelines, rules and regs, and she feels rather than being a stumbling block to progress, in a number of situations this would be something that is needed.

Rep. Niles read from a proposal drawn up by Mrs. JoAnn Peavler, KSBN, Topeka, Ks. This proposal of 5 points recommends changes as shown in, (see Attachment No. 2.)

In conclusion to her remarks to committee, Rep. Niles moved that HB 2143 be held in committee until next year, and it can be further studied. Rep. King seconded the motion. No discussion. Voice vote taken, and the motion carried. HB 2143 will be held in committee.

Hearings on HB 2455:

Mack Smith of the St. Board of Embalming distributed his printed statement to committee. See (Attachment No. 3.). This bill will simply give the board statutory authority to administer an examination that they have been doing for several years through regulation. See Mr. Smith's attachment No. 3. for details.

Hearings on HB 2455 concluded.

Hearings on HB 2474 begin:

Dr. Robert Harder of the SRS made the statement that his Agency does support the training of aides. Since the SRS has been involved in training, and it has now been for a long period of time, they have found it improves the quality of care and is of financial benefit to the directors of homes also.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 28, 1983

Hearings on HB 2474 continue:

Mr. Dick Morrissey, Dept. of Health and Environment distributed to committee his printed testimony. See (Attachment No. 4.) He stated that research in the field for geriatric care suggests that training of nurse aides will improve the quality of care. HB 2474 would for the first time implement the critical step of residents of nursing homes. The Department strongly recommends that the committee report this bill favorably for passage. See Attachment No. 4. for details.

Mr. Morrissey answered several questions from committee.

Staff reported on HB 2474 to committee at request of Chair, citing pg. 2, lines 46 through 54 in regard to the training of unlicensed employees. Mr. Hurd highlighted the bill.

Ms. Hougland, Department on Aging, distributed her printed statement. (See Attachment No. 5.) for details. Ms. Hougland commented she is unaware of any other situation in society in which such life-sustaining responsibilities are assigned to untrained individuals, such as in the nurse-aide sector. Her Department strongly supports HB 2474 Nurse Aide Training, and feels that this bill should be viewed as a resident care bill for the most vulnerable of the elderly population. Further stating that KDOA (Ks. Dept. on Aging), would like to suggest two changes in the balloon copy of HB 2474 distributed to committee. (See Attachment No. 6.).

Dick Hummel, Ks. Health Care Association distributed a printed statement to committee, see (Attachment No. 7.), stating those he represents are in conceptual agreement with the bill. However, before they could give total support there are points that they would like clarified. This is a 5 point suggestion. Mr. Hummel then requested committee give consideration of adoption of these 5 points and the suggested line changes as shown on the last page of attachment 7, the balloon copy of HB 2474.

Lynelle King of KSNA stated their support of this bill and then introduced to committee, Jan Bergman who spoke for them in support of HB 2474. (See Attachment No. 8.) Ms. Bergman stated that as Co-owner and director of nursing service at Crestview, Seneca, Ks., they have already implemented a training program for nurse aides and feel it is cost effective. Over the last 15 years have had one of the lowest turnover staff rates in Kansas and have been providing high quality care for nursing home residents. She would recommend a 40 hour training program, in-house, pre-service programs for nurse aides, and does support HB 2474. Mrs. Bergman answered questions.

Marilyn Bradt, speaking for Kansas for Improvement of Nursing Homes, stated they are firmly in favor of this bill. Says the goal of this bill is humanitarian and cost effective as well.

Mrs. Nadine Burch of the Ks. Coalition on Aging spoke representing her "peer group", saying that most fears of the elderly do not deal with death, but with fear of nursing homes. The image of nursing homes is not positive, and she feels this training program will help to improve this image. Qualified training is vital.

Margaret Mullikin of Wichita is on the Board of Directors of a non-profit nursing home, and they are proud of their inspection record. Have had no deficiencies, no staff turn over. They attribute this to their aide training program. They feel this program is vital.

Hearings on HB 2474 concluded.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 28, 1983

Staff distributed a proposed amendment on HB 2474 to committee. Rep. Branson asked that Dick Morrissey of Department of Health and Environment explain the balloon copy. (See Attachment No. 9.)

Mr. Morrissey answered quite a number of questions in this regard from committee.

Chairman called attention to (Attachment No. 10.), three letters made available to committee from the State Board of Nursing, relating to HB 2143, and a letter from Dr. Schibetta, (Attachment No. 11.) in regard to HB 2143 as well.

Chairman noted, a balloon copy of HB 2368 which will be heard in committee tomorrow. Meeting adjourned at 2:45 p.m.

Date: 2-24-83

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

PLEASE PRINT

NAME	ORGANIZATION	ADDRESS
Dr Lois R Scibetta	KS Bd of Nurses	503 Kansas Ave Topeka
Lynelle King	Ks St Nurses' Assn	Topeka, Ks
Paul H. Bergman	Crestview Manor	808 N. 8th Seneca, Ks.
JoAnn Pearler	KSBN	3228 E 6th Topeka Ks.
Jan Bergman	KSNA; Crestview Manor	713 Castle, Seneca, Ks.
Margaret Mullikin	KDOA - Gov. Adv Bd	908 W 52nd Wichita
KEITH L LAURIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	TOPEKA
Sylvia Sargent	KDOA	
Nack Smith	embalming Board	Topeka
JIM SNYDER	KFDA	
Lynne Bachman Bram	KHCA	Topeka
Dale Hummel	Ks Health Care Assn	Topeka
Russ. Helderbrand	Ks Health Care Assn	Olathe
Barbara Chalder	Ks Health Care Assn	Olathe
Frances Mohrger	-	Topeka
Virginia Sente		Pratt
Nadine Burch	KCOA	Topeka
Michele Hinds	Legislative Intern	Topeka,

(Attachment
no. 1.)

Attachment #2.

Note: (This is a typewritten copy of Ms. Peavler's comments to Rep. Niles.)

From JoAnn R. Peavler, L.P.N.
3228 E. 6th
Topeka, Kansas 66607

To: The Honorable Anita Niles

Date: February 25th, 1983

Attached to minutes of Public Health and Welfare on 2/28/83.

Dear Mrs. Niles:

I appreciated your granting my request to meet this morning and am writing to re-affirm my intentions of promoting better communications between the Directors of Kansas Vocational Schools and the Kansas State Board of Nursing. These are steps I personally plan to take.

1. Encourage Mrs. McCreedy (Surveyor), in her efforts to assemble the Directors of Vo-Tech Nursing Schools March 15th 1983, for the purposes of sharing teaching methods, curriculum and other concerns. I will be available to visit with this group if so requested.

2. Send each Kansas Vo-Tech Director a schedule of Kansas State Board of Nursing meetings in 1983 and, if requested, an agenda of each meeting.

3. Continue to encourage individual board members to meet with small groups of Ks. Vo-Tech Directors to hear their concerns. The first of these meetings will be Tuesday, March 1st, 1983, when Board President Pat Diamond meets with Bill Berry and Roy Berry in Topeka.

4. Request agenda time for discussion of ways to refine and update the grievance procedure for appealing board decisions, with specific attention to nursing education programs.

5. Work with the board and staff for the purpose of lessening the "turn around" time of mail and other documents from the board office.

When we visited this morning in your office I asked that you consider withdrawing HB 2143 for the 1983 session. If the above and other measures as proposed by Dr. Scibetta do not resolve the problems, legislation could be considered for the 1984 session.

Thank you.

Respectfully,

(Signed by JoAnn Peavler, LPN)

(Attachment no. 2.)

JoAnn R. Pearler, (L.P.N.)
3228 E. 6th
Topeka, Kansas 66607

(Attachment
no 2.)

To the Honorable Director Niles
Feb 24th 1983.

Dear Director Niles,

I appreciated your granting my request to meet this morning and am writing to re-affirm my intentions of promoting better communications between the Directors of Kansas Vocational Schools and the Kansas State Board of Nursing. These are steps I personally plan to take.

1. Encourage Mrs McCreedy ^(Surveyor) in her efforts to assemble the Directors of Vo-Tech Nursing Schools Mar 15th 1983 for the purpose of sharing teaching methods, curriculum and other concerns. I will be available to visit with this group if so requested.
2. Send each Kansas Vo-Tech Director a schedule of Kansas State Board of Nursing meetings in 1983 and, if requested, an agenda of each meeting.
3. Continue to encourage individual board members to meet with small groups of Ks. Vo-Tech Directors to hear their

concerns. The first of these meetings will be Tues Mar 1st 1983 when Board President Pat Diamond meets with Bill Berry and Roy Berry in Topeka.

4. Request agenda time for discussion of ways to refine and update the grievance procedure for appealing board decisions, with specific attention to nursing education programs.

5. Work with the board and staff for the purpose of lessening the "turn around" time of mail and other documents from the board office.

When we visited this morning in your office I asked that you consider withdrawing HB 2143 for the 1983 session. If the above and other measures as proposed by Dr Scibetta do not resolve the problem, legislation could be considered for the 1984 session. Thank you.

Respectfully,

LaDonna Beutler R.M.

MEMBERS OF THE BOARD
ANDERSON E. "GENE" JACKSON,
PRESIDENT, WICHITA
MRS. FRANCES K. THULL, VICE PRESIDENT
CAWKER CITY
ROY L. DERFELT, MEMBER
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SECRETARY, TOPEKA
JOHN C. "JACK" LAMB, INSPECTOR-
INVESTIGATOR, NICKERSON
MRS. TERRY A. BLAND, OFFICE SECRETARY
TOPEKA

The Kansas
State Board of Embalming

CREATED AUG. 1. 1907

535 KANSAS AVE., SUITE 1108
TOPEKA, KANSAS 66603-3436
(913) 296-3980



February 24, 1983

HB 2455, HCR 5011

Dear Chairman and Members of The Committee:

The Kansas State Board of Embalming is in favor of both HB 2455 and HCR 5011.

HCR 5011 is the result of action by the Joint Committee on Administrative Rules and Regulations. The reason behind HCR 5011 is the lack of statutory authority allowing the board to administer an examination for reciprocal funeral director applicants. The only other ammendment is changing the experience requirement on the reciprocal embalmer applicant form three years to one year. This is consistant with in-state Kansas requirements.

HB 2455 would give the embalming board the statutory needs^{authority} to administer the above mentioned reciprocal funeral director examination.

The board feels it would be an injustice to the Kansas consumer to allow applicants licensed in other states to simply come to Kansas and sign a piece of paper saying they are aware and will abide with all Kansas rules governing funeral directing. By administering a written examination, an applicant will be forced to study Kansas laws in order to obtain a license.

HB 2455 will not change any procedures with the Kansas State Board of Embalming. It simply gives the board statutory authority to administer an examination that they have been doing for several years through regulation.

Sincerely,

Mack Smith

Douglas "Mack" Smith, Executive Secretary
The Kansas State Board of Embalming

DMS:tab
Enclosures

(Attachment
no. 3.)

HOUSE BILL No. 2455

By Committee on Public Health and Welfare

2-16

0017 AN ACT concerning the state board of embalming; providing for
0018 examination of a funeral director from another state; amending
0019 K.S.A. 1982 Supp. 65-1721 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. 65-1721 is hereby amended to
0022 read as follows: 65-1721. (a) The board may, in its discretion,
0023 upon payment of the fees herein provided for, issue licenses to
0024 funeral directors residing in other states who are funeral directors
0025 in good standing in their own states, and whose methods of
0026 transacting business do not, in the opinion of the board, violate
0027 any of the laws of Kansas or the rules and regulations of the
0028 board.

0029 (b) If a funeral director from another state desires to locate
0030 and engage in that business in this state, the funeral director shall
0031 not be required to serve one year as a licensed assistant funeral
0032 director in this state if the funeral director is favorably recom-
0033 mended in writing by the license board of the state of the funeral
0034 director's previous residence, and if the funeral director has had
0035 at least one full year of actual experience as a funeral director in
0036 that state, and if the state of the funeral director's previous
0037 residence has educational requirements for funeral directors at
0038 least equal to those in Kansas. Such person shall pay the same
0039 fees as required of other applicants in this state.

0040 (c) *The board may administer a written or oral examination to*
0041 *a funeral director from another state on the statutes, rules and*
0042 *regulations that govern funeral directing in this state.*

0043 Sec. 2. K.S.A. 1982 Supp. 65-1721 is hereby repealed.

0044 Sec. 3. This act shall take effect and be in force from and after
0045 its publication in the statute book.

House Concurrent Resolution No. 5011

By Joint Committee on Administrative Rules and Regulations

1-31

0015 A CONCURRENT RESOLUTION concerning requirements for
0016 reciprocal licenses issued by the state board of embalming;
0017 modifying Kansas administrative regulation 63-1-5 as adopted
0018 by the state board of embalming and filed with the revisor of
0019 statutes on December 3, 1982, and modifying K.A.R. 1982
0020 Supp. 63-2-11.

0021 *Be it resolved by the House of Representatives of the State of*
0022 *Kansas, the Senate concurring therein:* That Kansas administra-
0023 tive regulation 63-1-5, as adopted by the state board of embalm-
0024 ing and filed with the revisor of statutes on December 3, 1982, is
0025 hereby modified to read as follows:

0026 63-1-5. *Requirements for reciprocal embalmer's license.* (a)
0027 An applicant for a reciprocal embalmer's license shall appear in
0028 person before the board for an interview. The applicant shall
0029 demonstrate the intention to practice embalming part-time or
0030 full-time within the state of Kansas. The applicant shall also
0031 provide to the board at the interview: A complete application
0032 form for a license provided by the board; satisfactory evidence
0033 that the applicant has been actively engaged as a licensed em-
0034 balmer for a period of ~~three years~~ *one year*; two character refer-
0035 ences; and a statement of good standing from the applicant's
0036 home state licensing board or agency.

0037 (b) The applicant shall be currently licensed in a state which
0038 has educational requirements that are as high as those of Kansas;
0039 and shall agree to certify in writing that the applicant has read,
0040 understands; and will abide by the rules, regulations; and statutes
0041 of the State of Kansas.

0042 (c) The fee for a reciprocal license and examination shall be
0043 provided by regulation.

0044 *Be it further resolved:* That K.A.R. 1982 Supp. 63-2-11 is hereby

0045 modified to read as follows:

0046 63-2-11 *Requirements for reciprocal funeral director's license.*

0047 (a) An applicant for a reciprocal funeral director's license shall
0048 appear in person before the board for an interview. The applicant
0049 shall demonstrate that ~~he or she~~ *the applicant* intends to regularly
0050 remove remains from this state for funeral services, or intends to
0051 regularly conduct all or portions of funeral services within Kan-
0052 sas. The applicant shall also provide the board at the interview
0053 with: A completed application form for the license provided by
0054 the board; satisfactory evidence that the applicant has been
0055 licensed as a funeral director for a minimum period of one year in
0056 another state; two character references; and a statement of good
0057 standing from ~~his or her~~ *the applicant's* home state licensing
0058 board or agency.

0059 (b) The applicant shall be currently licensed in a state which
0060 has educational requirements that are as high as those of Kansas;
0061 and shall agree to certify in writing that ~~he or she~~ *the applicant*
0062 has read, understands; and will abide by the rules, regulations;
0063 and statutes of the state of Kansas ~~and shall take a written or oral~~
0064 ~~examination.~~

0065 (c) The fee for a reciprocal license shall be as provided by
0066 statute.

0067 ~~(d) (63-2-4 and 63-2-5 revoked May 1, 1977).~~

0068 *Be it further resolved:* That Kansas administrative regulation
0069 63-1-5 shall become effective as modified by this concurrent
0070 resolution on May 1, 1983, and that K.A.R. 1982 Supp. 63-2-11 as
0071 modified by this concurrent resolution shall become effective as
0072 modified on May 1, 1983.

4

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HOUSE BILL NO. 2474

PRESENTED FEBRUARY 28, 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. 2474.

Need For

Research in the field for geriatric care suggests that training of nurse aides will improve the quality of care they can offer for a number of reasons (Winn, et al, 1978). Of all nursing home staff, nurse aides tend to exhibit the lowest educational achievement and receive the lowest pay. In addition, and of major importance, research indicates that nurse aides tend to have the most negative attitudes toward the nursing home resident as well as the lowest preception of their rehabilitation potential (Gillis, 1973). Winn, et al, (1978) conclude that above and beyond all else training nurse aides will improve the quality of care they can offer by elevating their personal feelings of job competence and confidence as well as reducing or eliminating their negative stereotypes of the aged.

Common sense tells us that it is good business to train an employee in a job before the employee is turned loose to function. What businessman would turn an expensive machine over to a new employee before determining that the employee could operate the machine competently? Unfortunately, this is just what we do at the present time with frail and vulnerable elderly residents of nursing homes. The present requirements for training of nursing home aides do not require that a newly employed nurse aide receive any training or demonstrate any particular skills before providing direct care to residents.

STRENGTHS: House Bill No. 2474 would, for the first time, implement the critical step of requiring minimal training before an aide provides direct care to residents.

The training required would focus on basic skills practiced by a nurse aide and would be integrated (not added on) with the training required to become certified.

Training before providing care can assure minimum skill levels, reinforce positive attitudes and perceptions of the elderly, and improve self-confidence and job satisfaction for aides.

(attachment
no. 4.)

WEAKNESSES: None identified.

DEPARTMENT'S POSITION:

The department believes that House Bill No. 2474 would correct a major flaw in the present program for nurse aide training and strongly recommends that the committee report the bill favorably for passage.

PRESENTED BY: Barbara J. Sabol, Secretary
Kansas Department of Health and Environment

TESTIMONY ON HB 2474
to House Public Health and Welfare Committee
by Kansas Department on Aging
February 28, 1983

(Attachment
no. 5.)

Bill Summary: Requires 40 hours of training for nurse aides within 14 working days prior to giving direct individual care to residents.

- Bill Brief:
- 1) Unlicensed individuals who provide direct individual care undergo 40 hours of training within 14 days of employment.
 - 2) Prohibits the provision of direct, individual care until such training is completed.
 - 3) Requires the Department of Health & Environment to approve the training.

Testimony:

The Kansas Department on Aging strongly supports HB 2474 Nurse Aide Training. HB 2474 should be viewed as a resident care bill for the most vulnerable of the elderly population. The intent of the bill is to limit direct "hands on care," that which is directly related to safety and welfare of the resident, until basic skill training is provided. The bill, however, attempts to balance the industry's need to hire aides quickly and to protect the safety of the resident.

Currently, a nurse aide may be hired untrained, and immediately be placed into a situation where they give direct life-sustaining care, without any knowledge of the skills necessary to do the job. I know of no other situation in society in which such life-sustaining responsibilities are assigned to an untrained individual.

There is no question that the patient consequence of inadequate training is severe. From 80-90% of the direct care in nursing homes is provided by aides. 36%, or over 1/3, are untrained. National estimates, by the Senate Committee on Aging, cite this figure at over 50%. This situation will become even more critical in future years as the Kansas population ages and physical impairment increases. A recent GAO study found that the percentage of adult care residents in nursing homes with severe disabilities has increased, with those

(Attachment
no. 5)

evaluated as totally dependent going from 14.4% to 23.3% over a four-year period. This increased dependency in adult care homes means that it is even more imperative to require basic skill training prior to providing "hands on" care.

HB 2474 is an excellent approach to balancing the need of the patient and concern for the viability of the home. By narrowing the requirements to direct, individual care prior to 40 hours of training, the aide may still be used by the home for such work as meal delivery, moving patients in wheelchairs, reading to a patient, etc. The nursing home would continue to function, meet its staffing requirements, and the resident would receive better quality care.

KDOA testified on a similar proposal in 1980, a recommendation of the Nurse Aide Training Task Force. However, that proposal was 40 hours in addition to the hours presently required for certification. There was a substantial fiscal note. This proposal does not require the 40 hours in addition, but as the initial training component. The objective of the Task Force at that time, approved by all participating agencies, was to insure that direct provision of care, was not provided until basic skills training was provided.

KDOA believes that no resident should be exposed to an aide performing a task for which she has no training at all. There must be at a minimum an elementary skill level prior to delivery of direct hands on care to the chronically ill older person who is reliant on the caregiver for their survival. HB 2474 addresses that reasonably and cost efficiently.

KDOA would suggest two changes in the bill, and I have a balloon to pass out.

HOUSE BILL No. 2474

By Committee on Public Health and Welfare

2-18

0016 AN ACT relating to adult care homes; providing for basic training
0017 for unlicensed employees; amending K.S.A. 39-936 and re-
0018 pealing the existing section.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 39-936 is hereby amended to read as fol-
0021 lows: 39-936. (a) The presence of each resident in an adult care
0022 home shall be covered by a statement provided at the time of
0023 admission, or prior thereto, setting forth the general responsibili-
0024 ties and services and daily or monthly charges for such responsi-
0025 bilities and services. Each resident shall be provided with a copy
0026 thereof, with a copy going to any individual responsible for
0027 payment of such services and the adult care home shall keep a
0028 copy thereof in the resident's file. No such statement shall be
0029 construed to relieve any adult care home of any requirement or
0030 obligation imposed upon it by laws or by requirements, stan-
0031 dards, rules and regulations promulgated thereunder.

0032 (b) A qualified person or persons shall be in attendance at all
0033 times upon residents receiving accommodation, board, care,
0034 training or treatment in adult care homes. The licensing agency
0035 may establish necessary standards and rules and regulations
0036 prescribing the number, qualifications, training, standards of
0037 conduct and integrity for such qualified person or persons at-
0038 tendant upon the residents.

0039 (c) Unlicensed employees of an adult care home who provide
0040 direct, individual care to residents under the supervision of
0041 qualified personnel and who do not administer medications to
0042 residents shall not be required by the licensing agency to com-
0043 plete a course of education or training or to successfully complete
0044 an examination as a condition of employment or continued em-

Attachment
No. 6.

Attachment
No. 6.

0045 employment by an adult care home during their first ~~ninety (90)~~ 90
 0046 days of employment. ~~Within that ninety-day period, a training~~
 0047 ~~program of 40 hours approved by the licensing agency shall be~~
 0048 ~~provided for unlicensed individuals who provide direct, individ-~~
 0049 ~~ual care to residents. Training on direct, individual care of resi-~~
 0050 ~~dents shall be completed no later than 14 working days from the~~
 0051 ~~date of employment of such unlicensed employees. Only upon~~
 0052 ~~completion of that training program will the unlicensed employ-~~
 0053 ~~ees be able to provide direct, individual care to residents and such~~
 0054 ~~employees shall not administer medication to such residents.~~ The
 0055 licensing agency may require unlicensed employees of an adult
 0056 care home who provide direct, individual care to residents and
 0057 who do not administer medications to residents after ~~ninety (90)~~
 0058 90 days of employment to successfully complete an approved
 0059 course of instruction and an examination relating to resident care
 0060 and treatment as a condition to continued employment by an
 0061 adult care home. A course of instruction may be prepared and
 0062 administered by any adult care home or by any other qualified
 0063 person. A course of instruction prepared and administered by an
 0064 adult care home may be conducted on the premises of the adult
 0065 care home which prepared and which will administer the course
 0066 of instruction. The licensing agency shall not require unlicensed
 0067 employees of an adult care home who provide direct, individual
 0068 care to residents and who do not administer medications to
 0069 residents to enroll in any particular approved course of instruc-
 0070 tion as a condition to the taking of an examination, but the
 0071 licensing agency shall prepare guidelines for the preparation and
 0072 administration of courses of instruction and shall approve or
 0073 disapprove courses of instruction. Unlicensed employees of adult
 0074 care homes who provide direct, individual care to residents and
 0075 who do not administer medications to residents may enroll in any
 0076 approved course of instruction and upon completion of the ap-
 0077 proved course of instruction shall be eligible to take an examina-
 0078 tion. The examination shall be prescribed by the licensing
 0079 agency, shall be reasonably related to the duties performed by
 0080 unlicensed employees of adult care homes who provide direct,
 0081 individual care to residents and who do not administer medica-

Except that
 40 hours of training

40 hours of training

This 40 hours of training shall be a
 part of the course of education or
 training required for certification
 of nurse aides by the licensing agency.

0082 tions to residents and shall be the same examination given by the
0083 licensing agency to all unlicensed employees of adult care homes
0084 who provide direct, individual care to residents and who do not
0085 administer medications.

0086 (d) Any person who has been employed as an unlicensed
0087 employee of an adult care home in another state may be so
0088 employed in this state without an examination if the secretary of
0089 health and environment determines that such other state requires
0090 training or examination, or both, for such employees at least equal
0091 to that required by this state.

0092 (e) All medical care and treatment shall be given under the
0093 direction of a physician authorized to practice under the laws of
0094 this state and shall be provided promptly as needed.

0095 (f) No adult care home shall require as a condition of admis-
0096 sion to or as a condition to continued residence in the adult care
0097 home that a person change from a supplier of medication needs of
0098 their choice to a supplier of medication selected by the adult care
0099 home. Nothing in this paragraph shall be construed to abrogate or
0100 affect any agreements entered into prior to the effective date of
0101 this act between the adult care home and any person seeking
0102 admission to or resident of the adult care home.

0103 No resident who relies in good faith upon spiritual means or
0104 prayer for healing shall, if such resident objects thereto, be
0105 required to undergo medical care or treatment.

0106 Sec. 2. K.S.A. 39-936 is hereby repealed.

0107 Sec. 3. This act shall take effect and be in force from and after
0108 its publication in the statute book.

TESTIMONY BEFORE THE HOUSE COMMITTEE
ON PUBLIC HEALTH AND WELFARE

By
Dick Hummel
Executive Director

February 28, 1983

HOUSE BILL 2474

"AN ACT relating to adult care homes; providing for basic training for unlicensed employees; amending K.S.A. 39-936 and repealing the existing section."

Mr. Chairman and Committee Members:

On behalf of the Kansas Health Care Association, a voluntary, non-profit organization representative over 200 licensed adult care homes and hospital based long term care units, both proprietary and non-proprietary, we appreciate this opportunity to appear on H.B. 2474.

We are in conceptual agreement with the bill, which would require unlicensed employees of adult care homes to receive certain, basic skills training immediately upon employment.

However, before total support can be given certain important questions must be answered and points clarified. Before presenting these concerns, we believe that a review of the nurse aide training requirements in Kansas is important in order to fully grasp the issue being discussed here today:

TRAINING/CERTIFICATION OF ADULT CARE
HOME NURSES AIDES

The training and certification of adult care home aides is a State, not a federal requirement.

Approximately thirteen other states require nurse aide training as a condition of employment and for facility licensure. Extreme variances exist in course lengths and training time-tables in these states.

First implemented in 1977 in Kansas, nurse aides must successfully complete a 90 hour course and examination within six months of employment.

The 90 hour course may be presented by either an adult care home or an educational institution.

Attachment no. 7.
"Nurse Care"

Since 1977, approximately 13,000 aides have been trained and certified with approximately 8,000 now employed in Kansas adult care homes.

Turn-over in the nurse aide category is roughly 60-70 percent a year, and has been fairly constant since the mandated training was first implemented.

The cost for training an individual nurse aide is about \$500.

In a public statement last year, a spokesman for the Kansas Department of Health and Environment commented that mandated nurse aide training has had marginal impact on reducing turn-over and enhancing the quality of care in nursing homes.

We also point out that there are no formal training requirements for aides in other health care employment sectors, such as in hospitals or home health agencies.

Every year since the nurse aide training program was enacted, again we point out an optional state requirement, there have been legislative initiatives and attempts to "improve" the training program. Without going into a long litany listing each of them, we mention only two of recent memory which warrant repeating:

1. S.B. 361, 1981. Forty hours of training in the first week of employment, in addition to 90 hours of training for certification.

Fiscal note: \$3.06 million. Defeated by Senate Public Health and Welfare Committee.

2. H.B. 2884, 1982. Amended training act to remove the proviso that unlicensed person is not required to be enrolled in a course during the first 90 days of employment.

Defeated by House Public Health and Welfare Committee.

H.B. 2474 -- DISCUSSION/RECOMMENDATIONS

We have reviewed the bill within the framework of Secretary Sabol's position paper, and wish to reconcile certain differences, as well as to present other suggestions:

1. Forty-Hours of Training Apply Towards Ninety Hours for Certification.

This should be stipulated in the bill to make it perfectly clear that the 40 hours of post-employment train-

ing be credited towards the ninety-hours for certification and not in addition to it.

We reference S.B. 361 in our introduction.

2. Performance of Skills Permitted as Mastered.

Lines 0051-0054 state that the employee can only provide care after completion of the entire program.

We recommend that the employee be permitted to perform individual functions within the 40 hours after mastery of each individual skill has been proven.

3. Forty Hours Within Fourteen Working Days.

We recommend that "14 working days" appearing in line 0050 be changed to "30 days." The requirement as proposed could result in an extreme hardship for compliance by facilities employing part-time personnel.

4. In-House Training Maybe Presented by Appropriate Facility Staff.

Currently only a registered nurse can teach the 90 hour training program.

We urge the bill be amended to provide that the basic 40 hours of training may be presented by appropriate staff of the facility: registered nurse, licensed practical nurse, certified medication aide or certified nurses aides.

Our reasons are two-fold -- practicality and costs:

-Bedmaking, the giving of shampoos, and bathing are some examples, according to our understanding, of the skills to be taught. Staff, other than an R.N., are capable of demonstrating these procedures.

-An intermediate care facility (ICF), (of which there are approximately 314 in Kansas) is required to have an LPN on the day shift with four hours of consultation by an R.N. each week as a minimum, with a licensed nurse on-call for the other two shifts.

Understanding that the 40 hours of skills training will be "in-house" and conceding that there is a percentage of ICFs fortunate enough to have an R.N. on staff, there are many that do not.

Limiting the training only to an R.N. could be both a costly, and untenable, proposition.

5. On-Site Supervision of Nurse Aide Trainees.

Currently a nurse aide trainee (not yet certified within first six months of employment) must be under the direct, on-site supervision of a licensed nurse.

Although the adult care home rules and regulations may be the appropriate vehicle, we none-the-less recommend that the nurse aide trainee, after completion of the 40 hours of "in-house" training, be exempt from this requirement.

Testimony on H.B. 2474
By Dick Hummel
February 28, 1983
Page Four

CONCLUSION

As a professional trade association, we are both actively involved and interested in the training and education of our members -- from providing continuing education for nursing home administrators and long-term care nurses to offering basic training for resident activity directors and social service designees.

We have, and continue to, provide nurse aide training materials (even before it was mandated) to both our members and state educational institutions.

The intent of H.B. 2474 is for the training of nurses aides to start sooner upon employment. As mentioned, we are in conceptual agreement, not withstanding our practical concerns.

Attached is a balloon of H.B. 2474 with proposed amendments.

We respectfully request your careful consideration and adoption of them.

I would be happy to respond to any questions the committee might have.

Thank you again for this opportunity.

HB 2474

2

0045 ployment by an adult care home during their first ~~ninety (90)~~ 90
 0046 days of employment. *Within that ninety-day period a training*
 0047 *program of 40 hours approved by the licensing agency shall be*
 0048 *provided for unlicensed individuals who provide direct, individ-*
 0049 *ual care to residents. Training on direct, individual care of resi-*
 0050 *dents shall be completed no later than 14 working days from the*
 0051 *date of employment of such unlicensed employees. Only upon*
 0052 *completion of that training program will the unlicensed employ-*
 0053 *ees be able to provide direct, individual care to residents and such*
 0054 *employees shall not administer medication to such residents.* The
 0055 licensing agency may require unlicensed employees of an adult
 0056 care home who provide direct, individual care to residents and
 0057 who do not administer medications to residents after ~~ninety (90)~~
 0058 90 days of employment to successfully complete an approved
 0059 course of instruction and an examination relating to resident care
 0060 and treatment as a condition to continued employment by an
 0061 adult care home. A course of instruction may be prepared and
 0062 administered by any adult care home or by any other qualified
 0063 person. A course of instruction prepared and administered by an
 0064 adult care home may be conducted on the premises of the adult
 0065 care home which prepared and which will administer the course
 0066 of instruction. The licensing agency shall not require unlicensed
 0067 employees of an adult care home who provide direct, individual
 0068 care to residents and who do not administer medications to
 0069 residents to enroll in any particular approved course of instruc-
 0070 tion as a condition to the taking of an examination, but the
 0071 licensing agency shall prepare guidelines for the preparation and
 0072 administration of courses of instruction and shall approve or
 0073 disapprove courses of instruction. Unlicensed employees of adult
 0074 care homes who provide direct, individual care to residents and
 0075 who do not administer medications to residents may enroll in any
 0076 approved course of instruction and upon completion of the ap-
 0077 proved course of instruction shall be eligible to take an examina-
 0078 tion. The examination shall be prescribed by the licensing
 0079 agency, shall be reasonably related to the duties performed by
 0080 unlicensed employees of adult care homes who provide direct,
 0081 individual care to residents and who do not administer medica-

Strike "14 working" and change to "30"

Strike "that." Add: "and mastery of individual components of the..."

Add: Such training, which may be presented by qualified staff of the adult care home, shall apply towards the 90 hours of instruction required for examination. Upon the successful completion of the 40 hour training program, the unlicensed employee is exempt from the requirement of being under the direct, on-site supervision of a licensed nurse.

Testimony on HB2474
by Jan Bergman
February 28, 1983

Chairman Littlejohn and members of the House Public Health and Welfare Committee, I thank you for the opportunity to speak in support of HB2474. Although I have and do currently hold positions in gerontological nursing at the state and national level, I wish to speak to this bill from my position as co-owner and director of nursing service at Crestview Manor, a 50 bed intermediate care facility in Seneca. I have held this position for the past 15 years.

HB2474 sounds similar to the orientation program that we provide for all newly employed nursing assistants (nurse aides). Incidentally, all new employees in all departments complete an orientation program related to the position and duties for which they were hired. We at Crestview Manor believe it is impossible and unreasonable to expect any employee to safely, adequately and with any degree of self satisfaction do a job that they have not been trained to do.

Orientation or pre-service training costs money but it is cost effective. We, at Crestview Manor, have proven that over the past 15 years. We have one of the lowest turnover of staff rates in the state of Kansas. Retention of staff is attributed to the fact that our orientation and supervision provides the basis for a newly employed nursing assistant to learn her/his job and perform it with confidence and satisfaction. The pay off, of course, is a better qualified nursing assistant providing a higher quality of care for the nursing home residents. For a more complete description of our program, I would refer you to my article on "Recruitment/Selection/Retention" which appeared in the May/June 1981 issue of the prestigious gerontological nursing journal, GERIATRIC NURSING, published by the American Journal of Nursing.

I would recommend that the 40 hr. training program for nurse aides be an in-house, pre-service program which could be the first module of the required nursing home aide training course. I further recommend that it be conducted under the supervision of a professional registered nurse. This is in conformity with the educational requirement that nurse aide programs be taught by R. N.'s.

Thank you for allowing me to speak in support of HB2474. I am receptive to responding to questions.

(Attachment
No. 8.)

HOUSE BILL No. 2474

By Committee on Public Health and Welfare

2-18

0016 AN ACT relating to adult care homes; providing for basic training
0017 for unlicensed employees; amending K.S.A. 39-936 and re-
0018 pealing the existing section.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 39-936 is hereby amended to read as fol-
0021 lows: 39-936. (a) The presence of each resident in an adult care
0022 home shall be covered by a statement provided at the time of
0023 admission, or prior thereto, setting forth the general responsibili-
0024 ties and services and daily or monthly charges for such responsi-
0025 bilities and services. Each resident shall be provided with a copy
0026 thereof, with a copy going to any individual responsible for
0027 payment of such services and the adult care home shall keep a
0028 copy thereof in the resident's file. No such statement shall be
0029 construed to relieve any adult care home of any requirement or
0030 obligation imposed upon it by laws or by requirements, stan-
0031 dards, rules and regulations promulgated thereunder.

0032 (b) A qualified person or persons shall be in attendance at all
0033 times upon residents receiving accommodation, board, care,
0034 training or treatment in adult care homes. The licensing agency
0035 may establish necessary standards and rules and regulations
0036 prescribing the number, qualifications, training, standards of
0037 conduct and integrity for such qualified person or persons at-
0038 tendant upon the residents.

0039 (c) Unlicensed employees of an adult care home who provide
0040 direct, individual care to residents under the supervision of
0041 qualified personnel and who do not administer medications to
0042 residents shall not be required by the licensing agency to com-
0043 plete a course of education or training or to successfully complete
0044 an examination as a condition of employment or continued em-

(1)

Attachment
No. 9.

0045 ~~employment by an adult care home during their first ninety (90) 90~~
 0046 ~~days of employment. Within that ninety-day period a training~~
 0047 ~~program of 40 hours approved by the licensing agency shall be~~
 0048 ~~provided for unlicensed individuals who provide direct, individ-~~
 0049 ~~ual care to residents. Training on direct, individual care of resi-~~
 0050 ~~dents shall be completed no later than 14 working days from the~~
 0051 ~~date of employment of such unlicensed employees. Only upon~~
 0052 ~~completion of that training program will the unlicensed employ-~~
 0053 ~~ees be able to provide direct, individual care to residents and such~~
 0054 ~~employees shall not administer medication to such residents. The~~
 0055 ~~licensing agency may require unlicensed employees of an adult~~
 0056 ~~care home who provide direct, individual care to residents and~~
 0057 ~~who do not administer medications to residents after ninety (90)~~
 0058 ~~90 days of employment to successfully complete an approved~~
 0059 ~~course of instruction and an examination relating to resident care~~
 0060 ~~and treatment as a condition to continued employment by an~~
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 0071 ~~licensing agency shall prepare guidelines for the preparation and~~
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 0073 ~~disapprove courses of instruction. Unlicensed employees of adult~~
 0074 ~~care homes who provide direct, individual care to residents and~~
 0075 ~~who do not administer medications to residents may enroll in any~~
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 0078 ~~tion. The examination shall be prescribed by the licensing~~
 0079 ~~agency, shall be reasonably related to the duties performed by~~
 0080 ~~unlicensed employees of adult care homes who provide direct,~~
 0081 ~~individual care to residents and who do not administer medica-~~

(2) The licensing agency shall require unlicensed employees of an adult care home employed on and after the effective date of this act who provide direct, individual care to residents who do not administer medications to residents and who have not completed a course of instruction relating to resident care and treatment approved by the licensing agency or are not participating in such a course on the effective date of this act to complete successfully, within the first 14 days of employment, as a condition of continued employment by the adult care home, a forty-hour course of instruction in basic resident care skills. Any unlicensed person who has not completed a course of instruction relating to resident care and treatment approved by the licensing agency shall not provide direct, individual care to residents. The course of instruction shall be supervised by a registered professional nurse and the content and administration thereof shall comply with rules and regulations adopted by the licensing agency. The course of instruction may be prepared and administered by an adult care home or by any other qualified person and may be conducted on the premises of the adult care home.

(3)

10

RECEIVED
NOV 4 1982
Re: HA 2143

PUBLIC SCHOOLS
LIBRARY BUILDING
625 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

ORVIN L. PLUCKER
SUPERINTENDENT

November 1, 1982

Dr. Lois Rich Scibetta
Executive Administrator
Kansas State Board of Nursing
Box 1098
503 Kansas Avenue
Suite 330
Topeka, Kansas 66601

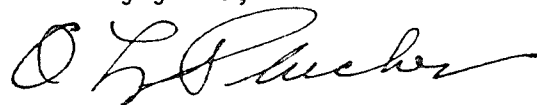
Dear Dr. Scibetta:

As you may well surmise, I have followed very closely the problems relating to approval of the program of the Kansas City, Kansas Area Vocational Technical School for training of licensed practical nurses.

I should like to express my appreciation to you for your prompt attention to the matter and your willingness to work for resolution of a concern which might well have worked to the disadvantage of a good many students.

Please relay my appreciation to the members of the Kansas State Board of Nursing for their willingness to give objective reconsideration to their prior action and our assurance that every effort will be made to operate a training program which is truly in the interest of both trainees and those for whom they will eventually provide services.

Sincerely yours,



Superintendent of Schools

k

(attachment
no. 10.)

DECATUR COUNTY APPEAL OF BOARD DECISION Janet M. Myers, R.N., Education Coordinator, Decatur County Hospital, Oberlin, Kansas, appeared to appeal the March 4, 1982 decision of the Board rejecting the request of Decatur County Hospital to be a long term provider of CE. She stated that nurses in that facility need expertise in all areas due to the small size of that hospital and cites travel time needed for personnel in attending workshops in other towns in the area.

BOARD ACTION The Board suggested alternative measures including providers already approved in Hays and other area cities who would bring CE programs to Decatur.

Recess declared at 10:45 am

Reconvened at 11:00 am

APPEAL OF BOARD DECISION Harry L. Falgren, Director of Kansas City Area Vocational Technical School and Ada Williams, R.N., Director of Health Services, K.C.A.V.T.S., appeared to request reconsideration of the Boards July 22, 1982, decision to not admit PN students to the November, 1982 class or classes thereafter until certain conditions are met. Mr. Falgren presented printed material outlining a progress report on each of the problem areas identified in the July, 1982 Board decision and reviewed the report in detail. Questions from Board members were answered in regard to the schools "four block" approach and the school district's policy of not providing time from classroom duties for attending CE for re-licensure of instructors. Mrs. Williams stated that planning by the faculty for the required changes has been in effect since receiving notification of intended class suspensions.

Dr. Elaine Harvey moved that Kansas City Kansas Area Vocational Technical School be allowed to continue with the November, 1982 class. The Board and school continue to examine courses, program, etc., more fully. Termination would be imposed for the February, 1983 class if noted deficiencies are not remedied. Seconded by Berniece Smith and adopted by unanimous yes voice vote. (motion #13)

Mr. Falgren thanked the Board for their time and the decision rendered.

Recessed for lunch at 12:00.

Reconvened at 1:10 pm.

LPN-IV THERAPY DISCUSSION Sue Akers, Program Coordinator at Beloit AD program appeared to speak for the Kansas Council of Associate Degree Nurse Educators to clarify their position regarding LPNs and IV therapy. She stated there were 18 AD programs in Kansas of which 11 were "career ladder" concept or a completion of AD programs from LPN level. Approximately 128 hours or 11% of the LPN program is devoted to the study of pharmacology which is not adequate to prepare LPNs

RECEIVED
OCT 20 1982

Kansas City Area Vocational Technical School

October 22, 1982

Dr. Lois Rich Scibetta
Executive Administrator
Kansas State Board of Nursing
Box 1098
503 Kansas Avenue
Suite 330
Topeka, KS 66601

Dear Dr. Scibetta:

I truly appreciate the opportunity that was afforded us yesterday to appear before the Board and make our request for an adjustment in the requirements that were placed upon our LPN program. The faculty along with Mrs. Williams and I were most pleased when our request was granted.

I hope that it will be possible for you to send us a copy of the motion as it was passed so that we will not misunderstand or misinterpret the action that was taken.

At this time we will continue to work toward the target date of January 19, 1983, for completion and implementation of all of the requirements. We will address ourselves to all recommendations that are within our prerogative.

In order for us to proceed with our responsibility, it will be critical that the revised material that has been submitted be reviewed as soon as possible and that we receive feedback indicating that it is satisfactory or if not, what needs to be done.

Thank you again for the courtesies extended.

Sincerely,


Harry L. Falgren
Director

HLF/mw

AVTS

2220 North 59th Street, Kansas City, Kansas 66104 (913) 334-1000



KANSAS STATE BOARD OF NURSING

BOX 1098, 503 KANSAS AVENUE, SUITE 330
TOPEKA, KANSAS 66601

Telephone 913/296-4929

TO: The Honorable Marvin Littlejohn, Chairman, and Members of the
House Public Health and Welfare Committee

FROM: Dr. Lois Rich Scibetta, R.N., Executive Administrator

RE: House Bill 2143 - Discussion

DATE: February 28, 1983

In regard to the concerns expressed by the Committee regarding resolution of some of the problems addressed in the discussion of Bill 2143, the following steps will be taken by the Board of Nursing:

THE SURVEY VISIT:

- 1) A draft for a structured exit interview will be prepared by the Board. The exit interview will be conducted by the site visitor. The format should facilitate improved communication. It will not be the final report, but will provide the school an opportunity for discussion and/or comments. Serious problems will be immediately conveyed to the school upon Board action.
- 2) An interim step will give the school an opportunity to respond to the survey report in writing before a full hearing and vote by the Board. At this stage, the school may add and/or clarify information presented.
- 3) Representatives of the school will be invited, and given a specific appointment to attend the meeting in which their school will be discussed. This will again offer the school the opportunity to comment and/or clarify any aspects of the report.
- 4) Any school dissatisfied with the findings and/or decisions of the Board has the right to appeal for a rehearing, and will be encouraged to do so.

COMMUNICATION IN GENERAL:

- 1) The Board has added all the Vo-Technical schools and community colleges having nursing programs to our regular mailing lists for the Board meeting agendas. (This has been done.)

*Attachment
No. 11.*

Representative Marvin Littlejohn

February 28, 1983

Page 2

- 2) The Board meeting schedule will be published in the Kansas Register.
- 3) A joint Board of Nursing and Board of Education Communications Committee will be established to handle, and hopefully resolve, problems which arise.
- 4) If the official business of the Board cannot be accomplished within the scheduled meeting dates, the Board will seek approval for any additional times needed.

The Board of Nursing would be in favor of legislation that would limit and/or declare a moratorium or curtail any more nursing programs in the State of Kansas at this time.

The plan outlined should effectively deal with most of the issues raised by the Bill, and during the testimony before this Committee.