

Approved \_\_\_\_\_

Date

3-7-85  
sh

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at \_\_\_\_\_  
Chairperson

1:30 a.m./p.m. on March 5, 1985 in room 423-S of the Capitol.

All members were present except:

Rep. Blumenthal, excused

Rep. Foster, excused

Rep. Wagnon, excused

Committee staff present:

Bill Wolff, Research

Norman Furse, Revisor

Sue Hill, Secy. to Committee

Conferees appearing before the committee:

Barbara Sabol, Secy. Department of Health and Environment

Dick Hummel, Executive Director, Kansas Health Care Association

Mack Smith, Executive Secretary, Board of Embalming

Dick Hay, General Counselor for Kansas Hospital Association

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

Chair called meeting to order and recognized Ms. Sabol on HB 2492.

Hearings began on HB 2492:

Ms. Sabol, Secretary of Department of Health and Environment spoke to HB 2492, and distributed hand-outs to committee, (see Attachment No. 2 and 2-A), for details. This bill would remove the requirement that a citation be issued when an adult care home fails to make corrections specified in a correction order. She spoke to the flow chart in her hand-out that explained the sequence of events taking place in such situations, and commented about the civil penalties that could be imposed. It is the feeling of their Department that if HB 2492 passes, adult care homes will continue to have formal notice of deficiencies in a correction order and a specified opportunity to make the corrections, and consumers will be better protected by allowing more timely imposition of a civil penalty when adult care homes fail to make the corrections required. She urged for favorable passage of this bill, and then answered questions.

Dick Hummel, Executive Director of Ks. Health care Association distributed hand-out to committee, (see Attachment No. 3), for details of his testimony. He stated their Association disagrees with the need to change or "stream-line" the civil penalty process, and is in opposition to HB 2492. They contend, he said, that in a process such as this one, where an agency performs an administrative, accusatory and adjudicatory function, that rights of due process are very important, and should not be swept aside. Further, believe HB 2492 is unnecessary, and cautioned against a change justified upon administrative convenience by placing a greater police power within the realm of an administrative agency. He answered questions from committee.

Hearings closed on HB 2492.

Briefing on HB 2497 by Bill Wolff, of Research dept. He stated that on line 30 language authorizes Secy. of Health and Environment to issue a temporary permit. and page 2, line 56 through 60 says that the Secy may issue permits without the approval of the Secretary of Social Rehabilitation Services. He spoke to necessary language changes.

Hearings began on HB 2497:

Chair recognized Secy. Sabol gave printed testimony, (see Attachment No. 4) for details. She stated this proposed legislation offers amendments to present statutes which would authorize the Secretary of Health and Environment upon receipt of an application for a child care license to issue a temporary permit for a period not to exceed 90 days. This would allow for immediate enrollment of children for care. New Sections 3 and

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 a.m./p.m. on March 5, 1985.

Hearings continue on HB 2497:

4 allow temporary suspension of a license, certificate of registration or a temporary permit, pending a hearing, to protect children in out-of-home care who are at risk. The usual enforcement procedures may take up to three months, during which time the child care provider continues to care for children even though the reasons for the revocation may represent substantial threats to the child's health and safety. She recommended favorably passage for HB 2497.

Elizabeth Taylor, of Kansas Association for Education of young children could not be present, but asked that it be stated for the record that their Association is in favor of HB 2497.

Hearings closed on HB 2497.

Hearings on HB 2555 began:-

Mack Smith, Executive Secretary of Ks. Board of Embalming spoke to HB 2555, saying this bill has a two-fold purpose. One; to change the name of their Agency, and two; to raise fee limitations. The name request is to tell people they are more than a Board of Embalmers, and the request for increase in maximum fees is to eliminate the necessity of coming before this committee at a later time to ask to have maximums increased. Fees are currently at maximums, so later on when they do need to raise fees, the authority will be there. He answered questions from committee, and there was discussion in regard to the Sunset problem. Revisor Norman Furse will work with committee in this regard when action takes place on HB 2555 it was noted.

Hearings closed on HB 2555.

Hearings on HB 2467:

Dick Hay, General Counselor of Kansas Hospital Association spoke to HB 2467. He stressed this legislation will give flexibility to Hospitals, allowing them to better utilize funds given to them as gifts or bequests. Two points to be noted are, (1), there is no effect on tax levys whatsoever, as the moneys are from gifts or bequests, (2), said gift or bequest, if given for specific purposes or uses will be designated for those specific purposes and not spent on anything else. He then answered questions from committee.

Hearings closed on HB 2467.

Chair noted that Mr. Jerry Slaughter wished to testify on HB 2338, but is not present at this time. He would like to go on record that the Kansas Medical Society is in support of HB 2338. Chair further noted to committee, (Attachment No. 5), is the printed testimony of Mr. Don Strole from Kansas Board of Healing Arts who spoke at yesterdays meeting in favor of HB 2338.

Hearings began on HB- 2468:

Secretary Sabol spoke without printed testimony on HB 2468, saying the purpose is to allow ease of implimentation of some provisions, i.e., Sec. (2), page 2, indicates the Secretary will be relieved of making a survey on each Home Health Agency prior to the issuance of a license that first year. The proposed Home Health Agency would have to provide documentation of application to the Department of Health and Environment, but it would allow that initial license be issued without a survey inspection. Page 3, line 103, would allow the Secretary to issue a license to a Home Health Agency who is licensed in another state, through a reciprocal agreement, providing they meet Kansas requirements and standards. She asked for favorable consideration of HB 2468. She then answered questions from committee members, i.e., how do bordering state's standards compare with those of Kansas; yes, we certain would not allow any state licensure unless they adhere to Kansas standards.

Chair noted the heavy agenda for meeting on Wednesday in regard to action that will be taken on a large number of bills.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 a.m./p.m. on March 5, 1985

Chair announced that HB 2473 has many voluminous amendments being recommended to be placed on it, and with our time constraints, it is felt that there would not be time to properly work the bill. It has been suggested that HB 2473 be withdrawn from this committee, be re-introduced to Federal and State Affairs Committee, and then returned to Public Health and Welfare Committee.

Chair recognized revisor Norman Furse, and he explained technical aspects of Sunset law on HB 2555. Mr. Furse noted on page 18, Section (4), language proports to place the Board of Mortuary Arts under the Sunset law. In the process of the Legislature several years ago removing several fee agencies from the Sunset law provision, the Board of Embalming was removed by one bill and re-enacted by another bill. Mr. Furse then recommended committee suggest a repealer to correct this technical error. Rep. Friedeman moved committee recommend repealer to correct technical language in HB 2555 in regard to Sunset provision, seconded by Rep. Cribbs, vote taken, motion carried.

HB 2208: Sub-Committee report.

Rep. Bideau distributed hand-out to committee, (see Attachment No. 6), for details of recommended amendment for HB 2208. Rep. Bideau then moved to accept this sub-committee report, seconded by Rep. Branson, discussion ensued, vote then taken, motion carried.

Rep. Friedeman made a motion that HB 2208 be reported favorably as amended out of committee, seconded by Rep. Neufeld, motion carried.

Rep. Neufeld then moved the minutes of February 28, and March 4th, be approved as written, seconded by Rep. Cribbs, motion carried.

Chair said, may it be noted that fiscal notes on HB 2301, (see Attachment No. 7), for details, and fiscal note on HB 2473, (see Attachment No. 8), for details, were distributed to each committee member this date.

Meeting adjourned at 2:35 p.m.

GUEST REGISTER

3/5/85

HOUSE

PUBLIC HEALTH AND WELFARE

| NAME                 | ORGANIZATION         | ADDRESS       |
|----------------------|----------------------|---------------|
| Louise Hayes         | Centrolia Health Soc | Centrolia, Ks |
| Joe Engelke          | Onaga, Hospital      | Onaga Kansas  |
| James Redger         | WSSWA                | Topeka, Ks    |
| Chris Wacker         | WSSWA                | Topeka, KS    |
| Debbie Keating       | KAHA                 | Topeka        |
| Marilyn Bradt        | KINTI                | Lawrence      |
| Kath Marney          | NECA                 | Topeka        |
| DAN MORGAN           | AGC of KS            | Topeka        |
| Guillermo Baneto Veg | HSANER               | Topeka        |
| Dr. Hollowell        | CDHS                 | "             |
| B. J. Sabol          | "                    | "             |
| John Peterson        | Charter Medical      |               |
| Dick Hammel          | Ks HEALTH CARE ASSN  | Topeka        |
| Arita Larson         | SKS                  | Topeka        |
| <del>ICHS</del>      |                      |               |
| Clara Cimbi          | HSANER               | Topeka        |
| Tommy Buckley        | HSANER               | Lawrence      |
| John D. Ray          | KACA                 | Topeka        |
| Lynelle King         | KSVA                 | "             |

Attn. #1  
3-5-85



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Attn. # 2  
3-5-5

TESTIMONY ON HOUSE BILL 2492

PRESENTED TO THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

MARCH 5, 1985

This is the official position taken by the Kansas Department of Health and Environment on House Bill 2492.

BACKGROUND INFORMATION:

House Bill 2492 would amend the Kansas statutes authorizing the assessment of civil penalties in adult care homes to remove the requirement that a citation be issued when an adult care home fails to make the corrections specified in a correction order.

KSA 39-945 authorizes the Secretary to issue a correction order to an adult care home when she determines that noncompliance exists which "affects significantly and adversely the health, safety, nutrition, or sanitation of the adult care home residents." The statute also requires that the correction order state the deficiency, cite the specific statutory provision or rule and regulation alleged to have been violated, and specify the time allowed for correction.

The department reinspects following the specified time allowed for correction to determine if the corrections have been made. If the adult care home has not made the corrections, KSA 39-946 requires the department to issue a citation listing the uncorrected deficiency or deficiencies. The statute requires the Secretary to issue a citation when deficiencies cited in a correction order have not been corrected. The department then reinspects and makes a determination as to whether or not the corrections have been made following the issuance of a citation.

If the corrections have still not been made, the Secretary may assess a civil penalty in an amount not to exceed \$100 per day per deficiency but the maximum assessment may not exceed \$500.

In calendar year 1983, the department issued 253 correction orders, 33 citations, and assessed four civil penalties. In calendar year 1984, the department issued 211 correction orders, 51 citations, and assessed eight civil penalties.

ISSUES:

The requirement that a citation be issued when an adult care home fails to make the corrections specified in a correction order is expensive to administer and serves to encourage delays in making the corrections required by correction order. The correction order specifies the deficiencies and the time allowed for correcting the deficiencies and is formally served upon the adult care home and each licensee of the adult care home. When the required corrections are not made within

Attn. # 2  
3-5-5

the specified time period, the department is required to bear the cost of a second inspection of the home on the same issues. Perhaps more important, serious violations may be allowed to continue unnecessarily because of the delay caused by the requirement for issuing a citation.

If House Bill 2492 is passed, adult care homes will continue to have formal notice of deficiencies in a correction order and a specified opportunity to make the corrections. At the same time, consumers will be better protected by allowing more timely imposition of a civil penalty when an adult care home fails to make the corrections required.

DEPARTMENT'S POSITION:

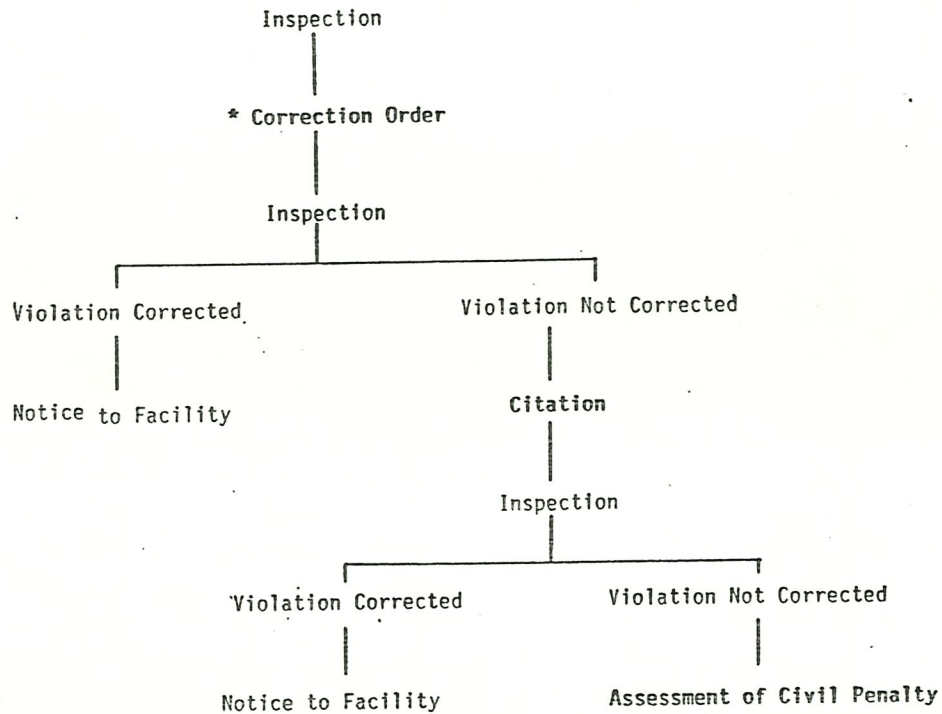
The Department of Health and Environment respectfully recommends that the committee report House Bill 2492 favorably for passage.

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

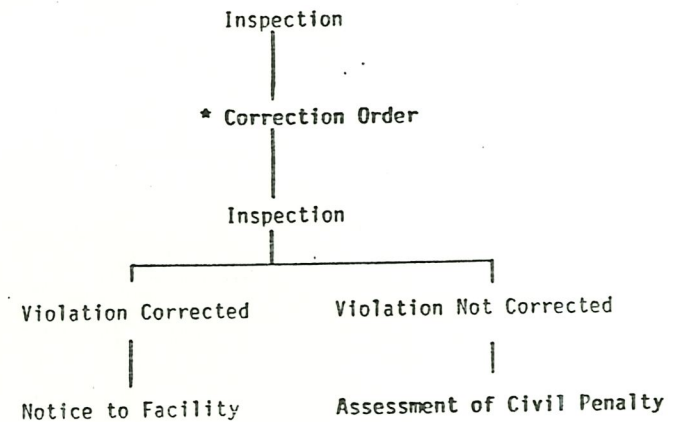
*Attn. 2-A  
3-5-5*

KANSAS ADULT CARE HOME CIVIL PENALTY PROCESS

Current Process



Proposed Process



\* KSA 39-945. A correction order may be issued by the Secretary of Health and Environment . . . to a person licensed to operate an adult care home whenever a duly authorized representative . . . inspects or investigates an adult care home and determines that the adult care home is not in compliance with the provisions of Article 9 of Chapter 39 of the Kansas Statutes Annotated or rule and regulation promulgated thereunder which affects the health, safety, nutrition or sanitation of the adult care home residents.

*Attn. 2-A  
3-5-5*



*Attn. # 3  
3-5-5*

TESTIMONY PRESENTED BEFORE THE  
HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

By  
Dick Hummel, Executive Director  
Kansas Health Care Association

March 5, 1985

HOUSE BILL NO. 2492

"AN ACT relating to adult care homes; providing  
for assessment of civil penalties."

Mr. Chairman and Committee Members:

On behalf of the Kansas Health Care Association, a voluntary non-profit organization representing 250 licensed adult care homes (nursing homes) both tax-paying and non-profit, large-small, urban-rural, and single as well as multi-facility ownership interests, thank you for this opportunity.

We disagree with a need to change or "stream-line" the civil penalty process, and therefore are opposed to this bill.

The assessment of a civil penalty is an intermediate sanction, short of receivership and licensure revocation, and has been an effective enforcement tool and remedy in our opinion for bringing adult care homes into compliance with regulatory standards; this process is depicted below:

|   |   |   |
|---|---|---|
| <p><u>INSPECTION</u>    ➡</p> <p>1. Joint Signing of Preliminary Inspection Report and Record of Deficiencies.</p> <p>2. Plan of Correction (P.O.C.) prepared by A.C.H.</p> | <p><u>INSPECTION</u>    ➡</p> <p><u>REPORT TO</u></p> <p><u>KDH&amp;E BY</u></p> <p><u>FIELD SURVEYOR</u></p> | <p><u>REPORT REVIEWED</u>    ➡</p> <p><u>BY KDH&amp;E CENTRAL</u></p> <p><u>OFFICE WITH CORRECTION</u></p> <p><u>ORDER TO A.C.H.</u></p> <p>(Often Sent Before P.O.C. is completed by A.C.H.)</p> |
|---|---|---|

|  |   |  |
|--|---|--|
| <p><u>CORRECTION ORDER</u>    ➡</p> <p><u>RECEIVED BY A.C.H.</u></p> | <p><u>INSPECTION BY</u>    ➡</p> <p><u>KDH&amp;E</u></p> <p>Citation if violation is uncorrected.</p> | <p><u>CITATION</u>    ➡</p> <p>Inspection by KDH&amp;E</p> |
|--|---|--|

ASSESSMENT OF CIVIL PENALTY  
If violation uncorrected.

*"We Care"*

*Attn. # 3  
3-5-5*

House Bill 2492 would remove the citation step from this administrative process, which we feel should remain as a necessary, due process procedural right.

What is the purpose of this process, has it worked, and why should it be changed?

PURPOSE: An enforcement tool to bring homes into compliance with standards.

CORRECTION ORDER ISSUED FOR: violation of standard "which affects significantly and adversely the health, safety, nutrition, or sanitation of the adult care home residents."

CITATION ISSUED FOR: "uncorrected deficiencies that have an endangering relationship to the health, safety or sanitation of the adult care home residents."

Note these two tests are of different and greater severity.

FUNCTION: If it is agreed that the purpose of this process is to bring to the attention of adult care home operators infractions of varying degrees of severity for prompt remedy, with correction orders almost common-place and a "given" now with an inspection, we'd maintain, based upon KDH&E statistics, that the system is functional:

FY 83

|                    |     |
|--------------------|-----|
| CORRECTION ORDERS: | 253 |
| CITATIONS:         | 33  |
| CIVIL PENALTIES:   | 4   |

CHANGE? It is charged that the existing process is "cumbersome." What is the reason for a change other than for administrative convenience? We contend that in a process such as this, where an agency performs an administrative, accusatory and adjudicatory function, that rights of due process are very important, and not to be swept aside for the sake of administrative expediency.

#### CONCLUSION

We believe H.B. 2492 is unnecessary; if conditions exist that are endangering to the health and welfare of residents, we don't find any time prohibition in the statute against the agency rapidly and successively issuing a correction order, citation and civil penalty -- maintaining a vigilance until corrected -- and simultaneously petitioning the court for receivership if imminent life-endangering conditions exist.

We caution against a change justified upon administrative convenience by placing a greater police power within the realm of an administrative agency.

In the event you are interested, attached are copies of two correction orders issued in the past year. It is interesting to compare the deficiency report to the correction order.

I would be happy to respond to any questions.

BEFORE THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

In The Matter Of The Correction Order

[REDACTED]

[REDACTED]

CORRECTION ORDER

TO:

[REDACTED]

[REDACTED]

Licensee and administrator for the above-captioned facility.

You are hereby notified that [REDACTED] has been determined to be in noncompliance with KAR 28-39-106(d)(2), which provide:

\* [ KAR 28-39-106(d)(2) -- Backflow prevention devices (vacuum breakers) shall be installed on bedpan flushing attachments and on fixtures to which hoses or tubing can be attached. ]

Relative to this matter [REDACTED] has been inspected on the following occasions: [REDACTED]  
[REDACTED]

This facility was determined to be in noncompliance on the following date and was notified by preliminary inspection report dated [REDACTED] and signed by [REDACTED]. Attached as Exhibit A and incorporated herein is a copy of the deficiency report setting forth the factual basis for this order.

\* This deficiency (nonconformity) is deemed to significantly and adversely affect the health, safety, nutrition, or sanitation of the residents.

\* ON ORDER AT TIME OF SURVEY

CORRECTION ORDER

[REDACTED]

Page 2

IT IS THEREFORE ORDERED pursuant to KSA 39-945 that [REDACTED]

[REDACTED], provide:

1. The backflow prevention devices (vaccum breakers) be installed at the janitor's closet sinks as required by KAR 28-39-106 (d)(2) within ten (10) calendar days of the receipt of this order.

Dated this 14 day of September, 1983.

*Richard J. Morrissey*  
 Richard J. Morrissey, Director  
 Office of Health Facilities

CERTIFICATE OF MAILING

I hereby certify that on the 15 day of September, 1983, a true and correct copy of the foregoing Correction Order was mailed to:

[REDACTED]

[REDACTED]

by depositing the same in a properly addressed envelope, postage prepaid, certified mail, return receipt requested in the U.S. mail.

*Lisa Lewis*  
 Staff Member

Certified Mail # [REDACTED]

Certified Mail # [REDACTED]



PACKING SLIP

# A.Y. McDonald MFG. CO.

601 MCKINLEY AVE.  
JOPLIN, MO. 64801

1217 ELM ST.  
COFFEYVILLE, KS. 67337

211 ELM ST.  
EBANON, MO. 65536

515 PRAIRIE ST.  
FAYETTEVILLE, AR. 72701

3130 TERRACE ST.  
KANSAS CITY, MO. 64111

PAGE 10-

|            |         |         |
|------------|---------|---------|
| 1          | SOLD TO | SHIP TO |
| 2          |         |         |
| 3          |         |         |
| 4          |         |         |
| 5          |         |         |
| RESERVE    | R       |         |
| TAG & HOLD | T       |         |

In consideration of the extension of credit for this purchase, the purchaser agrees to assessment of late payment penalty should payment not be made when due.

|        |              |              |             |           |                    |         |              |                    |
|--------|--------------|--------------|-------------|-----------|--------------------|---------|--------------|--------------------|
| SLSMAN | CUSTOMER NO. | DATE SHIPPED | SHIPPED VIA | 1 PICK UP | 3 COLLECT          | B/L NO. | WHEN TO SHIP | CUSTOMER ORDER NO. |
|        |              |              |             | 2 PREPAID | 4 PREPAID & CHARGE |         |              | 33401              |

| QUANT. ORDERED | PART NUMBER | DESCRIPTION                     | UNIT | QUANT. SHIPPED | B/O | UNIT PRICE | DISC. | NET TOTAL |
|----------------|-------------|---------------------------------|------|----------------|-----|------------|-------|-----------|
|                |             | <del>30002</del> VALVET FOR HOT |      |                |     |            |       |           |
|                |             | <del>30004</del> cold           |      |                |     |            |       |           |
|                | 34263       | O-Ring                          |      |                |     |            |       |           |
|                | 41303       | CHECK GUIDE 540. ASS.           |      |                |     |            |       |           |
|                | 20504       | GASKET                          |      |                |     |            |       |           |
|                | 51290       | GASKET                          |      |                |     |            |       |           |
|                | 51289       | CHECK PLUNGER                   |      |                |     |            |       |           |

*Received*  
*8-29-83*  
*Green*

XM15002

SALES TAX

BEFORE THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

In The Matter Of The Correction Order

[REDACTED]

CORRECTION ORDER

TO:

[REDACTED]

Licensee and administrator for the above-captioned facility.

You are hereby notified that the [REDACTED] has been determined to be in noncompliance with KAR 28-39-87(a), KAR 28-39-89(f)(4), KAR 28-39-78(a)(7), KAR 28-39-87(e), KAR 28-39-87(f)(2), and KAR 28-39-87(f)(5), which provide:

KAR 28-39-87(a) -- The facility shall provide programs and personnel to meet the nursing needs of the residents.

KAR 28-39-89(f)(4) -- Medications shall be checked against physician's orders, the resident shall be identified prior to administration, and the use of the medication administered to the resident shall be recorded on the resident's individual medication record by the person who administers the medication.

\* KAR 28-39-78(a)(7) -- The resident shall be free from restraints unless the restraints are authorized by a physician for a specified and limited period of time or when necessary to protect the resident from injury to self and others.

\* KAR 28-39-87(e) -- There shall be a signed physician's order for any restraint, including justification, type of restraint, and duration of application. A resident shall not be restrained unless, in the written opinion of the attending physician, it is required to prevent injury to the resident or to others, and alternative measures have failed.

\* ONE OF TWENTY RECORDS HAD NO PHYSICIAN ORDER.

CITY

PRESENT STATUS

#1 KAR 28-39-89 (c)(2)  
 Not all prescription medication containers were labeled by the dispensing pharmacist in accordance with KAR 18-7-14 as evidenced by:  
 (a) Diatase plus i cap m.i.w.F. - label states m.i.w.F. 115. medication sheet documented as given 8<sup>00</sup> a.m.  
 (b) Ascordin 25mg HS - label states as directed  
 (c) Prescription label dated 11-2-83 was un-readable as to full name and instructions for use.

#2 KAR 28-39-89 (c)(3)  
 over the counter medications observed in resident medication cabinets lacked the full name of the resident on the container

#3 KAR 28-39-89 (f)(4)  
 medications were not always checked against physician orders as evidenced by: Diatase plus i cap m.i.w.F. was documented as given daily.

#4 KAR 28-39-89 (g)(2)  
 The pharmacist had not identified all deteriorated medications at the time of monthly drug review as evidenced by:  
 (a) ASA supp - expiration date 11-83  
 (b) Dulcolax supp - exp. date 11-83 and 12-1-83  
 (c) nitroglycerin dated 5-26-83

#5X KAR 28-39-89 (a)(1)  
 KAR 28-39-89 (e)  
 A signed physician's order for use of restraints was lacking on one of twenty resident records reviewed.

DATE SURVEYOR'S SIGNATURE

ADULT CARE HOME REPRESENTATIVE'S SIGNATURE

DATE

Attn. #  
3-5-5 #4

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HB 2497

PRESENTED TO Public Health and Welfare Committee

This is the official position taken by the Kansas Department of Health and Environment on HB 2497.

BACKGROUND INFORMATION:

K.S.A. 65-501 and K.S.A. 1983 Supp. 65-504 as currently written require child care providers to be licensed before caring for children. This proposed legislation offers amendments to those statutes which would authorize the Secretary upon receipt of an application for a child care license to issue a temporary permit for a period not to exceed 90 days. The temporary permit would allow the immediate enrollment of children for care.

New Section III and Section IV set forth the grounds and procedures for the temporary suspension of a license, registration certificate, or temporary permit pending a hearing when children need protection from threats to their health or safety. It requires the the Department to conduct administrative proceedings in accordance with relevant provisions of the Kansas Administrative Procedure Act.

ISSUES:

Amendments are proposed primarily for the benefit of day care home providers who frequently apply for a license after being asked to care for specific children. The temporary permit would not only authorize the enrollment of children following an application for license, but would also make it possible for the Child Care Food Program to reimburse the applicant for child care food costs following issuance of the temporary permit rather than having to delay payment until the license is issued.

New Sections III and IV allow temporary suspension of a license, certificate of registration or a temporary permit, pending a hearing, to protect children in out-of-home care who are at risk. The usual enforcement procedures may take up to three months, during which time the child care provider continues to care for children even though the reasons for the revocation may represent substantial threats the child's health and safety.

DEPARTMENT'S POSITON:

The Department of Health and Environment respectfully recommends that the Committee report the bill favorably for passage.

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

Attn. #4  
3-5-5



*attn. #5*  
*3-5-5*

TESTIMONY OF THE BOARD OF HEALING ARTS  
BEFORE THE HOUSE PUBLIC HEALTH AND WELFARE  
COMMITTEE ON HB 2338

HB 2338 is a major piece of legislation which, if pursued, will help insure that only well trained and well qualified persons will become licensed to practice medicine and surgery in the State of Kansas. It's major provision, Sec. 3 will allow the Board to establish criteria by which medical schools are to be judged. Presently, the Board does not have such criteria or the criteria it has is woefully inadequate to deal with the complexity of the problem of licensing graduates of medical schools, especially foreign medical schools.

In 1957 when the Healing Arts Act was adopted there was not a significant problem regarding the quality of medical schools either in the U.S. or foreign schools. Thus, a standard simply stating that a school should be equivalent to the University of Kansas Medical School was sufficient. In the early 1970's however, numerous schools began to crop up, especially in the Carribean, Mexico, India, the Philippines and Pakistan. Many of these schools were established primarily for American students who were unable to get into an American Medical School. Many of them also charged a very high tuition, thus, there was in some instances a profit motive behind their establishment as well.

The problems with some of these schools became apparent after awhile. For example, some of the schools did not and still do not have adequate laboratories, libraries, clinical facilities, faculty etc. The Board has great difficulty in differentiating between the good schools and the bad schools in these regions.

Worldwide there are over 1,000 foreign medical schools. Thus, simply obtaining sufficient information about many of them is a difficult task. This is where sections 3(c) and (d) will be quite helpful. The Federation of State Medical Boards has established a fact gathering commission to assist in obtaining the necessary information for State Medical Boards. Section 3(d) will allow our Board to obtain the information gathered by this commission. Therefore, when making a determination about whether to approve a given

*attn #5*  
*3-5-5*

school, the Board should be in much better position after the passage of this bill.

New Section (c) addresses another aspect of licensing foreign medical graduates. It would allow a person to become licensed if he or she meets the conditions specified therein, even if that person has not graduated from an approved school. The Board believes the conditions in (c)(1) and (c)(2) are sufficient alternative safeguards to ensure that the person is adequately qualified and trained for licensure. There are certain schools, especially in communist countries where neither the applicant nor the Board can obtain the necessary information to approve or disapprove the school. However, the Board believes that because of the postgraduated training received in the U.S. or another approved school, the person should be granted a license. Since most of these schools have been in existence for over 15 years, the Board believes that at least the school has a decent track record and probably was not established purely for profit reasons.

The other sections of the bill I think are self-explanatory. On the Institutional Permit, the Board has recommended that this permit be renewable (upon the recommendation of the permit holder's supervisor.) This last phrase should be amended into the bill at line 161 after the word "renewable."

#6  
3-5-85

Re: HOUSE BILL #2208

Strike lines 22 thru 26 and insert in lieu thereof:

Section 1. (a) No individual shall be required to accept emergency medical service, medical treatment, or transportation for the purpose of obtaining emergency medical treatment if the individual objects to such service, treatment or transportation on religious grounds or if the individual is a child or infant and a parent having custody on the individual's behalf, objects to such service, treatment, or transportation on religious grounds.

and strike lines 30 thru 38...

Attn #6.  
3-5-85

*Attn #7  
3-5-85*

The Honorable Marvin Littlejohn, Chairperson  
Committee on Public Health and Welfare  
House of Representatives  
Third Floor, Statehouse

*425-5*

Dear Representative Littlejohn:

SUBJECT: Fiscal Note for House Bill No. 2301 by  
Representative Apt

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2301 is respectfully submitted to your committee.

House Bill No. 2301 requires the addition of fingerprints to birth certificates.

The Department of Health and Environment indicates that passage of House Bill No. 2301 would result in increased expenditures from the State General Fund in the amount of \$2,800 in FY 1985 for printing and postage costs related to revision and distribution of birth certificate forms so that the new forms will be available on July 1, 1985. It is not possible to reliably determine additional costs which might be incurred by city, county, or district hospitals in adding fingerprints to the birth certificates.

Passage of House Bill No. 2301 would result in increased expenditures in the amount of \$2,800 from the State General Fund in FY 1985 above the amounts contained in the FY 1986 Governor's Budget Report.

*Alden K. Shields*  
Alden K. Shields  
Director of the Budget

AKS:PS:dj

*Attn #7  
3-5-85*

*Attn. # 8  
3-5-5*

The Honorable Marvin Littlejohn, Chairperson  
Committee on Public Health and Welfare  
House of Representatives  
Third Floor, Statehouse

*425-5*

Dear Representative Littlejohn:

SUBJECT: Fiscal Note for House Bill No. 2338 by  
Representative Duncan

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2338 is respectfully submitted to your committee.

House Bill No. 2338 amends K.S.A. 1984 Supp. 65-2811 to require post graduate medical students applying for a temporary permit to practice the healing arts after July 1, 1986 to pass an examination. K.S.A. 65-2873 is amended to establish provisions under which the Board of Healing Arts may authorize an applicant for a license who is not a graduate of an accredited healing arts school or college. K.S.A. 65-2874 is amended to specify 12 areas for minimum standards of the criteria to be used by the Board of Healing Arts to determine whether a school of medicine is substantially equivalent to the University of Kansas School of Medicine for the purpose of accreditation. House Bill No. 2338 also creates an institutional permit for persons employed by the Department of Social and Rehabilitation Services and institutions within the Department of Corrections.

The Board of Healing Arts indicates that passage of House Bill No. 2338 would result in additional expenditures of approximately \$5,300 in special revenue funds. Of this amount, \$3,000 is for part-time clerical and research work related to evaluation of medical schools and \$2,380 is for purchase of examination forms for 17 post graduate medical students estimated to apply for a temporary permit who have not taken the required examination. One of the provisions of House Bill No. 2338 authorizes the board to contract with investigative agencies, commissions, or consultants to assist the board in obtaining information about schools. If the Board determines that such contractual services are necessary there could be an additional expenditure of \$10,000 from special revenue funds. Additional revenue would be generated in the amount of \$2,805 from examination fees. Of this amount, 20 percent or \$561 would be deposited to the State General Fund and \$2,244 would be available for Board operations.

*Attn. #8  
3-5-5*

Any receipts and expenditures as a result of passage of House Bill No. 2338 would be in addition to the amounts contained in the FY 1986 Governor's Budget Report.

*Alden K. Shields*  
Alden K. Shields  
Director of the Budget

AKS:PS:sr