

Approved 3-18-85
Date rh

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 March 7, 1985 in room 423-S of the Capitol.

All members were present except:

Representative Vernon Williams, excused

Committee staff present:

Emalene Correll, Research
Norman Furse, Revisor
Sue Hill, Secy. to committee

Conferees appearing before the committee:

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

Chairman called meeting to order and directed attention to discussion and action on several bills.

HB 2338: Board of Healing Arts granting of temporary permits/licensure by examination.

This bill was tabled at meeting on March 6th, and will be taken off table this date for discussion. Chair recognized Rep. Wagnon and she spoke of concerns with HB 2338, and called attention to a balloon, (see Attachment No. 2), for details. This proposed amendment will get rid of the institutional concept, with striking section (4). It will amend K.S.A. 65-2895 which eliminates the two year limitation on a fellowship license. (See Balloon for complete amendment proposed.) Rep. Wagnon moved to amend HB 2338 as so shown in balloon, motion seconded by Rep. Harder. Discussion followed, vote taken, motion carried.

Rep. Buehler moved that HB 2338 be passed favorably as amended out of committee, seconded by Rep. Foster. No discussion. Vote taken, motion carried.

HB 2555: Changing name of Board of embalming to Mortuary Arts.

Chairman invited revisor Norman Furse to explain to committee the need for some technical language, and the repealer that was written on HB 2555. Mr. Furse noted page 3, line 117, the word "embalming" should be changed to "mortuary arts". Rep. Runnels made a motion to amend HB 2555 accordingly, seconded by Rep. Friedeman, motion carried.

Rep. Friedeman moved to pass HB 2555 favorably as amended out of committee, seconded by Rep. Green, vote taken, motion carried. Rep. Neufeld going on record as a NO vote.

HB 2468: Home Health Agencies.

Chair noted to committee that because of concerns with Home Health Aides in HB 2468, it has been suggested that portions in this bill related to Aides be taken out, and Interim study done on Aides at the same time as other credentialing concerns are studied.

The proposed changed would be to, page 4, line 154 through 156, page 5, lines 157-158 ending with the word "section". Strike Sub section (c) and (d) which are lines 170 through 192. Rep. Friedeman moved to amend HB 2468 as so discussed, seconded by Rep. Branson. Discussion ensued. Vote taken, motion carried.

Rep. Friedeman moved to pass HB 2468 favorably as amended out of committee, seconded by Rep. Green, vote taken, motion carried.

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 7, 1985.

HB 2504: Social worker's fees.

Chair recognized Rep. Foster who made a motion that HB 2504 be passed favorably out of committee, seconded by Rep. O'Neal. No discussion. Vote taken, motion carried.

HB 2304: Concerning licensure of Nursing Care Homes for Mentally Retarded.

Chair recognized revisor Norman Furse, and the amendment was explained to members. (See Attachment No. 3), for details. There was a lengthy explanation and discussion on this proposed amendment.

Rep Friedeman moved the proposed amendment be incorporated into HB 2304, seconded by Rep. Hassler, motion carried.

Discussion took place on a cap of 75 beds being placed on Intermediate Care Facilities for Mentally Retarded, (ICFMR). Rep. Friedeman made a conceptional amendment that this cap of 75 beds be placed on ICFMR's on HB 2304, motion seconded by Rep. Branson. Discussion followed, vote taken, motion carried.

Discussion continued in regard to HB 2304, then Rep. Bideau made a motion to re-word this amendment to read as shown on (Attachment No. 3.), beginning with the language, "The operator of", to strike those words, "The operator of", and insert, "any persons licensed to operate". Rep. Blumenthal seconded motion. More discussion ensued.

Rep. Wagon made a substitute motion to have the amendment on Attachment No. 3 be shown as a substitute bill, motion seconded by Cribbs. Discussion continued.

Rep. Bideau and Rep. Blumenthal then withdrew their motions.

Rep. Wagon and Rep. Cribbs then withdrew their substitute motions.

Discussion took place on some technical aspects of HB 2304, and Secy. Barbara Sabol agreed to get needed information when invited to do so by Chairman. Chairman then stopped discussion on HB 2304, and called attention of committee to other business.

HB 2467: Moneys hospital's receive as gifts and bequests.

Chair recognized Rep. Branson who distributed hand-out, (see Attachment No. 4), for details as amendment to HB 2467. She explained the amendment line by line and indicated changes in language. Rep. Branson then moved to adopt amendment as shown in Attachment No. 4, motion seconded by Rep. Neufeld. Discussion ensued, vote taken, motion carried.

Rep. Branson then moved to pass HB 2467 favorably as amended out of committee, seconded by Rep. Friedeman. Discussion ensued, vote taken, motion carried.

Discussion again reverted back to HB 2304, after information needed was confirmed by Secy. Sabol.

HB 2304:

Rep. Bideau made a motion to adopt amendment in Attachment No. 3, with the exceptions of striking the language, "the operator", and insert "any non-profit Corporation operating". He said he is basing this amendment proposed on definition of operating an adult care home. Motion seconded by Rep. Hassler, question called by Rep. Buehler, vote taken, motion carried.

Rep. Buehler then moved that HB 2304 be passed favorably as amended out of committee, seconded by Rep. Bideau. No discussion. Vote taken, motion carried.

Chair asked wishes in regard to minutes of committee meetings of March 5th and 6th, Rep. Buehler moved they be approved as written, seconded by Rep. green, motion carried.

Meeting adjourned at 3:10 p.m. Next meeting on call of Chairman.

GUEST REGISTER

DATE 3-7-85

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	TOPEKA
Allene Keating	KAAHA	Topeka
Elizabeth Carlson	Bd of Healing Arts	Topeka
Tom Bell	K's Hosp. Assn	Topeka
Joe Hollowell	KTDHE	Topeka
Barbara Sebol	KTDHE	Topeka
Mack Smith	Bd of Embalming	"
Luth Graves	KCCZ	Topeka
Blair Grace	KAAHA	Topeka
SHARON LEATHERMAN	Ks HEALTHCARE Comm.	Topeka

Attn #1
3-7-85

Attn. # 2
3-7-85

Proposed Amendments to House Bill No. 2338

1. Strike all of section 4 and insert in lieu thereof an amendment to K.S.A. 65-2895 which eliminates the two year limitation on a fellowship license and changes the name of the examination to commission for foreign medical graduates.
2. Provide specifically that anyone whose fellowship license has expired on or after January 1, 1985, and prior to the effective date of the act may have the fellowship license renewed under the act.
3. Change effective date to Kansas Register.

Attn. # 2
3-7-85

Attm. # 3

pa2304

3-7-5

PROPOSED AMENDMENT TO HOUSE BILL NO. 2304

Be amended: On page 1, by striking all of lines 22 to 45, inclusive;

On page 2, by striking all of lines 46 to 82, inclusive;

On page 3, by striking all of lines 83 to 119, inclusive;

On page 4, by striking all of lines 120 to 156, inclusive;

On page 5, by striking all of lines 157 to 159, inclusive;

in line 160, by striking "Sec. 2" and inserting in lieu thereof "Section 1"; in line 174, by striking all after the period; by striking all of lines 175 to 179, inclusive, and by inserting in lieu thereof the following: "The operator of an intermediate nursing care home for the mentally retarded which, on the effective date of this act, includes more than one residential building located on one site or on contiguous sites may apply for a license to operate a new intermediate nursing care home for the mentally retarded which includes more than one residential building located on one site or on contiguous sites and may apply for one license for each residential building located on the new site.";

Also on page 5, in line 180, by striking "Sec. 3" and inserting in lieu thereof "Sec. 2"; also in line 180, by striking "39-923 and 39-927 are" and inserting in lieu thereof "39-927 is"; in line 182, by striking "Sec. 4" and inserting in lieu thereof "Sec. 3";

On page 1, in the title, line 19, by striking "39-923 and"; in line 20, by striking "sections" and inserting in lieu thereof "section";

Attm. # 3

3-7-5

HOUSE BILL No. 2467

By Committee on Public Health and Welfare

2-20

Attn. #4
3-7-5

0016 AN ACT relating to hospitals; concerning moneys received
0017 thereby; amending K.S.A. 80-2518 and K.S.A. 1984 Supp.
0018 19-4608 and repealing the existing sections.

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

0020 Section 1. K.S.A. 1984 Supp. 19-4608 is hereby amended to
0021 read as follows: 19-4608. (a) All hospital moneys, except moneys
0022 acquired through the issuance of revenue bonds, shall be paid to
0023 the treasurer of the board, shall be allocated to and accounted for
0024 in separate funds or accounts of the hospital, and shall be paid
0025 out only upon claims and warrants or warrant checks as provided
0026 in K.S.A. 10-801 to 10-806, inclusive, and K.S.A. 12-105a and
0027 12-105b, and amendments to these statutes. The board may
0028 designate a person or persons to sign such claims and warrants or
0029 warrant checks.

0030 (b) The board may accept any grants, donations, bequests or
0031 gifts to be used for hospital purposes and may accept federal and
0032 state aid. Such moneys shall be used in accordance with the
0033 terms of the grant, donation, bequest, gift or aid and if no terms
0034 are imposed in connection therewith such moneys may be used
0035 to provide additional funds for any improvement for which
0036 bonds have been issued or taxes levied.

0037 (c) Hospital moneys shall be deemed public moneys and
0038 hospital moneys not immediately required for the purposes for
0039 which acquired may be invested in accordance with the provi-
0040 sions of K.S.A. 12-1675 and amendments thereto. Hospital
0041 moneys acquired through the receipt of grants, donations, be-
0042 quests or gifts and deposited pursuant to the provisions of K.S.A.
0043 12-1675 and amendments thereto need not be secured as re-
0044 quired under K.S.A. 9-1402 and amendments thereto.

0045 (d) Hospital moneys which are deposited to the credit of
0046 funds and accounts which are not restricted to expenditure for
0047 specified purposes may be transferred to the general fund of the
0048 hospital and used for operation of the hospital or to a special fund
0049 for additional equipment and capital improvements for the hos-
0050 pital.

0051 (e) The board shall keep and maintain complete financial
0052 records in a form consistent with generally accepted accounting
0053 principles, and such records shall be available for public in-
0054 spection at any reasonable time.

0055 (f) *Notwithstanding subsections (a) to (e), inclusive, the*
0056 *board may transfer any moneys or property a hospital receives*
0057 *by donation, contribution, gift, devise or bequest to a Kansas*
0058 *not-for-profit corporation which meets each of the following*
0059 *requirements:*

0060 (1) *The corporation is exempt from federal income taxation*
0061 *under the provisions of section 501(a) by reason of section*
0062 *501(c)(3) of the internal revenue code of 1954, as amended;*

0063 (2) *the corporation has been determined not to be a private*
0064 *foundation within the meaning of section 509(a)(1) of the inter-*
0065 *nal revenue code of 1954, as amended; and*

0066 (3) *the corporation has been organized for the purpose of the*
0067 *charitable support of health care, hospital and related services,*
0068 *including ~~the support of ambulance, emergency medical care,~~*
0069 *~~first responder systems,~~ medical and hospital staff recruitment,*
0070 *health education and training, both preferred and public, and*
0071 *other related purposes. , -----*

(except that no moneys or property may be transferred
(to a corporation providing support for ambulance,
(emergency medical care, or first responder systems.

0072 (g) *The board may transfer gifts under subsection (f) in such*
0073 *amounts and subject to such terms, conditions, restrictions and*
0074 *limitations as the board determines. ~~Before making any such~~*
0075 *transfer, the board shall determine that the amount of money or*
0076 *the property to be transferred is not required by the hospital to*
0077 *maintain its operations and meet its obligations. In addition,*
0078 *the board shall determine that the transfer is in the best inter-*
0079 *ests of the hospital and the residents within the county the*
0080 *hospital has been organized to serve.*

(but only if the terms of the gift do not otherwise restrict
the transfer.

0081 Sec. 2. K.S.A. 80-2518 is hereby amended to read as follows:

0082 80-2518. (a) All hospital moneys, except moneys acquired
0083 through the issuance of revenue bonds, shall be paid to the
0084 treasurer of the board, shall be allocated to and accounted for in
0085 separate funds or accounts of the hospital, and shall be paid out
0086 only upon claims and warrants or warrant checks as provided in
0087 K.S.A. 10-801 to 10-806, inclusive, and K.S.A. 12-105a and 12-
0088 105b, and amendments to these statutes. The board may desig-
0089 nate a person or persons to sign such claims and warrants or
0090 warrant checks.

0091 (b) The board may accept any grants, donations, bequests or
0092 gifts to be used for hospital purposes and may accept federal and
0093 state aid. Such moneys shall be used in accordance with the
0094 terms of the grant, donation, bequest, gift or aid and if no terms
0095 are imposed in connection therewith such moneys may be used
0096 to provide additional funds for any improvement for which
0097 bonds have been issued or taxes levied.

0098 (c) Hospital moneys shall be deemed public moneys and
0099 hospital moneys not immediately required for the purposes for
0100 which acquired may be invested in accordance with the provi-
0101 sions of K.S.A. 12-1675 and amendments thereto. Hospital
0102 moneys acquired through the receipt of grants, donations, be-
0103 quests or gifts and deposited pursuant to the provisions of K.S.A.
0104 12-1675 and amendments thereto need not be secured as re-
0105 quired under K.S.A. 9-1402 and amendments thereto.

0106 (d) Hospital moneys which are deposited to the credit of
0107 funds and accounts which are not restricted to expenditure for
0108 specified purposes may be transferred to the general fund of the
0109 hospital and used for operation of the hospital or to a special fund
0110 for additional equipment and capital improvements for the hos-
0111 pital.

0112 (e) The board shall keep and maintain complete financial
0113 records in a form consistent with generally accepted accounting
0114 principles, and such records shall be available for public in-
0115 spection at any reasonable time.

0116 (f) *Notwithstanding subsections (a) to (e), inclusive, the*
0117 *board may transfer any moneys or property a hospital receives*
0118 *by donation, contribution, gift, devise or bequest to a Kansas*

0119 not-for-profit corporation which meets each of the following
0120 requirements:

0121 (1) The corporation is exempt from federal income taxation
0122 under the provisions of section 501(a) by reason of section
0123 501(c)(3) of the internal revenue code of 1954, as amended;

0124 (2) the corporation has been determined not to be a private
0125 foundation within the meaning of section 509(a)(1) of the inter-
0126 nal revenue code of 1954, as amended; and

0127 (3) the corporation has been organized for the purpose of the
0128 charitable support of health care, hospital and related services,
0129 including ~~the support of ambulance, emergency medical care,~~
0130 ~~first responder systems;~~ medical and hospital staff recruitment,
0131 health education and training, both preferred and public, and
0132 other related purposes. ,-----

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(be transferred to a corporation providing
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(or first responder systems.

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0134 amounts and subject to such terms, conditions, restrictions and
0135 limitations as the board determines. ~~Before making any such~~
0136 ~~transfer, the board shall determine that the amount of money or~~
0137 ~~the property to be transferred is not required by the hospital to~~
0138 ~~maintain its operations and meet its obligations. In addition,~~
0139 ~~the board shall determine that the transfer is in the best inter-~~
0140 ~~ests of the hospital and the residents within the county the~~
0141 hospital has been organized to serve.

(but only if the terms of the gift do not
(otherwise restrict such transfer.

----- (district

0142 Sec. 3. K.S.A. 80-2518 and K.S.A. 1984 Supp. 19-4608 are
0143 hereby repealed.

0144 Sec. 4. This act shall take effect and be in force from and
0145 after its publication in the Kansas register.