

Approved 4-1-85
Date 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 28, 1985 in room 423-S of the Capitol.

All members were present except:

Representative, Vernon Williams, Excused

Committee staff present:

Emalene Correll, Research
Bill Wolff, Research
Norman Furse, Revisor
Sue Hill, Secretary to Committee

Conferees appearing before the committee:

Senator Richard Gannon
Barbara Sabol, Secretary, Department of Health and Environment
Mrs. Goldie Pizel, citizen of Kanarado, Kansas

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

Chair called meeting to order, and called attention to the deadline on Senate Bills is close, and bill action began.

SB 89-Investigations by SRS on abuse reports of older persons.

Chair noted to committee the request by Dr. Harder of SRS to amend SB 89 by striking language on page 4, lines 126, through 129 to the period after "records". Chair said further, that after a conversation with Secretary Sylvia Hougland of Department on Aging, she had agreed to not ask to have SB 89 further amended, and was in agreement with this request of Dr. Harder. Chair then asked wishes of committee.

Rep. Green moved to adopt the amendment as shown above, seconded by Rep. Runnels, to amend SB 89. Motion carried.

Rep. Green moved to pass SB 89 favorably as amended out of committee, seconded by Rep. Blumenthal. Question called, vote taken, motion carried.

SB 131-Penalties for welfare fraud

Rep. Friedeman moved that SB 131 be passed favorably out of committee, seconded by Rep. Neufeld. Discussion ensued.

Rep. Runnels made a substitute motion to amend SB 131 on page 5, line 187, and page 6 line 195, to strike "36", and insert in lieu thereof, "12". Motion seconded by Rep. Cribbs. Discussion ensued. Vote taken, division called, show of hands then indicated 6 in favor, 6 against, Chair voting against, substitute motion failed.

Rep. Branson made a substitute motion for SB 131 to be amended to read lines 187 and 195 "24" months, rather than "36", seconded by Rep. Runnels. Vote taken, division called, show of hands indicated 6 in favor, 6 against, substitute motion failed because of tie vote.

Rep. Bideau made a substitute motion to amend SB 131 on lines 187 and 195, to read, "12 calendar months for a misdemeanor, i.e., if said misdemeanor is in an amount less than \$150., and 36 calendar months for a felony. Motion seconded by Rep. Harder. Discussion ensued. Vote taken, motion carried.

Rep. Friedeman then moved to pass SB 131 favorably as amended out of committee, seconded by Rep. Pottorff, motion carried.

SB 162-Annual review report by Health and Environment

Rep. Green moved SB 162 be passed favorably out of committee and placed on Consent

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 28, 1985

SB 162 continued:-

calendar, seconded by Rep. Cribbs. No Discussion held, vote taken, motion carried.

SB 295- Payment for care of Hemophilia patients.

Staff member Bill Wolff from Research had committee note that SB 295 would grant authorization this particular agency a difference over all other agencies in that it could make payments in excess of the \$500 other agencies are limited to.

Chair noted that Secretary Sabol was unaware of our earlier hour for today's meeting so he deferred committee business to other bill action until Ms. Sabol arrives.

SB 309:-Requested on behalf of Barton County Health Dept. for authority to transfer money remaining in county health fund at end of year to capital out-lay fund.

Rep. Buehler had committee note SB 309 is permissive legislation, therefore it is up to individual counties to make decision on capital outlay funds. Rep. Buehler then made a motion to pass SB favorably out of committee, seconded by Rep. Friedeman. No discussion, vote taken, motion carried.

Hearings began on SB 238:

Senator Richard Gannon distributed hand-out of testimony on SB 238, (see Attachment No. 2), for details. He stated SB 238 will provide for a pilot program to care for head trauma injured patients. With proper care and therapy, many of these patients can regain basic skills in communication and self care. This program has long been a vision, and it is hoped now it can become a reality. He urged for passage of SB 238. He then answered questions, i.e., changing language in the bill to read "head injured", rather than "trauma injured", would define the bill better. He commented on another proposed amendment that would add language "post acute care", suggested by Tom Bell of Kansas Hospital Association. This language would be added on lines 29 and 43. Discussion followed on this proposed amendment.

Barbara Sabol, Secretary to Health and Environment spoke to SB 238, and gave printed testimony, (see Attachment No. 3), for details. She stated SB 238 would establish a demonstration program certifying a rural and urban project to serve the severe "trauma injured" persons. She stated there is a great need in Kansas for facilities prepared to provide these special services. Secretary Sabol answered questions in regard to planning and regulating such new procedures.

Mrs. Goldie Pizel, Goodland Kansas spoke to committee members in strong support of SB 238. She related some personal experiences about her son who was severely injured in an accident and needed many special care services that were not available, and she and others have given many hours to trying to develop a plan to help the Kansans who are in desperate need of this type of facility. She gave a very emotional and comprehensive plea for favorable passage of SB 238. She answered many questions, gave some alarming statistics, i.e., 1500 persons hospitalized each year that are trauma injured, continuous care desperately needed for this growing population; they have had a building donated for this project; private funding would be a big help in the program; patients would come from worker's compensation, medicare, medicaid, and private pay. They are willing, she said, to meet any and all standards set out by regulations devised by the Department of Health and Environment.

Hearings closed on SB 238.

Chairman called committee's attention back to SB 295.

Hearings on SB 295:

Secretary Sabol gave printed testimony, (see Attachment No 4), for details. She spoke in favor of SB 295, saying Statutory provision allows crippled and chronically ill children's program, (CCICP) to accept for payment authorized claims for services incurred in one fiscal year but not submitted or processed until the following fiscal year. Also, that no claim filed more than 6 months after time of service will be allowed or paid. CCICP began directing care of hemophilia sufferers July 1, 1985, and at that time hemophilia Statutes do not provide for payment of claims for

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
 room 423-S, Statehouse, at 1:30 4/m./p.m. on March 28, 1985

Hearings continued on SB 295:

service across fiscal years without encumbering funds. A statutory provision in the hemophilia law is sought that would allow for payment of claims for services incurred in one fiscal year, but not submitted or processed until the following year. SB 295 Ms. Sabol said, would allow payments to be made on claims from the prior fiscal year as is currently the case in the CCICP program. She urged for support of SB 295, then answered numerous questions from members. The intent of the bill is to minimize paper work on the part of the Department of Health and Environment as well as the Provider of care.

Hearings closed on SB 295.

SB 326 - To eliminate statutory references to Certificate of Need.

Chair had committee note there are necessary technical amendments needed on SB 326, and he recognized revisor, Norman Furse to advise committee in this regard. Mr. Furse indicated that on page 4, line 144, after the word "hospital", to insert the language, "licensed under K.S.A. 75-3307b". This would encompass psychiatric hospitals. Further, on page 8, beginning on line 284 through line 286, when striking language, too much was struck, and will need to be re-inserted to read, "a state administrative program for the purpose of carrying out". Rep. Neufeld moved this technical amendment be adopted as stated above by staff, seconded by Rep. Hassler, motion carried. SB 326 is amended.

Rep. Runnels moved that SB 326 be passed favorably as amended, out of committee. Motion seconded by Rep. Friedeman. Lengthy discussion followed.

Rep. Wagon made a substitute motion to amend SB 326 to renew the Certificate of Need for one more year, seconded by Rep. Hassler. Lengthy discussion followed.

Question called for, vote taken, chair in doubt, show of hands indicated vote was 6 in favor of substitute motion to renew Certificate of Need, 11 against, motion failed.

Chair called attention back to original motion to pass SB 326 out favorably as amended, vote taken, motion carried.

SB 297 - Concerning disposition of fee moneys received from food establishments.

Chair recognized revisor Norman Furse to explain proposed amendment on SB 297, see (Attachment No. 4), for details of this lengthy amendment. Fundamentally it will create food service inspection reimbursement fund, and an 80/20 split will be authorized. Deposits that shall be credited to the state general fund will receive 20 percent, and the remaining 80 percent being returned to the local agencies. There was lengthy discussion in regard to this proposed amendment.

Rep. Friedeman moved to accept the above proposed amendment on SB 297, seconded by Rep. Neufeld, motion carried.

Rep. Bideau moved that SB 297 be passed favorably as amended out of committee, seconded by Rep. Runnels, motion carried.

SB 295 - Payment for care of hemophilia sufferers.

Rep. Friedeman moved to pass SB 295 adversely out of committee, seconded by Rep. Neufeld. Discussion ensued.

Rep. Bideau made a substitute motion to pass SB 295 favorably out of committee, in order to bring this in line with crippled children's funding he said. Since this is the direct opposite of current motion on the floor, substitute motion is out of order, Rep. Bideau then withdrew his substitute motion.

Vote taken on original motion to pass adversely, division called, show of hands indicated 8 in favor, 9 against, motion failed on SB 295.

Rep. Hassler moved to pass SB 295 favorably out of committee, seconded by Rep. Bideau. Discussion ensued. 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 28, _____, 1985.

SB 238 creates new statutes concerning creation of new facilities for post-acute care of trauma-injured individuals.

Rep. Buehler moved to amend SB 238 in line 29, to strike "trauma injured", and to reinsert in lieu thereof, "post acute trauma head injured patients", seconded by Rep. Green, motion carried.

Rep. Green moved to pass SB 238 favorably as amended out of committee, seconded by Rep. Buehler, motion carried.

Rep. Green moved the minutes of March 26th be approved as written, seconded by Rep. Friedeman, motion carried.

Chairman thanked all members of committee for their concentrated efforts this date in working the Senate Bills in order to meet committee deadline.

May it be recorded the meeting this date began at 1:00 p.m. (rather than 1:30), and was adjourned at 3:03 p.m.

Next meeting will be on call of Chairman, (tentatively early next week).

Date: 3-28-85

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
KETH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	TOPEKA
Jim McBride	United Way	Topeka
J.G. Hollowell	KDNE	Topeka
Harold Pitts	TARTA	"
Kathern Forest	AARP	Wichita
Marilyn Bradd	KINH	Lawrence
John Saunders	WSSWA	Topeka
Allene Keating	Kansas Assoc. for Homes for Aged	Topeka
Norma Speck	St. Luke's	Topeka
Jan Savarano	Washburn U	Topeka

Attn #1.
3-27-85

*Attn. #2
3-28-85*

RICHARD G. GANNON
 MINORITY WHIP
 SENATOR, 40TH DISTRICT
 CHEYENNE, DECATUR, GOVE, GRAHAM,
 LOGAN, RAWLINS, SCOTT, SHERIDAN,
 SHERMAN, THOMAS, WALLACE, WICHITA
 BOX 68, ROUTE 3
 GOODLAND, KANSAS 67735



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE
 FINANCIAL INSTITUTIONS AND INSURANCE
 LEGISLATIVE AND CONGRESSIONAL
 APPOINTMENT
 WAYS AND MEANS
 ADVISORY BOARD ON LOW-LEVEL
 RADIOACTIVE WASTE
 AGRICULTURE, FOOD POLICY, AND
 NUTRITION COMMITTEE OF THE
 NATIONAL CONFERENCE OF
 STATE LEGISLATURES

Testimony by Senator Richard G. Gannon for SB 238 Wed. March 27, 1985

SENATE BILL 238 PROVIDES FOR A PILOT PROGRAM TO CARE FOR HEAD TRAUMA INJURED PATIENTS. THE SEVERE DISABILITIES AND MANY SPECIAL CARE REQUIREMENTS OF HEAD TRAUMA PATIENTS MAKES THE NORMAL FACILITIES OF HOSPITALS, INTERMEDIATE AND SKILLED CARE FACILITIES INADEQUATE FOR THIS SPECIFIC POPULATION. WITH THE PROPER CARE AND THERAPY, MANY OF THESE PATIENTS CAN REGAIN BASIC SKILLS IN COMMUNICATION AND SELF CARE.

THE TYPE OF FACILITY PROPOSED UNDER SB 238 HAS BEEN VISUALIZED IN WESTERN KANSAS FOR THE LAST TWO YEARS. DUE TO THE SPECIFIC CRITERIA OF KDHE FOR LICENSING FACILITIES, THE HEAD TRAUMA INJURED FACILITY HAS REMAINED A VISUALIZATION, IT DOES NOT FIT THE RULES AND REGULATIONS CURRENTLY PROMULGATED. THIS BILL WOULD SOLVE THAT PROBLEM BY CREATING WITHIN KDHE THE AUTHORITY TO CERTIFY TWO PILOT PROJECTS FOR CARE OF THE HEAD TRAUMA INJURED PATIENT, ONE IN A RURAL SETTING AND ONE IN AN URBAN SETTING. THESE FACILITIES WOULD PROVIDE POST ACUTE CARE.

THERE IS CURRENTLY A BACKLOG OF HEAD TRAUMA INJURED PATIENTS WHO WOULD BE SERVED BY THIS FACILITY. PASSAGE OF SENATE BILL 238 WOULD MAINTAIN THEIR INDIVIDUAL PRIDE AND DIGNITY WHILE THEY RECEIVE THE SPECIAL CARE AND THERAPY WHICH THEY NEED.

*Attn. #2
3-28-85*

Attn. #3
3-28-85

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON SENATE BILL 238

PRESENTED TO HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE - March 27, 1985

This is the official position taken by the Kansas Department of Health and Environment on S.B. 238.

BACKGROUND AND ISSUES:

In the past, attempts to establish care facilities have not been successful inasmuch as they do not fit clearly into the current categories of licensure, namely, intermediate or skilled care facilities, hospitals or recuperation centers. S.B. 238 would establish a demonstration program certifying a rural and an urban project to serve the severe "trauma injured" person. This would allow an opportunity to serve this population while discovering the special regulatory and administrative requirements for that type of facility. Present statutes and regulations are oriented to hospitals and nursing homes and are not structured to accommodate demonstration programs of the type proposed in the bill.

There is great need in Kansas for facilities prepared to provide the special services needed by the severe trauma injured person. This bill will set the stage for that development.

DEPARTMENT'S POSITION:

The Kansas Department of Health and Environment supports S.B. 238.

population served.

Attn. #3
3-28-85

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Attn #14
3-28-85

TESTIMONY ON SENATE BILL 295

PRESENTED TO THE HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

MARCH 27, 1985

This is the official position taken by the Kansas Department of Health and Environment on S.B. 295.

Background Information: Statutory provision allows Crippled and Chronically Ill Children's Program (CCICP) to accept for payment authorized claims for services incurred in one fiscal year but not submitted or processed until the following fiscal year. This provision also directs that no claim filed more than six months after the time of service rendered will be allowed or paid.

Prior to this statutory provision the files of each provider or vendor had to be reviewed by CCICP billing staff noting all authorizations for service and when claims for these services had been received. If a claim for an authorized service had not been received by the end of the fiscal year, funds had to be encumbered. Statutory provision eliminated this time consuming process of case review and the need to encumber funds relative to this issue.

CCICP began directing care of persons suffering from hemophilia July 1, 1985. At this time the hemophilia statute does not provide for payment of claims for service across fiscal years without encumbering funds. A statutory provision in the hemophilia law is sought that would allow for payment of claims for services incurred in one fiscal year but not submitted or processed until the following year.

Strengths: Allows payments to be made on claims from the prior fiscal year as is currently the case in the Crippled and Chronically Ill Children's Program.

Weaknesses: None

Department's Position: The Kansas Department of Health and Environment supports S.B. 295.

Attn #4
3-28-85

SENATE BILL No. 297

By Committee on Public Health and Welfare

2-20

Note:

Amend K.S.A. 75-3170a to include last insert below in 20% fee fund language. Amend title and repealer accordingly and renumber sections.

Attn. # 5
3-28-5

0017 AN ACT relating to the secretary of health and environment;
0018 concerning the disposition of fee moneys received from food
0019 service establishments; amending K.S.A. 1984 Supp. 36-512
0020 and repealing the existing section.

creating the food service inspection reimbursement fund;

0021 Be it enacted by the Legislature of the State of Kansas:
0022 Section 1. K.S.A. 1984 Supp. 36-512 is hereby amended to
0023 read as follows: 36-512. (a) Except as provided in subsection (b),
0024 the secretary shall remit all moneys received by the secretary
0025 under the provisions of this act to the state treasurer at least
0026 monthly. Upon receipt of any such remittance the state treasurer
0027 shall deposit the entire amount thereof in the state treasury and
0028 the same shall be credited to the state general fund.

The

Except for moneys remitted under subsection (b), upon

0029 (b) On July 1, 1983, the director of accounts and reports shall
0030 transfer all moneys in the food service and lodging fee fund to
0031 the state general fund. All liabilities of the food service and
0032 lodging fee fund are hereby transferred to and imposed upon the
0033 state general fund. The food service and lodging fee fund is
0034 hereby abolished. If moneys received by the secretary from
0035 fees from food service establishments located in a municipality
0036 where food service inspection services are provided by a local
0037 agency under contract with the secretary and the local agency
0038 has completed and filed the required papers with the secretary,
0039 1/3 of the moneys received from food service establishments in
0040 the municipality shall be paid to the local agency for that
0041 municipality. The secretary shall remit the balance of the
0042 moneys as provided in subsection (a).

The secretary shall remit all

to the state treasurer at least monthly. Upon the receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the food service inspection reimbursement fund which is hereby created. Expenditures from the food service inspection reimbursement fund shall be made to reimburse each local agency under contract with the secretary for food service inspection services in an amount equal to 80% of the money received from food service establishments on the municipality served by the local agency. All expenditures from the food service inspection reimbursement fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person designated by the secretary.

0043 Sec. 2. K.S.A. 1984 Supp. 36-512 is hereby repealed.

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

Attn. # 5
3-28-5