

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Roy M. Ehrlich at  
Chairperson

10:00 a.m. on March 20, 1985 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Conferees appearing before the committee:

Secretary Robert C. Harder, Social and Rehabilitation Services

Others Attending: See attached list

Secretary Robert C. Harder, SRS, testified concerning SB-273 and presented a memorandum with an attached physical note to the committee. Attachment I Secretary Harder stated that his department supports the need for 24-hour licensed nursing care but feels SB-273 reaches further than necessary to accomplish the goal of RN and LPN coverage. The committee questioned Secretary Harder at length concerning the cost of implementing this bill and how much of this cost will be passed on to the private pay patients.

Dr. Walker commented that the question was, what would happen to private pay patients as they picked up the bill. He also stated that they would be dealing with more and more fragile people as less people were going to hospitals and more to care homes.

Secretary Harder was also questioned concerning how the agencies would deal with this issue if SB-273 were not a law, and he replied that a target date should be set by rules and regulations or by the legislature with a 12 to 18 month grace period. He stated some homes are in the process of implementing changes and new ones are adopting standards and they need compliance goals now. He also said Secretary Sabol had indicated provisions could be made for hardship cases.

Senator Salisbury made copies of a House Ways and Means subcommittee report on 24 hour licensed care available to committee members. Attachment II

Senator Vidricksen made copies of the June, 1984 Performance Audit Report available to committee members.

Chairman Ehrlich appointed a subcommittee to study SB-273. Members of the committee will be Senator Francisco, Senator Vidricksen, Senator David Kerr, Senator Hayden with Senator Walker serving as chairman.

Senator Walker announced that the subcommittee on SB-179 would meet at 1 p.m. today in 531-N.

Emalene Correll presented a staff briefing on HB-2018. Due to the length and complexity of this bill it was reviewed section by section.

Senator Francisco complimented Ms. Correll for the excellent briefing on HB-2018. Chairman Ehrlich stated that the committee was honored to have such excellent staff serving on the committee.

Senator Anderson made several comments concerning HB-2018 and then made a motion to re-refer HB-2018 to Federal and State Affairs. Senator Kerr seconded the motion. Discussion followed as to whether or not it belonged in Federal and State Affairs or Judiciary. Senator Francisco commented that the bill came out of a special committee on public health and welfare and this committee would have more expertise since it was discussed in the interium committee.

Meeting adjourned.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 20, 1985

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Lynelle King  
DICK HUMMEL  
Paul M. Klotz  
Roberta Goldberger  
Wileen Flykberg  
Carol Worth  
Sue Ames  
Harold C. Pitts  
Bob Reinert  
Judy Keine  
Mary Ann Bumgarner  
Jan B. Watson  
Pauline J. Love Topeka  
Jackie Fleischman  
Louise Jane Johnson  
Dorothy Jones  
Clairie Ernest  
John Grace  
KEITH R. LANDIS  
Azzie Young  
L. G. Hayward  
Phil Morrison  
Marilyn Bracht

Ks St. Nurses' Assn.  
KACA  
Assoc. of CMHC's of Ks  
Washburn Students  
LWVK  
LWVK  
LWV Lawrence  
TARTA  
Planned Parenthood  
Legislative Post Fight  
Inter-Senate Buks  
Rehabilitation SVC - IRS  
League of Women Voters  
Johnson County League Women Voters  
Joplin City League of Women Voters  
Os Co League of Women Voters  
Salmon Haired Leg. Jo. Co.  
Ks Area Home For Aging  
CHRISTIAN SCIENCE COMMITTEE  
ON PUBLICATION FOR KANSAS  
Ks. Dept of Health + Envir.  
KDNE  
KDA+E  
KINH

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-20-85

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

*Robert Hopper*

*KDOA*

*Rob Hodge*

*KCCI*

*Ethel May Miller*

*ARC/KC*

*BILL ABBOTT*

*BOEING*

OSB-273 - 22 - 3-1-84

**KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES**  
**Office of the Secretary**

**M E M O R A N D U M**

**TO:** Members of the Senate  
Public Health & Welfare  
Committee

**DATE:** 4 March 1984

**FROM:** Robert C. Harder *RCH*

**SUBJECT:** Senate Bill 273

**Senators:**

This memo is a follow-up to the hearings related to Senate Bill 273: 24-hour licensed nursing care in nursing homes.

SRS is in support of 24-hour licensed nursing care in nursing homes. However, we think Senate Bill 273 reaches much further than is necessary to accomplish the goal of RN and LPN coverage. The state can move in this direction without the excessive legislation as proposed in SB 273.

Enclosed is the fiscal impact statement we sent to the Budget Division. Please note the estimated cost of funding the bill is approximately \$14 million dollars.

If you have any questions, please let me hear from you. My telephone number is 296-3271.

mo

cc: Emalene Correll  
Norm Furse  
4737E

*3/20/85*  
*Attachment I*

March 7, 1985

The sub-committee of the Public Health and Welfare Committee composed of Senators Reilly, Francisco and Walker was appointed to study and hold additional hearings on Senate Bill 142 - Safety Requirements for public swimming pools - met at 3 p.m. in room 531-N on Monday, March 4th. Emaleen Correll of the Legislative Research Staff was also present.

The hearings were focused primarily on opponents to SB 142 since hearings had previously been held when the proponents were heard.

Testimony was heard from the following:

Mr. D. Burgess with APFC  
Mr. Wm. Curtis - Kansas Association of School Boards  
Mrs. Kim Praskovich - Girl Scouts of America  
Mr. Kevin Tucker - Salina YMCA

Much of the testimony appeared to be not in opposition to the general principle embodied in SB 142 but concerns to certain parts of the bill, such as definitions, interpretation, etc.

Following testimony, there was considerable open discussion of SB 142 by the sub-committee members, legislative staff persons, as well as several of the individuals in the room.

In summary, it was the concensus of the sub-committee that:

1. The broad area of swimming pools, whirlpools, hot tubs, spas, etc., appeared to be the area to which the State had given little or no attention. Much of the regulation appears to be a local matter and is reasonably good in some areas - but virtually non-existent in others.

2. It seemed reasonable that the State should examine the "broad" area of safety, sanitation, education involving "pools".

3. Senate Bill 142 in its present form was poorly written - vague - with many questions about interpretation and definitions.

4. This "broad" area was growing in complexity and deserving of attention at the legislative level.

SUMMARY: The sub-committee recommends that SB 142 be tabled due to this "broad" area and be referred to an interim study committee. Due to the vagueness of interpretation of definitions and intent and that Senate Bill 142 be referred to an Interim Study to consider the "broad" areas pertinent to "pools".

Jack Walker  
Senator

Attachment I



STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

ROBERT C. HARDER, SECRETARY

STATE OFFICE BUILDING  
TOPEKA, KANSAS 66612

February 25, 1985

Re: Senate Bill 273

Mr. Alden Shields, Director  
Division of the Budget  
Department of Administration  
Statehouse--1st Floor  
Topeka, Kansas 66612

Dear Mr. Shields:

This proposal authorizes 24 hour a day licensed nursing personnel in intermediate care facilities except for intermediate care facilities for the retarded. However, if the following additional conditions are not met, the requirement for 24 hour care would not be in force:

1. Any licensed practical nurse or registered professional nurse who receives federal or state financial assistance in our nursing education program shall be required to be employed in an adult care home for the period of one year.
2. All practical and professional nursing education programs in the state of Kansas shall include in their curriculum a minimum of 25 percent course content in geriatric nursing care.
3. The licensing agency shall provide upon request at least annually to adult care homes a roster of the names and addresses of licensed practical and registered professional nurses in the state.

If these conditions were met, the total allowable cost incurred by an adult care home participating in Title XIX Medicaid Program for providing additional licensed personnel would have to be reimbursed to the adult care home within 30 days from the date the adult care home complied with the requirement or within 30 days from the effective date of the act.

As we interpret the payment provisions, SRS would be expected to pay the full allowable cost for any additional licensed personnel required to provide licensed nursing care beyond eight hours per day seven days per week. Even

February 25, 1985

though the current law says that special nursing care must be provided eight hours per day five days per week, regulations in effect require eight hours per day seven days per week.

To calculate the fiscal effect, it would appear that SRS would be anticipated to pay the full cost of professional nursing care for two shifts each day. We estimate that the average cost per licensed practical nurse is \$7.50 per hour and that SRS would have to pay 16 hours per day for 365 days per year or an additional \$43,800 per year. Inasmuch as there are 321 intermediate care facilities excluding those who provide care for the mentally retarded that participate in the Title XIX program, SRS would be anticipated to pay a total of \$14,059,800 per year at any time that all homes came into compliance.

Assuming that 50 percent of the patients in these homes are Title XIX recipients, the State General Fund cost for this program would be \$10,544,850 per year.

If you have any questions about our estimate, please let us know.

Sincerely yours,

  
Robert C. Harder  
Secretary

RCH:JCS:cr

cc: Mr. Charles Stevenson  
Ms. Aileen Whitfill  
4712E

18. The Subcommittee reviewed the Governor's \$1.8 million recommendation for providing 24 hour licensed care in adult care facilities. The Subcommittee makes the following recommendations concerning SRS reimbursement for 24-hour care:
- a. The subcommittee recommends that 24-hour licensed care be a goal to which the Department would move over a period of time. The Subcommittee believes strongly that the policy be implemented through financial incentives in the reimbursement system rather than new regulation.
  - b. The Subcommittee recommends that SRS reimbursements recognize 24-hour licensed care. The Subcommittee recommends that SRS not mandate 24-hour licensed care.
  - c. The Subcommittee learned that the Governor's recommendations would finance full year costs associated with 24-hour licensed care. Inasmuch as the Subcommittee is recommending a phased approach, the Subcommittee recommends that the Governor's recommendations be reduced by \$900,000, of which \$450,000 is from the State General Fund.

3/20/85  
Attachment II