

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 22, 1985 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Conferees appearing before the committee:

Dr. Lois Scibetta, Executive Administrator, State Board of Nursing  
Lynelle King, Kansas State Nurses Association  
Dr. Robert C. Harder, Secretary, Department of SRS

HB-2082 amends the act under which the practice of nursing is regulated and registered professional nurses and licensed practical nurses are licensed; also concerns fees for examinations

Dr. Lois Scibetta testified and presented written testimony on HB-2082. The fees were explained, showing a large percentage of the fee went to the examination service. Section 8 will give flexibility when dealing with interstate licensing. Attachment I

Lynelle King stated that their organization strongly supported Section 8 in HB-2082 which grants the Board the ability to hold hearings. The organization also agreed with direct payment of examination fees to the examination service and took no position on fee increases.

The chairman announced that the committee would pass over taking action on HB-2082.

HB-2079 - to delete requirement that Secretary of SRS maintain a public list containing names and addresses of recipients of Aid to Families with Dependent Children.

Dr. Robert C. Harder indicated that due to court cases and a ruling from the Attorney General that under Federal statutory provisions and the Social Security Act the names should be treated as confidential. Attachment II

Senator Morris made the motion that HB-2079 be placed on the consent calendar. Senator Walker seconded the motion and the motion carried.

HB-2078 - to change definition of "General Assistance" to authorize General Assistance to be limited to persons who are unable to engage in employment as defined in rules and regulations adopted by SRS.

Dr. Robert C. Harder told the committee that due to the fact that the Senate Ways and Means Committee has agreed with the Senate amendments concerning the restoration of transitional general assistance so unless the committee wanted to deal with HB-2078 as a standby it could be held or passed out. After discussion it was agreed to hold the bill in committee until after Monday in case everything was not restored.

Senator Walker reported on the subcommittee for SB-179. The written subcommittee report from the research department covered the proposed recommendations by the nurse anesthetists. Copies of the ballooned bill were not finished. Copies of the subcommittee report were handed to Dr. Scibetta and Lynelle King for their information. Dr. Walker stated he did not feel any substantive changes were made. Attachment III

Senator Anderson moved that the subcommittee recommendation be adopted on SB-179. Senator Reilly seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 22, 1985.

Staff mentioned the fact that the advisory commission would be sunsetted on July 1, 1987 so appointments would not need to be staggered. The penalty section needed to be set back and after discussion the date of January 1, 1986 was set.

Senator Francisco moved to conceptionally adopt the amendments supported by the staff. The motion was seconded by Senator Mulich. The motion carried.

Senator Walker made the motion that SB-179 be passed out favorably as amended. Senator Reilly seconded the motion and it carried.

Meeting adjourned.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-22-85

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Lynelle King	Ks. St. Nurses' Assn.
Judy M. B. ...	United Way
KEITH R. LINDERS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Kathy Mason	Student - Washburn University
Linda McWilliams	Washburn Univ Student Nurse
Delva Ott	Registered Nurse Anesthetist
Rudt Hand	SAS
Mike O'Drillins	Kansas Academy of Family Physicians
Tom Bell	Ks. Hosp. Assn.
Jeremy ...	IONCS
WALT DARLING	DIVISION OF BUDGET
Dr. Lois R. Scibetta	KS St Bd of Nursing



# KANSAS STATE BOARD OF NURSING

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

Telephone 913/296-4929

TO: The Honorable Roy Ehrlich, Chairman, and Members of the  
Public Health and Welfare Committee

FROM: Dr. Lois Rich Scibetta, *LR* Executive Administrator

RE: House Bill 2082

DATE: March 21, 1985

Thank you Mr. Chairman for the opportunity to speak in support of House Bill 2082. House Bill 2082 was requested by the Board of Nursing. The Bill passed the House unanimously.

House Bill 2082 has three components, the first is the direct payment to the examination service by the candidate for the examination booklet and scoring. The second aspect of the Bill deals with our interstate disciplinary matters, and the third is an increase in the statutory maximums for fees. (An immediate fee increase is not planned and must be handled through regulations. Our budget analyst is in agreement with an increase in the maximums.)

The direct application of payment for exams will cut the fee expenditure for the Board of Nursing. I have diagrammed the manner in which individual fees are apportioned. You will note that the Board of Nursing, particularly with the LPN fee, does not retain very much of the fee. It should also be noted that there is a single fee for licensure and examination. Most, or many, boards have two fees, one for examination and one for licensure.

The original Bill was amended by the House Committee to include the raising of the statutory fee maximums.

I would like to offer a technical amendment to the Bill at this time. The suggested changes are based on the language in our current regulations. On line 0068 (see attached) after nurse, add denied, revoked, add limited or suspended.

The Board requests that House Bill 2082 be reported out favorable for passage.

Thank you for your consideration, I will be happy to answer any questions which you may have.

*3/22/85*  
*Attachment I*

HOUSE BILL No. 2082

By Committee on Public Health and Welfare

0018 AN ACT concerning the board of nursing; relating to grounds for
0019 denial, revocation or suspension of licenses or certificates;
0020 concerning fees for examinations; amending K.S.A. 65-1118
0021 and K.S.A. 1983 Supp. 65-1120, as amended by section 98 of
0022 chapter 313 of the 1984 Session Laws of Kansas, and repealing
0023 the existing sections.

0024 Be it enacted by the Legislature of the State of Kansas:

0025 Section 1. K.S.A. 65-1118 is hereby amended to read as fol-
0026 lows: 65-1118. (a) The board shall collect in advance fees pro-
0027 vided for in this act as fixed by the board, but not exceeding:

0028 Application for license — professional nurse . . . . .	<del>\$60.00</del> \$60	\$75
0030 Application for license — practical nurse . . . . .	<del>35.00</del> 35	50
0032 Application for biennial renewal of license — professional nurse		
0033 and practical nurse . . . . .	<del>25.00</del> 25	40
0035 Application for reinstatement of license . . . . .	<del>35.00</del> 35	50
0037 Certified copy of license . . . . .	<del>6.00</del> 6	25

0039 (b) The board may require that fees paid for any examina-
0040 tion under the Kansas nurse practice act be paid directly to the
0041 examination service by the person taking the examination.

0042 Sec. 2. On July 1, 1985, K.S.A. 1983 Supp. 65-1120, as
0043 amended by section 98 of chapter 313 of the 1984 Session Laws
0044 of Kansas, is hereby amended to read as follows: 65-1120. (a) The
0045 board shall have the power to deny, revoke, limit or suspend any
0046 license or certificate of qualification to practice nursing as a
0047 registered professional nurse, as a licensed practical nurse or as
0048 an advanced registered nurse practitioner that is issued by the
0049 board or applied for in accordance with the provisions of this act
0050 in the event that the applicant or licensee is found after hearing
0051 to have been:

0052 (1) To be guilty of fraud or deceit in procuring or attempting
0053 to procure a license to practice nursing;

0054 (2) *to have been* guilty of a felony if the board determines,  
 0055 after investigation, that such person has not been sufficiently  
 0056 rehabilitated to warrant the public trust, or of any offense in-  
 0057 volving moral turpitude;

0058 (3) *to be* unfit or incompetent by reason of negligent habits or  
 0059 other causes;

0060 (4) *to be* habitually intemperate in the use of alcohol or  
 0061 addicted to the use of habit-forming drugs;

0062 (5) *to be* mentally incompetent;

0063 (6) *to be* guilty of unprofessional conduct; or

0064 (7) ~~has~~ *to have* willfully or repeatedly violated any of the  
 0065 provisions of the Kansas nurse practice act or any rule and  
 0066 regulation adopted pursuant to that act; or

0067 (8) *to have a license to practice nursing as a registered nurse*  
 0068 *or as a practical nurse* ~~revoked~~ *or suspended by a licensing* - denied, limited  
 0069 *authority of another state, territory of the United States or*  
 0070 *country or to have other disciplinary action taken against the*  
 0071 *applicant or licensee by a licensing authority of another state,*  
 0072 *territory of the United States or country. A certified copy of the*  
 0073 *record or order of suspension, revocation or other disciplinary*  
 0074 *action of the licensing authority of another state, territory of the*  
 0075 *United States or country shall constitute prima facie evidence of*  
 0076 *such a fact for purposes of this paragraph (8).*

0077 (b) All administrative proceedings pursuant to this section  
 0078 shall be conducted in accordance with the provisions of the  
 0079 Kansas administrative procedure act.

0080 (c) If the final agency action pursuant to this section is ad-  
 0081 verse to the applicant or licensee, the costs of the board's pro-  
 0082 ceedings shall be charged to such applicant or licensee. If the  
 0083 final action is not adverse to the applicant or licensee, then the  
 0084 costs shall be absorbed by the board.

0085 Sec. 3. K.S.A. 65-1118 is hereby repealed.

0086 Sec. 4. On July 1, 1985, K.S.A. 1983 Supp. 65-1120, as  
 0087 amended by section 98 of chapter 313 of the 1984 Session Laws  
 0088 of Kansas, is hereby repealed.

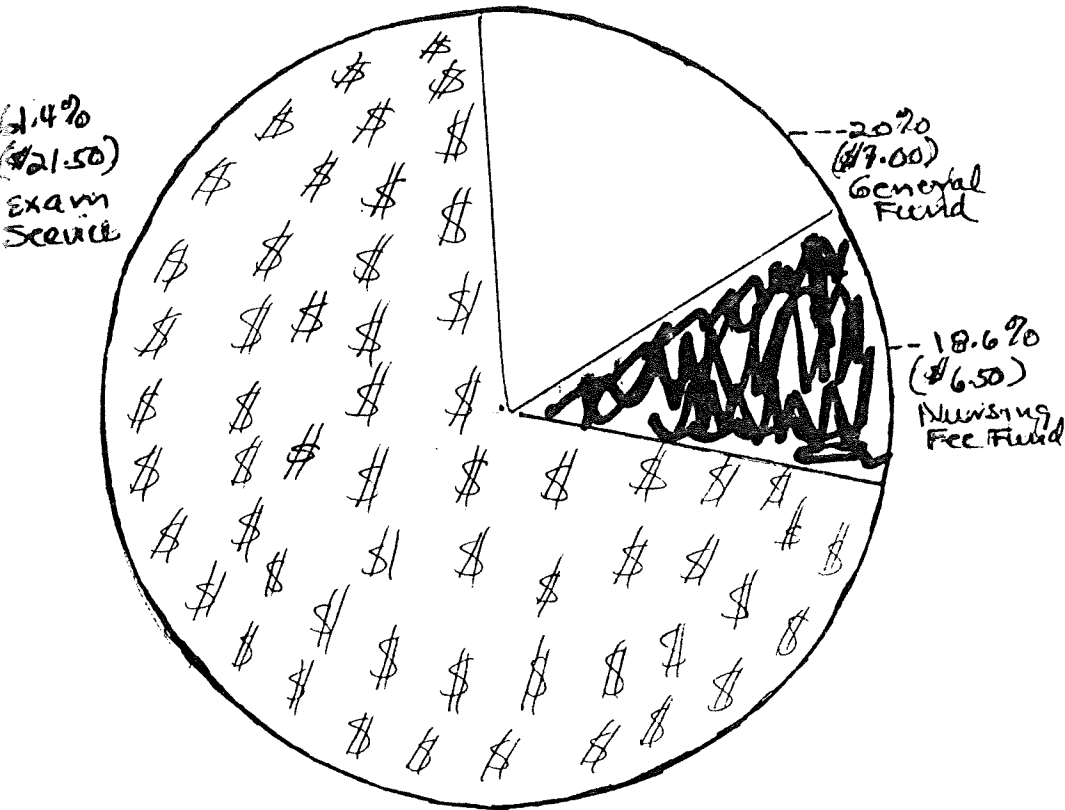
0089 Sec. 5. This act shall take effect and be in force from and  
 0090 after its publication in the Kansas register.

Licensure By Examination - Fees

Licensed Practical Nurses:

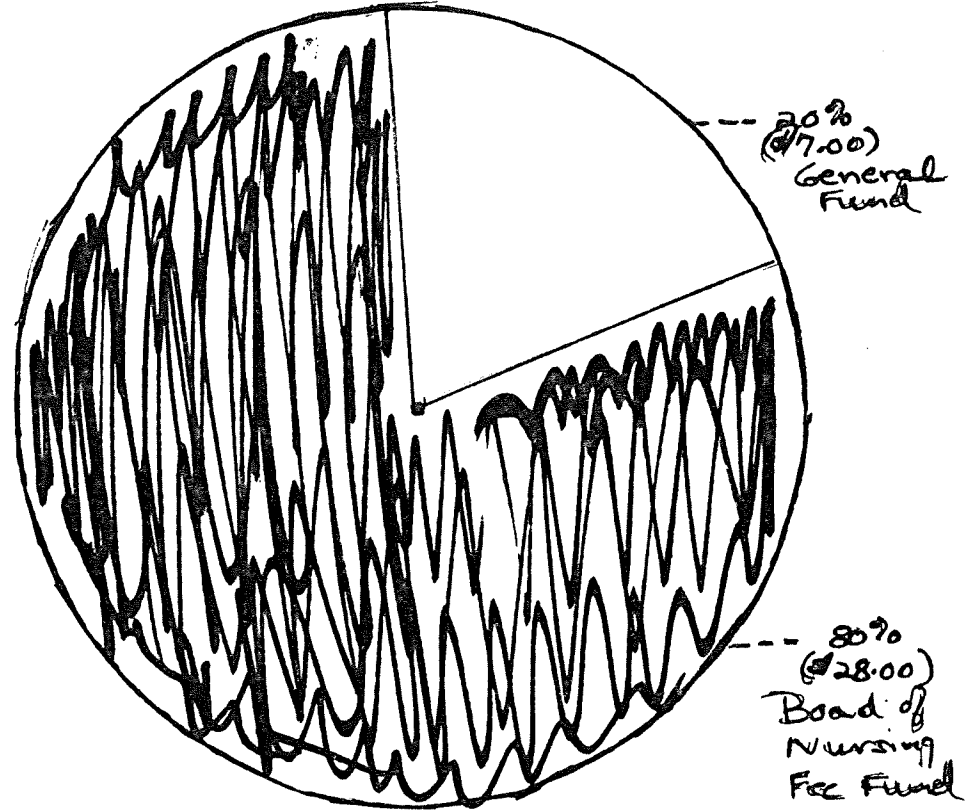
Prior to 7/84

\$35.00 Fee = 100%



Current

\$35.00 Fee = 100%



Explanation:

- 1) Prior to 7/84, the Board paid out 81.4% of fee, or \$28.50 of \$35.00 fee for the General fund, and to exam service.
- 2) Less dollars retained with LPN's cost of exam the same to the Board (\$21.50)
- 3) By having the candidate pay for exam booklet, Bd of nursing fee fund retains 80% of licensure service) with

Legend

- - - - - St. General Fund
- ▨ - - - - Bd. of Nursing Fee Fund
- ▩ - - - - Exam Service

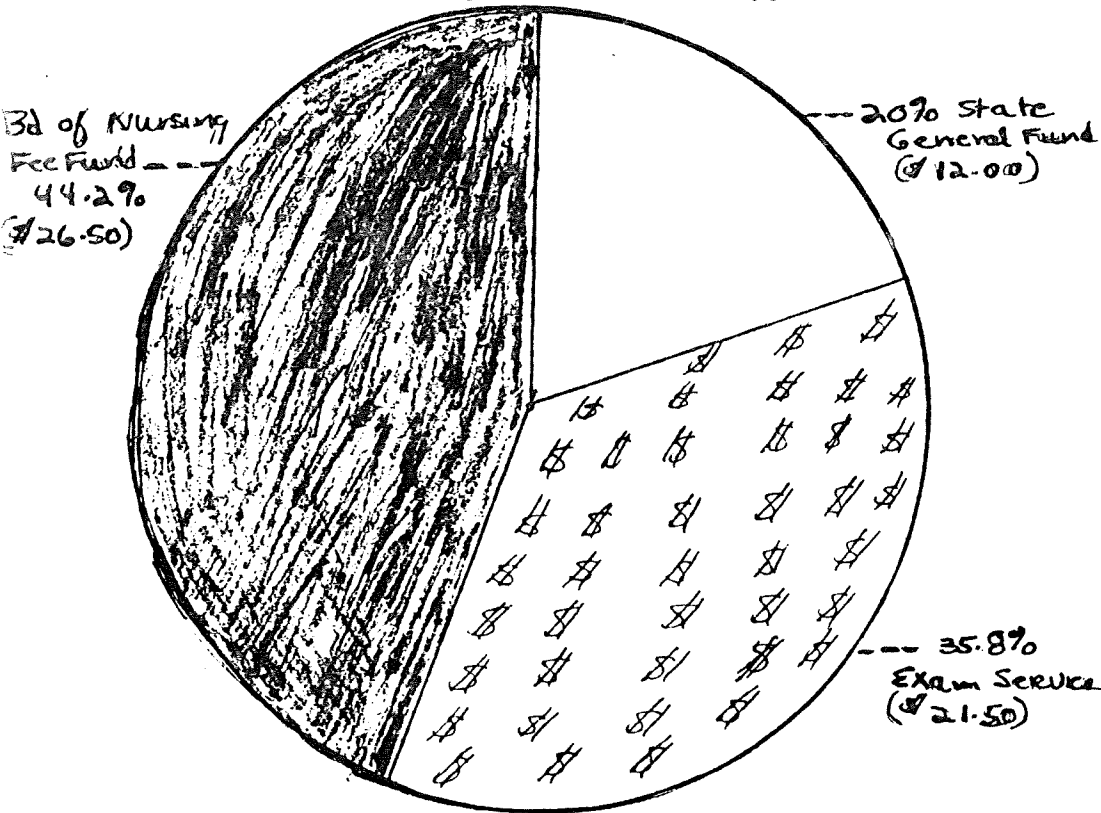
# KANSAS STATE BOARD OF NURSING

## Licensure By Examination - Fees

### Registered Nurse:

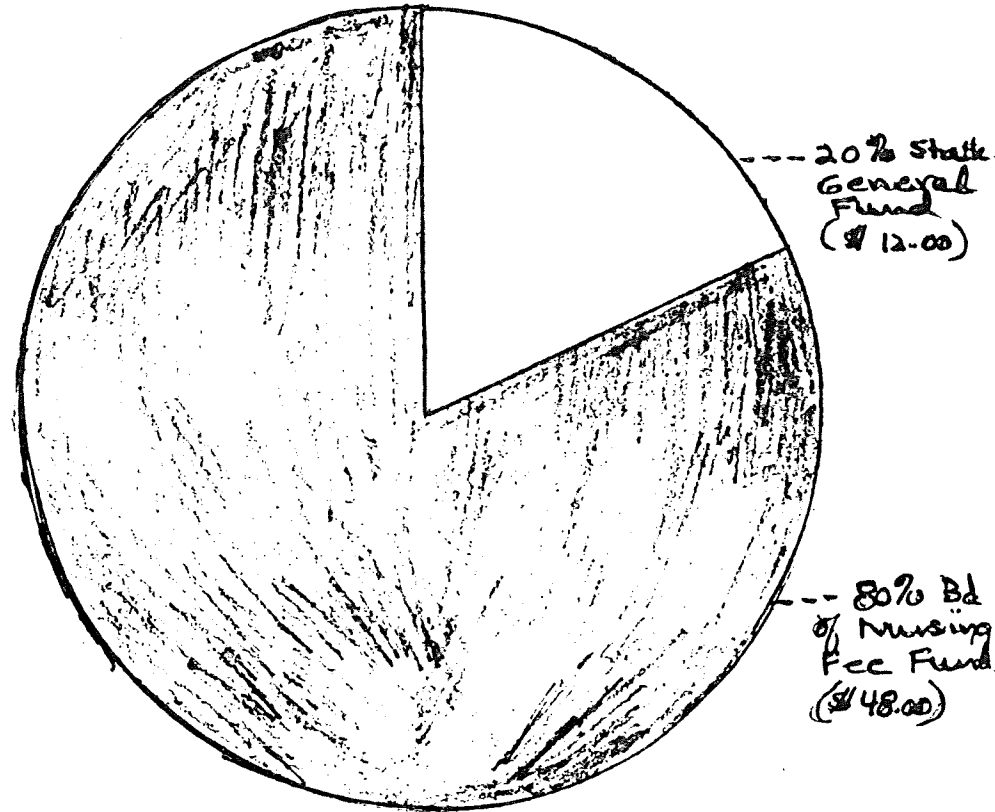
Prior to 7/84

\$60<sup>00</sup> Fee = 100%



Current

\$60<sup>00</sup> Fee = 100%



### Explanation:

- 1) one fee for licensure and examination
- 2) Fee fund retained 26.50 of 60.00 fee for RN's for examination and licensure
- 3) Exam fee is only for use of exam booklet and scrip. Board clears all candidates.
- 4) Cost for use of examination is \$21.50 if Board pays and \$18.50 if candidate pays direct.

### Legend

- --- State General Fund
- ▣ --- Bd of Nursing Fee Fund
- ▤ --- Examination Service pd. by Board



STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

STATEMENT REGARDING H.B. 2079

Title

AN ACT concerning social welfare; relating to the case records of recipients receiving aid to families with dependent children; amending K.S.A. 39-709b and repealing the existing section.

Purpose

The portion of K.S.A. 39-709b(c) which authorizes SRS to make open to public inspection lists of Aid to Dependent Children (ADC) recipients has been declared by the Kansas Attorney General to conflict with federal statutory and regulatory provisions, and therefore, in violation of the Federal Social Security Act and should be revoked.

Background

K.S.A. 1978 Supp. 39-709b, subsection (c) provides, in part, that the Secretary shall maintain a public list which shall contain the names and addresses of all recipients receiving Aid to Dependent Children including the payment issued to each during the preceding month. The subsection further provides that the Secretary shall prepare and retain monthly copies of the public list and that portions of such list shall be available in all SRS offices and the offices of county clerks and shall be open to public inspection.

The Kansas Attorney General in Opinion 79-130 ruled that the provisions of subsection (c) of K.S.A. 1978 Supp. 39-709b, which declares the public list of Aid to Dependent Children (ADC) recipients to be public records, conflicts with federal statutory and regulatory provisions requiring restrictions as to the disclosure of information concerning Aid to Dependent Children (ADC) recipients, and are therefore in violation of the federal Social Security Act. Several federal courts have held likewise in reviewing similar language in other state's laws, specifically the federal District Court decision, Michigan Welfare Rights Organization vs. Dempsey, 462 F. Supp. 227 (1978).

The Kansas Attorney General's opinion further states that when a conflict exists between federal and state statutory provisions and where a state participates in a program funded by the federal government, it must comply with the applicable federal statutes, and any conflicting state statutes or regulations are declared invalid.

SRS is currently following the opinion of the attorney general and not making open to public inspection public list of Aid for Dependent Children (ADC) recipients. The Department's position creates some confusion and consternation with law enforcement officials, attorneys, and judges.

Alternatives which can be considered include:

1. Delete from K.S.A. 39-709b(c) the authorization for releasing for public inspection public list of Aid for Dependent Children (ADC) recipients; as proposed; or
2. Maintain the status quo.

3/22/85  
Attachment II

### Effect of Passage

Passage of this legislation will revise the Kansas statutes to comply with Federal law and regulation to maintain the confidentiality of individuals receiving Aid for Dependent Children (ADC). It will, however, have no substantial effect on the state's current policies and procedures regarding the publication of lists of Aid to Dependent Children (ADC) recipients since the Department of Social and Rehabilitation Services is presently holding this information confidential as required by federal law based on an opinion issued by the Kansas Attorney General. Adoption of this legislation will maintain the currency of the Kansas statutes and eliminate confusion for persons dealing with this issue.

### SRS Recommendation

Amend K.S.A. 39-709b(c) to delete authorization for maintaining a public list of Aid for Dependent Children (ADC) recipients and for making such list open to public inspection.

### Fiscal Impact

None

Robert C. Harder  
Office of the Secretary  
Social and Rehabilitation Services  
296-3271

March 21, 1985

## SUBCOMMITTEE REPORT

The Subcommittee on S.B. 179 recommends a number of amendments to the bill as introduced.

The Subcommittee recommends that the nurses certified to practice pursuant to S.B. 179 be called "certified registered nurse anesthetists" or "C.R.N.A.", and that the bill be amended in the appropriate places to reflect this recommendation.

The Subcommittee also recommends that the definition of "practice of anesthesia" be amended by placing a period after the word "administration" on line 33, and by adding new language that makes it clear that the administration of local anesthesia is not included. In addition, the Subcommittee recommends that a new definition of "medically delegated" be added to Section 1 of the bill.

In Section 3, the Subcommittee recommends that the authority to extend a temporary certificate to practice as a certified registered nurse anesthetist be deleted from the bill.

In Section 4, the Subcommittee recommends that minimum fees be deleted from the bill, the maximum fees as proposed in the balloon prepared by the nurse anesthetists be adopted, and references to a fee for the extension of a temporary certificate be deleted.

In Section 5 of S.B. 179, the Subcommittee recommends that the time for mailing an application for certification renewal be extended from 60 to 90 days prior to the expiration of the certification.

Section 6 is proposed to be amended by changing "1984" to "1985" and cleaning up the terminology used in the section to reflect that the act affects registered nurses.

In Section 7, the Subcommittee recommends that the section be amended to grandfather ARNP nurse anesthetists who hold a valid certificate of qualification on the effective date of the act and to change the dates on lines 121 and 122 to "1985" and "1986" respectively.

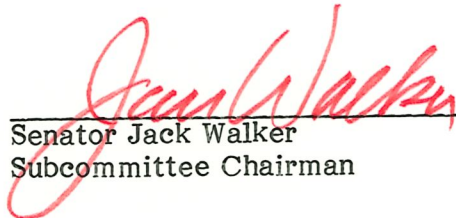
3/22/85  
Attachment III

It is recommended that Section 8 be amended to reflect that the functions listed in lines 133 through 140 constitute medically delegated duties and that the term "hospital" be changed to "medical care facility" in lines 144 and 148.

The Subcommittee recommends that the advisory council created by Section 10 be limited to two year's duration by causing the section to expire on July 1, 1987; that all references to terms of advisory council members be deleted; and that the language relating to appointments to the council be amended to reflect the recommendations made on the balloon submitted to the Committee by the nurse anesthetists.

The Subcommittee recommends the addition of a new section to S.B. 179 that allows the Board of Nursing to deny, revoke, suspend, limit, or refuse to renew a certification to practice as a certified registered nurse anesthetist and to specify the procedure to be followed in any such action.

The Subcommittee also recommends that a new paragraph be added to Section 12 that allows students enrolled in approved nurse anesthesia study to administer anesthesia, and that a new section be added to the bill that amends K.S.A. 40-3401 to require all certified registered nurse anesthetists to be covered by the Health Care Provider Insurance Availability Act.

  
\_\_\_\_\_  
Senator Jack Walker  
Subcommittee Chairman

  
\_\_\_\_\_  
Senator Jim Francisco

  
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Senator Ben Vidricksen