

Approved _____

2/13/86
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. on February 6, 1986 in room 423-S of the Capitol.

All members were present except:

Rep. Bideau, Rep. Buehler, Rep. Williams, all excused.

Committee staff present:

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

Conferees appearing before the committee:

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

Chairman called meeting to order. He asked if members had read minutes for this past week. Rep. Green moved the minutes of January 29th and January 30th, February 3, February 4, and February 5th all be adopted as written, seconded by Rep. Freideman, motion carried.

Committee discussion on HB 2663 began:--

Chairman called attention to members recommendations of Secretary Sabol's in regard to HB 2663, i.e., Page 7, Sec. 6, (5), lines 258 and 259, strike words "will not increase", and insert, "minimal"; Page 7, Sec. 6, line 260 and 261 in referring to decrease of availability of health care personnel, the word "minimal" should be inserted.; Page 7, Sec. 6, (3), line 252, the word "institutions" be struck and the words "in-patient facilities" be inserted therein; and the final recommendation of Secy. Sabol's was to assess a fee of \$2500 per application to cover a portion of the program costs.

Chair asked members at this time if anyone had comments in regard to these recommendations. Rep. Wagon moved to adopt the language Page 7, Sec. 6, (5), lines 258 and 259 to read, "the effect of credentialing of the occupation or profession on the cost of Health Care should be minimal", seconded by Rep. Hassler, motion carried. Rep. Wagon moved to amend on Page 7, Sec. 6, Sub. (6), lines 260 and 261, amend to read, "the effects of credentialing of the occupation or profession on the availability of health care should be minimal", seconded by Rep. Hassler, motion carried.

Further, to amend by inserting language to assess a \$2500 fee to defray cost of going through the credentialing process. Motion made by Rep. Foster, seconded by Rep. Neufeld. Discussion ensued, i.e., a fee of this amount was difficult to justify; it was suggested that the fee could be determined in correspondence to the number of people in the particular decipline applying; perhaps some smaller groups will merge together, thus making less number of applicants being processed. At this point Secy. Sabol was asked to answer some questions in regard to the fee, and how the \$2500 figure was reached. She stated the fiscal note allows for 2 clerical personnel and after evaluating other fees charged and came up with a fee they felt would not be prohibitive, yet an incentive for them to carefully consider whether or not they wished to proceed with their application. The Department realizes even at \$2500, this fee will not cover the cost of administering the process. They had been apprised that no Federal Funds would be used for this process. Discussion ended.

Rep. Foster made a closing statement, saying that we know where we stand in regard to Federal funding, and he would question that if a group of 10 specialists can't come up with this fee because their group is so small, perhaps they don't need to be credentialed at all. Vote taken, motion carried.

Motion to amend on Page 7, Sec. 6, Sub. (3), line 252 by striking the word "institutions", and inserting in lieu thereof, " in-patient facilities", was made by Rep. Runnels, seconded by Rep. Branson, 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 February 6, 1986

Discussion continues on HB 2663:--

After a lengthy discussion, Rep. Wagnon made a motion to amend HB 2663, page 7, Sec.6, Sub (2), line 247, strike the word "and", and insert in lieu thereof, "or", and Page 8, Sec. 6, Sub. (9), line 268 strike word "and" and insert in lieu thereof, "or". Motion seconded by Rep. Runnels. Discussion ensued, vote taken, motion carried.

Discussion ensued regarding amending language on line 335.

Rep. Hassler made a motion to amend, Page 7, Sec.6, Sub. (2), lines 246 and 247, to strike the word "additional". Rep. Runnels made a substitute motion to change the "an" to "a" and to remove comma before the word formal. Discussion ensued in regard to full meaning of formal periof of study and or training, and how and if this would protect the on the job person. The language as proposed would read in lines 246 and 247, both, acquired through a formal period of advanced study or training. Discussion continued. Motion seconded, vote taken, motion carried.

Discussion held in regard to adding a new Section to HB 2663. Rep. O'Neal made a motion to add this new section (e), seconded by Rep. Green, to read "Technical Committee shall complete hearings and shall file a report for any applicant group that has begun the process". Discussion ensued, in regard to where this new section should be inserted. Rep. O'Neal made a conceptional motion, seconded by Rep. Green to insert new section with above language, as the Revisor deems appropriate. Vote taken, motion carried.

Rep. Neufeld made a motion to amend HB 2663, Page 5, Sec.5, line 186, following the word submitted, add the words, "within 120 days". Motion seconded by Rep. Friedeman. Discussion ensued, i.e., how meetings of technical committee are structured, would Legislature being in session have any effect. Rep. Neufeld amended his motion to strike "As soon as possible", and add "within 120 days", seconded by Rep. Friedeman, vote taken, motion carried.

Rep. Neufeld offered a balloon copy of an amendment, Page 2, Sec. 1, Sub. (d)line 56. He stated this amendment is to make it clear the intent of HB 2663 is not to credential those who wish to use religious means to deal with the sick. Language would be added to read, "Health care personnel" does not mean any person who treats the sick by spiritual means through prayer alone in accordance with the tenets or practices of a church or religious denomination or any person who provedes nursing services in accordance with such treatment. Motion seconded by Rep. O'Neal. Discussion ensued, and Mr. Keith Landis was asked to answer questions, i.e., nursing services. He said there are some trained in nursing care to move a patient without injuring them, and likened it to services a caring mother would use for her family. They issue no medications or anything of that nature. Discussion ensued, i.e., Secy. will have to make judgments on exempting these types of groups; concern with other groups wanting exemption; many things don't need Health Care Personnel; who can be credentialed if they don't wish to be credentialed, who would pay the fee. Question called by Rep. Blumenthal, vote taken, motion failed. (See Attachment No.2).

Rep. Pottorff moved to amend HB 2663, Page 2, Sec.3, line 80 through 82, to add language on line 82, after the word state, "holding certification as health care personnel as defined in this act". Motion dies for lack of second.

Rep. Pottorff moved to amend HB 2663, Page 4, Sec. 3 (e), line 132, to delete, "the requirement that all criteria be met", and deletion of the requirement that compliance with rules and regulations that are to be written after the act has been amended be deleted throughout HB 2663. Motion dies for lack of second.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 6, 1986

Discussion continues on HB 2663:--

Rep. Pottorff moved to amend HB 2663 further, Page 5, (b), lines 165 through 167, strike the words, "hypothetical examples or testimonials", throughout HB 2663. Motion seconded by Rep. Friedeman. Discussion ensued, i.e., persons who have served on the Technical Committee throughout the state had commented after being contacted by phone they felt strongly these hypothetical examples needs to be left in. Otherwise, anyone can say, this will likely happen without requiring any proof, and it becomes a meaningless type of evidence, but you would still have to deal with it. Vote taken, motion failed.

Discussion held on concerns that dealt with language on Page 7, Sec. 8. There was some question regarding the word "minimal". Staff offered information that a letter from Michael Byington explains this fully, how overlapping can occur. Rep. Runnels stated perhaps the words "legitimate health care personnel" could be used. Discussion continued on the description of legitimate.

Discussions on concerns with line 164, Page 5. Rep. Wagon asked for explanation on why the Coordinating Council doesn't just deny application, rather than recommending another step that goes on to the office of the Secy. Concerns are with the step between the Technical Committee and the Secy. (The SHCC portion). Staff had members note, if you operate on the premise that only the legislature can deny credentialing and this process was set up by the legislature to incorporate people to ultimately make a recommendation to you to credential or not to credential, that would interrupt that process. If everybody has to make a statement, the Secy. can either override or allow, and then pass this decision on to the legislature, and then the process is complete.

Discussion on clean up language in HB 2663. This will be taken care of by Revisor's staff and no motions are required for these minor changes.

Rep. Green moved that HB 2663 be passed as amended, out of committee. Seconded by Rep. Runnels, motion carried. Rep. Cribbs recorded as a NO vote.

Meeting adjourned 3:00 p.m.

GUEST REGISTER

DATE 2-6-86

HOUSE

PUBLIC HEALTH AND WELFARE

Date 2-6-86

NAME	ORGANIZATION	ADDRESS
Frances Kastner	Ks. Physical Therapy Assn.	Topoka
Joanne Hill	Ks. Physical Therapy Assn.	Topoka
HAROLD P. JTS	TARTA	Topoka
Jim M. Bridger	observer	Topoka
Edith Mc Bride	observer	Topoka
Cindy L. Baird	Student Nurse, Washburn	Topoka
Dana Marcum	Student Nurse Washburn	Topoka
Larry Huey	SRS/ADAS	Topoka
Dick Hummel	KHCA	Topoka
KATH R LAUDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	"
Kathy Marney	MCAK	Topoka
Ken Schafermeyer	KS Pharmacists Assoc.	"
John R Grace	KANA	Dyersville
Melissa HUNGERFORD	KHA	"

Attm # 2 2/6/86

0046 (d) (c) "Health care personnel" means those persons whose
0047 principal functions, customarily performed for remuneration, are
0048 to render services, directly or indirectly, to individuals for the
0049 purpose of:

- 0050 (1) Preventing physical, mental or emotional illness;
- 0051 (2) detecting, diagnosing and treating illness;
- 0052 (3) facilitating recovery from illness; or
- 0053 (4) providing rehabilitative or continuing care following ill-
- 0054 ness;

0055 and who are qualified by training, education or experience to do
0056 so.

0057 (e) (f) "Council" means the statewide health coordinating
0058 council created by K.S.A. 65-4705 and amendments thereto.

0059 (f) (g) "Secretary" means the secretary of health and envi-
0060 ronment.

0061 Sec. 2. K.S.A. 65-5002 is hereby amended to read as follows:
0062 65-5002. Health care personnel seeking to be credentialed by the
0063 state shall submit a credentialing application to the secretary
0064 upon forms approved by the secretary. The secretary shall not
0065 accept a credentialing application signed by less than ~~one hun-~~
0066 ~~ded (100)~~ 100 Kansas resident proponents of credentialing the
0067 health care occupation or profession seeking to be credentialed.
0068 All credentialing applications accepted by the secretary shall be
0069 referred to the council for review and recommendation in ac-
0070 cordance with the provisions of this act and rules and regula-
0071 tions adopted by the secretary.

0072 Sec. 3. K.S.A. 65-5003 is hereby amended to read as follows:
0073 65-5003. (a) A ~~separate~~ technical committee shall be appointed
0074 by the chairperson of the council to examine and investigate
0075 each credentialing application referred by the secretary. ~~Not~~
0076 ~~more than seven (7)~~ Seven persons shall be appointed to each
0077 technical committee and such persons shall be appointed for a
0078 term of one year. The chairperson of ~~each~~ the technical commit-
0079 tee shall be a member of the council and shall be appointed by
0080 the chairperson of the council. Three members of the technical
0081 committee shall be health care personnel currently credentialed
0082 under the laws of this state. Four members of the technical

"Health care personnel" does not mean any person who treats the sick by spiritual means through prayer alone in accordance with the tenets or practices of a church or religious denomination or any person who provides nursing services in accordance with such treatment.

Attm # 2
2-6-86
Hs. PHW