

Approved \_\_\_\_\_

3-17-86

Date

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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at \_\_\_\_\_  
Chairperson

1:30 /d/v/p.m. on March 3, 1986 in room 423-S of the Capitol.

All members were present except:

Representative Vern Williams, excused

Committee staff present:

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

Conferees appearing before the committee:

Dr. Lois Scibetta, Executive Administrator of Ks. State Board of Nursing  
Mack Smith, Executive Secretary of state Board of Mortuaty Arts

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

Chair called meeting to order when quorum was present, calling attention to hearings today on the following bills. HB 3020, HB 3082, HB 3022, HB 3083.

Hearings began on HB 3020:--

Dr. Lois Scibetta gave hand-out to members, see (Attachment No.2), for details. She stated HB 3020 is a modification of HB 2082 from the 1985 Legislative session, and has been requested to do three things; to follow up on Board action regarding examination fees, to increase statutory fee maximums, and to tighten up their legal procedures regarding disciplinary matters. She elaborated on these items, and fielded questions from members, i.e., language on authorization to suspend is very broad; yes, they do follow disciplinary net work through the National Council of State Boards of Nursing and they are kept apprised if there is any action against a Kansas Nurse; a nurse coming in from another country must take an examination before being allowed to practice in Kansas.

Hearings closed on HB 3020.

Hearings began on HB 3082:--

Dr. Scibetta gave hand-out to members, see (Attachment No.3), for details. This is basically a clean-up bill she said and had been requested by their Board, and would up date the Nurse Practice Act. HB 3082 speaks to giving Board option of making determination (satisfactory rehabilitation) prior to the candidate taking the exam, rather than after the exam; temporary permit is explained in the balloon copy shown in Attachment No 3 which speaks to extending length of time for temporary permit nurses taking the referesher course and they ask for 180 days extension; Line 164 speaks to qualifications of Board members, line 189 states 5 years experience is required before appointment to Board; lines 220-222 the word "limitations" and "limit" are added, giving the Board more discretion regarding disciplinary matters; line 230 the executive Administarator is custodian of the Seal of the Board, lines 233-234 the Secretary-Treasurer is not the Secretary. She then answered numerous questions from members and staff, i.e., clarification on how long a nurse could practice while under a temporary permit; licensure exam is given twice a year; exam for licensure covers clinical and medical materials both; must take this refresher if they have not been in active practice for 5 years or more; moral turpitude still being delt with in statutes was discussed.

At this point, Rep. Foster moved to strike language in line 36-37, after the word felony, "or any offense involving moral turpitude". Motion seconded by Rep. Runnels, vote taken, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 /AM/p.m. on March 3, 1986

Hearings continue on HB 3082.

Balloon copy on HB 3082 indicates additional language to be considered in line 68 after the word exceed strike rest of language through line 70. Then insert paragraph to read, "60 days. Exception. For the reinstatement of a lapsed license, a nurse, enrolled in a refresher course may be granted a temporary permit issued for 180 days, which may be renewed by the Board for one additional period of not to exceed 180 days."

Discussion ensued, i.e., whether the term nurse should be used if person applying for license was considered a nurse or nurse applicant. Revisor then read language changes that could be used, i.e., For the reinstatement of a lapsed license, and applicant for licensure as a licensed professional nurse who was previously licensed in the state and who is enrolled in a refresher course required by the Board for reinstatement of lapsed license may be granted a temporary permit to practice nursing as a registered professional nurse for a period not to exceed 180 days. Discussion continued. At this point, Rep. Friedeman moved to adopt language just suggested by Revisor Mr. Furse, seconded by Rep. Harder, vote taken, motion carried.

Chair noted Mr. Furse and he had discussed the advisability amending HB 3020 into HB 3082, and he asked wishes of members in this regard. Discussion ensued. Rep. Runnels made a motion to amend HB 3020 into HB 3082, seconded by Rep. Bryant, motion carried.

Rep. Friedeman made a motion to pass HB 3082 as amended favorably for passage, motion seconded by Rep. Neufeld, vote taken, motion carried.

May it be noted that the two sections from HB 3020 spoken to above would be amended into HB 3082, and HB 3020 would just die then at end of this legislative session.

Hearings began on HB 3022:--

Mack Smith, State Board of Mortuary Arts gave hand-out to members, see (Attachment No.4), for details. He explained HB 3022 contains two main sections, educational requirements in licensing embalmers, and recipicol requirements for licensing both reciprocal embalmers and funeral directors. This would give the option of having embalmer applicants take 60 hour college requirements either before or after attending mortuary school. Currently they are required to take this requirement before entring mortuary school. Part of the current reciprocal law requires applicants be licensed in a state with at least equal requirements to Kansas. There is no provision for applicants with individual requirements equal to Kansas to obtain a Kansas reciprocal license. The proposed amendment would allow individuals that meet Kansas requirements to obtain a Kansas license via reciprocity. He answered numerous questions from members.

Hearings closed on HB 3022.

Hearings began on HB 3083:--

Mack Smith, noted his hand-out (No.4), also contained comments in regard to HB 3083. This would distinguish the difference in funeral establishments and branch establishments. Currently no distinguishment made. It would require owners of a branch establishment to also own a licensed establishment, but it would not require that branch to employ a full-time funeral director or have a preparation (embalming) room. He answered numerous questions.

Hearings closed on HB 3083.

Rep. Foster made a motion to pass HB 3022 out of committee favorable for passage and have it placed on consent calendar, and further to pass favorable for passage out of committee HB 3083. This dual motion was seconded by Rep. Friedeman. Short 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 3, 19 86

Chair requested staff briefings.

Briefing began on HB 3061.

Mr. Furse gave background on HB 3061, saying it had been introduced at the request of the Osteopathic Society, and speaks to Physical Therapists and Physical Therapy Assistants. Note, in lines 30-38, language would be modified to allow the Physical Therapy Assistant to initiate certain steps on the order of a physician, if the Physical Therapist is not immediately available. This would be beneficial in rural Kansas. Chair had members note, the Board of Healing Arts, and Physical Therapists Association have both signed off on this bill.

Briefings began on HB 3096.

Ms. Correll stated this legislation came from Interim Committee Study on Credentialing. Two groups that did not fit the classifications of licensing/registration were the Pharmacists and Psychologists, and HB 3096 deals only with Doctor level of Psychologists. Those are Psychologists who are certified by the board of Behavioral Sciences. It is a protection of practice act. The terms, "certified" changed to "licensed", are the basic changes in the bill.

Briefings on HB 3084.

Ms. Correll stated this bill also came from Interim Committee Study. There are a number of people waiting to be licensed and to hook on to existing Boards. The Board of Healing Arts is currently over-burdened and so HB 3084 will create a new Board to help carry the load. It will be called, Allied Health Professionals Board, and will be a 9 member Board appointed by the Governor. She gave specifics on the make-up of said Board members, length of terms of Board members, other employees to be working for this Board. There are no policy changes she said. This is only a new Board that will have some existing disciplines transferred to their authority from that of the Board of Healing Arts. Chairman Littlejohn noted he had requested this bill be introduced. Ms. Correll answered numerous questions from committee members.

Briefings on HB 2888.

Ms. Correll gave brief background, i.e., HB 2888 had been requested by Rep. Friedeman and it is to include in the schedule for controlled substances, Butyl Nitrite. Mr. Furse had members note that in line 163, the spelling should be Nitrite.

Meeting adjourned.

GUEST REGISTER

DATE 3/3/86

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
Dr Lois Scibetta	Ks. St. Bd of Nursing	503 Kansas Ave
Mack Smith	Ks St. Bd. of Mortuary Arts	214 W. 6th, suite 203 <sup>66603</sup>
Giovanna Hill	KS Physical Therapy Assn	Topeka
Jim Snyder	K.F.D.A	Topeka
Pat Schuler	Division of Budget	Topeka
Dave Greenberg	Ks O.T Assn	Topeka
Elizabeth Taylor	Ks OT Assn	Topeka
THERESA Smith	KANSAS NARAL	TOPEKA
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	"
MARSHA HUTCHISON	KS MEDICAL SOCIETY	TOPEKA
Terri Rosselot	KONA	Topeka.
Andrea Letano	Ks Hosp. Assoc	Topeka
Rebecca Greenhaw	Ks. Cemetery Assn	"

Attn #1  
3-3-86  
Hs. PHW



# KANSAS STATE BOARD OF NURSING

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

Telephone 913/296-4929

TO: The Honorable Marvin Littlejohn, Chairman, and Members of the  
House Public Health and Welfare Committee

FROM: Dr. Lois Rich Scibetta, <sup>LRS</sup> Executive Administrator

DATE: February 24, 1986

RE: House Bill 3020

Thank you Mr. Chairman for the opportunity to comment on House Bill 3020. House Bill 3020 is a bill which was requested by the Board of Nursing and it is a modification of House Bill 2082 from the 1985 session.

House Bill 3020 was requested by the Board of Nursing to do three things;

- 1) to follow up on Board action regarding examination fees,
- 2) to increase the statutory fee maximums
- 3) to tighten up our legal procedures regarding disciplinary matters

The latter was suggested by our legal counsel.

1) The Board of Nursing voted in October 1983, to have the candidates pay their fee to the examination service. This procedure was suggested by the Executive Administrator to cut expenditures and to delay a fee increase for as long as possible. The Board felt that this should be in the law.

Before the direct fee payment by the candidate to the exam service, the Board was billed a flat fee for each candidate. In FY 1985, the fee was \$21.50, in FY 1986 the fee was raised to \$27.50. Beginning with the October 1985 national exam the candidates were required to pay \$25.00\* directly to the examination service.

When the candidates paid their fee directly to the examination service, the result was a reduction in expenditures, and significant savings for the fee fund account. The expenditure reduction, and savings for the Board, using the direct payment method, for FY 1985 was \$40,807 (1,898 candidates @ \$21.50). The savings to date for FY 1986 is \$41,838 a total savings of \$82,645.

\*The fee for the Board is higher (\$27.50).

*Attn. #2*  
*3/3/86*  
*Hs. PHW*

2) Increase in Statutory Fee Maximums:

This request is a management decision, and is requested because the Board of Nursing has been at the statutory fee maximums for three years, and also because of the uncertainty in the nursing profession at this time. WE DO NOT ANTICIPATE A FEE INCREASE IN FY 1987, nonetheless, if an emergency occurred, i.e., decrease in number of licenses, problems with the new computer system, there is not a way for the Board to secure increased funding. The enabling legislation is necessary. No immediate fiscal impact is anticipated at this time.

- 3) The third aspect of the Bill deals with the area of consistency in the regulatory function of the Board, i.e., disciplinary matters. Upon advice of our legal counsel, we are requesting the authority to act against a license based on the actions of another board or agency of the United State Government. There is no fiscal impact related to this item per se, however there would probably be some saving involved in "time spent" on these activities. The Board believes that this aspect of the Bill will protect the public in a more effective manner. Total cost would be negligible, and savings would be \$82,645.

The Board requests that the Committee report House Bill 3020 favorably for passage. Thank you Mr. Chairman. I will be happy to answer any questions which the Committee may have.



# KANSAS STATE BOARD OF NURSING

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

Telephone 913/296-4929

TO: The Honorable Marvin Littlejohn, Chairman, and Members  
of the House Public Health and Welfare Committee

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

DATE: March 3, 1986

RE: House Bill 3082

Thank you Mr. Chairman for the opportunity to speak regarding HB 3082. The Bill was requested by the Board to update the Nurse Practice Act. It is essentially a clean-up, fix-up type bill.

The first section of the Bill (L 0035-0037) is requested in order to give the Board the option of making this determination (satisfactory rehabilitation) prior to candidate taking the examination, rather than after the examination.

In Section 3 (D) Temporary Permit, a balloon (attached) has been prepared to clarify the intent of the Board of Nursing. The Board does not wish to extend the length of time for the temporary permit to all professional nurses, but rather only to those nurses in the refresher course. Clinical experience in the refresher course cannot be completed within sixty days.

The next few sections involve minor changes. On line 0164 speaking to qualifications of Board members, active practice is requested for nurses at the time of reappointment. The Mental Health Technicians (line 0189) are required to have at least five years experience at the time of appointment.

In Section 4 (lines 0220 and 0222) page 6, the word "limitations" and "limit" are added, giving the Board more discretion regarding disciplinary matters.

On line 0230, page 7, Section 5, the Executive Administrator is custodian of the Seal of the Board. On lines 0233-0234 the Secretary Treasurer is not the Secretary.

All of the aforementioned changes update and enhance the Nurse Practice Act. The Board recommends that the Committee report House Bill 3082 favorably for passage. I will be happy to answer any questions which you may have.

*Attn. # 3*

*3/3/86*

*Hs. PHW*

0045 license to practice nursing as a registered professional nurse.  
0046 (2) *Without examination.* The board may issue a license to  
0047 practice nursing as a registered professional nurse without ex-  
0048 amination to an applicant who has been duly licensed or regis-  
0049 tered as a registered professional nurse by examination under  
0050 the laws of another state, territory or foreign country if, in the  
0051 opinion of the board, the applicant meets the qualifications  
0052 required of a licensed professional nurse in this state.

0053 (3) *Persons licensed under previous law.* Any person who  
0054 was licensed immediately prior to the effective date of this act as  
0055 a registered professional nurse, shall be deemed to be licensed  
0056 as a registered professional nurse under the provisions of this act  
0057 and shall be eligible for renewal licenses upon compliance with  
0058 K.S.A. 65-1117 and any amendments thereto.

0059 (c) *Title and abbreviation.* Any person who holds a license to  
0060 practice as a registered professional nurse in this state shall have  
0061 the right to use the title, "registered nurse," and the abbrevia-  
0062 tion, "R.N." No other person shall assume such title or use such  
0063 abbreviation or any other words, letters, signs or figures to  
0064 indicate that the person using the same is a registered profes-  
0065 sional nurse.

0066 (d) *Temporary permit.* The board may issue a temporary  
0067 permit to practice nursing as a registered professional nurse for a  
0068 period of not to exceed ~~60 days~~ ~~180 days, which temporary~~  
0069 ~~permit may be renewed by the board for one additional period~~  
0070 ~~of not to exceed 180 days.~~

0071 Sec. 2. K.S.A. 65-1116 is hereby amended to read as follows:  
0072 65-1116. (a) *Qualification.* An applicant for a license to practice  
0073 as a licensed practical nurse shall file with the board a written  
0074 application for a license and submit to the board satisfactory  
0075 proof that the applicant: (1) Has graduated from a high school  
0076 accredited by the appropriate legal accrediting agency or has  
0077 otherwise obtained the equivalent of a high school education, as  
0078 determined by the Kansas state department of education; (2) has  
0079 successfully completed the prescribed curriculum in an accred-  
0080 ited school of practical nursing and holds evidence of graduation  
0081 therefrom or has successfully completed the prescribed curricu-

60 days. Exception. For the reinstatement of a lapsed license, a nurse, enrolled in a refresher course may be granted a temporary permit issued for 180 days, which may be renewed by the Board for one additional period of not to exceed 180 days. The exception is granted to enable the nurse to complete the clinical requirement of the refresher course.



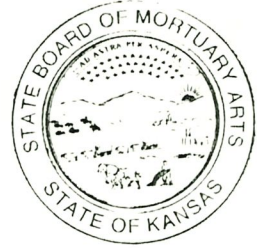
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JOHN C. "JACK" LAMB,  
INSPECTOR-INVESTIGATOR  
TERRY A. BLAND,  
OFFICE SECRETARY

*The Kansas*  
*State Board of Mortuary Arts*

CREATED AUG. 1, 1907

214 WEST SIXTH (6TH) STREET  
TOPEKA, KANSAS 66603-3797  
(913) 296-3980



February 27, 1986

Representative Marvin L. Littlejohn, Chairman  
House Public Health & Welfare Committee  
Room 423-S  
State Capitol  
Topeka, Kansas 66612

Mr. Chairman and Members of the Committee:

HB 3022 contains two main sections: 1) educational requirements in licensing embalmers, and 2) reciprocal requirements for licensing both reciprocal embalmers and funeral directors.

The bill would give the optional of having embalmer applicants take their sixty (60) hour college requirement either before or after attending mortuary school. The law now states that college must be taken prior to entering the mortuary school with no provisions listed for applicants to take any college hours after mortuary school.

Part of the current reciprocal law requires that applicants be licensed in a state with at least equal requirements to Kansas. There is no provision for applicants with individual requirements equal to Kansas to obtain a Kansas reciprocal license. The proposed amendment would allow individuals that meet Kansas requirements to obtain a Kansas license via reciprocity.

HB 3083 would distinguish a difference in funeral establishments and branch establishments. Current statutes distinguish no such difference. It would require the owners of a branch establishment to also own a licensed establishment, but it would not require the branch establishments to employ a full-time funeral director or to have a preparation (embalming) room. There already is a statute that requires a licensed Kansas funeral director to be in charge of any funeral services in the state, so the branch establishments would still be involved with licensed funeral directors at service time.

I thank the committee for the introduction of these two (2) bills, and I ask for their support in passage.

Sincerely,

Douglas "Mack" Smith  
Executive Secretary

*Attn. #4*  
*3/3/84*  
*Hs. PHW*

DMS:tab  
Enclosure