

Approved 2/23/87  
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Buntin at  
Chairperson

1:30 ~~am~~ p.m. on Thursday, February 19, 1987 in room 514-S of the Capitol.

All members were present except:

Committee staff present: Gloria Timmer, Legislative Research  
Diane Duffy, Legislative Research  
Jim Wilson, Revisors Office  
Sharon Schwartz, Administrative Aide  
Nadine Young, Committee Secretary

Conferees appearing before the committee:

Guest List (Attachment 1)

Representative Buntin presented a draft bill that would establish Washburn University as a separate state educational institution under the control of the state board of regents (Attachment 2). Representative Chronister moved that the bill be introduced. Representative Teagarden seconded. Motion carried.

HB 2100 -- appropriations for the fiscal year ending June 30, 1987, for Kansas State University, Pittsburg State University, University of Kansas, University of Kansas Medical Center, and Wichita State University.

Copy of a proposed amendment (Attachment 3) was distributed that would lapse 50% from the state general fund in the salaries and wages account for FY 1987. Representative Duncan moved that the amendment be adopted. Representative Dyck seconded. Motion carried.

Representative Solbach asked to be recorded as voting NO.  
Representative Miller asked to be recorded as voting NO.

On the bill, Representative Duncan moved that HB 2100, as amended, be recommended favorable for passage. Representative Dyck seconded. The motion carried.

Chairman turned to consideration of subcommittee reports for Fee Agency Budgets, HB 2224.

BEHAVIORAL SCIENCES REGULATORY BOARD

Representative Hassler presented the subcommittee reports. Subcommittee added \$9,750 for FY 1987 to cover one-time moving expense. Subcommittee made some adjustments in the FY 1988 budget (see Attachment 4). Representative Fuller moved that the subcommittee reports be adopted. Representative Dyck seconded. Motion carried.

SECURITIES COMMISSIONER Representative Roenbaugh presented the subcommittee report. Subcommittee concurs with the recommendations of the Governor for FY 1987. Subcommittee made some adjustments in the FY 1988 budget (Attachment 5). Representative Duncan moved to amend the FY 1988 subcommittee report in Item 2, by deleting all language in Item 2 beginning with the sentence, "The subcommittee recommends that the Commissioner be granted authority to pay those witness fees where deemed necessary....". Seconded by Representative Shriver.

Representative Chronister offered a substitute motion that this committee introduce a bill that allows the above motion to be effected, and would add language to the effect that any funds necessary to offset the costs of bringing in witnesses, to be withdrawn from that county's share of revenue sharing funds. Representative Lowther seconded. Motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations,  
room 514-S, Statehouse, at 1:30 ~~am~~ p.m. on Thursday, February 19, 19 87

Representative Vancrum moved conceptually that this agency should be encouraged to make every attempt to hold down costs by purchasing additional furniture from the Kansas Correctional Institute. It was seconded by Representative Solbach. Motion carried.

Representative Heinemann moved that the subcommittee reports for the Securities Commissioner, as amended, be adopted. Seconded by Representative Chronister. Motion carried.

BOARD OF HEALING ARTS

Representative Bowden presented the subcommittee reports (Attachment 6). For FY 1987, subcommittee recommends the addition of \$10,650 for payments to DISC. For FY 1988, subcommittee made one modification in the Governor's recommendation, that is to allow the Board to negotiate with Kansas Medical Society to implement part of HB 2661 which allows the Board to negotiate for a contract to develop an "Impaired Physician" program to deal with physicians who become involved with alcohol or drugs.

Discussion followed concerning the above matter. Jerry Slaughter, Executive Director of the Kansas Medical Society, provided a handout (Attachment 7) which explains the background for the establishment of this program. It was authorized by the 1986 Legislature in HB 2661.

Representative Turnquist moved to amend the report by adding language that would specify that any contracts for the "Impaired Physicians" program can be entered into with any appropriate professional association or society. Representative Duncan seconded. Motion carried.

Representative Hamm moved that the subcommittee report be amended to correct the house bill number from HB 2161 to HB 2661, and that the subcommittee report, as amended, be adopted. Seconded by Representative Mainey. Motion carried.

BOARD OF MORTUARY ARTS

Representative Bowden presented the subcommittee report (Attachment 8). Subcommittee added \$1,000 for FY 1987 and added \$521 for FY 1988. Representative Brady moved that the subcommittee report be adopted. Representative Dyck seconded. Motion carried.

KANSAS REAL ESTATE COMMISSION

Representative Dean presented the subcommittee report. Subcommittee added funding to restore one FTE position for a Education Specialist for FY 1988. Representative Shriver moved that the subcommittee report be adopted. It was seconded by Representative Turnquist. Motion carried. (Att. 9)

BOARD OF BARBER EXAMINERS

Representative Douville presented the subcommittee reports (Attachment 10). Subcommittee added \$500 to cover expenses associated with moving to a new office in FY 1987. Subcommittee concurs with Governor's recommendation for FY 1988. Representative Dyck moved for adoption of the reports. Representative Guldner seconded. Motion carried.

This leaves eight more fee agency budgets to be considered. Committee will meet at 8:00 a.m. tomorrow morning, February 20.

Meeting adjourned at 2:50 p.m.

Date 2-19-87

Name	Address	Representing
Deborah J. Kenny	176 S 4th Artillery Rd Ft. Leavenworth, KS 66027	KSNA
Cathryn A. Wurm	<del>3717 State Line</del> 10900 W 91 Terr. K.C., <del>Mo</del> Overland Park, KS 66214	KSNA
Karen LaMartina	2841 Eaton KC KS 66103	KSNA
Lynn Scott	7416 Rockwood Wichita 67206	KSNA
Maryann K Waterman	625 Tanglewood Ct Derby, KS 67037	KSNA
Rose M. Linneman	323 W Bufan Wichita, KS 67208	S. J. Med Ctr - Wich. JA
Carol Gale RN	9550 E. Lincoln #801 Wichita, KS 67207	W.S.U. - Graduate program Wesley mod - Center
Judy Sullivan RN	1634 Timbentlowe Rose Hill, Mo.	Wsu - Graduate program
Carolyn Speer	Lawrence	KU ASK
Martie Aaron	Lawrence	KU
Theresa Shaw	Topeka	Kansas NARAC
Belva Ott	Wichita	P.P.Ks.
Gail Hamilton	Lawrence	ICS N.O.W.
Marcella Bellinger	Syracuse, KS.	KSNA
Verna Rumbold	Syracuse, K	KSNA
COB "Sunny" Lander		
MaryAnn Kennedy	Wichita	KSNA
Virginia L. Haemes	Topeka, Mo.	KSNA
Shirley Veith	Hawnee, Kc	KSNA
Ann McLean Heide RN	OP KS	KSNA & University of Kansas Med Center
Ralph Wright	Pittsburg	
Jim Bibb	Topeka	KU
David Dallam	Topeka	Div of Budget

DRAFT BILL NO. \_\_\_\_\_

For Consideration by Committee on Appropriations

AN ACT relating to Washburn university of Topeka; establishing Washburn university of Kansas as a separate state educational institution under the control and supervision of the state board of regents; providing for the conveyance of property to the state board of regents; authorizing and requiring certain tax levies and disbursement thereof; providing for retirement of the bonded indebtedness of Washburn university of Topeka; providing for the disposition and management of certain endowment property of Washburn university of Topeka; and establishing a board of stewards for the university and prescribing its composition, powers, rights and authority.

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

Section 1. As used in this act:

(a) "Washburn board" means the board of regents of Washburn university of Topeka.

(b) "State board" means the state board of regents.

(c) "Campus property" means the real estate, buildings, facilities, furnishings, fixtures and equipment comprising the educational plant of Washburn university of Topeka.

(d) "Endowment property" means endowment funds, scholarship funds and investment real or personal property, the net earnings of which are devoted to general education purposes or to special educational purposes as prescribed or authorized by the donors of such property.

Sec. 2. (a) On July 1, 1989, Washburn university of Topeka is hereby established as a separate, freestanding state educational institution under the control and management of the state board, which shall be located in the city of Topeka, county of Shawnee, Kansas, and which shall be known as Washburn

university of Kansas.

(b) Prior to July 1, 1989, Washburn university of Kansas shall continue to be known as Washburn university of Topeka and, subject to the provisions of this act, shall continue to be operated and managed as a municipal university as provided in K.S.A. 13-13a03 through 13-13a37 and amendments thereto and shall be entitled to all financial aid payments and out-district tuition payments as provided in K.S.A. 13-13a25 through 13-13a34 and amendments thereto and all financial aid payments as provided in K.S.A. 72-6501 through 72-6509 and amendments thereto.

(c) After June 30, 1989, Washburn university of Kansas shall be the successor in interest to Washburn university of Topeka and all properties, moneys, rights, authorities and liabilities of Washburn university of Topeka are hereby transferred to and imposed upon Washburn university of Kansas. After June 30, 1989, whenever Washburn university of Topeka, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to Washburn university of Kansas.

Sec. 3. (a) On or before July 1, 1989, the Washburn board shall transfer and convey all of the campus property of Washburn university of Topeka and all of the rights, title or interest Washburn university of Kansas may have in such campus property on the date of transfer, or may thereafter acquire in such campus property, to the state board. On July 1, 1989, the state board shall succeed by operation of law to all rights and liabilities of Washburn university of Topeka, except for general obligation bonds of Washburn university of Topeka which are outstanding on July 1, 1989. All obligations and interest on such general obligation bonds shall be met and satisfied as provided in section 10.

(b) The state board, for and on behalf of the state of Kansas, shall accept the transfers and conveyances of title to all of the campus property of Washburn university of Topeka, subject to the condition that actual possession, control and

supervision of the university and the campus property thereof by the state of Kansas through the state board shall not be effective until July 1, 1989.

Sec. 4. Prior to July 1, 1989, the Washburn board shall be the governing body of Washburn university of Topeka, shall exercise such power and authority as is provided by law for the operation and management of Washburn university of Topeka in its status as a municipal university as provided in K.S.A. 13-13a03 through 13-13a37 and amendments thereto, subject to the provisions of this act, and shall serve as liaison with the state board in preparation for the transfer of control and supervision of the university to the state board.

Sec. 5. On or before September 15, 1988, the Washburn board shall submit a budget for Washburn university of Kansas for the fiscal year ending June 30, 1990, to the state board for approval or adjustment and annually thereafter the president of Washburn university of Kansas shall submit a budget for the ensuing fiscal year to the state board in the manner prescribed by the state board under K.S.A. 76-711 through 76-766 and amendments thereto.

Sec. 6. (a) On or before March 15, 1989, the Washburn board shall submit to the state board a list of officers and employees of Washburn university of Topeka who are recommended for appointment by the state board on July 1, 1989, as officers and employees of Washburn university of Kansas for the fiscal year ending June 30, 1990. On or before April 15, 1989, the state board shall advise the Washburn board of its approval or any modification of such list.

(b) On July 1, 1989, the state board shall appoint the officers and employees on such list, as approved or as modified and approved by the state board, to positions in the classified service or unclassified service under the Kansas civil service act at Washburn university of Kansas. Each such officer or employee whose position is within the classified service under the Kansas civil service act shall be deemed qualified under the Kansas civil service act for the position to which such officer or employee is appointed at the time of the assumption of control

by the state board on July 1, 1989.

(c) Prior to July 1, 1989, officers and employees of Washburn university of Topeka shall not be subject to or eligible for membership or participation in the Kansas public employees retirement system or the retirement annuity plan under K.S.A. 74-4925 and amendments thereto which are provided by law for officers and employees of the state board or the state educational institutions under the control and supervision of the state board. On and after July 1, 1989, except as otherwise provided by this act, officers and employees of Washburn university of Kansas shall be eligible as provided by statute for membership or participation in the Kansas public employees retirement system or the retirement annuity plan under K.S.A. 74-4925 and amendments thereto. No prior service credit under the Kansas public employees retirement system shall be credited to such officers or employees for service with Washburn university of Topeka prior to July 1, 1989, except that such service prior to July 1, 1989, shall be credited toward satisfaction of any requirement to complete certain periods of service for membership or participation by such persons in such retirement system or retirement annuity plan.

(d) All officers and employees appointed under this section to positions at Washburn university of Kansas shall be credited with all service of such officers and employees with Washburn university of Topeka prior to July 1, 1989, for all purposes of determining longevity and longevity benefits under the Kansas civil service act or under the policies and rules and regulations of the state board. All sick and personal leave accrued by such officers and employees for service with Washburn university of Topeka prior to July 1, 1989, shall be credited to such officers and employees as sick and annual leave under the applicable policies and rules and regulations of the state board or rules and regulations adopted under the Kansas civil service act.

(e) Officers and employees of Washburn university of Topeka who are approved and appointed under this section by the state board to positions in the classified service or unclassified

service under the Kansas civil service act at Washburn university of Kansas effective on July 1, 1989, shall retain and receive the same fringe benefits in their new employment status which such officers and employees received as officers and employees of Washburn university of Topeka prior to July 1, 1989, and which were financed prior to July 1, 1989, from the employee benefits contribution fund established for Washburn university of Topeka under K.S.A. 12-16,102 and amendments thereto, except that, after the fringe benefits of such officers and employees are equal to the fringe benefits provided to other officers or employees of the other state educational institutions, if any new or additional benefits are provided to other officers or employees of the other state educational institutions after July 1, 1989, such new or additional benefits shall also be provided to the persons who were appointed under this section as officers and employees of Washburn university of Kansas on July 1, 1989, so that fringe benefits of officers and employees of all state educational institutions under the control and supervision of the state board of regents are provided at the same rates and otherwise under the same conditions.

Sec. 7. (a) On July 1, 1989, the Washburn board shall pay to the state treasurer all unencumbered and unexpended moneys of Washburn university of Topeka, except moneys (1) which constitute endowment property, (2) which are the moneys of a not-for-profit corporation operating the student union at the university or of any other not-for-profit corporation participating in university affiliated activities, or (3) which are the proceeds from the levy authorized by K.S.A. 13-13a23 and amendments thereto. Upon receipt of such moneys, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Washburn university support and benefit fund which is hereby created in the state treasury.

(b) After June 30, 1989, any moneys to which Washburn university of Topeka is entitled from the tax levies made by the Washburn board under K.S.A. 12-16,102 and 13-13a18 and amendments thereto for tax years prior to tax year 1989 shall be paid to the



state treasurer who shall deposit such moneys in the state treasury to the credit of the Washburn university support and benefit fund.

(c) The director of accounts and reports shall create appropriate accounts in the Washburn university support and benefit fund for general use moneys and restricted use moneys.

(d) After June 30, 1989, any moneys to which Washburn university of Topeka is entitled from the tax levy made by the Washburn board under K.S.A. 13-13a23 and amendments thereto for tax years prior to tax year 1989 shall be paid to the board of stewards established by section 8 and shall not be deposited in the state treasury.

Sec. 8. (a) At the time of the transfer of control and supervision of Washburn university of Kansas to the state board on July 1, 1989, the Washburn board is hereby abolished and there is hereby established the board of stewards of Washburn university of Kansas.

(b) The board of stewards shall be composed of nine members, five of whom shall be appointed by the governor and four of whom shall be appointed by the mayor of the city of Topeka. Members appointed to the board of stewards are eligible for reappointment. Persons serving as members of the Washburn board on June 30, 1989, are eligible for appointment to the board of stewards. All vacancies in office of members of the board of stewards appointed as provided in this section shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the member creating the vacancy.

(c) Appointments by the governor shall be made as follows:

(1) Three members shall be residents of the city of Topeka, one each from the three districts from which state senators are elected by residents of the city. Members appointed under this provision shall be selected by the governor from a list of three nominees for each position submitted by the city council of Topeka.

(2) One member shall be a resident of the city of Topeka

from the city-at-large.

(3) One member shall be a resident of the state of Kansas from the state-at-large.

(d) The members of the board of stewards appointed by the governor shall serve for terms of four years and until their respective successors have been appointed and qualified, except that, of the members initially appointed for the terms commencing on July 1, 1989, two shall serve for terms of three years, two shall serve for terms of two years, and one shall serve for a term of one year.

(e) The members of the board of stewards appointed by the mayor shall serve for terms of four years and until their respective successors have been appointed and qualified, except that, of the members initially appointed for the terms commencing on July 1, 1989, one shall serve for terms of three years, and two shall serve for terms of two years, and one shall serve for a term of one year. All members appointed by the mayor shall be residents of the city of Topeka from the city-at-large.

(f) The primary purpose of the board of stewards of Washburn university of Kansas shall be to support the educational undertakings of Washburn university of Kansas. The board of stewards shall have the right, power and authority to have a seal and to sue and be sued. The board of stewards shall also have the power and authority to use the proceeds of the tax levy provided for in section 10 for purposes for the benefit of Washburn university of Kansas which shall include, but not be limited to, financing capital improvements, faculty and staff development and scholarships.

Sec. 9. On July 1, 1989, the board of trustees of the Washburn endowment association, a not-for-profit corporation organized and existing under the laws of Kansas, shall assume all of the rights, powers and authority of, and shall be deemed to be the same legal entity as, the Washburn board with respect to endowment property of Washburn university of Topeka and shall succeed by operation of law to the ownership of all such endowment property and all such endowment property is hereby

transferred and conveyed thereto. The board of trustees of the Washburn endowment association shall have the right to hold, manage, lease, sell and receive properties, real and personal, for the endowment or benefit of Washburn university of Kansas.

Sec. 10. (a) The governing body of the city of Topeka shall levy an annual tax commencing with the tax year 1989 at the rate of 2.25 mills on all taxable tangible property in such city. That portion of the amount constituting the proceeds of such levy together with the proceeds of levies for prior years under K.S.A. 13-13a23 and amendments thereto as are required to retire and pay the interest on general obligation bonds of Washburn university of Topeka issued and outstanding on July 1, 1989, shall be paid by the county treasurer to the state treasurer and, upon receipt of the same, the state treasurer shall credit the amount paid to the Washburn university bond and interest sinking fund which is hereby created in the state treasury and which shall be used by the state board for the purpose of retiring and paying the principal of and interest on such general obligation bonds.

(b) If the proceeds of such levy in any year, together with funds available from previous levies, are insufficient to pay the principal of and interest on such general obligation bonds required to be paid in such year, the governing body of the city of Topeka shall make such additional tax levy as may be necessary to pay such interest and principal installments coming due in such year in full. The proceeds of any such additional tax levy shall be paid by the county treasurer to the state treasurer and shall be credited by the state treasurer to the Washburn university bond and interest sinking fund.

(c) The balance of any levies made under this section, if any, which remains after the amount required to retire and pay the interest on such general obligation bonds is paid to the state treasurer shall be paid over to the board of stewards established by section 8 and shall be used for such purposes authorized by section 8 as may be determined by the board of stewards, subject to approval by the governing body of the city of Topeka and the state board.

(d) The general obligation bonds described in this section shall not be considered in applying any law limiting bonded indebtedness of the city of Topeka. The tax levies authorized by this section are exempt from the limitation imposed under the provisions of K.S.A. 79-5001 through 79-5016 and amendments thereto.

Sec. 11. The governing body of the city of Topeka shall levy an annual tax commencing with tax year 1989 at a rate not to exceed 7 mills on all taxable tangible property in such city for the purpose of providing the sum of not more than \$3,500,000 annually for the operation of Washburn university of Kansas. The proceeds of such levy together with the proceeds of levies for prior years by the Washburn board under K.S.A. 13-13a18 and amendments thereto shall be paid by the county treasurer to the state treasurer. Upon receipt of such proceeds, the state treasurer shall credit the entire amount of such proceeds to the Washburn university support and benefit fund and such proceeds shall be used for financing the operations of Washburn university of Kansas. The tax levy authorized by this section shall be in addition to all other tax levies authorized or limited by law and shall be exempt from the limitation imposed under the provisions of K.S.A. 79-5001 through 79-5016 and amendments thereto.

Sec. 12. The governing body of the city of Topeka shall levy an annual tax commencing with tax year 1989 on all taxable tangible property in such city in an amount sufficient for, and for the purpose of, financing the fringe benefits of the persons who were officers and employees of Washburn university of Topeka and who are appointed as officers and employees of Washburn university of Kansas on July 1, 1989, which were financed prior to July 1, 1989, from the employee benefits contribution fund established for Washburn university of Topeka under K.S.A. 12-16,102 and amendments thereto. On or before July 15, 1989, and each July 15 thereafter, the state board of regents shall determine the amount necessary for the purposes of financing such fringe benefits to such persons for the ensuing year and shall certify such amount to the governing body of the city of Topeka.

The proceeds from the levy authorized by this section, together with the proceeds from the levies made by the Washburn board under K.S.A. 12-16,102 and amendments thereto, shall be paid by the county treasurer to the state treasurer. Upon receipt of such proceeds, the state treasurer shall credit the entire amount of such proceeds to the Washburn university support and benefit fund and such proceeds shall be used for the purpose of financing the fringe benefits of the persons who were officers and employees of Washburn university of Topeka and who were appointed to Washburn university of Kansas on July 1, 1989. The tax levied under this section shall be in an amount determined necessary for the purposes of financing such fringe benefits to such persons by the state board. The tax levy authorized by this section shall be in addition to all other tax levies authorized or limited by law and shall be exempt from the limitation imposed under the provisions of K.S.A. 79-5001 through 79-5016 and amendments thereto.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

## PROPOSED AMENDMENTS TO H.B. NO. 2100

Be amended:

On page 1, preceding line 38, by inserting the following material to read as follows:

"(b) On the effective date of this act, of the \$42,440,133 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 3(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$648,642 is hereby lapsed.";

Also on page 1, preceding line 45, by inserting the following material to read as follows:

"(b) On the effective date of this act, of the \$12,470,064 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 6(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$91,605 is hereby lapsed.";

On page 2, preceding line 52, by inserting the following material to read as follows:

"(b) On the effective date of this act, of the \$57,432,291 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 7(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$2,113,265 is hereby lapsed.";

Also on page 2, preceding line 75, by inserting the following material to read as follows:

"(e) On the effective date of this act, the director of accounts and reports shall transfer an amount specified by the chancellor of the university of Kansas from the hospital revenue fund to the clinical facility bond and interest sinking fund.

(f) On the effective date of this act, of the \$34,326,151

appropriated for the above agency for the fiscal year ending June 30, 1987, by section 9(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$9,513,162 is hereby lapsed.";

Also on page 2, preceding line 82, by inserting the following material to read as follows:

"(b) On the effective date of this act, of the \$29,127,077 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 8(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$370,726 is hereby lapsed.";

And the bill be passed as amended.

SUBCOMMITTEE REPORT

Agency: Behavioral Sciences  
Regulatory Board

Bill No. --

Bill Sec. --

Analyst: Hunn

Analysis Pg. No. 21

Budget Pg. No. 1-191

<u>Expenditure Summary</u>	<u>Agency Req. FY 87</u>	<u>Governor's Rec. FY 87</u>	<u>Subcommittee Adjustments</u>
State Operations: Special Revenue Fund	\$ 138,603	\$ 128,853	\$ 9,750
FTE Positions	3.0	3.0	--

Agency Request/Governor's Recommendation

The FY 1987 agency estimate of \$138,603 is no change from the approved budget.

The Governor recommends expenditures of \$128,853 in FY 1987, including reductions in printing (\$1,147), and professional services (\$8,000). The Governor's recommendation represents a decrease of 7.0 percent to the approved budget.

House Subcommittee Recommendation

The House Subcommittee recommends the following change to the Governor's FY 1987 recommendation:

1. Addition of \$9,750 to restore amounts deleted by the Governor from the Board's approved FY 1987 budget. Based on the Board's regular expenditures to date and one-time moving expenses, the Subcommittee believes this restoration is necessary.



Representative Wanda Fuller  
Subcommittee Chairperson



Representative Elaine Hassler



## SUBCOMMITTEE REPORT

Agency: Behavioral Sciences  
Regulatory Board

Bill No. 2224

Bill Sec. 6

Analyst: Hunn

Analysis Pg. No. 21

Budget Pg. No. 1-191

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 247,419	\$ 142,651	\$ 10,677
FTE Positions	4.5	3.0	--

### Agency Request/Governor's Recommendation

Currently, the Board regulates degreed social workers and Ph.D. psychologists. The FY 1988 request of \$247,419 is based on adding regulation of master-level psychologists and counselors to the Board's responsibilities. Legislation was introduced during the 1986 Session to add these classes to the Board's responsibilities; however, the legislation did not pass. The Board's request is in anticipation of the passage of such legislation during the 1987 Legislative Session. A total of \$66,658 and 1.0 FTE position is requested based on the Board's anticipation of expanding regulation to those classes. Excluding the amount requested for the expansion, the FY 1988 request is a 30.4 percent increase over the FY 1987 estimate. The Board anticipates increased expenditures in FY 1988 due to the addition of continuing education requirements for psychologists in FY 1987 and other areas of increased workload.

The Governor recommends expenditures of \$142,651 in FY 1988. The Governor's recommendation does not include funding for regulation of additional classes of occupations.

### House Subcommittee Recommendation

The House Subcommittee concurs with the Governor, with the following adjustments:

1. Addition of \$6,748 to allow for a total of 115 days of Board per diem compensation (\$715) and travel (\$6,033), rather than the 96 days recommended by the Governor. Several new board members will be appointed in FY 1988, which could increase the costs of Board meetings, dependent on the geographic base of the Board members. In addition, the Board anticipates more meetings to respond to the increasing number of complaint filings.

2. Addition of \$2,000 to allow a Board member and the Executive Secretary to attend two national board association meetings. The Board has had no funding for out-of-state travel in prior years.
3. Addition of \$1,929 for communications. The Board anticipates increased postage costs as a result of continuing education requirements for psychologists. In addition, telecommunications expense is anticipated to be higher due to the Board's move to the Landon Office Building.

<u>Resource Estimate</u>	<u>Actual FY 1986</u>	<u>Estimated FY 1987</u>	<u>Estimated FY 1988</u>
Beginning Balance	\$ 44,284	\$ 65,354	\$ 31,893
Net Receipts	145,121	105,142	178,910
Total Funds Available	<u>\$ 189,405</u>	<u>\$ 170,496</u>	<u>\$ 210,803</u>
Less: Expenditures	124,051	138,603	153,328
Ending Balance	<u>\$ 65,354</u>	<u>\$ 31,893</u>	<u>\$ 57,475</u>

  
\_\_\_\_\_  
Representative Wanda Fuller  
Subcommittee Chairperson

  
\_\_\_\_\_  
Representative Elaine Hassler

SUBCOMMITTEE REPORT

Agency: Securities Commissioner

Bill No. 2224

Bill Sec. 19

Analyst: Howard

Analysis Pg. No. 60

Budget Pg. No. 1-173

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 848,064	\$ 835,138	\$ --
FTE Positions	19.0	19.0	--

Agency Request/Governor's Recommendation

The Securities Commissioner requests \$848,064 in state operations in FY 1988, an increase of \$58,724 over the current fiscal year. The request would fund 19.0 FTE positions, the same number as in the current year.

The Governor recommends \$835,138 for FY 1988, a reduction of \$12,926 from the agency request. The recommendation includes reductions in salaries and wages (\$10,928), repairing and servicing (\$800), and travel (\$3,200), and an increase in rents (\$2,002).

House Subcommittee Recommendations

FY 1987. The Subcommittee concurs with the recommendations of the Governor with the following comment:

1. The Subcommittee has learned of some dissatisfaction of the Securities Commissioner with the office area assigned to them in the Landon State Office Building. The Commissioner believes the number of partitions is not sufficient and that there are some problems with the reception area and the conference room. The Subcommittee would recommend that the Securities Commissioner be authorized to utilize any savings to purchase needed furniture and dividers.

FY 1988. The Subcommittee concurs with the recommendations of the Governor with the following exceptions:

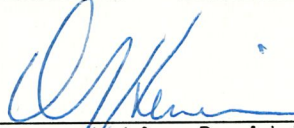
1. The Subcommittee would note that the new Securities Commissioner volunteered to take a 3.8 percent pay reduction. The Governor's recommended salary for the position (\$42,480) reflects the 3.8 percent cut. This Subcommittee would recommend that the 3.8 percent reduction be applied only to FY 1987 and that the FY 1988

base salary be set at \$44,160, that of the preceding Commissioner. Adequate funding is included within the expenditure limitation recommended by the Governor to implement this recommendation.

2. The Subcommittee has become aware of difficulties encountered by the Commissioner in the prosecution of securities fraud cases in some counties in Kansas. In some situations it appears that local county attorney offices are unwilling to prosecute certain securities fraud cases due to the cost of witness fees which would be borne by the county in bringing the case to trial. The Subcommittee recommends that the Commissioner be granted the authority to pay those witness fees where deemed necessary to assure prosecution of cases with reimbursement expected from the counties where such prosecution takes place. The Subcommittee recommends that a securities prosecution fraud expense fund be established and that the Commissioner be granted the authority to transfer not greater than \$30,000 to pay costs of witness fees and other expenses. All moneys received from any source in reimbursement of these expenses would be deposited in the fund.
  
3. The Subcommittee would also note that S.B. 66, currently in the Senate Committee on Financial Institutions and Insurance, could affect fee receipts of the Commissioner. This Subcommittee would recommend that the bill be monitored to ascertain the impact on the budget of the Securities Commissioner and any adjustments which might need to be made.

The fee fund analysis, based on the House Subcommittee's recommendation is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1986</u>	<u>Estimated FY 1987</u>	<u>Estimated FY 1988</u>
Beginning Balance	\$ 501,269	\$ 500,000	\$ 500,000
Net Receipts	980,735	1,137,181	1,171,862
Total Funds Available	<u>\$ 1,482,004</u>	<u>\$ 1,637,181</u>	<u>\$ 1,672,862</u>
Less: Expenditures	724,822	788,827	835,138
Less: Transfer to State General Fund	257,182	348,354	336,724
Ending Balance	<u><u>\$ 500,000</u></u>	<u><u>\$ 500,000</u></u>	<u><u>\$ 500,000</u></u>

  
 Representative David Heinemann  
 Subcommittee Chairperson

  
 Representative Susan Roenbaugh

**SUBCOMMITTEE REPORT**

**Agency: Board of Healing Arts**

**Bill No. --**

**Bill Sec. --**

**Analyst: Rampey**

**Analysis Pg. No. 25**

**Budget Pg. No. 1-197**

<u>Expenditure Summary</u>	<u>Agency Req. FY 87</u>	<u>Governor's Rec. FY 87</u>	<u>Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 699,109	\$ 687,454	\$ 10,650
FTE Positions	14.0	14.0	--

House Subcommittee Recommendation

FY 1987. The Subcommittee concurs with the recommendation of the Governor, with the following exception:

1. Add \$10,650 for payments to the Division of Information Systems and Communications (DISC) for a computer system. The addition to the budget would result in expenditures of \$698,104 in FY 1987, which is \$1,005 less than the expenditure limitation authorized by the 1986 Legislature.

In 1986, the Board entered into a shared-computer system with the Board of Nursing and the Board of Pharmacy. The original estimate of the total cost of the system, excluding maintenance, was \$171,691 to be divided among the three agencies according to use and paid for over a three-year period (FY 1986-FY 1988). The Board of Healing Arts paid \$41,332 in FY 1986, has already paid \$15,028 in FY 1987, and has budgeted \$18,500, plus funds for computer supplies, in FY 1988.

Since FY 1986, the three agencies have sought to upgrade the system by asking DISC to approve additional equipment or computer capacity that was not part of the original plan. (In some cases, specific requests for additional equipment were approved by the Legislature.) Partly as a result of this, an additional cost of \$89,000 has been incurred for the system. The new estimate, including maintenance, is \$286,663.

Apparently in order to spread payments over a longer period of time so that the three agencies would not have to bear the increased cost in one year (FY 1988, the last year of payment under the original agreement), DISC entered into a Certificate of Participation agreement whereby payments for the system would extend into FY 1992. Interest payments on the Certificate would add \$46,877 to the cost of the project.

According to figures provided by DISC, the Board of Healing Arts would pay \$16,545 as its share of the interest on the Certificate. It is the Subcommittee's opinion that the Board would be better off completing its purchase on schedule by paying higher payments in FY 1987 and FY 1988 than it would be by paying small amounts of money, plus interest, over a longer period of time. According to DISC's figures, an additional amount of \$10,650 would be needed in FY 1987 and a total of \$24,635 would be needed in FY 1988 to complete the Board of Healing Art's share of the purchase of the project. The Subcommittee recommends that the additional amount be added to the FY 1987 budget (in addition to the \$15,028 that is already in the budget and has been paid to DISC). It is the Subcommittee's understanding that the Certificate can be cancelled, an action the Subcommittee encourages DISC to take.

  
\_\_\_\_\_  
Representative Lee Hamm  
Subcommittee Chairman

  
\_\_\_\_\_  
Representative Rick Bowden

## SUBCOMMITTEE REPORT

Agency: Board of Healing Arts

Bill No. 2224

Bill Sec. 7

Analyst: Rampey

Analysis Pg. No. 25

Budget Pg. No. 1-197

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 691,585	\$ 683,285	\$ 99,797
FTE Positions	14.0	14.0	--

### House Subcommittee Recommendation

FY 1988. The Subcommittee concurs with the Governor's recommendation, with the following exception:

1. Increase the expenditure limitation by \$99,797 to permit payments to the Kansas Medical Society to provide a program for impaired physicians.

The 1986 Legislature enacted malpractice legislation (1986 H.B. 2161) that, among other things, authorizes a state agency that licenses health care providers to enter into an agreement with a professional society or organization, and to pay that organization for services in connection with impaired licensees.

The Kansas Medical Society has developed an impaired physician program to deal with physicians whose performance is impaired by alcohol or drugs. The Board of Healing Arts has entered into a contract with the Society to provide the program for physicians the Board licenses, although details of the program and the amount of money involved have not yet been negotiated.

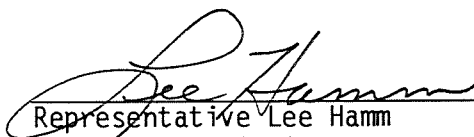
A plan to fund the program has been developed by the Society and will be submitted to the Board at its April meeting. The plan would require a payment from the Board of \$99,797 to enable the Society to hire the staff and make other expenditures necessary to provide the service in FY 1988. In order to pay the Society for the program, the Board would need to raise its license renewal fees in FY 1988.

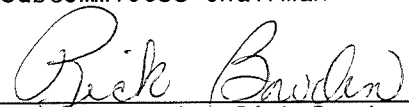
The Subcommittee recommends that the expenditure limitation of the Board be raised to permit it to negotiate a payment to the Society in FY 1988 if the Board decides to do so. It is the Subcommittee's recommendation that a proviso be added to the Board's appropriation stating that the amount that can be spent pursuant to the contract cannot exceed \$99,797. It is also the Subcommittee's intention that, if the Board decides not to enter

into the contract or if the cost to the Board is less than \$99,797, none of the money shall be spent on other Board activities. It is the Subcommittee's understanding that the Medical Society will make an effort to get physicians or their insurance companies to pay for the service and that some of the money the Board pays to the Society could be reimbursed.

An analysis of the Board's fee fund is shown below. The analysis takes into account the Subcommittee's recommendations for FY 1987 and FY 1988, but does not show any increased revenues that would result from a fee increase in FY 1988. If the Board enters into the contract with the Society, the Subcommittee realizes a fee increase would be necessary and would support it.

<u>Resource Estimate</u>	<u>Actual FY 1986</u>	<u>Estimated FY 1987</u>	<u>Estimated FY 1988</u>
Beginning Balance	\$ 442,392	\$ 506,302	\$ 553,128
Net Receipts	540,289	744,930	728,635
Total Funds Available	\$ 982,681	\$ 1,251,232	\$ 1,281,763
Less: Nonreportable Expenditures	4,749	--	--
Less: Expenditures	471,630	698,104	783,082
Ending Balance	<u>\$ 506,302</u>	<u>\$ 553,128</u>	<u>\$ 498,681</u>

  
\_\_\_\_\_  
Representative Lee Hamm  
Subcommittee Chairman

  
\_\_\_\_\_  
Representative Rick Bowden



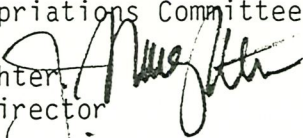


# KANSAS MEDICAL SOCIETY

1300 Topeka Avenue · Topeka, Kansas 66612 · (913) 235-2383

February 18, 1987

TO: House Appropriations Committee

FROM: Jerry Slaughter,   
Executive Director

SUBJECT: H.B. 2224; Concerning the Healing Arts Board  
and the Establishment of an Impaired Physicians Program

Last year the legislature enacted 1986 H.B. 2661, the comprehensive medical malpractice reform act, which was recommended by a special interim study committee. A big part of that legislation dealt with the Healing Arts Board, and its peer review and disciplinary functions. The interim committee, in drafting the legislation, emphasized and encouraged a closer working relationship between the Healing Arts Board and the disciplinary and peer review committees of state and county medical societies.

New Section 5 of H.B. 2661, specifically authorized the Healing Arts Board to enter into agreements with professional associations to handle the investigations, treatment and followup monitoring of impaired health care providers. In order to respond, the Kansas Medical Society has spent the last several months developing a protocol, or agreement, that has now been signed with the Board of Healing Arts, in which the KMS will carry out the impaired physician activities in conjunction with the Board. A copy of the agreement between the Board and KMS is enclosed.

The subcommittee report on the Healing Arts Board budget includes a recommendation for spending authorization not to exceed \$100,000 for FY 1988, in order to adequately fund this program. The money would come from increased licensure renewal fees. It is our hope that as the program grows, we will be able to collect "user fees" from those in rehabilitation, to the extent that program can eventually become nearly self-sustaining. Until that point is reached, however, the financial support authorized by H.B. 2661 is absolutely essential. The impaired physician program will require one full-time, specially-trained nurse, a clerical person, a part-time medical director who specializes in substance abuse, and the periodic use of physicians with special training to act as consultants. It is hoped that our cooperative efforts with the Healing Arts Board will serve as a model for other health professions as they begin to work in this area.

A little background about the KMS Impaired Physician Program is attached, in addition to a copy of the monitoring contract that is utilized when physicians are brought into the program. If you have any questions or would like additional information, please do not hesitate to let us know. Thank you.

JS:nb

Attachments



## KANSAS MEDICAL SOCIETY

1300 Topeka Avenue · Topeka, Kansas 66612 · (913) 235-2383

### Kansas Medical Society Impaired Physician Program

The Impaired Physician Program of the Kansas Medical Society was started in 1978 because Kansas lacked a coordinated approach to identifying and dealing with physicians whose professional performance was impaired by alcohol, drug dependence or deterioration of skills because of the aging process. The Kansas Medical Society was guided by the belief that an impaired professional would respond most readily to a program run in a supportive, non-threatening manner by peers. A major commitment of resources over the last eight years has resulted in an effective and important program to help assure professional competence among physicians.

A model was developed under which contacts from various sources are screened by the program's Impaired Physician Committee. If a physician is determined to be impaired, he or she is encouraged to seek help voluntarily. Those who refuse the voluntary approach are reported to the Kansas State Board of Healing Arts for appropriate disciplinary action.

The program is available to any licensed Kansas physician. The program can be activated by the impaired physician, a professional peer, family, patient, or anyone with reason to believe the physician is in need of help. The intense pressure and stress of medical practice today make physicians especially vulnerable to problems of impairment. Further, the public image of a self-sufficient and independent physician make the recognition and reversal of impairment extremely difficult without professional help.

The Impaired Physician Program responsibilities include:

(a) Publicizing the Impaired Physician Program through direct educational efforts for physicians and families, hospital medical staffs, local medical societies, and the public in general to communicate the general principles of the program and encourage cooperation and participation;

(b) Maintaining a registry of the best resources and therapists in the areas of alcoholism, drug dependence, mental health, geriatrics, and/or medical incompetence;

(c) Confirming complaints and reports of physician impairment, and then assuring that the physician enters a treatment program;

(d) Monitoring and followup of physicians under treatment as they re-enter the practice of medicine, to assure that the care they render is safe and of the highest quality.

A contractual agreement or protocol between the Kansas State Board of Healing Arts and the KMS Impaired Physicians Program was a goal long sought by our committee. Such an official arrangement as endorsed in 1986 House Bill 2661, Section 5, is in the best interest of all concerned parties. It will enable the program to offer intervention at earlier stages of physician impairment, and while functioning as a quasi-official extension of the Board, committee member consultants will be assured of legal protection.

For more detailed information about the Impaired Physician Program, please contact Val Braun, Associate Executive Director, Kansas Medical Society, 1300 Topeka Blvd., Topeka, Kansas 66612, 913-235-2383.

Nev. 5. (a) If a report to a state licensing agency pursuant to section (a)(1) or (2) of section 4 or any other report or complaint filed with such agency relates to a health care provider's inability to practice the provider's profession with reasonable skill and safety due to physical or mental disabilities, including deterioration through the aging process, loss of motor skill or abuse of drugs or alcohol, the agency may refer the matter to an impaired provider committee of the appropriate state or county professional society or organization.

(b) The state licensing agency shall have the authority to enter into an agreement with the impaired provider committee of the appropriate state or county professional society or organization to undertake those functions and responsibilities specified in the agreement and to provide for payment therefor from moneys appropriated to the agency for that purpose. Such functions and responsibilities may include any or all of the following:

- (1) Contracting with providers of treatment programs;
- (2) receiving and evaluating reports of suspected impairment from any source;
- (3) intervening in cases of verified impairment;
- (4) referring impaired providers to treatment programs;
- (5) monitoring the treatment and rehabilitation of impaired health care providers;
- (6) providing posttreatment monitoring and support of rehabilitated impaired health care providers; and
- (7) performing such other activities as agreed upon by the licensing agency and the impaired provider committee.

(c) The impaired provider committee shall develop procedures in consultation with the licensing agency for:

- (1) Periodic reporting of statistical information regarding impaired provider program activity;
- (2) periodic disclosure and joint review of such information as the licensing agency considers appropriate regarding reports received, contacts or investigations made and the disposition of each report;
- (3) immediate reporting to the licensing agency of the name and results of any contact or investigation regarding any impaired provider who is believed to constitute an imminent danger to the public or to self;
- (4) reporting to the licensing agency, in a timely fashion, any impaired provider who refuses to cooperate with the committee or refuses to submit to treatment, or whose impairment is not substantially alleviated through treatment, and who in the opinion of the committee exhibits professional incompetence; and
- (5) informing each participant of the impaired provider committee of the procedures, the responsibilities of participants and the possible consequences of noncompliance.

(d) If the licensing agency has reasonable cause to believe that a health care provider is impaired, the licensing agency may cause an evaluation of such health care provider to be conducted by the impaired provider committee or its designee for the purpose of determining if there is an impairment. The impaired provider committee or its designee shall report the findings of its evaluation to the licensing agency.

(e) An impaired health care provider may submit a written request to the licensing agency for a restriction of the provider's license. The agency may grant such request for restriction and shall have authority to attach conditions to the licensure of the provider to practice within specified limitations. Removal of a voluntary restriction on licensure to practice shall be subject to the statutory procedure for reinstatement of license.

(f) A report to the impaired provider committee shall be deemed to be a report to the licensing agency for the purposes of any mandated reporting of provider impairment otherwise provided for by the law of this state.

(g) An impaired provider who is participating in, or has successfully completed, a treatment program pursuant to this section shall not be excluded from any medical care facility staff solely because of such participation. However, the medical care facility may consider any impairment in determining the extent of privileges granted to a health care provider.

(h) Notwithstanding any other provision of law, a state or county professional society or organization and the members thereof shall not be liable to any person for any acts, omissions or recommendations made in good faith while acting within the scope of the responsibilities imposed pursuant to this section.

1986 HB 2661

## AGREEMENT

THIS AGREEMENT executed this \_\_\_\_\_ day of \_\_\_\_\_ 1986 by and between The Kansas State Board of Healing Arts (Board) and the Kansas Medical Society (Society) is as follows:

WHEREAS, the Board is vested by law with the responsibility for licensing and disciplining members of the healing arts including medical doctors (physicians); and

WHEREAS, the Society is a nonprofit corporation which has created the Impaired Provider Committee (Committee), the function of which committee is to establish and to operate an interventional, referral and monitoring program for physicians who may be impaired; and

WHEREAS, Chapter 229, 1986 Session Laws of Kansas, authorizes the Board to enter into an agreement with the Society and to pay for services rendered by the Society through its Impaired Physicians Committee which committee is designated by the Society as an entity to operate the Impaired Physicians Program.

NOW THEREFORE, in consideration of the agreements and understandings hereinafter set forth, it is agreed:

1. The Board delegates to Committee the authority to receive reports pursuant to Chapter 229, 1986 Session Laws of Kansas, that a physician is impaired, and investigate the same. Reports to the Society shall for all purposes be considered as reports to the Board. Persons making the reports shall by this reporting satisfy their obligation to report under the law.
2. The impairment shall mean for the purpose of this agreement that the physician exhibits the inability to practice medicine with reasonable skill and safety due to physical or mental disability including deterioration through the aging process or loss of motor skills, or abuse of drug or alcohol.
3. Upon receipt of a report that a physician is impaired, the Committee shall cause such report to be investigated. Such report may be investigated by the Committee, its individual members, committees or members of local medical societies or their designees.
4. If the investigation reveals that the physician is impaired, the physician will be asked to agree to such counseling and treatment as may be determined by the Committee to be appropriate. In addition, such physician may be asked to voluntarily limit the

physician's practice to such extent as may appear to the Committee to be appropriate to protect the public safety.

5. Such Committee is authorized to:
  - a. receive and evaluate reports of suspected impairment from any source;
  - b. intervene in cases of verified impairment,
  - c. refer impaired providers to treatment programs;
  - d. monitor the treatment and rehabilitation of impaired physicians;
  - e. provide post treatment monitoring and support of rehabilitated impaired physicians.
6. Each ninety (90) days, the Committee shall report to the Board:
  - a. The number of reports received and the disposition of the reports during the reporting period;
  - b. The number of physicians being investigated;
  - c. The number of physicians participating in counseling or treatment;
  - d. The number of physicians discharged from the program.
7. In addition to the reports set forth above, the Committee shall:
  - a. Report any impaired physician to the Board whom the Committee believes to constitute an immediate danger to the public or the physician;
  - b. Report to the Board any impaired physician who refuses to cooperate with the Committee or refuses to submit to treatment or whose impairment is not substantially alleviated through treatment, and who, in the opinion of the Committee, exhibits professional incompetency;
  - c. Provide on a coded basis copies of the aftercare program with all identifiable information deleted.
8. The Committee shall, if requested, provide the details of its reports and investigations to the Board, however, it is anticipated by the parties that the

Board will ordinarily not receive information concerning the identity of such physicians nor information regarding such physicians and impaired physicians who do not come within the provisions of paragraph 7.

9. All reports pursuant to paragraph 6 shall be made by the Committee upon forms approved by the Board and shall include all statistical data regarding physicians reported either to the Committee or local societies of the Kansas Medical Society.
10. In addition to receiving reports from health care providers or members of the public, the Committee shall also receive reports from the Board of impaired physicians, and investigate the same.
11. In exercising its duties herein, the Committee:
  - a. shall appoint, designate or employ such persons who shall be responsible for the receipt of reports and referral of information and shall notify the Board of such information required by paragraphs 6, 7 and 8 above.
  - b. enlist assistance, when necessary, from other health care providers, including the Review Committees appointed by the Board.
  - c. shall inform each impaired physician within the program of the procedures followed by the Committee, the responsibilities of each impaired physician participating in the program and the possible consequences of noncompliance.
12. All reports received by the Committee, all information acquired by it or its designees and all reports to the Board shall be confidential and shall only be disclosed pursuant to this agreement or in the course of any disciplinary proceeding by the Board.
13. In addition to the functions and duties set forth above, the Committee shall be authorized to sponsor educational programs on impairment for hospitals, medical staffs, local medical societies, specialty societies, medical auxiliaries and other physician groups for the purpose of increasing the understanding of addictive or mental disorders and to urge physicians to utilize the program and report impaired physicians.

In the event either party to this agreement is dissatisfied with the performance of the other party to this agreement, written notice of the deficiency of such performance shall be

given after which time representatives of the Board and Committee shall meet to attempt to resolve such dissatisfaction. In the event resolution of such dissatisfaction cannot be reached, either party may terminate this agreement upon ninety (90) days written notice to the other party.

Executed the day and year above written.

\_\_\_\_\_  
President  
Kansas State Board of Healing Arts

ATTESTED BY:

\_\_\_\_\_  
Secretary  
Kansas State Board of Healing Arts

(BOARD)

Kansas Medical Society by:

\_\_\_\_\_  
President of Kansas Medical Society

ATTESTED BY:

\_\_\_\_\_  
Secretary of Kansas Medical Society

KMS IMPAIRED PHYSICIAN PROGRAM

MONITORING CONTRACT

I, \_\_\_\_\_, recognize that I suffer from \_\_\_\_\_, and (alcoholism, chemical dependency, other) desiring to participate in KMS-IPP monitoring program during my recovery process, agree to the following conditions:

1. I agree to completely abstain from alcohol, marijuana, cocaine, stimulants, narcotics, sedatives, tranquilizers, and all other mind altering and potentially addicting drugs or medications. In the event such medications may be needed as a legitimate part of my medical care, I agree to notify the assigned member of the KMS-IPP Committee immediately.

2. I agree not to write prescriptions of any mind altering or potentially addicting drugs, including those listed above, for myself or members of my family.

3. I agree to inform my personal physician, Dr. \_\_\_\_\_, of the condition of this agreement and request that he/she not prescribe any of the above medications for me unless there is no reasonable alternative medically. If he/she does need to so prescribe, I will ask him/her to inform the KMS-IPP Committee. I give permission for my personal physician to release information to KMS-IPP and authorize KMS-IPP to contact my personal physician.

4. I agree to inform any doctor with whom I have formed practice association of my history of \_\_\_\_\_, (alcoholism and/or drug dependency, other) and of the conditions of this agreement, including permission to contact KMS-IPP if there is any concern about my behavior. I give permission for KMS-IPP to contact these doctor(s) represented by \_\_\_\_\_  
(Name)

5. I agree to inform my office manager and/or nurse, \_\_\_\_\_, \_\_\_\_\_, (Name) (Title) of conditions of this agreement, including permission to contact the KMS-IPP if there is ever any concern about my using alcohol, drugs, or about my behavior. I give permission for KMS-IPP to contact the above mentioned person.



6. I agree to inform my spouse or significant other person, \_\_\_\_\_, of the conditions of  
(Name)  
this agreement, including permission to contact the KMS-IPP if there is ever any concern about my using alcohol, drugs, or about my behavior. I give permission for KMS-IPP to contact the above mentioned person.

7. I agree that my AA or NA sponsor, \_\_\_\_\_, will provide KMS-IPP a letter every  
(Name)  
three months giving an opinion on extent of participation and frequency of meetings attended, abstinence and progress in recovery.

8. I understand that chemical monitoring is an integral part of this program. I, therefore, agree to submit voluntarily and without question to weekly as well as random urine and/or blood examinations as requested. All results of these examinations will be reported to a member of the IP Committee by \_\_\_\_\_,  
(Supervising physician)  
and to the Board, if so warranted.

9. Cost Responsibility. Should the consultant's time or the laboratory services involve payment of fees, then these will be my responsibility.

10. I agree to meet with representatives of KMS-IPP as requested to discuss my progress.

11. I currently have privileges at the following hospitals:

1. \_\_\_\_\_, \_\_\_\_\_  
(Hospital) (City)
2. \_\_\_\_\_, \_\_\_\_\_  
(Hospital) (City)
3. \_\_\_\_\_, \_\_\_\_\_  
(Hospital) (City)

12. I agree to attend any treatment activities as outlined below:

ACTIVITY	FREQUENCY/LENGTH	COMMENTS
Local Professional AA Group		
Alcoholics Anonymous		
Inpatient		
Outpatient		
Psychiatric		
Anabuse		
Naltrexone		
Other		

13. I agree to supply the supervising physician with a copy of the after-care program.

14. I understand that the Impaired Physician Committee has certain obligations to the Kansas Board of Healing Arts in accordance with the attached agreement. Pursuant to this agreement, I understand and agree that in the event of my failure to fulfill the terms of this contract, including any subterfuge to invalidate specimens, that I will be reported to the Kansas Board of Healing Arts. I give permission for the Impaired Physician Committee to make regular reports to the Kansas Board of Healing Arts and to confer with the Board staff about my status.

15. I agree to abide by terms of this contract for a period of \_\_\_\_\_ . Thereafter, the contract will be reviewed on a \_\_\_\_\_ basis.

\_\_\_\_\_  
(Signature) (Date)

Witnesses: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

SUBCOMMITTEE REPORT

Agency: Board of Mortuary Arts      Bill No. 2224      Bill Sec. 11  
 Analyst: Holt      Analysis Pg. No. 37      Budget Pg. No. 1-201

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 117,136	\$ 105,130	\$ 521
State General Fund	--	--	--
FTE Positions	3.0	3.0	--

Agency Request/Governor's Recommendation

An expenditure limitation of \$117,136 is requested for FY 1988 to finance the ongoing operations of the Board. The agency anticipates no program changes. The Governor recommends an FY 1988 expenditure limitation of \$105,130, which is \$4,899 more than the \$100,231 recommended for FY 1987 and would continue ongoing operations and provide for increased office rental expenditures to finance the Board's full-year occupancy of office space in the Landon State Office Building.

House Subcommittee Recommendation

FY 1987. The House Subcommittee concurs with the Governor's recommendation of \$100,231, with the following adjustment, resulting in the addition of \$1,000. The Subcommittee notes that this addition is still \$177 less than the expenditure limitation of \$101,408, approved by the 1986 Legislature.

1. Reduce \$1,106 from rental savings for office space and a copier.
2. Add \$200 for freight expenditures.
3. Add \$442 for office equipment service contracts.
4. Add \$150 for printing expenditures.
5. Add \$1,314 for the purchase of office partitions, refinishing of a desk top, and for additional expenditures associated with the purchase of a typewriter.

FY 1988. The House Subcommittee concurs with the Governor's recommendation of \$105,130, with the following adjustments totaling \$521.

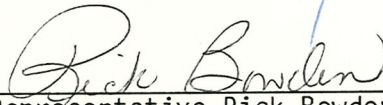
1. Add \$311 for rental expenditures.
2. Add \$65 for office equipment service contracts.
3. Add \$145 to refinish a desk top.

The fee fund analysis below reflects House Subcommittee adjustments to expenditures in FY 1987 and FY 1988:

<u>Resource Estimate</u>	<u>Actual FY 1986</u>	<u>Estimated FY 1987</u>	<u>Estimated FY 1988</u>
Beginning Balance	\$ 38,844	\$ 33,507	\$ 28,694
Net Receipts	91,373	96,418	107,637
Total Funds Available	<u>\$ 130,217</u>	<u>\$ 129,925</u>	<u>\$ 136,331</u>
Less: Expenditures (including refunds)	96,710	101,231	105,651
Ending Balance	<u>\$ 33,507</u>	<u>\$ 28,694</u>	<u>\$ 30,680</u>



\_\_\_\_\_  
Representative Bill Brady  
Subcommittee Chairperson



\_\_\_\_\_  
Representative Rick Bowden

**SUBCOMMITTEE REPORT**

**Agency:** Kansas Real Estate Com.

**Bill No.** 2224

**Bill Sec.** 17

**Analyst:** West

**Analysis Pg. No.** 55

**Budget Pg. No.** 1-209

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
Special Revenue Funds:			
State Operations	\$ 465,107	\$ 418,053	\$ 24,659
Other Assistance	45,000	45,000	--
TOTAL	<u>\$ 510,107</u>	<u>\$ 463,053</u>	<u>\$ 24,659</u>
FTE Positions	12.0	11.0	1.0

Agency Request/Governor's Recommendation

The Commission requests an FY 1988 state operations budget of \$465,107, an increase of \$35,988 over the current year estimated expenditures of \$429,109. The request would maintain the current level of staffing at 12.0 FTE positions. In addition, the Commission estimates payment of \$45,000 for claims against the Real Estate Recovery Revolving Fund.

The Governor recommends a state operations budget of \$418,053 for 11.0 FTE positions, a reduction of \$47,054 and 1.0 FTE position from the Commission's request. The Governor's recommendation reflects reductions in salaries and wages, travel, and office supplies and a slight increase in repairs. The Governor concurs with the Commission's estimate for payments from the Real Estate Recovery Revolving Fund.

House Subcommittee Recommendations

FY 1987. The Subcommittee concurs with the Governor's recommendations.

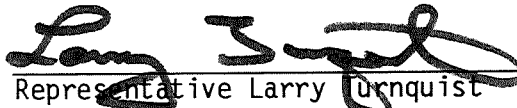
FY 1988. The Subcommittee concurs with the Governor's recommendations, with the following adjustment:

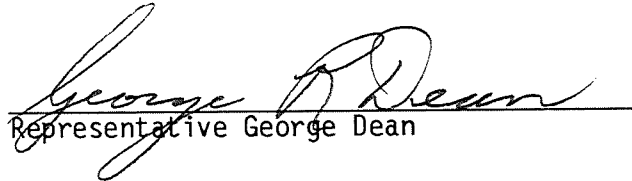
1. Add \$24,659 and 1.0 FTE position to restore the Education Specialist position recommended for elimination by the Governor, effective July 1, 1987. The Subcommittee notes that this position has been vacant since FY 1985 when the Commission encountered a fiscal crisis and the incumbent was laid off. The Subcommittee received testimony that the Commission determined that the overall effectiveness of the agency would be best served by not filling the position until FY 1988, when fiscal integrity had been restored and the regulatory function had been restructured. The Subcommittee notes that K.S.A. 1986 Supp. 58-3046a requires an

increasing level of education courses for salespersons and brokers license renewals through the start of FY 1989 and that subsections (f) and (h) of that statute require the Commission to monitor and approve the required courses.

The Real Estate Fee Fund analysis, based on the House Subcommittee's recommendations, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1986</u>	<u>Estimated FY 1987</u>	<u>Estimated FY 1988</u>
Beginning Balance	\$ 55,997	\$ 222,778	\$ 257,957
Net Receipts	497,834	430,332	464,284
Total Funds Available	\$ 553,831	\$ 653,110	\$ 722,241
Less: Expenditures	331,053	395,153	442,712
Ending Balance	<u>\$ 222,778</u>	<u>\$ 257,957</u>	<u>\$ 279,529</u>

  
Representative Larry Turnquist  
Subcommittee Chairperson

  
Representative George Dean

SUBCOMMITTEE REPORT

Agency: Bd. of Barber Examiners

Bill No. 2395

Bill Sec. 5

Analyst: Rothe

Analysis Pg. No. 19

Budget Pg. No. 1-189

<u>Expenditure Summary</u>	<u>Agency Est. FY 87</u>	<u>Governor's Rec. FY 87</u>	<u>Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 75,055	\$ 75,464	\$ 500
FTE Positions	2.5	2.5	--

Agency Estimate/Governor's Recommendation

The Board's current year estimate of expenditures of \$75,055 includes a supplemental appropriation of \$3,035 to fund a temporary office assistant to fill in for the full-time Office Assistant IV who will be on maternity leave for the final 11.5 weeks of FY 1987.

The Governor recommends \$75,464 for FY 1987, an increase of \$409 above the Board's estimate. The Governor concurs with the agency's supplemental request, and recommends an additional \$267 for salary benefit adjustments and \$142 for the cost of moving telephones to new offices during FY 1987.

House Subcommittee Recommendation

FY 1987. The Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. Add \$500 for costs associated with moving to a new office in FY 1987. The Board intends to move to similarly-priced space when their lease expires in June, 1987. The Subcommittee notes that while the Governor's intent was to add \$500 in FY 1987 for moving costs, due to an oversight, the amount is not reflected in the recommendation.

The fee fund analysis, based on the House Subcommittee's adjustments, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1986</u>	<u>Estimated FY 1987</u>
Beginning Balance	\$ 44,261	\$ 48,501
Net Receipts	72,948	73,792
Total Funds Available	\$ 117,209	\$ 122,293
Less: Expenditures	68,708	75,964
Ending Balance	<u>\$ 48,501</u>	<u>\$ 46,329</u>



Representative Harold Dyck  
Subcommittee Chairperson



Representative Arthur Douville

100.87



**SUBCOMMITTEE REPORT**

**Agency: Bd. of Barber Examiners**

**Bill No. 2224**

**Bill Sec. 5**

**Analyst: Rothe**

**Analysis Pg. No. 19**

**Budget Pg. No. 1-189**

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 81,627	\$ 77,718	\$ --
FTE Positions	2.5	2.5	--

Agency Request/Governor's Recommendation

The Board's FY 1988 request of \$81,627 is an increase of \$6,572 above the revised FY 1987 estimate. The request includes increases of \$650 for costs associated with moving to new offices, \$3,773 for increased office rent, and \$5,006 for increased travel, and decreases of \$2,139 for salaries, and \$550 for printing costs.

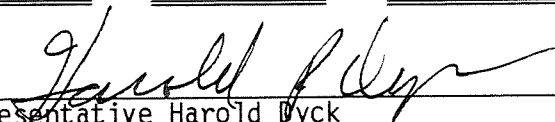
The Governor's recommendation of \$77,718 for FY 1988 reduces the agency's request by \$3,909. The recommendation includes an increase of \$186 in salaries due to benefit adjustments and salary step movement. Reductions include \$2,325 for rents, \$1,120 for travel, and \$650 for moving costs. The Governor recommends that the agency move to new offices in FY 1987 rather than in FY 1988.

House Subcommittee Recommendation

FY 1988. The Subcommittee concurs with the Governor's recommendation.

The fee fund analysis, based on the House Subcommittee's recommendation is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1986</u>	<u>Estimated FY 1987</u>	<u>Estimated FY 1988</u>
Beginning Balance	\$ 44,261	\$ 48,501	\$ 46,329
Net Receipts	72,948	73,792	74,796
Total Funds Available	\$ 117,209	\$ 122,293	\$ 121,125
Less: Expenditures	68,708	75,964	77,718
Ending Balance	<u>\$ 48,501</u>	<u>\$ 46,329</u>	<u>\$ 43,407</u>

  
 Representative Harold Dyck  
 Subcommittee Chairperson

  
 Representative Arthur Douville