

Approved 3-24-87  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at  
Chairperson

10:00 a.m./~~p.m.~~ on March 19, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research  
Bill Wolff, Legislative Research  
Norman Furse, Revisor of Statutes Office  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Al Nemec, Mental Retardation Services, SRS  
Janet Schalanske, SRS  
Richard Morrissey, KDHE  
Carolyn Middendorf, KSNA  
Representative Kathryn Sughrue  
Tom Bell, Kansas Hospital Association  
Mack Smith, Kansas State Board of Embalming  
Jim Snyder, Kansas Funeral Directors & Embalmers Association

Others attending: see attached list

Senator Francisco reviewed the two amendments that would be offered on the Senate floor concerning SB-288. It was stated that both sides came to him asking that these amendments be offered and staff had drafted the needed amendments.

Al Nemec spoke in support of HB-2015 stating that this bill allows SRS to approve plans and licensure for new vocational programs or expansions of existing vocational programs with assurance that needed residential programs will be available to potential clients of such vocational programs. (attachment 1)

Janet Schalanske spoke in support of HB-2018. This change would create a system similar to family foster homes, transferring certain powers and duties from SRS to the Secretary of KDHE. (attachment 2)

Richard Morrissey spoke concerning HB-2018 stating that KDHE recommended that SRS continue to regulate adult family homes or that provisions be made to transfer two positions from SRS to the KDHE to make these inspections possible. (attachment 3)

Carolyn Middendorf spoke concerning HB-2018 stating that KSNA would support separating the agency responsible for licensing adult family homes and the agency responsible for reimbursement of services as it would provide increased checks and balances for the overall delivery of care. This would also be consistent with the responsibility for licensing and regulating Nursing Homes. (attachment 4)

Representative Kathryn Sughrue spoke in support of SB-2054 stating that people sometimes need itemized cost accounting to file for second insurance policy coverage.

Representative Frank Buehler presented written testimony stating that this bill was introduced because of problems of which he was aware that people were told the law did not require bills to be itemized. (attachment 5)

Tom Bell spoke concerning HB-2054 stating that his organization felt it was a rare instance in which a hospital could justify refusing to provide an itemized statement. Mr. Bell stated that the Joint

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 SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 526-S, Statehouse, at 10:00 a.m. ~~xxx~~ on March 19, 1987.

Commission on Accreditation of Hospitals has placed a statement similar to HB-2054 in the Patient's Rights and Responsibilities section of the Standards Manual. (attachment 6)

Mack Smith spoke in support of HB-2135 which deals with solicitation of pre-financed funeral agreements. (attachment 7)

Jim Snyder told the committee that the idea of HB-2135 originated with the attorney general's office. The new section 2 was put in the bill in order that the licensee would feel more secure in certain activities and not jeopardize their licenses.

The meeting adjourned at 10:58 a.m. and will meet March 20, 1987.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE  
DATE 3-19-87

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

(PLEASE PRINT) NAME AND ADDRESS	ORGANIZATION
Marilyn Bradt	KINH
Carolyn Mulderberg	KSNH
John Peters	Ks. Assn. of Nat. Psy. Wkly. & CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
KEITH R LANDIS	
Rebecca Crenshaw	Ks. Org. of Prof. & Psychs
Paul A. Lot	ASSOC. of CMHC Pts
Janet Schallansky	SRS - Adult Serv.
Al Abmecc	SRS - MH/RS
Lela Paslay	ARC / Kansas
Jim Inyell	KFDA
Mack Smith	Mortuary Arts Board
Tom Bell	Ks. Hosp. Assn.
Richard Morrissey	KDH&E
Ben Mullen	Hospital Dist #1, Rice County - Lyons
DENNIS SHOCKLEY	CITY OF KCK

STATE DEPARTMENT OF SOCIAL & REHABILITATION SERVICES

Statement Regarding H.B. 2015  
(As Amended by the House)

- 1) Title - This is a bill concerning SRS' approval and licensing of vocational programs serving the mentally retarded; amending K.S.A. 1986 Supp. 75-3307b.
- 2) Purpose - HB 2015 allows SRS to approve plans and licensure for new vocational programs or expansions of existing vocational programs with assurance that needed residential programs will be available to potential clients of such vocational programs.  
  
HB 2015 attempts to provide for more residential programs since there is more unmet need in that area than in vocational programs.
- 3) Background - During the Summer of 1986, a Special Committee on Public Health and Welfare was created to consider ways in which residential services could be expanded for mentally retarded clients. This legislation was proposed to assure adequate residential programs to meet the needs of clients in vocational programs.
- 4) Effect of Passage - Passage of this legislation will assure that agencies proposing new vocational programs and/or expansions of vocational programs have in place an approved plan for providing needed residential programs to support those new vocational clients.
- 5) SRS Recommendation - The Department of Social and Rehabilitation Services supports H.B. 2015 as amended by the House Committee.

Robert C. Harder, Secretary  
Social & Rehabilitation Services  
296-3271

*SPH/W*  
*3-19-87*  
*attachment 1*

Statement Regarding House Bill 2018

March 19, 1987

1. Title

This is a bill concerning adult family homes and transferring certain powers and duties from SRS to the secretary of health and environment; amending K.S.A. 39-1501 and repealing the existing section.

2. Purpose

H.B. 2018 as amended by the House transfers certain powers and duties related to the administration of registration of adult family homes to the Secretary of Health and Environment.

3. Background

Adult family homes were developed in response to the need for non-medical, non-institutional providers who could provide care in a homelike environment which met the social needs of clients.

The 1983 Legislature transferred the registration of adult family homes from the Department of Health and Environment to the Department of Social and Rehabilitation Services. No staff positions were transferred as part of this reorganization.

During the summer of 1986, a Special Committee on Public Health and Welfare was created to review current state regulatory programs and to determine whether there were gaps or overlaps in state regulatory jurisdictions. This committee recommended the transfer of the registration of adult family homes back to the Department of Health and Environment.

Currently the Department of Social and Rehabilitation Services registers 102 adult family homes. Persons residing in these homes are either elderly, disabled, or mentally ill or mentally retarded.

4. Effect of Passage

The Department of Social and Rehabilitation Services anticipates that this change would create a system similar to family foster homes. By statute, the license of family foster homes is the responsibility of the Department of Health and Environment. Social and Rehabilitation Services recruits the homes, performs the review and completes the necessary paperwork which is then sent to the Department of Health and Environment with Social and Rehabilitation Services' recommendation. The Department of Health and Environment issues the license based upon Social and Rehabilitation Services' recommendation.

5. SRS Recommendation

The Department of Social and Rehabilitation Services takes a neutral position on this bill.

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

*S Pd/vw*  
*3-19-87*

*attachment 2*

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HOUSE BILL 2018

PRESENTED TO THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

March 19, 1987

This is the official position taken by the Kansas Department of Health and Environment on House Bill 2018.

House Bill 2018 would transfer the responsibility for administering the registration program for adult family homes from the Department of Social and Rehabilitation Services to the Department of Health and Environment. The bill was recommended by the Special Committee on Public Health and Welfare related to its study of Proposal No. 25 concerning residential facilities for handicapped, elderly, mentally ill, and functionally disabled adults.

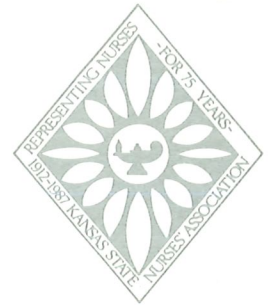
Adult family homes primarily serve SRS clients and are currently inspected by SRS personnel. Without additional positions the department could not maintain the required inspection schedule.

DEPARTMENT'S POSITION:

The department recommends that SRS continue to regulate adult family homes or that provision be made to transfer two positions from SRS to the Department of Health and Environment.

S P/A W  
3-19-87  
attachment 3





For Further Information Contact:

Terri Rosselot, J.D., R.N.  
Executive Director  
Kansas State Nurses' Association  
(913) 233-8638

March 19, 1987

HB 2018 as amended

Senator Ehrlich and members of the Senate Public Health and Welfare Committee, my name is Carolyn Middendorf, R.N., M.N., and I am presently a nursing instructor at Washburn University School of Nursing. I have been in the field of Gerontological Nursing for 12 years, including working as a Consultant to the Bureau of Nursing Homes; Kansas Department of Health and Environment, and consulting for several nursing homes. I represent KSNA on the Kansas Coalition on Aging, serve on the Advisory Board of the NAMFE project for Frail Elderly out of KU's School of Nursing and am currently the Chairperson of the KSNA Conference Group on Gerontological Nursing.

KSNA supports SB 2018 as amended, by the House Committee on Public Health and Welfare.

Separation between the agency responsible for licensing adult family homes and the agency responsible for reimbursement of services would provide increased checks and balances for the overall delivery of care. This would also be consistent with the responsibility for licensing and regulating Nursing Homes.

Kansas Health and Environment has indicated that additional staff will be necessary to carry out and monitor the responsibilities being transferred from SRS by HB 2018.

KSNA would support funding/staffing levels to effectively carry out registration/monitoring of Adult Family Homes by KDHE.

Thank you for listening.

SPd/W  
3-19-87  
attachment 4

FRANK BUEHLER

REPRESENTATIVE, ONE HUNDRED THIRTEENTH DISTRICT  
 BARTON COUNTY  
 P.O. BOX 317  
 CLAFLIN, KANSAS 67525-0317



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS

VICE-CHAIRMAN: PUBLIC HEALTH AND WELFARE

MEMBER: JUDICIARY  
LABOR AND INDUSTRY

March 19, 1987

TO: Senate Public Health and Welfare Committee  
 FROM: Representative Frank Buehler  
 RE: House Bill 2054

Chairman Senator Ehrlich and members of the committee, thank you for allowing me to come before your committee on HB 2054.

HB 2054 was introduced because of problems which have occurred where persons, and in particular persons who may be on medicare who have supplemental insurance and then cannot collect on the supplemental policy without providing an itemized statement of services provided. I have learned of five instances of this problem in my district and have had to intercede because of the problem. In one case I made repeated calls to the hospital who continued to promise to provide the itemized statement but never did. The insured finally settled with just what the insurer was satisfied with after the insured obtained counsel the hospital did not comply with the request. On my first call I was told by the hospital administrator that the law prevented this statement from being provided. When I asked for the statute number I was then told that the law did not prevent it but neither did it require it. We learned after the introduction of HB 2054 that there are geographical areas where this or a similar problem exists.

HB 2054 gives authority to Health and Environment to determine to what extent the itemization will be. I find it comforting that a state agency which we have jurisdiction over will be writing the rules and regulations and lay to rest any dispute over the extent the requirements will be. This will settle what the insurer can expect and what the health care provider needs to provide.

Even though the Hospital Association lists as a responsibility of the health care facility an itemized statement be given to the patient, we learned this is not always being complied with and had no connection with certification of a facility by the Department of Health and Environment.

SP/ALW  
 3-19-87  
 attachment 5



In this day of technical ability there is no reason it would be difficult to provide this service. A simple copy of already available hospital information would be all that may be necessary. This would not require computerization in any respect.

For your information I have provided you a copy of an itemized bill that would satisfy requirements of Blue Cross and Blue Shield. In my opinion this is not adequate. I have circled my concerns, for example, the billing of medical and surgical supplies. There were 50 units provided at a cost of \$681.32. I ask, what may be included in this 50 units. Or laboratory charge, 25 units at a cost of \$1037.40. What does this include?

As the House Public Health and Welfare Committee heard HB 2054 there were no opponents. There were some areas of concern voiced inasmuch as the itemized statement is only required when requested resolved most of the concerns. Others were resolved by amendments.

Mr. Chairman, I respectfully request that your committee look with favor toward HB 2054 and I ask you to pass it with a favorable recommendation.

If there are any questions I will be glad to answer them.

/bs

1000 N. VALL...  
1500 S.W. 15TH  
TOPEKA, KANSAS

3 PATIENT CONTROL NUMBER  
4 TYPE OF BILL

5 BC/BS PROV. NO. 6 FEDERAL TAX NO. 7 MEDICARE NO. 8 MEDICAID NO. 9

10 PATIENT'S LAST NAME FIRST NAME INITIAL 11 PATIENT'S ADDRESS CITY STATE ZIP

12 BIRTH DATE 13 SEX 14 MS 15 DATE 16 HR. 17 TYPE 18 SRC 19 A.H. 20 D.H. 21 STAT. 22 STATEMENT COVERS PERIOD FROM THROUGH 23 COV.D. 24 N-C.D. 25 C-I.D. 26 L-R.D. 27

28 OCCURRENCE 29 OCCURRENCE 30 OCCURRENCE 31 OCCURRENCE 32 OCCURRENCE 33 OCCURRENCE SPAN CD DATE CD DATE CD DATE CD DATE CD DATE CD FROM THROUGH

34 35 36 37 38 39 40 FURN 41 REPL 42 NOT RP. 43 DED. 44 SP. PROG. 45

46 VALUE 47 VALUE 48 VALUE 49 VALUE CD AMT CD AMT CD AMT CD AMT

50 DESCRIPTION 51 R. CODE 52 S. UNITS 53 TOTAL CHARGES 54 55 56 MON-CDV

ROOM BOARD/PVT	110	4	2280.00						4500
ROOM BOARD/SEMI	120	1	230.00						
INTENSIVE CARE	200	2	1270.00						
PHARMACY	250	173	552.54						
IV SOLUTIONS	250	16	402.40						
MED SURG SUPPLIES	270	50	681.32						
LABORATORY	300	15	450.00						
DX X-RAY	320	2	125.70						
UR SERVICES	340	000	0.00						
ANESTHESIA	370	4	740.00						
RESPIRATORY SVC	410	1	410.00						
PHYSICAL THERP	420	20	4320.00						
OCCUPATION THER	600	11	1320.00						
RECOVERY ROOM	710	1	140.00						
PKG/LCG	730	2	150.40						
TOTAL	091		3447.45						4500

57 PAYER 58 REL. INFO 59 ASG BEN 60 DEDUCTIBLE 61 CO-INSURANCE 62 EST. RESPONSIBILITY 63 PRIOR PAYMENTS 64 EST. AMOUNT DUE

A BLUE CROSS 940245 940245

**DUE FROM PATIENT**

65 INSURED'S NAME 66 SEX 67 P. REL. 68 CERT.-SSN-HIC-ID.NO. 69 GROUP NAME 70 INSURANCE GROUP NO.

71 EID 72 ESC 73 EMPLOYER NAME 74 EMPLOYEE ID. 75 EMPLOYER LOCATION

76 PRINCIPAL AND OTHER DIAGNOSES DESCRIPTIONS 77 PRIN. CODE 78 OTHER DIAGNOSES CODES 79 80 81

82 P.C. 83 PRINCIPAL AND OTHER PROCEDURES DESCRIPTIONS 84 PRINCIPAL PROCEDURE CD DATE 85 OTHER PROCEDURE CD DATE 86 OTHER PROCEDURE CD DATE

87 CD 88 APP. FROM 89 APP. THROUGH 90 GRC. 91 TREATMENT AUTH. 92 ATTENDING PHYSICIAN ID. 93 OTHER PHYSICIAN ID.

94 REMARKS

VERIFIED N-C STAY DATES FROM THROUGH	FOR INTERMEDIARY USE ONLY PR. PSC. D.		
AMT. REIMBURSED	N-PYM. CD	APPROV. BY	DATE APPROV.

95 I CERTIFY THAT THE CERTIFICATIONS ON THE REVERSE APPLY TO THIS BILL AND ARE MADE A PART HEREOF



**Donald A. Wilson**  
President

STATEMENT  
OF THE  
KANSAS HOSPITAL ASSOCIATION  
REGARDING HOUSE BILL 2054

MARCH 19, 1987

The Kansas Hospital Association appreciates the opportunity to comment on House Bill 2054, which would require medical care facilities to provide a detailed, itemized statement of charges upon the patient's request.

The Kansas Hospital Association is very supportive of the idea that a hospital patient is entitled to an itemization of charges for services received while he or she was in the hospital. In fact, the Joint Commission on Accreditation of Hospitals, which accredits about half the hospitals in Kansas covering approximately two-thirds of the total beds, has placed a statement similar to the language in House Bill 2054 in the Patient's Rights and Responsibilities section of the Standards Manual. We think that even without a law such as House Bill 2054, it would be a rare instance in which a hospital could justify refusing to provide an itemized statement. We also feel that this is not a major problem in Kansas. We think the vast majority of hospitals are already in conformance with the type of standard outlined in H.B. 2054.

Section 2 of House Bill 2054 states that the Secretary of Health and Environment shall adopt the rules and regulations to specify what items shall be included on such itemized statements. As with any bill that directs new administrative regulations to be written, we have some concerns about what those regulations might say. Since the bill already states that a "detailed, itemized statement" must be provided, we question whether further regulations are even necessary. If the Legislature determines that such regulations are necessary, however, we think there are two important factors to consider.

First, as with almost any new requirement, this legislation would have more impact on small and rural hospitals. Some of those hospitals do not have computers and therefore must prepare itemized statements manually. Any regulations that are adopted should not be so inflexible as to require those hospitals to purchase computer capabilities for this purpose alone. Second, as we stated earlier, we feel that many hospitals already provide detailed, itemized statements and we think that any regulation should be flexible enough to allow those hospitals already providing adequate statements to be in conformity.

Thank you for the opportunity to comment on House Bill 2054.

*SPH/W*  
*3-19-87*  
*attachment 6*

MEMBERS OF THE BOARD  
MR. PHILIP W. FELTON,  
GREAT BEND  
MR. ANDERSON E. JACKSON,  
WICHITA  
MR. VERNON L. MICKEY,  
HOXIE  
MR. CRAIG A. STANCLIFFE,  
LAWRENCE  
MR. GERALD L. WEBB,  
INDEPENDENCE

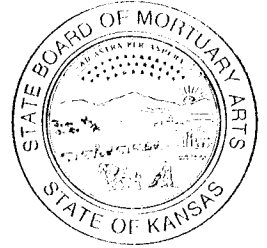
OFFICE STAFF  
DOUGLAS "MACK" SMITH,  
EXECUTIVE SECRETARY  
FRANCIS F. MILLS,  
INSPECTOR-INVESTIGATOR  
TERRY A. BLAND,  
OFFICE SECRETARY

*The Kansas*  
*State Board of Mortuary Arts*

CREATED AUG. 1, 1907

900 JACKSON, SUITE 856  
TOPEKA, KANSAS 66612-1214  
(913) 296-3980

March 19, 1987



Senator Roy M. Ehrlich, Chairman  
Senate Committee on Public Health  
and Welfare  
Room 526-South State Capitol  
Topeka, Kansas 66612

Mr. Chairman and Members of the Committee:

H.B. 2135 was requested by the Mortuary Arts Board and combines our two current revocation statutes: K.S.A. 65-1711a and 65-1722. In combining these two statutes language has been updated and expanded to meet current standards of the profession.

The Board held a meeting on January 30th and heard public comments on their proposal. Attendance at the meeting included representatives from the A.A.R.P., Cemetery Association, Funeral Director's Association as well as representatives for funeral homes and cemeteries. The Board read and provided copies of their proposal to everyone in attendance as well as answering all questions.

Several grammatical amendments by the Board were approved by the House Public Health and Welfare Committee as was a new section 2 that was requested by the Funeral Director's Association. As you can see, on lines 0116-0128, new section 2 describes what a license can do--opposed to what he or she cannot do.

The major issue in HB 2135 is solicitation. Where in the past only general advertising has been permissible, the bill allows for solicitation of pre-financed funeral agreements. The removal of restrictions on solicitation is consistent with court decisions which have held that the constitutional right to freedom of commercial speech cannot be restricted.

The Board supports H.B. 2135 in its current form, but we also realize that the issue of "in person" solicitation still remains to be totally clear with the addition of new section 2. It was the Board's intent to allow "in person" solicitation except as defined in section 1, subsection (8), (9)-without the Association's amendment and (10). New section 2 does not address "in person" solicitation.

Thank you for your assistance, and I will be happy to answer any questions.

Respectfully Submitted,

*Douglas "Mack" Smith*  
Douglas "Mack" Smith  
Executive Secretary

*SPH/W*  
*3-19-87*

*attachment 7*