

Approved 3-22-88  
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 18, 1988 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, Revisors Office  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Dr. Roger Carlson, Laboratories & Research, KDHE  
Richard Morrissey, Director, Bureau of Adult and Child Care

Dr. Roger Carlson appeared before the committee in support of HB-2759. Dr. Carlson stated that this bill was needed to enable some small hospital laboratories and some clinical laboratories not now approved by the Secretary to seek approval to carry out prenatal syphilis testing. It would additionally require approval of laboratories carrying out HIV virus and controlled substances testing that are not now subject to such approval. The bill eliminates approval of persons and approves laboratories. (Attachment 1)

Lengthy discussion on laboratories covered, tests covered and confidentiality followed the initial presentation by Dr. Carlson.

Senator Bond requested staff to prepare a balloon bill with two amendments, one on exempting all blood and tissue banks one on confidentiality.

Richard Morrissey appeared in support of HB-2758. This bill changes current statutes stating there would not be an annual fee but a fee paid with the application. Attachment 2

Senator Hayden made the motion to pass out favorable HB-2758 and that it be placed on the consent calendar. Senator Mulich seconded the motion and the motion carried.

Senator Ehrlich welcomed pages Jennifer Polson and Stacey Drake from Russell.

The meeting adjourned at 10:55 a.m. The committee will meet Monday, March 21, 1988, at 10 a.m. in Room 526-S.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 18, 1988

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Richard Morrissey

KDHE

Roger Carlson

KDHE

Ken Baker

Topeka

Luiseo Pemanente

KEITH R LANDIS

CHRISTIAN SCIENCE COMMITTEE  
ON PUBLICATION FOR KANSAS

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

*Forbes Field*

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, *Governor*

Stanley C. Grant, Ph.D., *Secretary*

Gary K. Hulett, Ph.D., *Under Secretary*

Testimony Presented to

Senate Public Health & Welfare Committee

by

The Kansas Department of Health and Environment

House Bill 2759

The current program for approval of persons performing syphilis serology tests was established in 1975 in response to KSA 65-1,107. At that time, there were mandatory premarital (KSA 23-301) and prenatal (KSA 65-153f) syphilis test requirements. However, in 1981 it was determined that the more than 40,000 premarital syphilis tests performed each year were of little value in the epidemiologic control of this disease and the premarital requirement was subsequently abolished. The prenatal test requirement remains as an effective deterrent against the devastating effects of congenital syphilis. This is a preventable disease when prenatal surveillance, testing, and treatment programs are successfully carried out and when accurate laboratory test results are produced. To assure the quality of test results, HB 2759 proposes a change in the focus of approval from persons performing the tests, to a more appropriate laboratory approval approach. This change is reflective of the knowledge that additional considerations such as adequate laboratory facilities, dependable test reagents, quality control methods, and standard operating procedures are certainly as essential as trained analysts in the development of an accurate test result. This proposed change successfully passed both houses of the legislature last year as SB 271. However, the bill died in conference committee due to a controversial amendment.

In addition to the prenatal syphilis serology tests required by law, it is particularly important to insure the accuracy of laboratory tests for drugs of abuse and laboratory tests which determine infection with human immunodeficiency virus (HIV). These test results are crucially important because they are widely used in a variety of applications and they can have a direct effect on the health, prosecution, insurability or employment status of any Kansas citizen. HIV screening tests used to assess insurability and pre-employment laboratory tests for drugs of abuse are two specific examples which point out the importance of accurate test results.

In summary, Kansas does not currently have a comprehensive state laboratory licensure statute such as those which have been enacted in at least fifteen other states. Without the changes recommended in this bill, Kansas laboratories which are not covered by hospital licensure, Medicare, or federal interstate transport of specimen requirements can perform tests without any evaluation for the minimum standards of good laboratory practice which are necessary to insure the quality of test results.

Presented by:

Dr. Roger Carlson

March 18, 1988

STATE OF KANSAS



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Testimony Presented to

Senate Committee on Public Health and Welfare

by

The Kansas Department of Health and Environment

House Bill 2758

BACKGROUND INFORMATION

K.S.A. 39-930 establishes adult care home licensure fees to be assessed on an annual basis. Because of this, the department has adopted regulations providing for the license fee to be prorated when a license is issued for at less than a full year. Provisional licenses are issued for a period of not more than six months when homes are "temporarily unable to conform to all the standards, requirements, rules and regulations...." (K.S.A. 39-929)

ISSUES ADDRESSED

House Bill 2758 would change the adult care home license fee from an annual fee to a fee that was payable each time a license was applied for. In this way, homes that received provisional licenses would pay the full cost of the license even though it was for less than a year. The current license fee is \$50 per application plus \$7.00 per bed. For example, a 100-bed home would pay a \$750 license fee.

The change would result in homes that receive provisional licenses paying a greater share of the cost to the state for processing the application and issuing a license.

In the fiscal year 1987, license fees in the amount of \$20,475 were refunded.

DEPARTMENT POSITION

We recommend passage of House Bill No. 2758.

Presented by: Richard J. Morrissey, Director  
Bureau of Adult and Child Care  
March 18, 1988