

Approved _____

Date

2-7-89
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

1:30 AM/p.m. on February 2, 1989 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Research
Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Dick Hummel, Kansas Health Care Association
David Trayster, General Counsel for Department of Health/Environment

Chairman called meeting to order at 1:35 p.m. inviting those with bill requests to come forward.

Mr. Dick Hummel, Kansas Health Care Association offered hand-out, (see Attachment No. 1). This request is to require that Rules and Regulations be drafted to define the process procedures of the Act relating to K.S.A. 39-946. Last year SB 585 went through the Legislative Process and it is complicated and difficult to understand. We aren't here to ask to change the law, just to refine it so that it can be more clearly understood by the provider community. This done, then it would be well for both the Agency and the Provider Community to insure that there is consistency in the application of that particular process. He noted that late in 1988, he visited with both the Secretary and the Under-Secretary of the Department of Health and Environment in regard to this request, and they both said they would not have any particular problem with the request.

Chair asked wishes of members in regard to request. Rep. Amos made a motion to introduce this legislation and have it returned to this committee, seconded by Rep. Scott. Discussion held. Vote taken, motion carried.

Chair drew attention to HB 2075. and he called on Revisor, Mr. Furse to explain the amendment that was proposed on HB 2075. (Attachment No.2).

Mr. Furse noted if HB 2075 is considered favorably, it will be necessary to also pick up Section 7, as detailed in Attachment No. 2.

Rep. Foster moved to amend HB 2075 as proposed in amendment prepared by Mr. Furse, seconded by Rep. Green, motion carried.

Rep. Wiard noted Page 2, line 48, the words "immoral or" should be stricken. Rep. Wiard moved to remove said language, and to also to strike "gross immorality" from (2) on Page 8, section 7 of Attachment No.2) of proposed amendment, motion seconded by Rep. Wells. Discussion ensued, i.e., it was suggested to strike "gross", but not, "immorality"; some thought it a good idea to require those involved to maintain a moral conduct in order to grant or renew license for their facility; rationale for removal of this type of language has been due to the confusion in defining "immorality".

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 1:30 a.m./p.m. on February 2, 1989

ACTION CONTINUED ON HB 2075:Vote taken, division requested, 13 in favor, motion carried. Those requesting to be recorded with NO votes are; Rep. Buehler, Rep. Flower, Rep. Shallenburger, Rep. Reinert, Rep. Flottman, Rep. Shumway.

There were questions in regard to language in Amendment proposed, Attachment No. 2, in respect to language, "unprofessional conduct". Mr. Furse was asked to check into this matter and to clarify the language, when the bill is finalized.

Mr. David Trayster, General Counsel for Department of Health and Environment was recognized by Chair. He commented their Department had studied HB 2075, and noted they have no problem either way on the bill. They do not have the authority to set the Rules and Regulations. These Rules are drafted by the Board, then sent to Health and Environment for evaluation and approval or disapproval, then if approved are promulgated. He answered questions.

Chair asked wishes of members in regard to HB 2075.

Rep. Buehler made a motion to pass HB 2075 favorably for action, as amended, seconded by Rep. Hochhauser, motion carried.

Chair drew attention to committee minutes in need of approval.

Rep. Sader made a motion to approve minutes of February 1, 1989 as written, seconded by Rep. Weimer, motion carried.

Meeting adjourned at 2:00 p.m.

Next meeting will be held 1:30 p.m. on February 6, 1989.

_____ BILL NO. _____

By

AN ACT relating to the adult care home civil penalty process; requiring the development of rules and regulations; amending K.S.A. 39-946 and repealing the existing section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. K.S.A. 39-946 is hereby amended to read as follows: 39-946. The secretary of health and environment shall adopt rules and regulations necessary to administer the provisions of this act.

Section 2. This act shall take effect and shall be in force from and after its publication in the Kansas Register.

PHW
Attn. #1
2-2-9

PROPOSED AMENDMENT TO HOUSE BILL No. 2075

Be amended:

On page 8, following line 287, by inserting the following:

"Sec. 7. K.S.A. 65-1908 is hereby amended to read as follows: 65-1908. (a) The Kansas state board of cosmetology shall have the power to revoke any license provided for by this act, or may refuse to issue, renew, or may suspend any license, and may permit the remedying of any of the violations hereinafter mentioned, as in its judgment may be remedied, for any of the following causes:

(1) Failure to comply with the sanitary requirements prescribed by the ~~said--board-and-approved-by-the~~ secretary of health and environment pursuant to section 1;

(2) habitual drunkenness, drug addiction or gross immorality;

(3) the obtaining of, or the attempt to obtain, a license by fraudulent misrepresentation or bribery;

(4) advertising by means of false or knowingly deceptive matter or statement; or

(5) failure to display the annual license or inspection report as provided for in this act. Inspectors employed by the board shall have such powers granted to them as the board may prescribe by regulation to make inspections, investigations, and inquiries, except that a permanent order for closing the business of a cosmetologist must have approval of the board.

(b) All proceedings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.";

And by renumbering sections accordingly;

On page 10, in line 346, by inserting before the first "and" the following: ", 65-1908";

On page 1, in the title, line 17, by inserting before the first "and" the following: ", 65-1908"

PHW
Attn # 2
2-2-9

1989

ATTENDANCE

	2/6/89	2/7/89	2/8/89	2/9/89	2/13/89	2/14/89	2/15/89	2/16/89	2/20/89	2/21/89	2/22/89	2/23/89	2/27/89	2/28/89	3/1/89	3/2/89
LITTLEJOHN, MARVIN	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
BUEHLER, FRANK	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
BRANSON, JESSIE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
AMOS, GENE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
BORUM, BELLE	P	P	P	Ex	P	P	P	P	P	P	P	P	P	P	P	
CRIBBS, THEO	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
FLOTTMAN, DOROTHY	P	P	P	P	P	P	P	Ex	P	P	P	P	P	P	P	
FLOWER, JOANN	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
FOSTER, BEN	P	P	P	P	P	P	Ex	P	P	P	P	P	P	P	Ex	
GREEN, KENNETH	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
HOCHHAUSER, SHEILA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
REINERT, RONALD	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
SADER, CAROL	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
SCOTT, ALEX	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
SHALLENBURGER, TIM	P	P	P	P	P	P	P	Ex	Ex	P	P	P	P	P	P	
SHUMWAY, BETTI SUE	P	P	Ex	P	P	P	P	P	P	P	P	P	P	P	P	
WEIMER, FRANK	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex	P	P	P	
WIARD, STEVE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
WELLS, ELAINE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

No Meeting

No Meeting