

Approved _____

Date

3-22-89

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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

2:00 a.m./p.m. on March 15, 1989 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Dick Hummel, Kansas Health Care Association
(Printed testimony only)
Marilyn Bradt, Kansans for Improvement of Nursing Homes
(Printed testimony only)
Dick Morrissey, Department of Health/Environment
Division of Adult and Child Care
Tom Hitchcock, Executive Secretary for Ks. State Board of Pharmacy
Bob Williams, Executive Director of Kansas Pharmacists Association

Chairman called meeting to order, and invited Ms. Almira Collier, Department of Health and Environment to introduce several District Office Managers who were present this date. Ms. Judith Humphrey, Lawrence; Bill Towery, Chanute; Ralph O'Connor, Wichita; Delbert Zerr, Salina. All are from Department of Health and Environment Offices from those respective cities. Chair welcomed them to committee.

HEARINGS BEGAN ON SB 115.

Chair noted printed testimony that had been distributed to members. (Attachment No. 1) is from Dick Hummel, Kansas Health Care Association. (Attachment No. 2) is from Marilyn Bradt, Kansans for Improvement of Nursing Homes. Each provided printed testimony only, as they were unable to present verbal testimony this date.

Dick Morrissey, Department of Health and Environment, Division of Adult and Child Care, offered hand-out, (Attachment No.3). He noted the purpose of SB 115 is to establish a flexible survey cycle so that surveys done on Adult Care Homes will be on a less predictable schedule. They also further concluded it would be more effective to eliminate the requirement for renewal of a license on any arbitrary time period and simply provide for a license to remain in effect unless suspended or revoked. Their Department recommends this committee amend SB 115 by deleting references to expiration dates and that the bill be passed favorably.

HEARINGS CLOSED ON SB 115.

HEARINGS BEGAN ON SB 189.

Tom Hitchcock, Executive Secretary for Ks. Board of Pharmacy, (Attachment No.4) explained rationale for SB 189. He detailed changes the Board feels necessary to continue to protect the health/welfare of the public. He highlighted definition expansions, but noted the only change the Board is proposing from existing statute is on line 224 with the addition of inserting words, "or professional incompetency". The other changes are due to computer foul-up. He requested favorable passage of the bill as amended by the Senate Committee.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 2:00/a.m./p.m. on March 15, 1989

HEARINGS CONTINUED ON SB 189:-

Bob Williams, Executive Director of Kansas Pharmacists Association, (Attachment No.5), noted after careful examination of the current Pharmacy Practice Act, it was apparent the Act needed updating. Their Association supports the Board of Pharmacy's recommended changes just outlined by Mr. Hitchcock. He answered quesitons, i.e., yes, they have had situations involving sexual abuse; they had tried to deal with these infractions within their own programs, but now are asking that statutes deal with the problem. There was discussion in regard to a convicted felon, then the Pharmacy Board determines if that person has been sufficiently rehabilitated to warrant public trust. Mr. Williams and Mr. Hitchcock both answered questions in this regard. Mr. Hitchcock said he has been involved with the Pharmacy profession 37 years, and with the Board for 3 years, and he has never happened that a convicted felon has tried to return to prior position.

HEARINGS CLOSED ON SB 189.

Chair noted agenda for Thursday. Committee will work Senate Bills 36, 102, 103, 115, 189, 198.

Ms. Correll noted she had been contacted by Ms. Cathy Rooney in regard to the educational requirements for licensing of dietitians related to **SB 102**. Ms. Rooney had contacted Ms. Correll with information, i.e., schools that do require the experience, (or internship), do require 900 hours. However, not all schools that train dietitians require any internship. So, persons graduating from a school that does not require internships will still have to meet the additional requirement of the hours of experience. It was noted this should be taken into consideration when **SB 102** is discussed in Committee.

Chair asked members wishes in regard to Committee Minutes.

Rep. Amos moved minutes of March 13th, and 14th be approved as written, seconded by Rep. Scott. Motion carried.

Chair adjourned the meeting.



KHCA

Member of
ahca

Kansas Health Care Association

221 SOUTHWEST 33rd STREET
TOPEKA, KANSAS 66611 • 913-267-6003

DATE: March 15, 1989
TO: House Committee on Public Health and Welfare
FROM: Kansas Health Care Association
SUBJ: Position on Senate Bill 115, Adult Care Home Inspection Cycle

The Kansas Health Care Association supports the provisions of S.B. 115 which allows the Department of Health and Environment to implement a flexible inspection program for adult care homes.

This change is a result of the Nursing Home Reform portion of the federal Omnibus Reconciliation Act of 1987.

Under the Act, a facility is subject to an initial standard, or abbreviated survey without prior notice at least every 15 months with a statewide average interval of every 12 months. Extended surveys will be performed within two weeks of a standard survey on facilities found to have provided substandard quality of care or at the discretion of the state.

While the Act removes the predictability of an annual inspection, it was also Congressional intent to permit a survey period of over a year for providers having an exemplary record of compliance. We trust this direction will be followed by the state.

The change should result in a better utilization of resources, both for health department personnel and employees of adult care homes.

Thank you for this opportunity.

CONTACT: Dick Hummel, Executive Vice President

*DH:W
attm #1.
3-15-89*



KINH Kansans for Improvement of Nursing Homes, Inc.

913 Tennessee, suite 2 Lawrence, Kansas 66044 (913) 842 3088

TESTIMONY PRESENTED TO THE HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE
CONCERNING SB 115

March 14, 1989

Mr. Chairman and Members of the Committee:

The annual survey of each nursing home has always been directly linked to its relicensure. While that may seem quite logical, the result has been that the nursing home can confidently predict that the survey will be conducted very close to the time of relicensure, though most knowledgeable consumers are agreed that an unexpected survey is highly desirable. In providing for the license to remain in effect indefinitely, upon receipt of an annual report and payment of a licensure fee, unless revoked for cause, SB 115 effectively separates the survey schedule from licensure, making possible a flexible survey cycle that will be less readily anticipated, and giving the Department of Health and Environment the discretion, within certain limits, to inspect better homes less frequently, marginal or troubled homes more frequently.

KINH endorses this concept and asks your support for SB 115.

Marilyn Bradt
Legislative Coordinator

PAK
Attm #2
3-15-9

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

House Public Health and Welfare Committee

by

The Kansas Department of Health and Environment

Senate Bill No. 115

Background

The nursing home reform amendments included in the Omnibus Budget Reconciliation Act of 1987 require that the Health Care Financing Administration implement a flexible survey cycle in order to reduce the predictability of nursing home inspections. This requirement was rooted in a finding of the Institute of Medicine that nursing homes know when an inspection is coming because of the annual certification and licensure schedule.

Congress addressed this issue by requiring the Health Care Financing Administration to establish a survey system with no more than fifteen months between inspections for individual facilities and for a state-wide average of not more than twelve months between inspections. Certification periods will not be time limited.

Issues

Since the Department conducts one inspection for both licensure and certification purposes, the objective of reducing the predictability of the survey cannot be accomplished unless the same rules are used for both certification and licensure. The Department proposed Senate Bill 115 to change the annual licensure cycle to an eighteen month licensure cycle in order to accommodate the flexible survey cycle required by Congress.

After further consideration, we concluded it would be more effective to eliminate the requirement for renewal of a license on any arbitrary time period and simply provide for a license to remain in effect unless suspended or revoked. Under this approach, a home would be required to file an annual report and pay an annual fee even though the license would not be "renewed." The amendments to Senate Bill 115 implement this change and also include the federal language establishing a maximum time between surveys. To be consistent with the intent of the bill, we request that the reference to expiration dates found in lines 53 and 56 be deleted.

*PH&U
Attn # 3
3-15-89*

Testimony SB 115
March 15, 1989
Page 2

Recommendation

The Department respectfully recommends that the committee amend Senate Bill 115 by deleting references to expiration dates and recommend the bill favorably for passage.

Presented by: Richard J. Morrissey, Director
 Bureau of Adult and Child Care
 Kansas Department of Health and Environment
 March 15, 1989

Kansas State Board of Pharmacy

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STATE OF KANSAS

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SENATE BILL 189

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
10 A.M. - February 23, 1989

Mr. Chairman, members of the Committee, I am Tom Hitchcock, Executive Secretary for the Kansas State Board of Pharmacy. I appear before you today on behalf of the Board to speak in support of Senate Bill 189.

This bill is a proposed change of the Pharmacy Act, K.S.A. 65-1626 and 65-1627. In K.S.A. 65-1626, which includes definitions used in the Act, the changes begin on Page 5, Line 174 with the addition of the terminology "professional incompetency." The definition includes three specifics which the Board currently feel are necessary to continue to protect the health and welfare of the public. The sections (aa)(1) and (aa)(2) (Line 175 and 180) relate to a pharmacist purposely or blatantly not meeting the requirements of the pharmacy practice, i.e. not labeling, counseling, checking finished prescriptions for errors. Section (aa)(3) (Line 181) relates to a pharmacist that has become incapable to practice pharmacy due to impairment, Alzheimer's disease, or similar affliction.

On Page 6 under the definition of "unprofessional conduct," the Board proposes the addition of five specifics as definitions. Number 6 (Line 204) dealing with maintaining confidentiality; number 7 (Line 207) to deceive or defraud as with false information; number 8 (Line 208) false statements about a drug; number 9 (line 210) dealing with misconduct or sexual abuse; and number 10 (Line 212) performing examinations or tests.

In K.S.A. 65-1627 the only change the Board is proposing from existing statute is on Line 224 with the addition of three words, "or professional incompetency." The remainder of the changes are due to computer foul-up. This may be explained by Norman Furse.

The Board respectfully requests the passage of Senate Bill 189.

Thank you.

P.H.W.
Attn #4
3-15-9

TESTIMONY

Senate Bill 189

House Committee on Public Health and Welfare

Wednesday, March 15, 1989

Mr. Chairman, committee members, thank you for this opportunity to address the committee concerning SB 189. I am Bob Williams, Executive Director of the Kansas Pharmacists Association. After careful examination of the current Pharmacy Practice Act, in light of a changing society as well as changes within the pharmacy profession, it became apparent that the Pharmacy Practice Act needed updating. We support the Kansas Board of Pharmacy's recommended changes as outlined in SB 189.

We encourage the committee to support SB 189.

Thank you.

PHW
Attn # 5
3-15-89