

Approved 5-15-90  
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Vice-Chairman Chronister at  
Chairperson

12:15 ~~a.m.~~ p.m. on April 30, 1990 in room 514-S of the Capitol.

All members were present except: Representatives Buntten, Teagarden, Wisdom, Francisco, and Turnquist (all excused)

Committee staff present: Debra Duncan, Laura Howard, Legislative Research Dept.

Conferees appearing before the committee:

Bill Cutler, Department on Aging

Donna Kidd, Executive Director, Jayhawk Area Agency on Aging

Others attending: See attached list.

SB 567 - Monies granted to area agencies on aging under Kansas senior care act.

Bill Cutler, Department on Aging, explained that SB 567 amends the Senior Care Act by deleting the dollar-for-dollar match requirement that grantees have to meet under current law to receive state funds to operate programs beginning in FY91. Grantees would still have to supply local funding to match state monies, but the rate of match would be set at the discretion of the Secretary on Aging.

The Department on Aging is opposed to SB 567 because Mr. Cutler stated retention of the dollar-for-dollar match would maximize resources in the program. Mr. Cutler distributed an article from the Kansas City Star describing the services provided under the Senior Care Act (Attachment 1). In the three pilot projects there are 15 counties--Johnson County, four counties in NE Kansas, and a horseshoe of counties in the Wichita area. The services offered are homemaker services and attendant care services such as bathing.

Representative Hoy emphasized that the participants in this program are persons who would otherwise have to go to a nursing home. This service is much less costly. He supports passage of SB 567. In response to a question, Mr. Cutler stated none of the pilot programs contract with SRS for services.

Donna Kidd, Executive Director, Jayhawk Area Agency on Aging, Topeka, appeared in support of SB 567 (Attachment 2). Ms. Kidd stated the smaller match in the first year of the program was difficult to raise and a dollar-for-dollar match will prevent most of the area agencies from participating in the Senior Care Act.

Representative Hoy moved that SB 567 be recommended favorably for passage. Representative Kline seconded. Motion failed.

Sub SB 402 - Certification of alcohol and other drug abuse counselors.

Vice-Chairman Chronister distributed a letter from Gene Johnson, Kansas Alcohol and Drug Addiction Counselors Association, stating the organizations he represents are willing to accept the Kansas Psychiatric Society's version of the bill (Attachment 3). A copy of the amended version of the bill proposed by Chip Wheelen, Kansas Psychiatric Society, was provided (Attachment 4). Representative

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations,

room 514-S, Statehouse, at 12:15 ~~xxx~~/p.m. on April 30, 1990

Solbach moved that Sub SB 402 be amended as proposed by the Kansas Psychiatric Society in Attachment 4. Representative Hamm seconded. Representative Vancrum noted that these amendments would limit the application of the bill to persons on the payroll of SRS institutions. The motion carried.

Representative Vancrum stated he would favor amending the bill to allow the Secretary of SRS to set professional standards for individuals employed by agencies that contract with SRS, excluding health care providers with licenses. Following discussion with staff, Representative Vancrum stated his concerns appear to be already addressed in the amendments as adopted. Representative Helgerson moved that Sub SB 402 be further amended to exempt Christian Science Practitioners from the provisions of the bill. Representative Solbach seconded. Motion carried.

Representative Brady stated, with all the exclusions, this bill only regulates a very small percentage of substance abuse counselors. Representative Gatlin moved to further amend Sub SB 402 by striking Sec. 1(c)(2). Representative Brady seconded. Representative Gatlin withdrew his motion with the consent of the second. Representative Gatlin moved to further amend Sub SB 402 by striking Sec. 1(c)(2) and the words "by such institutions" in Sec. 2(a). Representative Brady seconded. Representative Gatlin stated he is frustrated with the extensive exceptions in this new version of the bill which essentially eliminate the purpose of the bill. Representative Gatlin withdrew his motion with the consent of the second, Representative Brady. Representative Solbach moved that Sub SB 402, as amended, be recommended favorably for passage. Representative Gatlin seconded. Motion carried.

SB 439 - Authorizing the establishment of a patent depository library.

Vice-Chairman Chronister stated SB 439, authorizing the establishment of a patent depository library, was rereferred to Appropriations from House General Orders. Representative Fuller moved to amend SB 439 to specify that the KTEC Board receive proposals from all the entities wanting the library and make the decision on location. Representative Pottorff seconded. Representative Mead noted that the U.S. Patent Office will have final approval of the location of the patent library. The motion carried. Representative Vancrum moved to further amend SB 439 to state the library will be funded through a mix of KTEC funds and private funds. Representative Mead seconded. Motion carried. Representative Fuller moved that SB 439, as amended, be recommended favorably for passage. Representative Vancrum seconded. Motion carried.

The meeting was adjourned at 1:35 p.m.



4-29-90 KC Style

# Kansas program helps senior adults stay in their homes

**Grants defray cost of hiring nurses, aides to clean and shop.**

The Overland Park nursing home was "lovely" and the nurses were friendly and helpful, but Elizabeth Higgins' 10-day stay there after a stroke in 1989 convinced her that she would rather be home.

"I wouldn't last long. It was so depressing," said Higgins, 76, of Overland Park. "Even the nurses said I wasn't far enough gone to be there. With a little help I can do all right on my own."

That help now comes from the Senior Care Act, a new program that helps middle-income senior adults with basic needs at a price most can afford. Workers regularly visit eligible people to provide such services as grocery shopping, housecleaning and nursing assistance.

The Kansas Legislature approved the project about two years ago, and in July 1989 the state's Department on Aging selected three organizations to receive the first grants to provide in-home care.

They are the Johnson County Area Agency on Aging in Olathe, the Northeast Kansas Area Agency on Aging in Hiawatha and the South Central Kansas Area Agency on Aging in Arkansas City.

The three each received \$83,000, which was matched by \$27,777 in local funds.

The program is similar to one offered to low-income Kansans by the Department of Social and Rehabilitation Services. However, under the Kansas Senior Care Act, middle-income Kansans are eligible and pay for services on a sliding fee scale, based on their incomes.

The program currently

## **THE LATER YEARS** JOYCE E. SMITH

serves older people in 15 counties, including Johnson County, and will be expanded statewide in the next four years.

Higgins has received housekeeping services and pays a fraction of the cost she would pay if she found a private care company on her own.

Jo Kitts has been disabled for about 15 years and needs help with day-to-day chores to stay in her Overland Park home. But private nursing care was taking up nearly half of her income.

"It's not a case of liking it, it's a case of necessity," said Kitts, 65, who has diabetes, emphysema and other ailments.

She now receives help from the Senior Care Act and "so

far, so good. They help me take a bath, clean the house and prepare food. Private nursing just got too expensive."

Along with nursing help, the Senior Care Act offers homemakers who do light housekeeping and grocery shopping. Participants in the program also can have a meal delivered daily.

The program fills a need Medicare does not. "Medicare doesn't reimburse for homemaker services," said Jodi Hitchcock, longterm care specialist with the Johnson County Human Resources and Aging Department. "It does reimburse for bath aid but only on a limited basis."

About 70 people use the program in Johnson County, but nearly 150 have applied for services. Some pay as little as 20 percent of the cost, while others pay 100 percent. The average care recipient pays

\$2.50 to \$3.50 of the hourly charge.

"The average person in the program is 78 and may be able to get around, but because of cardiovascular problems can't do the dusting or light vacuuming," said Annice White, manager of the Johnson County Area Agency on Aging. "Most need a homemaker to allow them to remain in their homes."

About 40 percent of the participants also have meals delivered once a day, White said. "We see a real need for the program."

For more information, call Kathy Palaskas at 791-1525.

Missouri has a similar program, but priority is given to low-income residents. For more information, call 472-3100.

The Later Years column appears Sundays in the Style section. The schedule appears Saturdays in Style.

1-30-90  
HA  
Attachment 1

TESTIMONY ON SB 567  
BY  
DONNA KIDD, EXECUTIVE DIRECTOR  
JAYHAWK AREA AGENCY ON AGING

Before the  
House Appropriations Committee  
April 30, 1990

Mr. Chairman and members of the House Appropriations Committee. My name is Donna Kidd. I serve as executive director of the Jayhawk Area Agency on Aging which serves Jefferson, Douglas and Shawnee counties.

I urge you to support SB 567. Even though my agency is one of 8 area agencies that does not participate in the Senior Care Act, we favor this bill because the amendment will allow us to participate someday by dropping the dollar-for-dollar match requirement.

When the Senior Care Act passed unanimously last year, it was a great event for all of us. The Senior Care Act funded three in-home service projects. All of us hoped that the program would expand statewide when funding became available.

This year our hopes have been dashed by a cut of \$80,000 from the current budget of \$250,000 for the Senior Care Act. The Governor's budget proposes to fund the cut by requiring a dollar-for-dollar match as required by last year's legislation.

Our experience thus far has shown us that property taxes are a limited source of funding. If the dollar-for-dollar match continues to be required, existing projects will have to cease or curtail operations and most of the area agencies will never have the opportunity to participate.

Ironically, the Legislature is now debating property tax relief, millions of dollars of property tax relief. Ironically, the SRS budget has extended the Home Care program to the same population targeted by the Senior Care Act without requiring a single dollar in match.

We supported the Senior Care Act last year with the dollar-for-dollar match in the second and subsequent years, but we have learned from experience that even a smaller match is difficult to raise.

The 1989 Kansas Legislature wisely funded a limited program to test the idea of a Senior Care Act. All we ask is that the 1990 Kansas Legislature use our first year experience to amend the law to make it better.

M115

HA  
4-30-90  
Attachment 2



## Sunflower Alcohol Safety Action Project, Inc.

Suite F, 112 S.E. 7th / Topeka, Kansas 66603 / Phone (913) 232-1415

April 30, 1990

Honorable Bill Bunton  
Chairman  
House Appropriations Committee  
House of Representatives  
Topeka State Capitol  
Topeka, Kansas 66612

RE: Substitute Senate Bill No. 402

Dear Representative Bunton,

At this time, I wish to express my gratitude and appreciation to you and your committee for the extensive hearing that was held on Substitute Senate Bill No. 402 on April 23, 1990. I know that your committee is overwhelmed with other important measures such as funding of various state programs. Also, our organizations realize at this time of year, that there are many conference committees that your committee members must attend in order to bring this Legislative session to a speedy and satisfactory completion date. You and your committee's indulgence in the rather lengthy hearing is greatly appreciated.

However, I do want to point out that as a result of that hearing, our organizations feel that we received a fair and impartial expidation of our case. As I noted in my testimony at the hearing, we were taking the lead that was given to us by the interim study committee from alcohol and drug programs in which they stated that Senate Bill No. 402 could be used as a method of credentialing alcohol and other drug abuse counselors. This committee, on which eight members of your committee served, also recommended that this be accomplished in 1990.

During the past week, our organizations have been in conference both within ourselves and with other interested professional groups within the field. They are willing to compromise with the suggestions presented by the representative of the Kansas Medical Society. We feel that we are dealing with the number one problem of our society today and also the number three

killer of the citizens of the state of Kansas. Our organizations do wish to be recognized as professionals and are willing to make personal sacrifices in meeting the standards as set forth by this state.

At this time, we would place ourselves in the hands of your committee and bow to your integrity and wisdom in moving Substitute Senate Bill No. 402 towards satisfactory passage in this 1990 Legislative session.

Respectfully,

  
Gene Johnson  
Lobbyist

Kansas Alcohol and Drug Addiction Counselors Association  
Kansas Association of Alcohol and Drug Program Directors  
Kansas Community Alcohol Safety Action Project Coordinators Association



# Kansas Psychiatric Society

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April 23, 1990

TO: House Appropriations Committee

FROM: Kansas Psychiatric Society

SUBJECT: Substitute for Senate Bill 402

Thank you for this opportunity to express our concerns about Sub. SB 402.

1. The substitute bill is not really a "certification" bill; it constitutes de facto licensure of individuals who engage in evaluation or treatment of persons who abuse substances. This would mean that neither physicians nor other licensed or registered professionals could continue to provide treatment services to patients or clients who suffer from addiction disorders. The Senate amendment does not appear to actually remedy this problem.

2. A number of years ago the Legislature established the Kansas Credentialing Act in order to provide a deliberate process for credentialing of health care professions. The alcohol and drug abuse counseling profession would circumvent the credentialing process in spite of established policy.

3. Even if the addiction specialists were to adhere to the Credentialing Act and pursue a reasonable bill for registration or licensure, the Department of SRS would probably not be the appropriate agency to credential and regulate the profession. The Behavioral Sciences Regulatory Board would seem to be more appropriate and capable of administering such a law.

These are the principal reasons that we oppose Sub. SB 402 in its current form. If the Department of SRS wishes to establish standards for addiction counselors employed at treatment facilities licensed by the Department, then we have no objection. Sub. SB 402, however, goes much further and raises serious quality of care concerns. We urge you to recommend that the bill not be passed unless it is amended substantially or substituted entirely. There are other options available to address the problem identified by the 1989 Interim Ways and Means/Appropriations Committee. Attached to this statement is a draft bill which addresses the problem of underqualified, ineffective drug and alcohol abuse counselors and programs. We urge your favorable consideration of this rewrite in lieu of Senate Sub. SB 402.

Thank you for your consideration.

CW:lg

HA  
4-30-90  
Attachment 4



Proposed Amendments to Substitute for Senate Bill No. 402 (KMS)

Be Amended:

By striking out all the current bill and inserting in lieu thereof the following:

AN ACT concerning substance abuse evaluation and treatment; prohibiting certain individuals from rendering services as substance abuse counselors; providing penalties for violations; amending K.S.A. 65-4016 and 65-4607 and repealing the existing sections.

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

New Section 1. (a) As used in this section:

(1) "Substance abuse counselor" means any individual who, for compensation, renders evaluation, counseling, or any form of treatment to persons who are addicted or otherwise abuse alcohol or other drugs.

(2) "Licensed" means an individual licensed by the state board of healing arts, the state board of nursing or the behavioral sciences regulatory board.

(3) "Licensed facility" means a facility licensed by the secretary of health and environment or the secretary of social and rehabilitation services.

(4) "Registered" means a registered professional counselor.

(b) On and after January 1, 1991, no individual shall render services, for compensation, as a substance abuse counselor unless such individual is licensed or registered, is employed by a licensed facility or is exempted from the provisions of this section under subsection (c).

(c) Nothing in this section shall be construed:

(1) To apply to the activities and services of attorneys performing counseling consistent with the laws of this state, their training and the code of ethics of their profession;

(2) to apply to the activities, services and use of an official title on the part of an individual employed as a substance abuse counselor by any federal, state, county or municipal agency or public or private educational institution, so long as such individuals are performing substance abuse counseling or substance abuse counseling-related activities within the scope of their employment;

(3) to apply to the activities and services of a rabbi, priest, minister or clergy person of any religious denomination or sect, so long as such activities and services are within the scope of the performance of such individual's regular or specialized ministerial duties;

(4) to apply to the activities and services of an individual providing substance abuse counseling as a part of alcoholics anonymous, al-anon family groups or other similar alcohol or drug abuse support organizations or groups;

(5) in any way to restrict any person from carrying on the free expression or exchange of ideas concerning the practice of substance abuse counseling, the application of substance abuse counseling principles, the teaching of such subject matter and the conducting of research on problems relating to substance abuse if such person does not represent such person or such person's services in any manner prohibited by this act;

(6) to limit the practice of substance abuse counseling or services of a student pursuing a degree in a school, college, university or other institution, if such practice or services are supervised as a part of such person's degree program; or

(7) to prevent the employment, by a person, association, partnership or a corporation furnishing substance abuse counseling services for remuneration, of individuals not licensed or registered if such individuals work under the supervision of a licensed or registered individual.

(d) A violation of this section is a class C misdemeanor.

Sec. 2. K.S.A. 65-4016 is hereby amended to read as follows:  
65-4016. (a) The secretary shall adopt rules and regulations and

standards with respect to all treatment facilities to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare. Boards of trustees or directors of institutions licensed pursuant to the provisions of this act shall have the right to select the professional staff members of such institutions and to select and employ interns, nurses and other personnel, and no rules and regulations or standards of the secretary shall be valid which, if enforced, would interfere in such selection or employment except that the secretary shall establish by rules and regulations minimum professional standards for individuals employed as substance abuse counselors by such institutions.

(b) As used in this section, "substance abuse counselor" means a substance abuse counselor as defined in section 1 and amendments thereto.

Sec. 3. K.S.A. 65-4607 is hereby amended to read as follows: 65-4607. (a) The secretary shall adopt rules and regulations and standards with respect to all treatment facilities to be licensed hereunder as may be designed to further the accomplishment of the purposes of this act in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare of the public. The secretary shall establish by rules and regulations minimum professional standards for individuals employed as substance abuse counselors by treatment facilities for drug abusers.

(b) As used in this section, "substance abuse counselor" means a substance abuse counselor as defined in section 1 and amendments thereto.

Sec. 4. K.S.A. 65-4016 and 65-4607 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.