

Approved _____

Date

3/27/90

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 23, 1990 in room 526S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research
Norman Furse, Revisor's Office
Sandra Nash, Committee Secretary

Conferees appearing before the committee:

The Chairman called the Committee to order, calling their attention to H.B. 2745.

The Chairman said that H.B. 2745 was the 21st and we were told by Staff that H.B. 2758 was addressing in some sections the same statutes. The Chairman said he felt, and had met with the Ranking Minority Member and the Vice-Chairman, that if there's any amendments to be made, it would be better to save the authorship of Representatives Samuelson and Reinert, instead of the Committee bill 2758. The Chairman asked if that would be the concensus of the Committee.

The Chairman asked Staff Furse to address what we are doing with H.B. 2758 and H.b. 2745.

Staff Furse said what you need to do and to direct me to carry out is to decide, first of all, if 2745 is a bill that you want and in what form you want that bill and if you do expect to pass that out favorably, he would need to know in H.B. 2758 what form you want that in and then we can marry the two bills together because they amend the same sections, two of the same sections of the statutes.

The Chairman said by concensus the Committee elected to go with H.B. 2745.

Senator Langworthy asked if there were any amendments to H.B. 2745.

The Chairman asked if the Committee had any amendments to H.B. 2745.

Senator Langworthy made the motion that H.B. 2758 be amended into H.B. 2745. Senator Walker seconded the motion. The motion carried. Senator Ehrlich will carry.

The Chairman called the Committee's attention to S.B. 753. Staff Furse reviewed the wording in the bill.

Senator Salisbury asked if the amendment by the Kansas Medical Society was to be considered.

Staff Furse said that S.B. 760 would cover this area and there is to be an interim study from this bill.

Senator Salisbury made the motion to pass S.B. 753 out of Committee favorably. Senator Langworthy seconded the motion. The motion carried. Senator Salisbury will carry.

The Chairman called the Committee's attention to H.B. 2594. The Chairman said there was one amendment offered by the Kansas Home Care Association.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526 Statehouse, at 10:00 a.m./~~p.m.~~ on March 23, 1990

Senator Hayden made the motion to delete the word "physical" from the H.B. 2594 on Line 25 of Page 7. Senator Walker seconded the motion.

Staff Furse said the Kansas Department of Health and Environment raised a question about definition of Attendant Care Services. On Page 3, Line 15, being inserted in the definition of Home Health Services. Under this act, if you're providing one or more home health services, you need to be licensed as a home health agency. And the Department was saying that by the insertion of Attendant Care Services, it may be that there will be a number of other entities required to be licensed. Now, individuals wouldn't be required to be licensed because they are excluded in the exclusion section. Other entities, other than individuals, providing this service in the home setting with this change, would have to be licensed as a home health agency. If the Committee feels that's a problem and wants to correct it, he has prepared some language. What it would take would be to amend the next section in the Home Health Act which says, "any entity offering one or more home health services has to be licensed." Amending that to say, "any entity offering one or more home health services, other than attendant care services, has to be licensed." The reason that attendant care services is in here is to make it clear than home health agencies can offer these services. It wouldn't create a problem with the intent of the bill as it presently is drafted but it would make it clear that facilities offering only attendant care services out of this list of home health services wouldn't have to be licensed as home health agencies.

The Chairman said that he has a letter from the Kansas Department of Health and Environment (Attachment 1).

Staff Furse said that this was listed under #1 of their letter.

Senator Walker made the motion to conceptually amend H.B. 2594. Senator Hayden seconded the motion. The motion carried.

The Chairman said he was also approached by Executive Director Michael Lechner, asking the Committee if he can appear again to present testimony on H. B. 2594. The Committee granted the permission.

Michael Lechner said that they agree with what the Kansas Department of Health and Environment has offered now.

Staff Furse asked which amendment.

Mr. Lechner the amendment which was conceptually included.

Senator Salisbury made a motion to change the effective date to July 1, 1991. Senator Langworthy seconded the motion. The motion carried.

Staff Furse said he has a couple technical changes on Page 4, Line 13. "And" should be limited there because of the addition of Sub-section (j) and a ": And" should be added in line 20 and word "attendant" would not be capitalized.

Senator Hayden made the motion to conceptually include the technical changes. Senator Langworthy seconded the motion. The motion carried.

The Chairman asked for the wishes of the Committee on H.B. 2594 as amended. Senator Langworthy made the motion to pass H.B. 2594 as amended favorably out of Committee. Senator Salisbury seconded the motion. The motion carried. Senator Langworthy will carry the bill.

The meeting adjourned at 10:46a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3/23/90

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

<u>Jack Koen</u>	<u>KOPE</u>
<u>Richard Morrissey</u>	<u>KDHE</u>
<u>Linda Lybousky</u>	<u>KS Home Care Assn</u>
<u>Gina McDonald</u>	<u>AS/SRS</u>
<u>Martha Gabeharr</u>	<u>ES Comm on</u> <u>Disability Concerns</u>
<u>Michael Lechner</u>	<u>"</u>
<u>Alexa Terreller Teter</u>	<u>KIDOK</u>
<u>KEITH R LANDIS</u>	<u>CHRISTIAN SCIENCE COMMITTEE</u> <u>ON PUBLICATION FOR KAUSAS</u>
<u>Tom Bell</u>	<u>KS Hosp. Assn.</u>
<u>John Druce</u>	<u>KS Home Fr Aging</u>
<u>Dick Sumner</u>	<u>KS Health Care Assn</u>
<u>Marilyn Bracht</u>	<u>KINH</u>
<u>Chip Wheeler</u>	<u>KS Medical Soc.</u>

Please continue on next page.



State of Kansas

Mike Hayden, Governor

Department of Health and Environment Division of Health

Stanley C. Grant, Ph.D., Secretary

Landon State Office Bldg., Topeka, KS 66612-1290

(913) 296-1343
FAX (913) 296-6231

296-0056

March 22, 1990

The Honorable Roy Ehrlich
Chairman of Public Health and Welfare
State Capitol, Room 138-N
Topeka, Kansas 66612

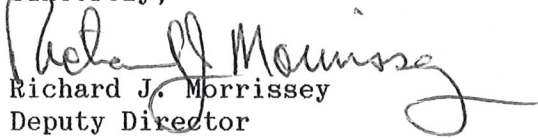
Dear Senator Ehrlich:

To address our concerns with House Bill 2594, we recommend the following:

1. Amend the bill to make it clear that agencies providing only attendant care services do not have to be licensed.
2. In section 2(c) delete the word [not] to allow home health aides to take the course of instruction and examination prescribed in K.S.A. 39-936(c)(3). Our preference with the training system is that it remain as is due to all the changes required by OBRA for nurse aide and home health aide training programs.
3. If the bill remains as written and home health aides are prohibited from taking the course of instruction and examination pursuant to K.S.A. 39-936(c)(3), we request the implementation date of this requirement be July 1, 1991, so that the required curriculum can be developed.

If the department can be of any assistance to the legislature in it's deliberations, staff will be happy to do so.

Sincerely,


Richard J. Morrissey
Deputy Director
Division of Health

RM/sj

cc: Dr. Grant
Dr. Konigsberg
Joe Kroll
Committee Members

SPH & W
Attachment #1
3/23/90