

Approved

Date

5-11-91  
sh

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Carol H. Sader at  
Chairperson

1:30 a.m./p.m. on February 7, 1991 in room 423-S of the Capitol.

All members were present except:

Representative Theo Cribbs, Representative Wiard, both excused

Committee staff present:

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

Conferees appearing before the committee:

Chairperson Sader called meeting to order, drawing attention to minutes for February 5th, then allowed time for members to read over these minutes.

Rep. Neufeld moved to approve minutes as written for February 5, 1991, seconded by Rep. Wagle, motion carried.

Discussion began on HB 2016:

Rep. Amos offered an amendment (Attachment No. 1). He stated after hearings during Interim on end stage renal disease (ESRD), it is apparent to him some priorities need to be listed. He detailed changes proposed in balloon copy presented. Rep. Amos moved to have balloon amendment incorporated in HB 2016, seconded by Rep. Samuelson. Lengthy discussion ensued, i.e., perhaps the list of priorities needs to be re-arranged in order of their importance to the patient's treatment and needs.

Rep. Amos and Rep. Samuel withdrew their motions to amend HB 2016.

Discussion continued and it was suggested by Revisor Mr. Furse that to strike language, "with highest priorities listed first", might answer concerns of members in regard to Sec. 5, on page 3 of balloon.

Rep. Amos made a motion to amend HB 2016 as proposed in balloon, except to change page 3, Sec. 5, after the word "act", to strike, "with the highest priorities listed first". Rep. Samuelson seconded motion, motion carried.

Rep. Neufeld offered Attachment No. 2), balloon amendments on HB 2016.

Rep. Neufeld moved to adopt balloon amendments on HB 2016, seconded by Rep. Love.

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 7, 1991

Rep. Neufeld gave a detailed explanation of proposed amendments section by section. Rep. Neufeld then answered numerous questions, i.e., there should be no increased fiscal impact from amendments proposed by Rep. Neufeld; no additional staff will need to be hired; the KU Med Center has not been informed of these amendments; no there aren't any other commissions operating under a separate entity, operating separately from KU; concerns expressed about giving rules and regs. authority to any one person in a program of this magnitude.

It was noted on line 36, listing priorities should be stricken since it was already amended into HB 2016.

It was noted further, page 3 (e), line 13, language should read, "Commission is payor of last resort." Further concerns raised, i.e., Commission would be last indefinitely unless a sunset is stipulated. It was noted there would be additional fiscal impact.

Chair requested that since there were numerous concerns and the draft of the balloons is difficult to read, that Mr. Furse draft a single balloon incorporating changes discussed this date and present it to committee as soon as possible. At that time, discussion will continue on HB 2016.

Chair requested that Ms. Correll contact KU Med Center and request that a representative from the Med Center could attend committee when HB 2016 is again discussed. Ms. Correll agreed to do so and will contact Mr. Marlin Ryan.

Chair then requested Mr. Furse to outline options available to committees when making requests, and or to make their wishes known, other than legislation in House Bills, or Concurrent Resolutions. He detailed options, i.e., House Resolutions. He gave a detailed explanation of Resolutions, noting they do not have the force of law as do House Bills and Concurrent Resolutions.

Rep. Amos, when asked for comments, replied he looks forward to continued discussion on HB 2016, and what the representative from KU Med Center will have to say in regard to amendments to HB 2016.

Chair adjourned meeting at 2:46 p.m. Next meeting will be Monday, February 11, 1991.



# HOUSE BILL No. 2016

By Special Committee on Public Health and Welfare

Re Proposal No. 29

12-28

I

*PHW  
2-7-91  
Attn #1*

AN ACT establishing an advisory commission on end stage renal disease and a program for the care and treatment of persons suffering from end stage renal disease.

*As enacted by the Legislature of the State of Kansas:*

Section 1. Subject to the provisions of appropriation acts, an end stage renal disease program shall be established under the auspices of the university of Kansas medical center. This program will be staffed with an executive director, who shall be an employee of the university of Kansas medical center, and such support staff as deemed necessary for the efficient performance of the duties prescribed by this act.

Sec. 2. (a) The university of Kansas medical center shall establish an advisory commission on end stage renal disease. The commission shall consist of 11 members: (1) Nine members appointed by the chancellor of the university of Kansas as follows:

(A) One member who is knowledgeable in renal medicine and the treatment of end stage renal disease shall be a physician licensed to practice medicine and surgery in Kansas and actively engaged in private practice of medicine in the state;

(B) one member who is knowledgeable in renal medicine and the treatment of end stage renal disease shall be a physician licensed to practice medicine and surgery in Kansas and who is engaged primarily in institutional practice of medicine;

(C) one member who is a transplant surgeon licensed to practice medicine and surgery in Kansas and actively engaged in the private practice of medicine in the state;

(D) one member shall be a person engaged in hospital administrative activities;

(E) one member shall be a consumer or family member of a consumer, who has a demonstrated interest in the treatment and cure of end stage renal disease;

(F) one member shall be a licensed social worker who works with end stage renal disease patients;

*PHW  
2-7-91  
attn #1*

*PX+W  
2-7-91  
Attn # 1-2*

(G) one member shall be a licensed professional nurse who works with end stage renal disease patients;

(H) two members shall be other professionals who work with end stage renal disease patients; and

(2) two members appointed as follows:

(A) One member from the senate public health and welfare committee of the Kansas legislature appointed by the president of the senate; and

(B) one member from the house public health and welfare committee of the Kansas legislature appointed by the speaker of the house of representatives.

(b) Members appointed from subparagraphs (a)(2)(A) and (a)(2)(B) shall not be from the same political party.

(c) (1) In making the initial appointments to the advisory commission, the terms shall be designated as follows:

(A) To expire on January 1, 1992, the members representing subparagraphs (a)(1)(A), (a)(1)(D), (a)(1)(E), (a)(1)(F) and (a)(1)(G);

(B) to expire on January 1, 1993, the members representing subparagraphs (a)(1)(B), (a)(1)(C), (a)(1)(H), (a)(2)(A) and (a)(2)(B).

(2) Successors shall be appointed for four-year terms to expire on January 1 of the member's fourth year of the appointive term.

(3) Members of the commission shall serve until their successors are appointed and qualified. In the event a vacancy occurs on the commission, such vacancy shall be filled by an appointment of a person eligible for the initial appointment for the remainder of the unexpired term of such member.

Sec. 3. The advisory commission on end stage renal disease shall annually elect one of its members as chairperson. The commission shall meet as designated by the commission's chairperson.

Sec. 4. The executive director shall have the following functions, duties and powers:

(a) To establish a program to assist persons suffering from end stage renal disease in obtaining care and treatment. Subject to the provisions of appropriation acts, such program shall provide financial assistance for persons suffering from end stage renal disease and shall help to obtain for such persons medical, nursing, pharmaceutical, transportation and technical services.

(b) To institute and carry on educational programs among physicians, hospitals, renal professionals, patients and family members, and the public concerning end stage renal disease, including the dissemination of information and the conducting of educational programs concerning the prevention of end stage renal disease and the methods for the care and treatment of persons suffering from this

Within the limits of appropriations therefor, to

Such

Within the limits of appropriations therefor, to

*PX+W  
2-7-91  
Attn # 1-2*

11 (e) To adopt rules and regulations to establish criteria and stand-  
12 ards for evaluating the financial ability of persons suffering from end  
13 stage renal disease to pay for their own care. The executive director  
14 shall look at the availability of third-party insurance and any gov-  
15 ernmental coverage as well as the income and assets of such persons  
16 for the purpose of establishing standards for eligibility for financial  
17 assistance in defraying the cost of such care and treatment from  
18 funds appropriated to the university of Kansas medical center for  
19 end stage renal disease treatment purposes.

20 (f) To accept gifts, grants and donations from private sources,  
21 from municipal and county governments, and from the federal gov-  
22 ernment to be used for the purposes of this act in defraying costs  
23 incurred by persons suffering from end stage renal disease. Such  
24 moneys shall be placed in the state end stage renal disease fund  
25 established in section 7.

26 (g) ~~To~~ assist in the development of programs which focus on the  
27 prevention of end stage renal disease.

28 (h) To adopt rules and regulations as are necessary to carry out  
29 this act.

30 Sec. 5. In developing rules and regulations to determine stand-  
31 ards for eligibility for financial assistance to persons suffering from  
32 end stage renal disease and in carrying out the duties and functions,  
33 the executive director shall consult with the advisory commission on  
34 end stage renal disease and the national kidney foundation of Kansas,  
35 a nonprofit corporation organized under the laws of this state.

36 Sec. 6. The executive director may enter into contracts and  
37 agreements with persons, colleges, universities, associations, cor-  
38 porations, municipalities, and other units of government as necessary  
39 to carry out the end stage renal disease program.

40 Sec. 7. There is hereby established in the state treasury the state  
41 end stage renal disease fund. The executive director shall remit all  
42 moneys received by or for the fund at least monthly to the state  
43 treasurer, who shall deposit such moneys in the state treasury and

*PHW  
2-7-91  
Attch # 1-3*

Within the limits of appropriations therefor, to

Sec. 5. The following shall constitute priorities for the expenditure of moneys under this act, with the highest priorities listed first:

- (a) Transportation assistance;
- (b) payment of premiums of medicare and supplemental private insurance;
- (c) administration and staff education; and
- (d) medications.

An by renumbering sections accordingly

*PHW  
2-7-91  
attchment #  
1-3*

1 credit such moneys to the state end stage renal disease fund. All  
2 expenditures from such fund shall be made in accordance with ap-  
3 propriation acts upon warrants of the director of accounts and reports  
4 issued pursuant to vouchers approved by the executive director of  
5 the end stage renal disease program, or by a person or persons  
6 designated by the executive director.

7 Sec. 8. This act shall take effect and be in force from and after  
8 its publication in the statute book.

*PKW*  
*2-7-91*  
*Attom # 1-4*

*PKW*  
*2-7-91*  
*attachment*  
*1-4*

Newfield

# HOUSE BILL No. 2016

By Special Committee on Public Health and Welfare

Re Proposal No. 29

12-28

10 AN ACT establishing an ~~advisory commission on end stage renal~~  
11 ~~disease and a~~ program for the care and treatment of persons  
12 suffering from end stage renal disease.

→ [end stage renal disease commission to administer a

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. Subject to the provisions of appropriation acts, an end  
16 stage renal disease program shall be established ~~under the auspices~~  
17 ~~of the university of Kansas medical center. This program will be~~  
18 ~~staffed with an executive director, who shall be an employee of the~~  
19 ~~university of Kansas medical center, and such support staff as deemed~~  
20 ~~necessary for the efficient performance of the duties prescribed by~~  
21 ~~this act.~~

→ [as a separate entity  
→ [The commission shall employ an executive director who is responsible for hiring  
necessary staff to implement policies established by the Commission and prescribed  
by this act.

22 Sec. 2. (a) ~~The university of Kansas medical center shall establish~~  
23 ~~an advisory commission on end stage renal disease. The commission~~  
24 shall consist of 11 members: (1) Nine members appointed by the  
25 chancellor of the university of Kansas as follows:

26 (A) One member who is knowledgeable in renal medicine and  
27 the treatment of end stage renal disease shall be a physician licensed  
28 to practice medicine and surgery in Kansas and actively engaged in  
29 the private practice of medicine in the state;

30 (B) one member who is knowledgeable in renal medicine and  
31 the treatment of end stage renal disease shall be a physician licensed  
32 to practice medicine and surgery in Kansas and who is engaged  
33 primarily in institutional practice of medicine;

34 (C) one member who is a transplant surgeon licensed to practice  
35 medicine and surgery in Kansas and actively engaged in the private  
36 practice of medicine in the state;

37 (D) one member shall be a person engaged in ~~hospital admin-~~  
38 ~~istrative activities;~~

→ [in a renal facility

39 (E) one member shall be a consumer or family member of a  
consumer, who has a demonstrated interest in the treatment and  
cure of end stage renal disease;

42 (F) one member shall be a licensed social worker who works with  
43 end stage renal disease patients;

PHW  
2-7-91  
Atmi #2



1 (G) one member shall be a licensed professional nurse who works  
2 with end stage renal disease patients;

3 (H) two members shall be other professionals who work with end  
4 stage renal disease patients; and

5 (2) two members appointed as follows:

6 (A) One member from the senate public health and welfare com-  
7 mittee of the Kansas legislature appointed by the president of the  
8 senate; and

9 (B) one member from the house public health and welfare com-  
10 mittee of the Kansas legislature appointed by the speaker of the  
11 house of representatives.

12 (b) Members appointed from subparagraphs (a)(2)(A) and (a)(2)(B)  
13 shall not be from the same political party.

14 (c) (1) In making the initial appointments to the advisory com-  
15 mission, the terms shall be designated as follows:

16 (A) To expire on January 1, 1992, the members representing  
17 subparagraphs (a)(1)(A), (a)(1)(D), (a)(1)(E), (a)(1)(F) and (a)(1)(G);

18 (B) to expire on January 1, 1993, the members representing sub-  
19 paragraphs (a)(1)(B), (a)(1)(C), (a)(1)(H), (a)(2)(A) and (a)(2)(B).

20 (2) Successors shall be appointed for four-year terms to expire  
21 on January 1 of the member's fourth year of the appointive term.

22 (3) Members of the commission shall serve until their successors  
23 are appointed and qualified. In the event a vacancy occurs on the  
24 commission, such vacancy shall be filled by an appointment of a  
25 person eligible for the initial appointment for the remainder of the  
26 unexpired term of such member.

27 Sec. 3. The advisory commission on end stage renal disease shall  
28 annually elect one of its members as chairperson. The commission  
29 shall meet as designated by the commission's chairperson.

30 Sec. 4. The ~~executive director~~ shall have the following functions,  
31 duties and powers:

32 (a) ~~[To] establish [a] program~~ to assist persons suffering from end  
33 stage renal disease in obtaining care and treatment. Subject to the  
34 provisions of appropriation acts, such program shall provide financial  
35 assistance for persons suffering from end stage renal disease and shall  
36 help to obtain for such persons ~~medical, nursing, pharmaceutical,~~  
37 ~~transportation and technical services.~~

38 (b) ~~[To] institute and carry on educational programs among phys-~~  
39 ~~icians, hospitals, renal professionals, patients and family members,~~  
40 ~~and the public concerning end stage renal disease, including the~~  
41 ~~dissemination of information and the conducting of educational pro-~~  
42 ~~grams concerning the prevention of end stage renal disease and the~~  
43 ~~methods for the care and treatment of persons suffering from this~~

→ Commission  
→ Within the limits of appropriations therefor, its  
→ policies

→ Financially eligible  
→ 1) transportation; 2) medicare ~~and~~ supplemental health insurance premiums; 3) renal  
medications; 4) medical and support services

[Within the limits of appropriations therefor, its

PAW  
2-7-91  
Attmt 2-2

1 disease.

2 (c) To cooperate with hospitals, private groups, and organizations  
3 and public agencies in the development of positive programs to bring  
4 about financial assistance and support of evaluation and treatment of  
5 patients suffering from end stage renal disease.

6 (d) To cooperate with the national and state kidney foundations  
7 and with medical programs of the state and federal government for  
8 the purpose of obtaining the maximum amount of federal and private  
9 assistance possible in support of an end stage renal disease treatment  
10 program.

11 (e) To adopt rules and regulations to establish criteria and stand-  
12 ards for evaluating the financial ability of persons suffering from end  
13 stage renal disease to pay for their own care. ~~The executive director~~  
14 ~~shall look at the availability of third party insurance and any gov-~~  
15 ~~ernmental coverage as well as the income and assets of such persons~~  
16 ~~for the purpose of establishing standards for eligibility for financial~~  
17 ~~assistance in defraying the cost of such care and treatment from~~  
18 ~~funds appropriated to the university of Kansas medical center for~~  
19 ~~end stage renal disease treatment purposes.~~

→ as payor of last resort:  
→ commission shall utilize all available public and private sources of coverage.

20 (f) To accept gifts, grants and donations from private sources,  
21 from municipal and county governments, and from the federal gov-  
22 ernment to be used for the purposes of this act in defraying costs  
23 incurred by persons suffering from end stage renal disease. Such  
24 moneys shall be placed in the state end stage renal disease fund  
25 established in section 7.

26 (g) To assist in the development of programs which focus on the  
27 prevention of end stage renal disease.

28 (h) To adopt rules and regulations as are necessary to carry out  
29 this act.

30 Sec. 5. In developing rules and regulations to determine stand-  
31 ards for eligibility for financial assistance to persons suffering from  
32 end stage renal disease and in carrying out the duties and functions,  
33 ~~the executive director shall consult with the advisory commission on~~  
34 ~~end stage renal disease and the national kidney foundation of Kansas,~~  
35 a nonprofit corporation organized under the laws of this state.

→ the Kansas Kidney Program without preference to any facility,

→ commission, K.M.C.,  
→ National Kidney Foundation

36 Sec. 6. ~~The executive director~~ may enter into contracts and  
37 agreements with persons, colleges, universities, associations, cor-  
38 porations, municipalities, and other units of government as necessary  
39 to carry out the end stage renal disease program.

→ commission

40 Sec. 7. There is hereby established in the state treasury the state  
41 end stage renal disease fund. ~~The executive director shall remit all~~  
42 moneys received by or for the fund at least monthly to the state  
43 treasurer, who shall deposit such moneys in the state treasury and

→ commission

PH:W  
2-7-91  
Attn # 2-3

1 credit such moneys to the state end stage renal disease fund. All  
2 expenditures from such fund shall be made in accordance with ap-  
3 propriation acts upon warrants of the director of accounts and reports  
4 issued pursuant to vouchers approved by the executive director of  
5 the end stage renal disease program, or by a person or persons  
6 designated by the executive director.

7 Sec. 8. This act shall take effect and be in force from and after  
8 its publication in the statute book.

→ The Commission  
→ The Kansas Kidney Program  
→ Commission

PHW  
2-7-91

Allen 2-4