

Approved 4-29-91  
Date sh ✓

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

4:00 / a.m./p.m. on April 25, 1991 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

- Bill Wolff, Research
- Norman Furse, Revisor
- Sue Hill, Committee Seacretary

Conferees appearing before the committee:

Chair called meeting to order drawing attention to SB 403.

DISCUSSION BEGAN ON SB 403.

Chair recognized Representative Flower who offered a balloon amendment (Attachment No. 1). The proposed amendments were the collaborative effort of several members of Committee. Rep. Flower gave a detailed explanation of each proposed amendment. Discussion ensued.

Norman Furse answered questions.

Rep. Flower than made a motion to amend SB 403 as proposed in the balloon Attachment No. 1). Rep. Hackler seconded the motion. Discussion continued, i.e., there were concerns the Board of the Commission not be tilted towards health providers; who will conduct Town Meetings, perhaps the expertise of Midwest Bioethics will be beneficial; alternative health care providers might be needed by some in rural areas; composition of the 11 Board members; some felt the Senate had worked hard at planning the composition of the Board and it should be left as suggested; concerns about matched funds; costs of health care insurance concerns most people; need for public input has long been overlooked.

Vote taken, Chair in doubt. Show of hands indicated 8 favoring the balloon amendment, 10 against. Motion failed.

Rep. Cribbs moved to report SB 403 favorably. Motion seconded by Rep. Weiland. Discussion ensued, i.e., perhaps a member skilled in medical ethics should be appointed by the Board of Regents; preventative care needs to be discussed in regard to this legislation; a long-term care provider needs to be on the Board as well.

Vote taken to pass HB 403 favorably. Motion failed.

Rep. Samuelson then made a motion to amend SB 403 on page, line 27 after "address" to insert the words, "prevention oriented services". Motion seconded by Rep. Amos. Discussion continued. Vote taken, Chair in doubt. Show of hands indicated 10 in favor, 8 against. Motion carried.

Rep. Praeger made a motion to amend SB 403 on page 2, to strike all language except "and"; to amend beginning on line 19 after (; and), the wordage would be, "one director appointed by the state board of regents who is trained in medical and health care ethics". Delete in line 20 beginning with "is" through line 22 through "services". Further amend by reinserting language in line 22 beginning with "Except" and continue through line 27. Discussion continued. Vote taken. Motion failed.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 4:00 a.m./p.m. on April 25, 1991

DISCUSSION CONTINUED ON SB 403.

Rep. Neufeld moved to amend SB 403, on page 2, line 11, by striking "Kansas Medical Society", and inserting in lieu thereof "Board of Healing Arts". Motion seconded by Rep. Amos. Discussion continued. Vote taken, Chair in doubt. Show of hands indicated 10 in favor, 8 against. Motion carried.

Rep. Hackler made a motion to amend HB 403, page 2, line 11, by striking "two" and inserting in lieu thereof "one". Amend further by adding the language "and one director appointed who has expertise in long-term health care". Motion seconded by Rep. Flower. Discussion held, i.e., if it was the wish of the Senate that two physicians represent both the rural and urban areas, it should have been specified; every Director, or Board member might be unable to attend every meeting; concerns in regard to the funding were expressed. Vote taken. Motion failed.

Discussion continued, i.e., funding; SB 403 has been doubly referred and if passed out of this Committee will then go to the Appropriations

Committee; it was brought out again the proposed language was formed by a hard-working bi-partisan group; long-term health care problems need to be addressed.

Rep. Bishop made a motion SB 403 be amended as passed. Rep. Cribbs seconded the motion. Lengthy discussion continued.

Question called for by Rep. Wiard. Vote taken. Motion carried.

Chair thanked all members for their attention and cooperation.

Chair adjourned the meeting at 5:30 p.m.

The next meeting most likely will be only for approval of Committee minutes.

As Further Amended by Senate Committee

As Amended by Senate Committee

Session of 1991

SENATE BILL No. 403

By Committee on Ways and Means

3-21

11 AN ACT creating the Kansas commission on the future of health  
12 care, inc.; providing for the powers, duties and functions thereof;  
13 making and concerning appropriations for the fiscal year ending  
14 June 30, 1992.

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

16 Section 1. (a) There is hereby created a body politic and cor-  
17 porate to be known as the Kansas commission on the future of health  
18 care, inc. The commission is hereby constituted a public instru-  
19 mentality and the exercise of the authority and powers conferred by  
20 this act shall be deemed and held to be the performance of an  
21 essential governmental function.

22 (b) The purpose of the commission is to develop a long-range  
23 health care policy plan, including both short- and long-term strat-  
24 egies, to identify social values of Kansans and to provide a forum  
25 for Kansans to participate in the development of health policy. The  
26 long-range health care policy plan shall address critical health care  
27 needs and incorporate the social values of Kansans. In the process  
28 of developing the plan, the commission shall directly involve inter-  
29 ested citizens by establishing a network of town hall meetings  
30 throughout the state where Kansans can participate in open discus-  
31 sions about health policy matters.

32 (c) In its reports under this act the commission shall propose and  
33 recommend changes to laws and rules and regulations as the com-  
34 mission deems appropriate to achieve the health care goals identified  
35 by the commission and monitor such recommendations to encourage  
36 their implementation.

37 Sec. 2. (a) The Kansas commission on the future of health care,  
38 inc., shall be governed by a board of 11 directors who shall be  
39 residents of this state. The board shall consist of ~~six~~ seven directors  
40 appointed by the governor as follows: One director appointed from  
41 a list of three nominees submitted by the Kansas chamber of com-  
42 merce and industry, who is not a provider of health care services;

nine

Rep Flower

PHW  
4-25  
4:00 pm  
Attn #1.

Samuelson  
"Prevention oriented services"

*P. Newell  
4-25-91  
4:00 pm  
Attn # 1-2*

1 one director appointed from a list of three nominees submitted by  
 2 the Kansas AFL-CIO, who is not a provider of health care services;  
 3 one director who is a representative of Kansas hospitals, appointed  
 4 from a list of three nominees who are hospital administrators sub-  
 5 mitted by the Kansas hospital association; one director who is a  
 6 licensed nurse appointed from a list of three nominees who are  
 7 licensed nurses submitted by the Kansas state nurses' association;  
 8 ~~one director who is trained in medical and health care ethics~~ and  
 9 two directors who are licensed to practice medicine and surgery  
 10 appointed from a list of six nominees who are licensed to practice  
 11 medicine and surgery submitted by the Kansas medical society. The  
 12 additional ~~five~~ four directors of the board shall be appointed as  
 13 follows: One director who is not a provider of health care services  
 14 appointed by the president of the senate; ~~one director who is not~~  
 15 ~~a provider of health care services appointed by the minority leader~~  
 16 ~~of the senate;~~ one director who is not a provider of health care  
 17 services appointed by the speaker of the house of representatives;  
 18 ~~one director who is not a provider of health care services appointed~~  
 19 ~~by the minority leader of the house of representatives;~~ and one  
 20 director appointed by the state board of regents who is rec-  
 21 ognized as an expert on health care and is involved in the  
 22 delivery of health care services. Except for unclassified em-  
 23 ployees of institutions under the control and jurisdiction of the  
 24 state board of regents and any employee of the university of  
 25 Kansas medical center, no director shall be an employee of the  
 26 state of Kansas. No director shall be a member of the legislature  
 27 of the state of Kansas.

one director who has expertise in long-term health care;  
 one director who has expertise in health care financing;

lists of nominees  
 and the Kansas association of osteopathic medicine  
 two

*Strike Ks. Medical Society  
 replace with "Board of Healing Arts."  
 (Rep. Redfield)*

28 (b) Directors appointed under this section shall serve for terms  
 29 which shall expire upon the date of expiration of the provisions of  
 30 this act under section 8 and amendments thereto. In case of a vacancy  
 31 in a position of director appointed under this section, a successor  
 32 shall be appointed in like manner and subject to the same qualifi-  
 33 cations and conditions as the original appointment of the director  
 34 creating the vacancy.

35 (c) The director appointed by the president of the senate shall  
 36 call the first meeting of the Kansas commission on the future of  
 37 health care, inc. The board of directors shall select a chairperson  
 38 and vice-chairperson of the board from among the members of the  
 39 board. The board of directors shall meet at least once during each  
 40 calendar quarter and at such other times as may be provided in the  
 41 rules of the corporation, or upon call of the chairperson or upon  
 42 written request of a majority of the directors. The board of directors  
 43 shall hold all board meetings within the state of Kansas. A majority

1 of the board of directors shall be necessary to transact corporate  
2 business and all actions of the directors shall be by a majority vote  
3 of the full number of corporate directors.

4 (d) Members of the board of directors attending meetings of such  
5 board, or attending a subcommittee meeting thereof authorized by  
6 such board, shall be paid compensation, subsistence allowances,  
7 mileage and other expenses as provided in K.S.A. 75-3223 and  
8 amendments thereto.

9 Sec. 3. (a) The Kansas commission on the future of health care,  
10 inc., shall have all the powers necessary to achieve the purposes of  
11 the commission under this act, including the power to:

12 (1) Make, amend and repeal bylaws, rules and regulations for  
13 the management of its affairs;

14 (2) sue and be sued;

15 (3) make contracts and execute all instruments necessary or con-  
16 venient for carrying out its business;

17 (4) acquire, own, hold and dispose of real and personal property;

18 (5) enter into agreements or other transactions with any federal,  
19 state, county or municipal agency and with any individual, corpo-  
20 ration, enterprise, association or any other entity;

21 (6) appoint officers, consultants, agents and advisors and prescribe  
22 their duties and compensation, except that to the extent possible  
23 volunteers and existing governmental and private sector resources  
24 should be utilized to reduce costs of operation;

25 (7) apply for and accept donations, grants, bequests and devises,  
26 conditional or otherwise, of money, property, services or other things  
27 of value which may be received from the United States government  
28 or any agency thereof, any governmental agency ~~or~~, any not-for-  
29 profit entity *or any for profit entity* to be held, used and applied  
30 for any or all of the purposes specified in this act, in accordance  
31 with the terms and conditions of any such grant, *except that con-*  
32 *tributions received from any for profit entity shall not exceed*  
33 *\$20,000;*

34 (8) appoint subcommittees or task-forces to study and advise the  
35 commission with respect to matters under consideration by the com-  
36 mission including, but not limited to, questions concerning health  
37 objectives, rural health, health care costs, identification of social  
38 values related to health, methods for citizens to participate in health  
39 care planning and health decisions project;

40 (9) provide and pay for such advisory services and technical as-  
41 sistance that may be necessary or desirable to carry out the purposes  
42 of this act, such services and assistance to be obtained from orga-  
43 nizations either incorporated in or domiciled in the state of Kansas,

P. N. K. W.  
4-25-91  
4:00 pm  
Attm # 1 - 3

1 whenever possible; and  
2 (10) exercise any other powers necessary for the operation and  
3 functioning of the corporation within the purposes authorized in this  
4 act.

5 (b) The corporation shall be exempt from all franchise, corporate  
6 business and income taxes levied by the state. The corporation shall  
7 not be subject to state purchasing laws.

8 Sec. 4. (a) The staff of the office of the revisor of statutes, the  
9 legislative research department and the division of legislative ad-  
10 ministrative services shall provide such assistance as may be re-  
11 quested by the Kansas commission on the future of health care, inc.,  
12 and authorized by the legislative coordinating council. The legislative  
13 division of post audit shall provide such assistance as may be re-  
14 quested by the commission and authorized by the legislative post  
15 audit committee.

16 (b) Each state agency shall provide assistance to the commission  
17 as may be requested by the commission.

18 Sec. 5. The Kansas commission on the future of health care,  
19 inc., shall report periodically, but not less than semiannually, to the  
20 governor and to the joint committee on health care decisions for the  
21 1990s concerning the activities of the commission and any findings  
22 and recommendations developed by the commission since its last  
23 such report. The final report of the commission shall be submitted  
24 to the governor and to the joint committee on health care decisions  
25 for the 1990s on or before June 30, 1994.

26 Sec. 6. (a) All officers and employees of the Kansas commission  
27 on the future of health care, inc., shall be considered to be state  
28 employees and the commission shall be considered to be a state  
29 agency for purposes of the laws and procedures governing the payroll  
30 accounting system for state agencies under K.S.A. 75-5501 *et seq.*  
31 and amendments thereto, the deferred compensation plan developed  
32 and approved for state employees under K.S.A. 75-5521 through 75-  
33 5529 and amendments thereto, the Kansas public employees retire-  
34 ment system, the employment security law, the workmen's com-  
35 pensation act, including the state workmen's compensation self-  
36 insurance fund as provided in K.S.A. 44-575 through 44-580 and  
37 amendments thereto, the state health care benefits program and  
38 remittances pursuant to the federal social security act, federal in-  
39 surance compensation act and the federal internal revenue code. The  
40 officers and employees of the commission shall be considered to be  
41 state employees and the corporation shall be considered to be a state  
42 agency only for the purposes specified in this subsection.

43 (b) Except as provided in subsection (d) of section 2 and amend-

*PKed*  
*4-25-91*  
*4:00pm*  
*Attm. 1 - 4*

*PKW*  
*4-25-91*  
*4:00 pm*  
*Attm 1-5*

1 ments thereto for members of the board of directors of the Kansas  
2 commission on the future of health care, inc., the provisions of article  
3 32 of chapter 75 of the Kansas Statutes Annotated, any acts amen-  
4 datory thereof or supplemental thereto, and any rules and regulations  
5 adopted thereunder, shall not apply to officers or employees of Kan-  
6 sas commission on the future of health care, inc. Subject to policies  
7 established by the board of directors, the chairperson of the board  
8 or the chairperson's designee shall approve all travel and travel  
9 expenses of such officers and employees.

10 (c) Nothing in this act shall be construed as placing any officer  
11 or employee of the Kansas commission on the future of health care,  
12 inc., in the classified service or in the unclassified service under the  
13 Kansas civil service act.

14 Sec. 7. (a) All state appropriations to or grants of state appro-  
15 priations to the Kansas commission on the future of health care,  
16 inc., shall remain in the state treasury until expended or transferred  
17 to other state agencies as provided by law.

18 (b) Any matching funds or other moneys received by the com-  
19 mission from any source outside the state treasury shall be remitted  
20 to the state treasurer and deposited in the state treasury to the  
21 credit of the future of health care fund.

22 Sec. 8. The provisions of sections 1 to 8, inclusive, and amend-  
23 ments thereto shall expire on July 1, 1994, unless reauthorized by  
24 the legislature.

25 Sec. 9.

26 KANSAS COMMISSION ON THE FUTURE OF HEALTH CARE, INC.

27 (a) There is appropriated for the above agency from the state  
28 general fund for the fiscal year ending June 30, 1992, the following:  
29 Operating expenditures ..... \$50,000

30 (b) There is appropriated for the above agency from the following  
31 special revenue fund for the fiscal year ending June 30, 1992, all  
32 moneys now or hereafter lawfully credited to and available in such  
33 fund, except that expenditures other than refunds authorized by law  
34 shall not exceed the following:

35 Future of health care fund..... \$500,000 \$300,000

36 *Provided*, That money may be expended from this fund only if  
37 matched on a dollar-for-dollar basis by contributions from not-for-  
38 profit organizations ~~not affiliated with any health care provider~~  
39 ~~groups, from for profit organizations in an amount not to exceed~~  
40 ~~\$20,000 from any such organization~~ or from the federal government

41 (c) On July 1, 1991, the director of accounts and reports shall  
42 transfer \$500,000 ~~\$300,000~~ from the state general fund to the future  
43 of health care fund of the Kansas commission on the future of health

[ No limit

[ : Provided further, That moneys credited to this fund  
under subsection (b) of section 7 in excess of \$300,000  
may be expended without being matched on a dollar-for-  
dollar basis

- 1 care, inc.
- 2 Sec. 10. This act shall take effect and be in force from and after
- 3 its publication in the Kansas register.

*PPHED*  
*4-25-91*  
*4:00pm*  
*Attom 1-6*