

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Carlos Mayans at 1:30 p.m. on March 12, 1996 in Room 423-S of the Capitol.

All members were present except: Representative Yoh  
Representative Merritt

Committee staff present: Norman Furse, Revision of Statutes  
Bill Wolff, Legislative Research Department  
Francie Marshall, Committee Secretary

Conferees appearing before the committee: Pam Scott, Kansas Funeral Directors Association  
Jayne Aylward, Department of Aging

Others attending: See Guest List. Attachment 1.

The hearing on **SB 445** was opened.

**SB 445 - Prearranged funeral agreements**

Pam Scott, Kansas Funeral Directors Association, presented testimony in support of **SB 445** (Attachment 2). Discussion followed Ms. Scott's testimony. Chairperson Mayans expressed concern about the accuracy of other accepted proofs of deaths, such as obituaries. Ms. Scott stated that the responsibility lies with the financial institutions not requiring banks to accept an obituary as an accepted proof of death. Issues dealing with the time of five days after death to ensure all services are provided and how this bill will benefit small towns were also discussed.

The hearing on **SB 445** was closed.

The hearing on **SB 462** was opened.

**SB 462 - Older Kansas employment program administered by the secretary of human resources**

Jayne Aylward, Department of Aging, testified in support of **SB 462** (Attachment 3). There was no discussion following Ms. Aylward's testimony.

The hearing on **SB 462** was closed.

Chairperson Mayans called for action on **SB 445 - Prearranged funeral agreements.**

On motion of Representative Geringer, seconded by Representative Flaharty, the committee voted to pass **SB 445**. **SB 445** will be placed on the consent calendar.

Chairperson Mayans called for action on **SB 462 -Older Kansas employment program administered by the secretary of human resources.**

On motion of Representative Geringer, seconded by Representative Kirk, the committee voted to pass **SB 462**. **SB 462** will be placed on the consent calendar.

## SB 152 - Registered nurse anesthetists licensure

Pat Johnson stated that representatives met and developed a "balloon" amendment to further amend the bill, which include technical amendments, and an addition of certifying the nurse anesthetists as an advance nurse practitioner. Also, the amendments now states that there will be no fee for the advance registered nurse practitioner certificate, as long as the registered nurse anesthetist maintains authorization (Attachment 4). Representative Geringer questioned Ms. Johnson on whether or not all parties agreed on language of the bill on Page 5, lines 1 - 8. Ms. Johnson replied that all parties did agree. On motion of Representative Kirk, seconded by Representative Geringer, the committee adopted the "balloon" amendments.

On motion of Representative Geringer, seconded by Representative Wells, the committee unanimously passed SB 152 as amended. Representative Geringer will carry the legislation.

## House substitute for SB 56

Chairperson Mayans proposed to combine the contents of **HB 2172**, **HB 2174**, and **HB 2319** with additional changes to be incorporated into **house substitute for SB 56**. Representative O'Connor drew attention to amending the language in **HB 2172**, Line 17, by deleting "any medical procedure involving the fetus" and inserting, "any termination of pregnancy" (Attachment 5). There were concerns expressed by members dealing with increase costs to the medical procedure; and financial liability and responsibility of parents. On motion of Representative O'Connor, seconded by Representative Hutchins, the committee passed house substitute for SB 56 as amended. Representatives Haley and Flaharty requested that their votes be recorded as "No." Representative O'Connor will carry the legislation.

Next meeting is scheduled for Wednesday, March 13, 1996.

The meeting was adjourned at 2:25 p.m.

# House Health & Human Services COMMITTEE GUEST LIST

DATE March 12, 1996

NAME	REPRESENTING
Pam Scott	KFDA
Tiffany Boyles	WU Social Policy
Traci Elmore	" " "
Pam Hall	" " "
Kim Holgson	Constituent - Student
<del>3 / 1A</del>	" " "
Nona McOleary	Law Student / Clerk
Ken Bryan, D.C.	Ks Pharmaceutical Assn
Joe Turjanic	KCA
Joann Wiley	Kansas State-House Legis. (Speaker)
Jane Ford	Ks Hosp Assn
<b>TERRY HOLDREN</b>	<b>KBA</b>
Crystal Colby	KPHA
Debbie Noe	Ks Credit Union Assoc.
Michelle Peterson	Peterson Public Affairs Group
Ruth Mann	Ks. Health Institute
Melisse Wangemana	Hein Elect & Weir
Charlene Satzler	Ks Dept Health & Env.
Kathy Ouelo	Ks Bankers Assn

Clark R. King

KDHR

Steve Crawford

KDOA

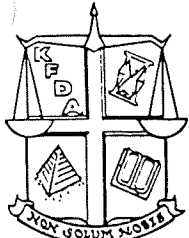
Wes Hanson

Ks Medical Society

Pat Johnson

Board of Nsg

H+HS Comm  
3-12-96  
attn #1



AFFILIATED WITH N.F.D.A.

# THE KANSAS FUNERAL DIRECTORS AND EMBALMERS ASSOCIATION, INC.

EXECUTIVE OFFICE — 1200 KANSAS AVENUE, P.O. BOX 1904  
TOPEKA, KANSAS 66601

PHONE 913-232-7789 FAX 913-232-7791

To: House Health & Human Services Committee

From: Pam Scott, Executive Director  
Kansas Funeral Directors and Embalmers Association

Date: March 12, 1996

Re: Senate Bill No. 445

## OFFICERS

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KENNETH FISCHER  
Belleville
- President Elect*  
JERRY LARRISON  
Pratt
- Vice President*  
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Moran
- Corporate Secretary*  
MARC RYAN  
Salina
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PAMELA SCOTT  
Topeka

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- STEPHEN PRICE  
Leoti
- LARRY ENFIELD  
Norton

Mr. Chairman and members of the Committee, I appear before you today on behalf of the Kansas Funeral Directors and Embalmers Association, Inc. (KFDA). The KFDDA represents over 300 funeral homes in the State of Kansas. The KFDDA wishes to express its support of Senate Bill No. 445 which was introduced at the request of the KFDDA. The bill passed the Senate, 40 Senators voting for the bill, none against.

Senate Bill No. 445 amends K.S.A. 16-304 which concerns the distribution of funds in a prearranged funeral account upon the death of the person on whose behalf the funds were paid. Under current law, before a bank, savings and loan or credit union can release funds in such an account, they must be furnished with a certified copy of the death certificate of the deceased. Before a death certificate can be obtained, the death certificate must be signed by a doctor or coroner and filed with the Office of Vital Statistics. A certified copy of the death certificate is provided by the Office of Vital Statistics for a fee of \$10.00.

The proposed amendment to K.S.A. 16-304 would expand the type of proof of death that could be accepted by a bank, savings and loan, or credit union. The amendment would allow such financial institutions to accept a verification of death form, an affidavit from the funeral home and family, the obituary from a newspaper or any other proof of death the financial institution would deem acceptable. The financial institution holding the prearranged funeral account, as trustee of said funds, owes a fiduciary duty to the person entrusting the funds to it not to release the funds to the funeral home until the services contracted for have been provided. If the financial institution were to wrongfully release said funds they would be legally responsible to the trustor for the wrongful release of said

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Attn #2

*"Together — Stronger Than Ever"*

funds. Therefore, they should have the latitude to decide what form of proof of death they would accept. Furthermore, the amendment does not require the financial institution to accept a form of proof of death other than a certified copy of a death certificate. They can continue to require a certified copy of the death certificate if they so desire.

The KFDA is requesting this change due to the cost of the certified copy of the death certificate and because of the length of time it often takes to obtain a certified copy. Although \$10.00 does not sound exorbitant, many of the individuals placing funds into a prearranged funeral trust account are in a nursing home and have no assets. There is little money to pay for the certificate. It also often takes an unreasonable amount of time to obtain a death certificate because it is often difficult to get a physician's or coroner's signature on the certificate. This is somewhat because of changes in the laws as to when a coroner has jurisdiction over a death.

We also ask for this amendment so the prearranged funeral trust accounts are on equal footing with insurance policies funding prearranged funerals. Insurance companies can not require that a certified copy of a death certificate be provided before the proceeds of the policy are paid.

The KFDA would appreciate your support of this amendment and would be happy to respond to any questions you may have.

**KANSAS DEPARTMENT ON AGING  
THELMA HUNTER GORDON, SECRETARY**

**HOUSE HEALTH AND HUMAN SERVICES COMMITTEE**

**TESTIMONY ON SB 462**

March 12, 1996

Mr. Chairman and members of the committee, thank you for giving the Kansas Department on Aging (KDOA) the opportunity to testify in favor of SB 462. My name is Jayne Aylward and I serve as Deputy Secretary and Director of Field Operation at the department.

**PURPOSE**

SB 462 was introduced at the request of the department and transfers the administration of the Older Kansans Employment Program (OKEP) from KDOA to the Kansas Department of Human Resources (KDHR). Last fall, a temporary transfer was accomplished through an interagency agreement. Of course, Legislative approval is necessary to make the transfer permanent. SB 462 was requested by the department as the vehicle for that legislative consideration.

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**REASONS FOR TRANSFER**

The term "single point of entry" has become familiar to most individuals involved in state government. The transfer of OKEP to KDHR is intended to provide a "single point of entry" to employment and training services for Kansans of all ages.

Until last fall, KDOA administered the Job Training Partnership Act (JTPA) through an interagency agreement with KDHR. Administration of JTPA was transferred back to KDHR along with the OKEP program.

KDOA believes that KDHR is the state agency that our Kansas customers associate with employment opportunities, because that agency already administers a wide variety of employment programs.

Placing OKEP in KDHR will provide easier access to the other Kansas employment and job training programs which are currently housed there.

**FISCAL IMPACT**

In FY 96 the legislature appropriated \$ 244,928 in program grants to KDOA for OKEP. The program was administered by one employment specialist at KDOA. The major fiscal impact will be an approximate \$ 245,000 reduction in program grants to KDOA and an accompanying increase in this funding to KDHR. In addition, we feel that employee time will be better spent if all employment program administrators are in the same location. The KDOA employment specialist was transferred to KDHR in November when the interagency agreement took effect.

I appreciate having the opportunity to testify in favor of SB 462 and thank the committee for your consideration of this proposal. I will be happy to answer any questions you may have.



# Kansas State Board of Nursing

Landon State Office Building  
900 S.W. Jackson, Rm. 551  
Topeka, Kansas 66612-1230  
913-296-4929  
FAX 913-296-3929



Patsy L. Johnson, R.N., M.N.  
Executive Administrator  
913-296-5752

To: The Honorable Representative Carlos Mayans, Chairman  
and Members of the Health and Human Services Committee

From: Patsy L. Johnson, M.N., R.N., A.R.N.P.  
Executive Administrator  
Kansas State Board of Nursing

Date: March 12, 1996

Re: SB 152

A handwritten signature in black ink, appearing to read "P. Johnson", written over the "From:" field of the letter.

Upon completion of the March 11, 1996 hearing on SB 152, representatives from the Kansas Association of Nurse Anesthetists, the Kansas Society of Anesthesiologists, the Kansas Medical Society, the Kansas State Nurse Association and the Board of Nursing informally met to discuss the proposed amendments. At the end of the discussion, there was agreement on the three remaining issues. I have attached the balloons that were agreed upon. We hope you will consider these amendments to SB 152.

Thank you.

Janette Pucci, R.N., M.S.N.  
Education Specialist  
296-3782

Patricia McKillip, R.N., Ph.D.  
Education Specialist  
296-3782

Diane Glynn, R.N., J.D.  
Practice Specialist  
296-4325

*H+HS Comm*  
*3-12-96*  
*attm #4*  
Mark S. Braun, J.D.  
Assistant Attorney General  
Disciplinary Counsel  
296-4325

1 period of not to exceed 180 days; and

2 (c) for a period not to exceed ~~60~~ 90 days when a reinstatement ap-  
3 plication has been made. *The 90-day temporary permit may be renewed*  
4 *for an additional 30 days but not to exceed a combined total of 120 days.*

5 Sec. 4. K.S.A. 65-1154 is hereby amended to read as follows: 65-  
6 1154. Upon application to the board by any licensed professional nurse  
7 in this state and upon satisfaction of the standards and requirements es-  
8 tablished under this act ~~and K.S.A. 65-1130 and amendments thereto,~~

Replace deletion on line 8

*and K.S.A. 65-1130 and amendments thereto,*

Add

*{and be certified as an advanced registered nurse practitioner*

Add

*{There shall be no fee assessed for the initial, renewal or  
reinstatement of the advanced registered nurse practitioner  
certificate as long as the registered nurse anesthetist  
maintains authorization.*

9 the board shall grant an authorization to the applicant to perform the  
10 duties of a registered nurse anesthetist. An application to the board for  
11 an authorization, for an authorization with temporary authorization, for  
12 biennial renewal of authorization, for reinstatement of authorization and  
13 for reinstatement of authorization with temporary authorization shall be  
14 upon such form and contain such information as the board may require  
15 and shall be accompanied by a fee to assist in defraying the expenses in  
16 connection with the administration of the provisions of this act. The fee  
17 shall be fixed by rules and regulations adopted by the board in an amount  
18 fixed by the board under K.S.A. 65-1118 and amendments thereto. The  
19 executive administrator of the board shall remit all moneys received pur-  
20 suant to K.S.A. 65-1151 to 65-1163, inclusive, and amendments thereto,  
21 to the state treasurer as provided by K.S.A. 74-1108 and amendments  
22 thereto.

23 Sec. 5. K.S.A. 65-1158 is hereby amended to read as follows: 65-  
24 1158. (a) ~~Each~~ *Upon the order of a physician or dentist requesting*  
25 *anesthesia or analgesia care, each* registered nurse anesthetist shall ~~be~~  
26 ~~authorized to~~ *perform and shall assure the following are completed*  
27 *with each anesthetic procedure:*

Delete

28 (1) Conduct a pre- and post-anesthesia visit and assessment with ap-  
29 propriate documentation;

30 (2) develop an anesthesia care plan with the physician or dentist  
31 which includes procedures for administration of medications and anes-  
32 thetic agents ~~plan which includes ordering appropriate medications and~~  
33 ~~anesthetics for pre-operative, intra-operative and post-operative admin-~~  
34 ~~istration a general plan of anesthesia care with the physician or den-~~  
35 ~~tist;~~

Add

be authorized to

the

be authorized to

36 (3) ~~select method for administration of anesthesia or analgesia;~~

37 (4) ~~select appropriate medications and anesthetic agents;~~

38 (3) (5) induce and maintain anesthesia or analgesia at the required  
39 levels;

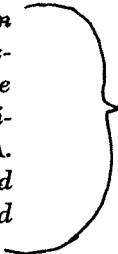
40 (4) (6) support life functions during the peri-operative period;

41 (5) (7) recognize and take appropriate action with respect to patient  
42 responses during anesthesia;

43 (6) (8) provide professional observation and management of the pa-

4-2

1 ~~A registered professional nurse who has obtained authorization~~  
2 ~~from the board of nursing to practice as a registered nurse anesthe-~~  
3 ~~tist is not required to be certified as an advanced registered nurse~~  
4 ~~practitioner in any category of advanced registered nurse practi-~~  
5 ~~tioner and is not subject to the provisions of subsection (b) of K.S.A.~~  
6 ~~65-1114 and amendments thereto while practicing as a registered~~  
7 ~~nurse anesthetist under K.S.A. 65-1151 to 65-1164, inclusive, and~~  
8 ~~amendments thereto.~~



Delete whole section

9 Sec. 9. K.S.A. 65-1151, 65-1153, 65-1154, 65-1158, 65-1159, 65-  
10 1161 and 65-1163 and K.S.A. 1994 1995 Supp. 65-1152 and 65-1162 are  
11 hereby repealed.

12 Sec. 10. This act shall take effect and be in force from and after its  
13 publication in the statute book.

1 tient's emergence from anesthesia; *and*  
 2 ~~(7)~~ (9) participate in the life support of the patient;  
 3 ~~(8)~~ (b) *Each registered nurse anesthetist may* participate in periodic  
 4 and joint evaluation of services rendered, including, but not limited to,  
 5 chart reviews, case reviews, patient evaluation and outcome of case sta-  
 6 tistics; *and*

7 ~~(9)~~ participate in the joint reviews and revision of adopted protocols  
 8 or guidelines.

9 (b) A registered nurse anesthetist shall perform duties and functions  
 10 in an interdependent role as a member of a physician or dentist directed  
 11 health care team.

12 (c) *A registered nurse anesthetist shall perform duties and func-*  
 13 *tions in an interdependent role as a member of a physician or dentist*  
 14 *directed health care team.*

15 Sec. 6. K.S.A. 65-1159 is hereby amended to read as follows: 65-  
 16 1159. (a) The applicant for renewal of an authorization to practice as a  
 17 registered nurse anesthetist *shall*:

18 (1) ~~shall~~ Have met the continuing education requirements for a reg-  
 19 istered nurse anesthetist as developed by the board or by a national or-  
 20 ganization whose certifying standards are approved by the board as equal  
 21 to or greater than the corresponding standards established under this act;

22 (2) ~~shall~~ be currently licensed as a professional nurse; and

23 (3) ~~shall~~ have paid all applicable fees provided for in this act as fixed  
 24 by rules and regulations of the board.

25 (b) Continuing education credits approved by the board for purposes  
 26 of this subsection may be applied to satisfy the continuing education  
 27 requirements established by the board for licensed professional nurses  
 28 under K.S.A. 65-1117 and amendments thereto if the board finds such  
 29 continuing education credits are equivalent to those required by the  
 30 board under K.S.A. 65-1117 and amendments thereto.

31 Sec. 7. K.S.A. ~~1994~~ 1995 Supp. 65-1162 is hereby amended to read  
 32 as follows: 65-1162. (a) Except as otherwise provided in K.S.A. 65-1151  
 33 to 65-1163, inclusive, and amendments thereto any licensed professional  
 34 nurse or licensed practical nurse ~~person~~ who engages in the administra-  
 35 tion of general or regional anesthesia ~~as a nurse anesthetist~~ without  
 36 being authorized by the board to practice as a registered nurse anesthetist  
 37 is guilty of a class A misdemeanor.

38 (b) Any person, corporation, association or other entity, except as  
 39 otherwise provided in K.S.A. 65-1151 to 65-1163, inclusive, and amend-  
 40 ments thereto who engages in any of the following activities is guilty of a  
 41 misdemeanor:

42 (1) Employing or offering to employ any person as a registered nurse  
 43 anesthetist with knowledge that such person is not authorized by the

Replace deletion on lines 33 and 34

*licensed professional nurse and licensed practical nurse*

Delete

person

~~as a nurse anesthetist~~

4-4

## HOUSE BILL No. 2172

By Representatives O'Connor, Carmody, Cornfield, Franklin, Gilmore,  
Phill Kline, Mays, Mollenkamp, Neufeld, Powers, Swenson, Toplikar,  
Vickrey and Yoh

1-25

11 AN ACT concerning humane treatment of the human fetus; requiring  
12 administration of an anesthetic or analgesic to the fetus under certain  
13 circumstances.  
14

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

16 Section 1. (a) A physician shall cause an anesthetic or analgesic to be  
17 administered to the human fetus before performing <sup>any termination</sup> ~~any medical proce-~~  
18 ~~dures involving the fetus~~ if there is reasonable medical certainty that: <sup>of pregnancy</sup>

19 (1) The procedure to be employed will cause organic pain to the  
20 fetus; and

21 (2) the use of an anesthetic or analgesic would prevent or alleviate  
22 that pain.

23 (b) The provisions of subsection (a) shall not apply if, in the best  
24 medical judgment of the physician based on the facts of the case, the  
25 administration of the anesthetic or analgesic would:

26 (1) Unduly threaten the health or safety of the pregnant woman; or

27 (2) decrease the possibility of sustained survival of the fetus, with or  
28 without artificial support, outside the womb.

29 (c) Violation of this section is a class B misdemeanor.

30 Sec. 2. This act shall take effect and be in force from and after its  
31 publication in the statute book.

H&H.S. Comm.  
3-12-96  
Atn #5