

Approved: 1-25-96
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on January 16, 1996 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Dr. Steve Potsic, Director of Health, KDHE
Dr. Lorne Phillips, Director, Center for Health Care Statistics, KDHE
James O'Connell, Secretary, KDHE
Joe Kroll, Director, Adult and Child Care, KDHE

Others attending: See attached list

Introduction of Bills

Dr. Steve Potsic, KDHE, requested introduction of six bills: (1) Amend licensure and inspection of Medical Care Facilities Law (KSA 65-429, 65-433 and 40-3403); (2) Repeal statute authorizing "Post-acute Trauma Health-injured Persons" Regulations (KSA 65-461 et seq.); (3) Repeal statute implementing state Certificate of Need Program for health facilities (KSA 65-4801 et seq.); (4) Exempt immunization records from confidentiality requirements of medical records; (5) Statutorily establish state cancer registry; and (6) Repeal statute requiring reporting certain children's medical conditions (KSA 65-1, 141-1, 147). (Attachment 1) Senator Harrington made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Langworthy. The motion carried.

Dr. Lorne Phillips, KDHE, requested two additional bills be introduced: (1) Amendment to the Health Care Data Governing Board's enabling legislation (KSA 65-6803) and (2) Amendment to the Tort Claims Act (KSA 75-6104). (Attachment 2) Senator Langworthy made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Papay. The motion carried.

Report on Nursing Home Regulations

James O'Connell, Secretary, Kansas Department of Health and Environment, and Joe Kroll, Director of Adult and Child Care at KDHE, briefed the Committee on changes in procedural activities relating to nursing home safety regulations. Secretary O'Connell noted that KDHE is the agency responsible to evaluate compliance with Medicare and Medicaid requirements, as well as a number of independent licensure programs. Nursing facilities must comply with state licensure regulations as well as federal Medicare or Medicaid regulations. Both state and federal laws require an on-site inspection of a facility at least once every 15 months. A facility is inspected on the average at least six times each year. Committee discussion related to nursing home inspections, HCFA fee-for-service contracts, abuse and neglect complaints, unannounced inspection of nursing homes, and termination of nursing home staff when found guilty of abuse and neglect charges. It was noted there are 480 nursing homes in the state, 90 field surveyors, and approximately 2,400 complaints received each year at KDHE.

Adjournment

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for January 17, 1996.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
GUEST LIST

DATE: 1-16-96

| NAME | REPRESENTING |
|----------------------------|---------------------------------|
| HAROLD PITTS | KCOA |
| Charley Young | Via Christi Regional Med Center |
| Michelle Peterson | Peterson Public Affairs Group |
| John BATTERBERG | DELTA DENTAL |
| Dennis Mena | HIAA |
| TOM YOUNG | AARP |
| RCB WAGINER | MAJORITY LEADER |
| Leslie Kaufman | Ks Farm Bureau |
| Melissa Wangerman | Skir, Elert & Weir |
| JOEY OLAWITZ | IF. MEDICAL SOCIETY |
| Wm Henson | KMS |
| James Russell | KDHE |
| Joseph Koeze | KDHR |
| J. P. Rosen | KDHR |
| Doug Smith | Ks Society of Anesthesiologist |
| Callie Denton | KS Insurance Dept. |
| JASON PITTSBERGER | KGC |
| ARNO RIECH | KAOA |
| Rich Anthony | Health Midwest |

Tom Bell
Anne Kimmel

KHA
AARP

INTRODUCTION OF KDHE'S LEGISLATIVE PROPOSALS
BEFORE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

JANUARY 16, 1996

- 1) Amend Licensure and Inspection of Medical Care Facilities Law (KSA 65-429, 65-433, 40-3403)
 - Amends current law to provide funding to the Department of Health and Environment for medical care facilities licensure and risk management activities through the Health Care Stabilization Fund.
 - Results in enhanced oversight authority through increased onsite inspection of non-JCAHO accredited hospitals and ambulatory surgical centers.
- 2) Repeal Statute Authorizing "Post-Acute Trauma Health-Injured Persons" Regulations (KSA 65-461 et seq.)
 - Eliminates statutory provisions which have not been in effect since July 1, 1987.
- 3) Repeal Statute Implementing State Certificate of Need Program for Health Facilities (KSA 65-4801 et seq.)
 - Eliminates statutory provisions which have not been in effect since July 1, 1986.
- 4) Exempt Immunizations Records From Confidentiality Requirements of Medical Records (new)
 - The bill would make immunizations records not part of the confidential medical record and may be exchanged by record holding agencies (such as schools, child care facilities, health care providers, etc.).
 - Missouri has a similar law.
- 5) Statutorily Establish State Cancer Registry (new)
 - Addresses terms of federal grant requiring statutory authority be pursued for the Cancer Registry, which is currently in existence and operated under contract by KU Medical Center.
 - Authorizes the Secretary of Health and Environment to require the collection of data related to cancer from hospitals, health care providers, and pathology labs; establish regulations for reporting requirements; grant immunity from liability for reporters; protect confidentiality of registry data; and authorize use of confidential data for limited purposes.
 - Results in improved quality of data collected and exempts clinical practitioners from routine reporting.
- 6) Repeal Statute Requiring Reporting Certain Children's Medical Conditions (KSA 65-1,141-1,147)
 - Eliminates statutory provisions requiring physicians, upon obtaining parental permission, to report preschool children with a medical condition indicating mental retardation or a handicap or chronic condition, since the Department of Health and Environment has received fewer than ten reports since the 1987 enactment of the statute.

Senate Public Health & Welfare
Date: 1-16-96
Attachment No. 1

INTRODUCTION OF KDHE's LEGISLATIVE PROPOSALS
BEFORE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

January 16, 1996

Amendment to the Health Care Data Governing Board's Enabling Legislation (KSA 65-6803)

The Department of Health and Environment requests an amendment to the language in KSA 65-6803 regarding the Health Care Data Governing Board's membership. This amendment will clarify provisions related to the newly formed Kansas Health Institute's membership on the Board. We believe legislative intent was to have the Kansas Health Institute on the Board but at the time the legislation was written, this institute was anticipated to be located at the University of Kansas and the current representative was chosen from the KU Health Services Administration department. This amendment will fulfill what we believe was legislative intent.

Amendment to the Tort Claims Act (KSA 75-6104)

The Kansas Department of Health and Environment requests an amendment to KSA 75-6104 which places personal liability on individual state employees for duties performed for the state. The issue generating concern is that confidential data maintained on induced terminations of pregnancy and information maintained in the health care database should not be released in any manner that may cause a negative impact on the livelihood of an individual. We believe in strict compliance with confidentiality provisions. However, we are concerned with the current language of this statute because even allegations of disclosure while employed by the state would result in significant legal fees on the part of the state employee--all while conducting the work of the state. The state should protect its employees from potential personal harm while conducting its work. We believe the language in this statute should be changed to ensure this protection.