

Approved: 1-31-96  
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 25, 1996 in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Norman Furse, Revisor of Statutes  
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Martha J. Hodgesmith, Attorney General's Office  
Sherry DuPerier, Kansas Board of Hearing Aid Examiners  
Patsy L. Johnson, Executive Administrator, Kansas State Board of Nursing  
Mark W. Stafford, General Counsel, Kansas Board of Healing Arts

Others attending: See attached list

### Approval of Minutes

Senator Ramirez made a motion to approve the Committee minutes of January 16 and 17, 1996, seconded by Senator Langworthy. The motion carried.

### Introduction of bills

Martha J. Hodgesmith, Deputy Attorney General, briefed the Committee on a bill request regarding the Medicaid Fraud Control Act which is designed to combat all types of provider fraud in the Kansas Medicaid program including false claims, false statements, false representations, kickbacks, bribes, illegal rebates and intentional failure to maintain records. (Attachment 1)

Senator Ramirez made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Langworthy. The motion carried.

Sherry DuPerier, Kansas Board of Hearing Aid Examiners, requested introduction of a bill that would amend technical language in KSA 74-5802 to 74-5823 relating to the Kansas Board of Hearing Aid Examiners. (Attachment 2)

Senator Jones made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Langworthy. The motion carried.

Patsy L. Johnson, KSBN, requested introduction of a bill that would establish exempt license or certification for registered professional and licensed practical nurses, licensed mental health technicians and advanced registered nurse practitioners who wish to provide voluntary services for charitable health care; establishment of application fees for exempt license or certification; increase of fee cap for licensed mental health technicians and advanced registered nurse practitioner license and certification renewal; clarification of existing exemption for nurses to delegate nursing procedures in the school setting; and addition of language that allows the Board of Nursing to approve individual continuing education courses for licensees. (Attachment 3)

Senator Ramirez made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Langworthy. The motion carried.

Mark W. Stafford, KBHA, requested introduction of a bill that would amend the Healing Arts Act regarding temporary education licenses. (Attachment 4)

Senator Jones made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Ramirez. The motion carried.

### Adjournment

The meeting was adjourned at 10:35 a.m.

The next meeting is scheduled for January 30, 1996.

# SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 1-25-96

NAME	REPRESENTING
Lori McNett	Board of Healing Arts
Mark Stafford	"
JASON PITTSBURGER	FRAD SMOOT - KGC
RICH GUTHRIE	HEALTH MIDWEST
Tom Bruno	Allent Assoc.
Pet Johnson	Board of Nursing
Jennifer Werner	Emporia State University
Cathryn White	Emporia State University
Mr. Don KAMMERMAN	Ks. Hearing Aid Assoc.
Was DuPerier	Ks Hearing Aid assoc.
Sherry DuPerier	Ks. Board of Hrg Aid Exam.
Melissa Mangamana	Hera, Ebert & Weir
John McElroy	Self
Gayle Larkin	Attorney General's Office
Maure Hodgesmith	Attorney General Office



State of Kansas

## Office of the Attorney General

MEDICAID FRAUD AND ABUSE DIVISION

700 S.W. JACKSON, SUITE 804, TOPEKA 66603-3758

CARLA J. STOVALL  
ATTORNEY GENERAL

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January 25, 1996

### MEDICAID FRAUD CONTROL ACT

#### Introduction

- The Medicaid Fraud Control Act is a comprehensive act designed to combat all types of provider fraud in the Kansas Medicaid program, including false claims, false statements, false representations, kickbacks, bribes, illegal rebates, and intentional failure to maintain records.
- The proposed act provides special criminal penalties, as well as provisions for civil actions to recoup monies illegally obtained.
- The Medicaid Fraud Control Act would enable the Medicaid Fraud and Abuse Division of the Kansas Attorney General's office to achieve its purpose of effectively investigating and prosecuting Medicaid provider fraud; a necessary component in the State's efforts to ensure the integrity of the Medicaid program.

Martha J. Hodgesmith  
Deputy Attorney General

Senate Public Health & Welfare

Date: 1-25-96

Attachment No. 1

SUMMARY OF HEARING AID EXAMINERS AMENDMENTS

(Exclusive of technical language changes or changes pursuant to KOMA or KAPA)

74-5802 Dispensing members required to be member of Kansas Hearing Healthcare Association, not state and national hearing aid associations (page 1).

Adds non dispensing members cannot be related to current/previous dispensers (page 1).

74-5804 Adds ability to deny a license; we can currently revoke or suspend (page 2).

74-5806 Eliminates requirement of annual yearbook (page 3).

74-5807 Adds definitions of hearing aid specialist, applicant, temporary permit, sponsor, supervised training (pages 5 and 6).

New Section 8a Requires hearing assessment using procedures currently in use; includes provision for otologic conditions for which prepurchase medical evaluation shall be required as set forth by FDA hearing aid guidelines; requires same hearing assessment be provided for mail order purchase (pages 6 and 7).

74-5809 Requires maintenance of purchase records for 3 years.

74-5803 Increases required annual meetings from 1 to 2 (page 2).

74-5810a Increases fee structure which has been at statutory limits for over 5 years and for which the budget department has requested increases (page 10).

Adds new fee categories to reflect revision of temporary training program (page 10).

74-5811 Allows non-resident to take licensure examination which is currently limited to Kansas residents (page 10).

Raises age requirements to be licensed from 18 to 21 (page 10).

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Prohibits one who has had a license denied, suspended or revoked in another state within the past 3 years from sitting for Kansas examination; requires that any currently held hearing aid license be in good standing (pages 10 and 11).

74-5812 Requires that a photo identification be presented to allow entrance to licensure examination (page 11).

Allows persons who can establish certain previous licensure and dispensing history to be immediately eligible for examination (page 11).

Requires those who cannot establish above qualifications to apply for temporary permit (pages 11 and 12).

Requires applicants to complete specified training course as set forth by the board (pages 11 and 12).

Adjusts temporary permits, renewals, etc. to be in accordance with new training program (pages 12 and 13).

Adds provision for sponsor (trainer) to have been actively fitting and dispensing for at least three years.

74-5814 Allows review of reciprocal applicant's examination grades and qualifications set forth in 74-5811.

Prohibits a person who has failed the Kansas examination during the preceding year from obtaining a license by reciprocity (page 15).

74-5818 Changes unethical conduct to willful or repeated unethical conduct.

74-5821 Clarifies continuing education to 10 hours approved by the board (page 18).

74-5823 Removes specific misdemeanor penalties and fines for violations and changes to class C misdemeanor.

# Kansas State Board of Nursing

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913-296-4929  
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Patsy L. Johnson, R.N., M.N.  
Executive Administrator  
913-296-5752

To: The Honorable Senator Sandy Praeger, Chairperson  
and Members of the Public Health & Welfare Committee

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

Date: January 25, 1996

Summary of Board of Nursing bill:

1. Establishment of exempt license or certification for registered professional and licensed practical nurses, licensed mental health technicians, and advanced registered nurse practitioners who wish to provide voluntary services for charitable health care.
2. Establishment of application fees for exempt license or certification.
3. Increase of fee cap for licensed mental health technician and advanced registered nurse practitioner license and certification renewal.
4. Clarification of existing exemption for nurses to delegate nursing procedures in the school setting.
5. Addition of language that allows the Board of Nursing to approve individual continuing education courses for licensees.

Thank you.

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

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

Diane Glyn Practice 296  
Senate Public Health & Welfare  
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Attachment No. 3

# KANSAS BOARD OF HEALING ARTS

BILL GRAVES  
Governor

LAWRENCE T. BUENING, JR.  
Executive Director



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## M E M O R A N D U M

**TO:** Senate Committee on Public Health and Welfare

**FROM:** Mark W. Stafford  
General Counsel

**DATE:** January 25, 1996

**RE:** TESTIMONY REQUESTING AN AMENDMENT TO K.S.A.  
65-28,123

Thank you for allowing us to appear before the Senate Public Health and Welfare Committee to request an amendment to the Healing Arts Act. The amendment we request is a technical provision regarding temporary education licenses.

The advanced training offered at the Galichia Research Institute in Wichita involves medical skills in vascular and cardiovascular surgical techniques. While meeting with leaders from the Institute, Wesley Medical Center and Via Christi Regional Medical Center in Wichita, we received a request for an expansion of the requirements for temporary education licenses.

The current statute was originally drafted to accommodate individuals receiving training at the Galichia Research Institute. The Galichia Research Institute is no longer affiliated with the University of Kansas School of Medicine. Continuing medical education credit is not always given upon the successful completion of a variety of medical training programs offered by the Institute.

The Board encourages an atmosphere for quality educational opportunities. This amendment would allow individuals who are licensed and practicing medicine and surgery in other states to participate in education programs such as those offered by the Galichia Research Institute.

We respectfully request that the Committee introduce the attached bill. Thank you for the opportunity to provide this information.

### MEMBERS OF BOARD

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TOPEKA  
HOWARD D. ELLIS, M.D., VICE-PRESIDENT  
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JOHN P. WHITE, D.O., PITTSBURGH  
MATTHEW  
D.P.M., WICHITA

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Attachment No. 4