

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 February 10, 1997 in Room 423-S of the State Capitol.

All members were present.

Committee staff present: Emalene Correll, Legislative Research Department
Norman Furse, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:

David Elsbury, LMLP, President, Kansas Association of Masters in Psychology, Concordia
Bob Smith, CEO, Youthville United Methodist
Jeff Frizzell, Vice President of Human Resources, Youthville United Methodist
Mike Foley, Director of Mental Health Services, El Dorado Correctional Facility
Roger Werholtz, Deputy Secretary, Department of Corrections

Others attending: See Guest List (Exhibit 1).

Chairperson Mayans stated the first business was to consider action on **HB 2137 - Expanded first dollar coverage for immunizations**. He directed attention to the addition of proposed language at the end of line 28, page 1 (see Exhibit 2). There being no questions or discussion about the amendment, on motion of Representative Morrison, seconded by Representative Freeborn, the committee unanimously adopted the amendment. Mr. Furse then noted that because of the amendment, the bill title will be amended accordingly. On motion of Representative Morrison, seconded by Representative Gilmore, HB 2137 was passed, as amended.

Chairperson Mayans then opened the hearing- on **HB 2129 - Licensed masters level psychiatrists practice requirements**. Chairman Mayans stated in September 1996, the Behavioral Sciences Regulatory Board voted to adopt a literal interpretation of the law and disallow practice by MLP's under contract with governmental agencies, except in community mental health centers. This bill clarifies the authority to practice in government or government-associated agencies. He also indicated he had read the sections of **HB 2129** and **HB 2148 - Licensed masters level psychologists, employment** - and it appeared that **2129** would also include the desired change in **2148**.

Chairperson Mayans then introduced David Elsbury, Kansas Association of Masters in Psychology, who urged approval of **HB 2129**. He outlined the serious problems that would be encountered if the bill is not enacted, such as the loss of cost-effective psychological services to governmental agencies (including the Department of Corrections) and privatization of services being provided to federal, state, county, and municipal agencies or other political subdivisions. He outlined other employment settings that could adversely affect masters level psychologists if the bill is not enacted, and pointed out that the association urges renewal of MLP licenses on the basis of completing continuing education. On questioning, Mr. Elsbury stated that without this bill he had grave concerns for MLPs who were employed through contract affiliation with corporations from other states and their authorizations to practice. (See testimony, Exhibit 3).

Bob Smith, CEO, Youthville United Methodist, discussed the impact on their foster care contract with the state if **HB 2129** is not enacted. He discussed Youthville's history since 1927, and their recent contract with SRS to serve foster children in Kansas (west of Newton to Colorado, through Salina to the north and south border lines). By May 31, 1997 Youthville will be responsible for about 1,100 children.

Jeff Frizzell, Vice President of Human Resources, Youthville United Methodist, then described the employment situation in competing for qualified psychologists, especially in the western areas of Kansas. Without **SB 2129**, Youthville would be unable to attract qualified professionals. Mr. Frizzell distributed an exhibit outlining the number of available qualified applicants (see Exhibit 4). He stated that Youthville is in need of psychologists for testing, diagnosing, and reporting on children in their care.

Mike Foley, Director of Mental Health Services, El Dorado Correctional Facility, described his responsibilities

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the State Capitol, at 1:30 p.m. on February 10, 1997.

and pointed out that if **HB 2129** and **HB 2148** are not enacted that (1) 30 licensed masters level psychologists will not be able to maintain their credentials and would be unemployable; (2) there will be a significant disruption in mental health care and services in the Department of Corrections, with major impact on safe and reasonable management of inmates; and (3) the costs of delivering mental health services will increase significantly. (See Exhibit 5.)

Roger Werholtz, Deputy Secretary of Corrections, testified in support of **HB 2129** and **HB 2148**. He listed several adverse effects on the Department of Corrections if the bills are not enacted (see Exhibit 6).

Chairman Mayans directed attention to the written testimony of Ronald Hein, Legislative Counselor for the Mental Health Credentialing Coalition, in support of **HB 2129** and **HB 2148** (see Exhibit 7).

There being no others present to testify on either of the two bills, the hearing was closed.

Chairperson Mayans then called for action on **HB 2129**. After some discussion, Representative Morrison moved, seconded by Representative Freeborn, that **HB 2129** be amended on line 21, page 1, by striking "in a contracted affiliate" and inserting in lieu thereof the words, "or for a contractor;" and by adding after the word "thereto," line 26, "or for a contractor of such educational institution, medical care facility or psychiatric hospital," and by striking "contracted affiliate" on line 40, page 2, and inserting in lieu thereof, "contractor." On voice vote, the amendments were adopted.

Then, on motion of Representative Morrison, seconded by Representative Gilmore, **HB 2129**, was amended on line 2, page 3, after "thereto" by inserting, " or a contractor of such educational institution, medical care facility or psychiatric hospital." The amendment was adopted.

On motion of Representative Morrison, seconded by Representative Haley, **HB 2129** was passed, as amended.

The meeting was adjourned at 2:45 p.m.

The next meeting is scheduled for February 11, 1997.

HOUSE COMMITTEE ON HEALTH
AND HUMAN SERVICES GUEST LIST
FEBRUARY 10, 1997

NAME	REPRESENTING
Lisa Chapas	Topeka
Mike Foley	CMCP
Harriette Brown	KHA
Michelle Peterson	Peterson Public Affairs
Susan M. Baker	Hein + Weir
David Edsall	Ks. Assoc. of Ms. Psychology
Boyd L. Sims	Ks. Assoc. of MS Psych
Nessa Menauer	HIAA
Megan Dugg	CIGNA
Mark Heefke	SRS
Nancy Menzie	Baker Univ. School of Nursing
Steve Ashby	Ks. State Health Care Comm.
KATHR LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KS
Barbara M. Brown	Intern - Sen. Salzman
Bob Smith	United Methodist Youthville
Karen Gabel	Ks. Dept. of Corrections
Jill Meyer	Peterson Public Affairs
Linda Wilkerson	Ks Insurance Dept
JEFF FRIEGL	UNITED METHODIST YOUTHVILLE

HOUSE COMMITTEE ON HEALTH
AND HUMAN SERVICES GUEST LIST
FEBRUARY 10, 1997

NAME	REPRESENTING
Amy Campbell	R. Rice Law Office
Steve Peters	HRAHE

HOUSE BILL No. 2137

By Committee on Insurance

1-30

9 AN ACT concerning insurance coverage for immunizations; amending
10 K.S.A. 1996 Supp. 40-2,102 and repealing the existing section.
11

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

13 Section 1. K.S.A. 1996 Supp. 40-2,102 is hereby amended to read as
14 follows: 40-2,102. (a) (1) All individual and group health insurance policies
15 providing coverage on an expense incurred basis, individual and group
16 service or indemnity type contracts issued by a profit or nonprofit cor-
17 poration and all contracts issued by health maintenance organizations
18 organized or authorized to transact business in this state which provides
19 coverage for a family member of the enrollee, insured or subscriber shall,
20 as to such family members' coverage, also provide that the health insur-
21 ance benefits applicable for children shall be payable with respect to a:
22 (A) Newly born child of the enrollee, insured or subscriber from the
23 moment of birth; (B) newly born child adopted by the enrollee, insured
24 or subscriber from the moment of birth if a petition for adoption as pro-
25 vided in K.S.A. 59-2128 and amendments thereto was filed within 31 days
26 of the birth of the child; or (C) child adopted by the enrollee, insured or
27 subscriber from the date the petition for adoption as provided in K.S.A.
28 59-2128 and amendments thereto was filed.

29 (2) The coverage for newly born children shall consist of: (A) Cov-
30 erage of injury or sickness including the necessary care and treatment of
31 medically diagnosed congenital defects and birth abnormalities; and (B)
32 routine and necessary immunizations for all newly born children of the
33 insured or subscriber. For purposes of this paragraph "routine and nec-
34 essary immunizations" shall consist of at least ~~three~~ five doses of vaccine
35 against diphtheria, pertussis, tetanus; *at least four doses of vaccine against*
36 *polio; and Haemophilus B (Hib) and ; and three doses of vaccine against*
37 *Hepatitis B; one dose two doses of vaccine against measles, mumps and*
38 *rubella; one dose of vaccine against varicella* and such other vaccines and
39 dosages as may be prescribed by the secretary of health and environment.
40 The required benefits shall apply to immunizations administered to each
41 newly born child from birth to 36 72 months of age and shall not be
subject to any deductible, copayment or coinsurance requirements.

(3) If payment of a specific premium or subscription fee is required

or (D) child placed in enrollee, insured or
subscriber's home for the purpose of adoption
from the date of placement as certified by the
enrollee, insured or subscriber

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1 to provide coverage for a child, the policy or contract may require that
 2 notification of birth of a newly born child or the filing of the petition for
 3 adoption and payment of the required premium or fees must be furnished
 4 to the health maintenance organization, insurer or nonprofit service or
 5 indemnity corporation within 31 days after the date of birth or the filing
 6 of the petition for adoption in order to have the coverage continue beyond
 7 such 31-day period.

or certification that a child has been placed
 in the home for adoption

8 (4) The contract issued by a health maintenance organization may
 9 provide that the benefits required pursuant to this subsection shall be
 10 covered benefits only if the services are rendered by a provider who is
 11 designated by and affiliated with the health maintenance organization.

or the placement of the child in the home

12 (b) (1) All individual and group health insurance policies providing
 13 coverage on an expense incurred basis, individual and group service or
 14 indemnity type contracts issued by a profit or nonprofit corporation and
 15 all contracts issued by health maintenance organizations organized or au-
 16 thorized to transact business in this state which provides coverage for a
 17 family member of the enrollee, insured or subscriber, as to such family
 18 members' coverage, shall also offer an option whereby the health insur-
 19 ance benefits shall include delivery expenses at birth of the birth mother
 20 of a child adopted within 90 days of birth of such child by the enrollee,
 21 insured or subscriber subject to the same limitations contained in such
 22 policy or contract applicable to the enrollee, insured or subscriber. Such
 23 offer of an option regarding such delivery expense shall be made to the
 24 enrollee of a health maintenance organization and to the insured and, to
 25 the individual subscribers in the case of a group health insurance policy.

26 (2) Contracts issued by a health maintenance organization may pro-
 27 vide that the benefits required pursuant to paragraph (1) of this subsec-
 28 tion, shall be covered benefits only if the services are rendered by a pro-
 29 vider who is designated by and affiliated with the health maintenance
 30 organization.

31 Sec. 2. K.S.A. 1996 Supp. 40-2,102 is hereby repealed.
 32 Sec. 3. This act shall take effect and be in force from and after its
 33 publication in the statute book.

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HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

TESTIMONY RE: HOUSE BILLS 2129 and 2148

Presented by David Elsbury, LMLP on behalf of

Kansas Association of Masters in Psychology

February 10, 1997

Mr. Chairman, Members of the Committee:

My name is David Elsbury and I am President of the Kansas Association of Masters in Psychology or KAMP. KAMP is a chapter of the Northamerican Association of Masters in Psychology. It's membership is comprised of persons who share an interest in the practice of psychology at the masters degree level.

As president of KAMP and a practicing Licensed Masters Level Psychologist, I urge this committee to approve House Bill 2129. I believe this bill is the better of the two pieces of legislation before this committee to remedy the problems facing the Department of Corrections, Licensed Masters Level Psychologists, the Behavioral Sciences Regulatory Board, and other interested parties who currently are in need of the public sector services of masters level psychologists. I would like to express my thanks to the Department of Corrections for their bill and its potential solution to this problem.

As this Committee is well aware, the Behavioral Sciences Regulatory Board prior to September, 1996 received notification from the Attorney General's Office that the masters level psychologists not employed in the settings strictly allowed by law, would not have their credentialing renewed within those settings. What was immediately apparent was the loss of the services of masters level psychologists within the prisons in the State of Kansas. However, this is not the only area which will be affected by the Attorney General's more strict interpretation of K.S.A. 74-5363 (b) (4). As the employment structure of the professional marketplace evolves, there is increasing privatization of services provided by federal, state, county, and municipal agencies or other political subdivisions. As we move away from the traditional practice of agencies directly employing all the needed professionals, to the current situation where an increasing amount of services are being provided on a contract basis, the statutes which govern the masters level psychologist must be amended to insure that psychological services will continue to be available to all the citizens of Kansas. Without adequate changes, there would be a loss of cost-effective psychological services in areas of the state which are predominately served by the Licensed Masters Level Psychologist. Also, organizations and agencies like Social and Rehabilitation Services or Youthville would not have the opportunity to utilize the services of masters level psychologists. In areas such as Western Kansas, this can mean a significant reduction or complete elimination of psychological services to Kansas residents. We urge your immediate attention to this concern.

In addition to the concerns brought to our attention by the Secretary of Corrections regarding the loss of the services of Licensed Masters Level Psychologists in the prisons, my organization is keenly aware of the future loss of services provided by masters level psychologists due to further privatization of mental health services. Specifically, we are concerned about the loss of

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psychological services provided by masters level psychologists to contracted affiliates in educational institutions, and medical care and psychiatric facilities, which are all employment settings already allowed in the current statute. These are settings in which masters level psychologists have been employed for many years but these settings are not covered by either HB 2129 or 2148. I would urge the committee to allow masters level psychologists to work for any contractor to a currently approved setting whether the contract originates within the State of Kansas or from outside the state. Also, the statute governing Licensed Masters Level Psychologist requires the person to maintain continuous employment in order for their license to be renewed. We urge that renewal of licenses be awarded based upon completion of continuing education. Whether or not these issues can be addressed today is up to this Committee but I believe that in the near future many citizens of the State of Kansas will be denied psychological services unless modifications are made to HB 2129.

I wish to express my thanks for the opportunity to testify to this committee, to the respective bill sponsors, and to the members of the Behavioral Sciences Regulatory Board for the moratorium period which has given us the opportunity to address these issues.

Available Applicants for the Foster Care Contract in the State of Kansas

(Based on mailing lists obtained from the
Behavioral Science Regulatory Board)

Applicant qualifications required by Contract:

Licensed Masters Level Social Worker (LMSW)
 Licensed Bachelors Level Social Worker (LBSW)
 Registered Masters Level Marriage and Family Therapist (RMFT)
 Licensed Professional Counselor (LPC)
 Registered Master Level Psychologist (RMLP)

Regions:

Northeast (Kansas City area, Topeka, Lawrence, Leavenworth)
 Southeast (Emporia, Pittsburg)
 Wichita (Wichita area, El Dorado, Wellington)
 West (West of a line from Newton through Salina to state border north
and south)

	SW	RMFT	LPC	RMLP
NORTH EAST	1,619	162	100	140
SOUTH EAST	95	11	9	78
WICHITA	371	72	27	64
WEST	297	44	20	126
TOTAL	2,382	289	156	408

WEST	RMLP	LMSW LBSW	RMFT	RPC
GARDEN CITY	36	41	8	3
HAYS AREA	43	58	12	5
HUTCHINSON/ SALINA AREA	36	165	24	8
TOTAL	115	264	44	16

February 10, 1997

Re: HB 2129 and HB 2148

I encourage you to support the submission and passage of HB 2129 and 2148 regarding the practice and credentialing of masters level psychologists.

I am the Director of Mental Health Services at the Eldorado Correctional Facility. I am a Licensed Masters Level Psychologist and my responsibilities include management of a staff of nine mental health professionals and providing services to Eldorado Correctional Facility, Winfield Correctional Facility and the Wichita Work Release Facility. I am employed by Prison Health Services, Inc. which contracts with the Kansas Department of Corrections for all health related services including mental health services. My staff includes licensed masters level social workers and licensed masters level psychologists. Our duties include all those functions found in any community mental health center in Kansas plus providing reports and evaluations to the Kansas Parole Board and the Commitment Review Committees and a very strong dose of crisis management. These duties require the skills and training of both social workers and psychologists. Many duties such as testing and diagnosis require skills and training only psychologists have.

I am currently recruiting for two vacancies in our professional staff. Finding qualified persons able to work in a unique and demanding environment is not easy. I have been advertising for over two weeks and have had only two responses. No psychologists as of yet.

At this time the mechanism for providing mental health care services for the DOC is working well. If HB 2129 and HB 2148 are not adopted several things will obtain:

1. Approximately 30 Licensed Masters Level Psychologists will not be able to maintain their credentials and be unemployable due to their employment environment which has been completely acceptable for many years.

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2. There will be a significant disruption in the process of mental health care and services in the DOC which will have a major impact on the safe and reasonable management of inmates.

3. The cost to the DOC of delivery of mental health services will increase significantly.

In short, if it's working, don't fix it.

**Michael W. Foley, MS, LMLP
Director, Mental Health Services
Eldorado Correctional Facility**



DEPARTMENT OF CORRECTIONS
 OFFICE OF THE SECRETARY
Landon State Office Building
 900 S.W. Jackson — Suite 400-N
 Topeka, Kansas 66612-1284
 (913) 296-3317

Bill Graves
 Governor

Charles E. Simmons
 Secretary

**Testimony Before the House Health and Human Services Committee
 on HB 2129 and HB 2148
 Roger Werholtz, Deputy Secretary of Corrections
 February 10, 1997**

The Department of Corrections supports the passage of HB 2148, 2129 or SB202. Current law clearly permits masters level psychologists credentialed by the Behavioral Sciences Regulatory Board to practice in licensed community mental health centers, governmental agencies, medical care facilities or psychiatric hospitals if the psychologist is an employee of those agencies. Additionally, such psychologists may be employed by the "contract affiliates" of a licensed community mental health center. The current law, however, is not clear relative to the status of masters level psychologists employed by a contractor who is performing the same services on behalf of a governmental agency or health facilities other than a community mental health center. The current statutory language clearly did not anticipate the current trend toward privatization of many governmental services. The Department of Corrections' contractors currently have approximately 25 such individuals employed by their medical/mental health and sex offender treatment contractors.

Until recently, the Behavioral Sciences Regulatory Board had followed a rather broad interpretation of K.S.A. 74-5363 and allowed contractors of government agencies to employ masters level psychologists credentialed by the Board. In a September 9, 1996 meeting the Board decided to adopt a literal interpretation of the statute and gave notice to all current and prospective masters level psychologists seeking to be credentialed that unless the statute was amended, the Board, effective July 1, 1997, would no longer credential masters level psychologists working for contractors of state agencies.

Passage of this bill will simply allow the Department of Corrections and its contractors to continue to do business as it has for several years. Failure to pass the bill will have the following adverse effects:

- If contractors are not permitted to hire masters level psychologists and instead must rely on doctoral level psychologists to provide services pursuant to contracts with governmental agencies, the cost of those services will be significantly increased.

○ Recruitment of doctoral level psychologists is problematic in Kansas, particularly in the western part of the state. Current KDOC contracts require that one Ph.D. level psychologist be on staff at Larned Correctional Mental Health Facility. Historically it has been difficult to retain one such psychologist. Recruiting twenty five such individuals would be an extremely difficult task.

○ This would create a situation where a member of the public seeking mental health services through a community mental health center could be treated by a masters level psychologist, but an inmate in the custody of the Department of Corrections would have to be treated by a doctoral level psychologist since those services are provided by contract vendors. Such a distinction is difficult to justify.

In summary, prohibiting the use of masters level psychologists by contractors performing services for exempt entities would increase the cost of obtaining those services. In some circumstances, a requirement that services previously provided by masters level psychologists now be performed by doctoral level psychologists due to the contracting of those services by the governmental entity would result in the service not being obtained as a result of the unavailability or unwillingness of doctoral level psychologists to provide the service. HB 2148 extends the ability, now limited to community mental health centers, to contract for the services of masters level psychologists only to the Kansas Department of Corrections. HB 2129 and SB 202 would extend that ability to all federal, state, county or municipal agencies or other political subdivisions. Passage of any of these bills would serve the interests of the department, but at a minimum, the department urges that favorable consideration be given to HB 2148.

HEIN AND WEIR, CHARTERED

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*Ronald R. Hein
Stephen P. Weir
Susan M. Baker*

February 10, 1997

Rep. Carlos Mayans
State Capitol, Room #115S
Topeka, KS 66612

RE: HB 2129 and HB 2148

Dear Carlos:

The Mental Health Credentialing Coalition (MHCC) is a multi-discipline coalition of mental health professionals, comprised of the membership of the Kansas Counselors Association/Kansas Mental Health Counselors Association, the Kansas Association for Marriage and Family Therapy, and the Kansas Association of Masters Level Psychologists. These Associations represent licensed mental health professionals with masters or doctoral level degrees.

The MHCC believes that collaboration between various mental health professionals is preferable to the type of turf battles which have occurred in the past between mental health practitioners.

The MHCC supports HB 2129 as a solution to one of the problems caused by privatization in the mental health delivery system. Due to the specific restrictions on masters level psychologists, and the terminology which has been utilized in the statute in the past, masters level psychologists who are performing the same services they would perform in a community mental health center, are denied the opportunity to provide those same services when the function has been out-sourced to another entity.

HB 2148, which was requested for introduction by the Department of Corrections, also attempts to solve this problem, but does so in a more restricted manner.

The MHCC strongly believes that mental health services should be available to all citizens of Kansas, including especially those people in the rural areas of the state who are primarily served by community mental health centers and the healthcare professionals in the trenches, the masters level psychologists.

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Rep. Carlos Mayans
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The MHCC respectfully requests your support for HB 2129.

Sincerely,



Ronald R. Hein
Legislative Counselor
Mental Health Credentialing Coalition

RRH:djc

cc: Mental Health Credentialing Coalition Board
Ms. Carol Dellinger, Kansas Counselors Assn./Kansas Mental Health Counselors Assn.
Mr. Gary Price, Kansas Counselors Assn./Kansas Mental Health Counselors Assn.
Mr. David Elsbury, Kansas Association of Masters Level Psychologists
Mr. Boyd Limes, Kansas Association of Masters Level Psychologists
Dr. Wes Jones, Kansas Assn. for Marriage and Family Therapy
Mr. Rusty Andrews, Kansas Assn. for Marriage and Family Therapy