

Approved: 2-20-97  
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 February 11, 1997 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department  
Bill Wolff, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Cassie Lauver, Director, Bureau for Children, Youth and Families, KDHE  
James J. O'Connell, Secretary of Kansas Department of Health and Environment  
Meg Henson, Director of Government Affairs, Kansas Medical Society  
Dawn L. Reid, LLM, JD, RN, Kansas State Nurses Association

Others attending: See attached list

**Hearing on SB 111 - Reporting certain medically diagnosed condition of preschool children to the Secretary of Health and Environment**

Cassie Lauver, KDHE, testified before the Committee in support of SB 111 which would repeal statutes that require physicians, after obtaining parental/guardian permission, to report preschool children with a medical condition that indicates mental retardation, a disability, or chronic condition to the Secretary of Health and Environment as noted in her written testimony. Ms. Lauver pointed out that K.S.A. 65-1-144 was inadvertently omitted in the repealer of the bill and requested the Committee amend the bill. (Attachment 1)

**Final Action on SB 111**

After Committee discussion, Senator Becker made a motion the Committee amend SB 111 and delete K.S.A. 65-1-144 in the statutory reference of the bill, seconded by Senator Steineger. The motion carried. Senator Becker made a motion the Committee recommend SB 111 as amended favorably for passage, seconded by Senator Steineger. The motion carried.

**Hearing on SB 127- Term of office of Director of Division of Health**

James J. O'Connell, Secretary of Kansas Department of Health and Environment, testified in support of SB 127 which states that any person appointed initially and confirmed by the Senate as Director of Health of the Kansas Department of Health and Environment and after serving a term of four years will be eligible for any subsequent four-year term by appointment of the Secretary of KDHE as noted in his written testimony. (Attachment 2) Committee discussion related to the qualifications of the Director of Health and the importance of stability and continuity of providing and improving public health programs conducted by the Division of Health especially in the rural areas.

Meg Henson, Kansas Medical Society, expressed support for SB 127 and noted that it is imperative that Kansas attract qualified individuals to serve as Director of Health and retain them in that position. (Attachment 3)

Written testimony in support of SB 127 was received from the Kansas Dental Association. (Attachment 4)

**Final Action on SB 127**

Senator Langworthy made a motion the Committee recommend SB 127 favorably for passage, seconded by Senator Hardenburger. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S  
Statehouse, at 10:00 a.m. on February 11, 1997.

**Hearing on SB 130 - Membership of the Health Care Data Governing Board**

James J. O'Connell, Secretary of KDHE, testified in support of SB 130 which would give the Kansas Health Institute a seat on the Health Care Data Governing Board. Current law makes reference only to the "institute associated with the University of Kansas Department of Health Services." The bill would also establish a rotating seat for a member appointed by the Board of Regents. (Attachment 5) Committee discussion related to the number of members on the Board, member on Board from Regents' school with a health related field, and a representative on the Board from the nursing profession.

Dawn L. Reid, Assistant Director, Kansas State Nurses Association, spoke in opposition to SB 130 as the bill is written and requested the Committee consider seating a Registered Nurse on the Health Care Data Governing Board. (Attachment 6)

**Action on SB 130**

Senator Hardenburger made a motion the Committee recommend one member of the Health Care Data Governing Board be a Registered Nurse appointed by the Kansas State Nursing Association, seconded by Senator Becker. The motion carried.

Senator Becker made a motion that the language in SB 130 not specify which Regents universities would have a representative on the Board, but the Board of Regents would select one member to represent the health services research community and the total number of the Board be nine, seconded by Senator Langworthy. The motion carried.

Senator Hardenburger made a motion the Committee recommend SB 130 as amended favorably for passage, seconded by Senator Becker. The motion carried.

**Approval of Minutes**

Senator Steineger made a motion to approve the Committee minutes of February 3, 4, 5 and 6, 1997, seconded by Senator Salmans. The motion carried.

**Adjournment**

The meeting was adjourned at 10:40 a.m.

The next meeting is scheduled for February 12, 1997.

# SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 2-11-97

NAME	REPRESENTING
Jamie Nelson Kimball	senator morris
Rebecca Mize	SRS-Childrens Family Services
Susan Ahney	Constituent
Doyle Fair	Self
NOAH BROWN	Washburn Univ. Student
<del>GARRET M. O'HARA</del>	<del>WASHBURN UNIVERSITY</del>
KATH R. LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Andrea Zuescher	Kansas Health Institute
James O'Neill	KDHE
Connie Lamm	KDHE
Dawn Reed	KSNA
Amy Curren	R. Rice Law Office
Callie Jill Denton	The Prudential Co.
Susan M. Baker	Hein & Weir
John R. Phillips	KDHE
Lou Saadi	KDAF
Demille Lee	Governor's Office
David Han 2 kids	KS Dental Ass'n
Mary Henson	KMS

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE  
GUEST LIST

DATE: 2-11-97

NAME	REPRESENTING
<i>James Fenn</i>	KDOM
<i>Tom Bell</i>	KHA
<i>Steve Potts</i>	KDHK

State of Kansas

Bill Graves



Governor

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Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

Senate Public Health and Welfare Committee

by

The Kansas Department of Health and Environment

Senate Bill 111

The Kansas Department of Health and Environment supports the amendment of KSA 65-1,151 and repeal of KSA 65-1,141 thru 65-1,147. Since enactment of K.S.A. 65-1,141 et seq. and the subsequent regulations, there have been fewer than 10 reports from physicians.

The purpose of this legislation was to collect and compile complete and accurate information concerning the number of preschool children within the state who have handicapping or chronic conditions in order to plan for and make available services to these children and their families. Furthermore the information was to be used only as aggregate data for research and statistical proposes and not to be used to identify a child without the parent or guardian's permission.

The amendment to K.S.A. 65-1,151 deletes a reference to one of the statutes that will be repealed under this legislation and does not change the intent of K.S.A. 65-1,151.

Since this statute was enacted in 1987, increased awareness and availability of programs for children with special needs, such as the Infant and Toddlers Program and assessment programs for children have largely supplanted the need for this statute. KDHE recommends repeal.

Testimony presented by:

Cassie Lauver, Director  
Bureau for Children, Youth and Families  
February 11, 1997

State of Kansas

Bill Graves



Governor

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Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

Senate Public Health and Welfare Committee

by

Kansas Department of Health and Environment

Senate Bill No. 127

K.S.A. 1996 Supp. 75-5603, as enacted applies only to the initial appointee following its adoption in 1993. This bill will amend it to state that any person appointed initially and confirmed by the Senate as Director of Health of the Kansas Department of Health and Environment and after serving a term of four years will be eligible for any subsequent four year term by appointment(s) of the Secretary. The Kansas Division of Health strategic plan sets out seven strategic directions, one of which is to provide effective public health leadership in Kansas. Strong public health leadership in Kansas enables the Division to effectively carry out its mission of promoting and protecting public health and preventing disease and injury. The position must not only carry out coordination of services and programs provided by the Division, but the Director of Health is key in making recommendations on public health policy with statewide impact. A less well recognized but essential ingredient is the need for a physician with the experience and understanding of federal public health functions and funding sources to properly represent the interests of Kansas.

The language that sets out subsequent four-year term for the Director will assist in the difficult recruitment and retention of a qualified candidate(s) (a licensed physician with public health education and experience). With this change, candidates can be assured of the stability of a four year term to support relocation to Kansas for initial recruitment and stability to encourage successful incumbents to forego opportunities elsewhere.

There would be no fiscal impact as the Director of Health's salary and benefits are contained in the current budget and the agency's FY 1998 budget submittal.

The Department respectfully requests the Committee act favorably on Senate Bill 127.

Testimony presented by: James J. O'Connell  
Secretary of Health and Environment  
February 11, 1997




# KANSAS MEDICAL SOCIETY

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February 11, 1997

To: Senate Public Health and Welfare Committee

From: Meg Henson   
Director of Government Affairs

Subj: SB 127 - Director of Health

The Kansas Medical Society appreciates the opportunity to appear today in support of SB 127, which would amend the laws regarding the term of office for the Director of the Division of Health. The bill would allow the Secretary of Health and Environment to reappoint the Director of Health for four-year terms. KMS strongly supports this legislation.

Under current law, the Director of Health is appointed to a four-year term. After that time, he serves at the pleasure of the Secretary. This creates two problems. First, after four years, the Director has absolutely no job security. He could be dismissed after four years due to nothing more than a change in administration. Second, there has been a considerable amount of turnover in this position, due in large part to changes in administration. Consequently, it is difficult to attract and keep quality individuals to this position.

It is imperative that we attract qualified individuals to serve as the Director of Health. The current Director, Steven Potsic, M.D., is extremely knowledgeable and qualified to serve in this position. This bill would provide assurance to Dr. Potsic and others like him that once they decide to become the Director of Health, they could be reappointed to the position for subsequent four-year terms. This legislation will help attract and keep Directors like Dr. Potsic in the years to come.

Thank you for considering our comments. I will be happy to answer any questions.



February 11, 1997

The Honorable Sandy Praeger  
State Capitol  
Topeka, KS 66612

Re: S.B. 127--An Act concerning the  
director of the division of health

Dear Senator Praeger:

I am writing to inform you and the Committee of our support of establishing a term of office for the position of Director of Health of the Kansas Department of Health and Environment.

Providing a four-year term of office for this position and the opportunity to be reappointed to succeeding four-year terms of office provides the level of stability that is needed to attract and retain a qualified individual.

Moreover, stability in this position is important in maintaining and improving the public health programs and activities that are conducted by the Division of Health. Our particular concern, of course, is the impact turnover in this position would have on the dental health activities of the Department.

Your consideration of these comments is most appreciated.

Sincerely,

*(S)*  
David Hanzlick  
Assistant Executive Director

5200 Huntoon  
Topeka, Kansas 66604-2398  
913-272-7360

Senate Public Health & Welfare  
Date: 2-11-97  
Attachment No. 4



State of Kansas

Bill Graves



Governor

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Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

the Senate Public Health and Welfare Committee

by

The Kansas Department of Health and Environment

Senate Bill 130

Senate bill 130 amends KSA 65-6803 which outlines the membership of the Health Care Data Governing Board. During the time that the original legislation establishing the Governing Board was being drafted, it was assumed that the Health Policy Institute proposed by the Kansas Health Foundation would be housed at the University of Kansas. Therefore, the current language in the statute reads "one member of the board representing the institute associated with the University of Kansas Department of Health Services Administration."

After the statute was in place, decisions were made to establish a non-profit organization and locate the Institute in Topeka rather than at the University of Kansas. However, it is believed the legislative intent was to have a representative specifically from the Kansas Health Institute sit on the Governing Board because the Institute was expected to be a significant consumer of health data acquired by the Governing Board. Now that the Kansas Health Institute has been established (fall of 1995), we request language in the statute be changed to reflect the original legislative intent, i.e. to have the Institute representative fill one of the voting membership seats on the Governing Board. Simultaneously, we propose to establish another voting membership in which three regents institutions (Kansas State University, the University of Kansas and Wichita State University) choose representatives to serve on the Governing Board on a rotating basis. With this change in language, two key users of health data will remain represented on the Governing Board.

We hope you will agree to this change in statutory language. Thank you for the opportunity to present to you on Senate Bill 130.

Testimony presented by: James J. O'Connell  
Secretary of Health and Environment  
February 11, 1997

Senate Public Health & Welfare  
Date: 2-11-97  
Attachment No. 5



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the Voice of Nursing in Kansas

Betty Smith-Campbell, Ph.D., R.N.  
President

Terri Roberts, J.D., R.N.  
Executive Director

For more information contact:  
Dawn L. Reid, LLM,JD,RN  
Kansas State Nurses Assoc.  
913-233-8638

February 11, 1997

## **S.B. 130 COMPOSITION OF THE HEALTH CARE DATA GOVERNING BOARD**

Senator Praeger and members of the Senate Public Health and Welfare Committee, my name is Dawn Reid, LLM,JD,RN and I am the assistant director of the Kansas State Nurses Association. I am here today to speak in opposition to the proposed amendment to the composition of the Health Care Data Governing Board.

KSNA has actively supported and has been involved in the activities of the Board since its inception in 1993. One of the first official actions of the Board was to adopt the CARE form, which is the pre-admission form that is completed by RN's or Social Workers on persons over 65 upon dismissal or transfer from their home or hospital. KSNA has also been actively involved in the Board's pilot project to collect information on Advanced Practice Nurse Practitioners. This data collection project includes health care efficacy and efficiency data such as the amount of time spent to treat patients, the amount of time spent educating patients, and the amount of time spent on administrative details.

Many of the data collection projects that the Board has undertaken involve some aspect of nursing; either nurses collecting the actual data; actual nursing activities and actions are being collected; patient results from activities with nurses; notations in records made by nurses; or nurses actually filling out the forms for data collection. Thus, nurses are involved with many aspects at some point in the data collection process.

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Governing Board  
February 11, 1997  
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There are over 25,000 RNs in Kansas, comprising the largest number of health care providers in the state. RN's work in virtually every setting in which any type of health care service is delivered. Several areas where RNs work that have data gathering implications include hospitals, schools, home health agencies, public health departments, hospices, nursing homes, and state and federal agencies.

The purpose of the Health Care Data Governing Board is to collect, analyze and report on health care data and trends within the state. Currently the composition of the Board is made up of traditional medical care practitioners and health care institution representatives. KDHE (Secretary O'Connell) has proposed the addition of a voting seat for the Kansas Health Institute. We fully support Dr. Gessert for that seat, and as a medical doctor, feel that he is highly qualified.

However, with the dramatic and ongoing changes in the delivery of health services, the increased focus on cost, efficacy and efficiency of treatment modalities, data collection and interpretation must be made from a multi-treatment perspective. Nurses have a unique perspective on health care that focuses on prevention, wellness, and the teaching of healthier lifestyles. A representative with that type of perspective is missing from the current board's composition.

In conclusion, we are asking for the same thing that we have asked for in 1993, 1994 and 1996; a Registered Nurse seat on the Health Care Data Governing Board. There are three things that need to be pointed out:

1. There is no compensation for being a member of the Board. Board members receive no mileage, subsistence allowance, or other expense compensation for serving on the Board, thus there would be no fiscal impact on adding a RN seat.

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2. With the addition of the KHI seat, the voting membership changes from seven to eight. There is no provision for the chair to vote in case of a tie vote. Thus it would be expedient for the number of voting seats to be odd instead of even.

3. There are no other health care provider groups that are requesting a seat on the Board, despite fears that if one is given to the nurses, then one must be given to everyone else. During the past several years, no other group has made a continuous request for representation with as much diligence or involvement. The state has legislatively mandated that a seat comes from the medical society, the hospital association, and the medical center; the only way an additional seat can be given is through the legislature. What the legislature giveth, the legislature can taketh or deny.

Thank you.

b:dlr/green/sb

# Health Care Data Governing Board Organizational Membership

February, 1997

(Please note: Board members have 3 year terms, meet quarterly, and are not paid compensation, subsistence allowance, mileage expenses)

## Voting

## Non-Voting

KMS  
Jerry Slaughter  
*KMS Appointed*

Consumer Rep.  
John Noonan  
*Governor Appointed*

KU Health Ser. Adm.  
Michael Fox  
*Appointed by the  
Chancellor of KU Med*

KDHE  
James J. O'Connell, Chair  
Appoints advisory panel taskforce

KHA  
Don Wilson  
*KHA Appointed*

Adult Care Industry  
John Grace  
*Governor Appointed*

Rotating Health  
Services  
Research  
KU, KSU, WSU  
*Board of Regents Appoints*

Proposed Revised  
Selection Criteria

Dept. Insurance  
Richard Hunker

SRS  
Ann Koci

KU Med  
David Voran, Exec.  
*Appointed by the Vice  
Chancellor of KU Med*

Health Insurer Rep.  
Tom Miller  
*Governor Appointed*

KHI  
Dr. Charles Gessert  
*KHI Appointed*

KSNA  
RN  
*KSNA Appointed*

Kansas State Nurses Association  
Recommended Amendment

John Noonan--AARP  
John Grace--KAHSA  
Tom Miller-BC\BS

Proposed  
in  
S.B. 130