

Approved: 3-11-97  
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 March 6, 1997 in Room 526-S of the Capitol.

All members were present except:  
Committee staff present:

Bill Wolff, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Greg Reser, Director, Hospital and Medical Programs, KDHE  
Lesa Bray, Director, Health Occupations Credentialing Program, KDHE

Others attending: See attached list

**Approval of Minutes**

Senator Steineger made a motion to approve the Committee minutes of February 17, 18, 19, 20, 21, 24, 25 and 26, 1997, seconded by Senator Hardenburger. The motion carried.

**Hearing on HB 2182 - Repeal of certificate of need program for health facilities**

Greg Reser, Director, Hospital and Medical Programs, KDHE, testified before the Committee in support of HB 2182 which would repeal statutes that implemented the state certificate of need program for health facilities that took place between 1976 and 1985. Although K.S.A. 65-4822 includes a "sunset" provision, which was effective July 1, 1985, the statutes remain in the statutes books. The proposal would simply remove outdated laws from the statute books. (Attachment 1)

**Action on HB 2182**

Because of the non-controversial nature of the bill, Senator Langworthy made a motion the Committee recommend HB 2182 be placed on the consent calendar, seconded by Senator Becker. The motion carried.

**Hearing on HB 2183 - Speech language pathologists and audiologists continuing education sponsors**

Lesa Bray, Director, Health Occupations Credentialing Program, KDHE, testified before the Committee in support of HB 2183 which would allow long-term sponsorship for continuing education for department-licensed speech language pathologists and audiologists. The bill defines "sponsor" as any entity approved by the Department of Health and Environment to provide continuing education programs or courses on an on-going basis under the act. Current law does not include this definition. The bill would also add "sponsorship fee" to the list of fees fixed by the Department of Health and Environment. (Attachment 2) During Committee discussion it was noted that the costs to implement the program would be \$4,500.00 in FY 1998 above the amount contained in the FY 1998 Governor's Budget Report. The costs would result from revision of application forms, informational notices and telephone communications to explain the program to potential sponsors. The additional fee income would support a shift from education program approval to enhanced statewide education program quality improvement activities which would be approximately \$4,500.00 in fee receipts annually. All fee receipts are deposited in the State General Fund.

**Action on HB 2183**

Senator Langworthy made a motion the Committee recommend HB 2183 favorably for passage, seconded by Senator Hardenburger. The motion carried.

**Adjournment**

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

The next meeting is scheduled for March 11, 1997.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE  
GUEST LIST

DATE: 3-6-97

NAME	REPRESENTING
Josh Philson	Wellington High School
Robin Lintecum	WHS
Diane Hall	Ks. Speech & Hearing Assoc.
Carrie Ann Brown	KHA
Ricki Cutler	Health Midwest
Trey Reser	KDHE
Lisa Bray	KDHE
JANET STUBBS	Ks RESP. CARE SOCIETY
Heidi Harrison	KU
Khonda Oswald	KU
John Kiehaber	Ks Health Care Assn.
KEITH L LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Jisa Meyer	KS Gov. Consulting
Susan M. Baker	Hein + Weir

State of Kansas

Bill Graves



Governor

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Department of Health and Environment

James J. O'Connell, Secretary

TESTIMONY PRESENTED TO

SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

BY

THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

House Bill 2182

Thank you for the opportunity to present testimony related to HB 2182. This bill proposes repeal of the provisions of K.S.A. 65-4801 through K.S.A. 65-4822.

K.S.A. 65-4801 et seq. is the enabling legislation which implemented the state Certificate of Need (CON) program between 1976 and 1985. This program required medical care facilities and nursing homes to apply for and receive state approval prior to the commencement of new construction, provision of new services, or other significant capital expenditures. The applicant was required to demonstrate the community need for such projects.

K.S.A. 65-4822 includes a "sunset provision" with an effective date of July 1, 1985.

The provisions of K.S.A. 65-4801 to 65-4821 expired effective that date.

Although K.S.A. 65-4801 et seq. is no longer effective due to the "sunset provision," the referenced statutes remain in the statute books. Occasionally, KDHE staff still receive inquiries from out of state health care providers and others seeking clarification related to these CON statutes. Passage of HB 2182 would officially repeal referenced statutes which have not been enforceable since 1985.

Presented by: Greg L. Reser, Director  
Hospital and Medical Programs  
Bureau of Adult and Child Care  
Kansas Department of Health and Environment

Date: March 6, 1997

Senate Public Health and Welfare  
Date: 3-6-97  
Attachment No. 1

State of Kansas

Bill Graves



Governor

**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

House Bill 2183

The purpose of this bill is to allow long-term sponsorship approval for continuing education for Kansas speech-language pathologists and audiologists. This proposal supports the department mission of optimizing the promotion and protection of Kansans through increased efficiency and effectiveness in regulation.

Continuing education is a component of existing licensure law, to provide ongoing competency through continued education during each licensure period. By adding a statutory definition of sponsor, and providing for sponsorship within regulation, continuing education can be streamlined and enhanced. KSA 65-6501 (j) and KSA 65-6512; KSA 65-5902 (g) are amended to accomplish this.

Assuring continued competence of health practitioners is under scrutiny in many arenas. In December of 1995, the Pew Health Professions Commission issued a report entitled, "Reforming Health Care Workforce Regulation: Policy Considerations for the 21st Century." Ten issues were identified by this highly-publicized report; item seven is titled, "Assuring Practitioner Competence: Assessing the continuing competence of health care practitioners." In this section of the report, problems with the current methods of public protection of practitioners throughout their careers are identified as well as several recommendations for policy change.

Though there are many possible methods of protecting the public throughout a licensee's career, continuing education has had appeal due to its relative ease in management for the licensees and regulators.

Continuing education requirements are generally addressed in statutory language of licensed health occupations, with greater definition and detail for the administration being addressed in rules and regulations. In attempting to provide greater direction and enhancing the outcome of these educational experiences, rules and regulations have been developed to define the methods of accruing education, defining how "hours" are calculated, specifying the content areas and objectives (speech-language pathologist/audiologist statutes define unacceptable areas of content for continuing education) and how approval from the department is obtained.

If the concept of approving long-term sponsors for continuing education programming is utilized, there will be a reduction in paperwork of a minimal technical nature, with little regulatory impact, that is quantitatively high. Long-term sponsors will not have to "wait" for the department's approval on each program they sponsor. This is a process already in place for many regulated professions.

This process is generally supported by affected boards, advisory groups and task forces as well as target constituents (professional associations, technical or vocational schools, universities, professional consultant groups).

The Department respectfully requests the Committee act favorably on House Bills 2183.

Testimony presented by:           Lesla Bray, Director  
  Health Occupations Credentialing  
  Bureau of Adult and Child Care

Date:                                   March 6, 1997