

Approved: _____

Date

1-20-98

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 14, 1998 in Room 526-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Jerry Slaughter, Kansas Medical Society
Gary R. Mitchell, Secretary, Kansas Department of Health and Environment

Others attending: See attached list

Introduction of Bills

Jerry Slaughter, Executive Director, Kansas Medical Society, briefed the Committee on proposed legislation which would establish a new Board of Medical Professions as outlined in his written testimony. (Attachment 1) Senator Hardenburger made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Salmans. The motion carried.

Update on Health and Environment Issues

Gary Mitchell, Secretary of the Kansas Department of Health and Environment, briefed the Committee on management issues that have been addressed by the department, as well as updating the Committee on nursing home issues, child care licensing, and restaurant inspections as outlined in his written testimony. (Attachment 2) Committee discussion related to confidentiality in gathering health care data, child care enforcement and background checks of child care providers. Secretary Mitchell also requested introduction of two bills relating to childhood lead poisoning prevention program and reporting of research projects to the Health Care Data Governing Board. Senator Langworthy made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Hardenburger. The motion carried.

Staff Briefing of 1997 carryover Committee Bills

Staff briefed the Committee on 1997 carryover bills, and the following Committee action was taken:

Senator Hardenburger made a motion that the Committee recommend **SB 127** be reported adversely, seconded by Senator Jones. The motion carried.

Senator Hardenburger made a motion that the Committee recommend **SB 128** be reported adversely, seconded by Senator Langworthy. The motion carried.

Senator Salmans made a motion that the Committee recommend **SB 202** be reported adversely, seconded by Senator Hardenburger. The motion carried.

Adjournment

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

The next meeting is scheduled for January 20, 1998.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST


DATE: 1-14-98

NAME	REPRESENTING
Charles Moore	KDOA
Maria Allen	K's Health Care Assn.
Zane Waller	Via Christi Health System
Don Brown	KDHE
Carolyn Dennis	KDHE
Joak Keace	KDHE
Callie Sue Deaton	Kansas Association of
Frank A. Campbell	KSOS
Sebastian Andersen	Hein & Weir
Meg Draper	KMS
Jerry Slaughter	KMS

Health Plans



KANSAS MEDICAL SOCIETY

To: Senate Public Health & Welfare Committee
From: Jerry Slaughter
Executive Director 
Date: January 14, 1998
Subject: Medical Professions Act; establishing a Board of Medical Professions

We would like to respectfully ask that the Committee introduce a bill for us which would establish a new Board of Medical Professions. In effect, this bill would divide the current Healing Arts Board, and replicate most of the statutory language contained in it. The only significant change contained in the proposal is that it would separate MDs, DOs, and other groups from chiropractors for licensure and regulation purposes. Kansas is one of only three states in the country that combines the licensure and regulation of physicians and chiropractors under the same board.

Under the terms of our proposal, the new board would contain the following professions: MDs, DOs, physical therapists, PT assistants, occupational therapists, OT assistants, physician's assistants, respiratory therapists, and athletic trainers. The Healing Arts Board would continue in existence, but would license only chiropractors and podiatrists. This configuration was arrived at after discussions with the affected groups.

While simple in concept, this change will require technical amendments in numerous statutes. We are working with the Revisor's office on the bill draft, which is not available yet. Consequently, we would ask your permission to introduce the bill conceptually at this point, and we hope to have the language completed in a week or so. There will be opponents to this bill, and we expect the hearings on the matter to be spirited. Thank you for your consideration.



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Gary R. Mitchell, Secretary

Testimony Presented to

Senate Public Health and Welfare Committee

January 14, 1998

By

Gary R. Mitchell
Secretary of Health and Environment

Overview of Health and Environmental Issues

Thank you for this opportunity to appear before your committee. I have been Secretary of Health and Environment for nearly 2/3's of a year. It seems much longer.

Today I want to update the Committee on a few of the management issues I have been addressing at KDHE. (See Attachment A), update the Committee on KDHE activities as it regards nursing homes, Child care licensing, restaurant inspections, and then KDHE's legislative package.

KDHE Management Issues
(Attachment A)

Inventory Management
Payment of Agency Bills
Reports
Year 2000
Agency Accounts Receivables

Nursing Home update

1. Developed/implemented use of customer-service questionnaire (Attachment B)
2. Two "Improving Nursing Home Care Summits"

As result:

- Implemented complaint tracking system;
- Developed guidelines for prevention of resident elopement
- Developed checklist to be used by surveyors making compliance decisions.
- KPNHAA and KDHE coordinating regional co-training of KDHE surveyors and nursing

home administrators and nurses.

- 4 sessions planned for 1998.

Challenges this year:

- Assisted living-the level of regulation
- Resources necessary.
- Home health agencies.

Child Care update

Legislative Post Audit report issued November 1997

Survey recommendations focused on themes of Funding/Training:

- ▶ Resources for Local Health Departments - staffing to perform inspections, follow up complaint investigations and enforcement actions
 - ▶ Resources for KDHE to provide on-site training to Local Health Department staff
 - ▶ Resources to revise process/improve timeliness of licensing, enforcement actions
- SRS Federal Child Care Development Funds available - transfer federal money from SRS \$ 1 million FFY 98, \$ 1.5 million FFY 99

KDHE has already initiated systems analysis of the Child Care Program and plans to revise system, streamline process before computerizing.

Challenges this year:

- **Information /imaging system that will expedite the paper flow from local health departments to KDHE.**
- **ending the paper intensive manual file system**
- **speeding up enforcement actions.**
- **reviewing the appropriateness of the fee structure.**

Other Issues:

- Local Health Departments-
- Kansas Integrated Public Health Information System
- Food and Lodging Inspections
- Hand washing Grant from the Kansas Health Foundation
- Food Safety as a public health Issue
- Health Care Data Governing Board

KDHE Legislative Package:

1. **Childhood Lead Poisoning Prevention Program** (copy of bill provided)
Only health-related item in KDHE's legislative package
2. **Health Care Data Governing Board** initiative (copy of bill provided)
Requires researchers to provide Data Board with copies of health information gathered
Continuing effort to gather and maintain database in most efficient format

(Note: KDHE is proposing one other issue dealing with emergency disposal of in solid waste landfills.)



A.

KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Gary R. Mitchell, Secretary

January 14, 1998

During the past month I have talked with several legislators about some of the infrastructure problems I found following my appointment as Secretary of the Kansas Department of Health and Environment in May of 1997. Before focusing on setting policy direction for Health and Environment, I have had to use my time and resources (dedicating staff and funds) to put KDHE's affairs in order. I have hired staff to facilitate my efforts to address the myriad of problems found, as well as complete the day-to-day functions of KDHE; these include Assistant Secretary/General Counsel Linda Fund, Assistant for Health Policy Carolyn Duwe, Assistant for Internal Management Barry Greis and Assistant for Fiscal Management Jim Murphy.

The following is a list of problems the Office of the Secretary has been addressing:

INVENTORY MANAGEMENT

The agency employees over 975 employees, has a \$160 million budget, is located in 12 sites (4 buildings in Shawnee County, 6 district and 2 satellite offices) and had no capital equipment inventory in 4 years.

Problems: Equipment purchased and discarded without ever being inventoried
 Equipment purchased with Federal dollars - only Division of Environment had internally inventoried items (due to EPA funding)

Solutions: Computer hardware/applications inventory initiated 7/97 [Year 2000 Project]
 Complete inventory initiated for all capital outlay acquisitions (1992 - 1997)

Note: Some capital equipment has been discarded without being inventoried

PAYMENT OF AGENCY BILLS

Example of Problems:

- Department of Administration has complained we take up to 150 days to pay our telecommunications bills;
- As of September 15, 1997, KDHE had not paid its June 1997 motor pool bill, inhibiting the Department of Administration from closing out the fiscal year;
- Secretary received notices from the Turnpike Authority for unpaid K-Tag bills (several months).

REPORTS

Most Federal grants require a Financial Status Report (FSR) of how the money was spent; FSRs are due within 90 days of the close of the Federal Fiscal Year.

- FSRs on environment for Federal Fiscal Year 1996 were finalized this month (over a year late). The FSRs which were due December 1997 are not yet completed. The Regional EPA office initiated an audit of KDHE and is working with KDHE in an effort to avoid a full audit by the Inspector General.
- Failure to timely file the Air Quality FSR with EPA resulted in the loss of KDHE's ability to carry over \$90,000 and not allowing KDHE access this federal fiscal year's grant money which would have inflicted a hardship on Shawnee and Johnson County and prohibited their immediate access to \$76,000 of grant money due this year.

Note: This FSR has now been filed.

MISJUDGEMENT RE: YEAR 2000 COMPUTER ASSESSMENT AND REPAIR COSTS

Assistant Secretary/General Counsel Linda Fund has been given supervision of the Information Systems (IS) section of KDHE. Problems prior to her leadership of IS:

- Director of IS alienated DISC, failed to follow the CIA's requests and KIRC policies and was an obstruction to acceptance of new technology.
- Department of Administration asked IS Director to request enough money last year to assess and repair Year 2000 computer software applications and computer system problems.
- Requested was only \$180,000: \$70,000 short of the amount needed simply to **assess** computer systems and applications.
- Estimates now indicate KDHE may need \$2.6 million to repair or replace systems which are not Year 2000 compliant.
- KDHE did not request that money last legislative session when given opportunity to "piggy-back" on DISC's request.

Note: Director of IS responsible for these problems and the budget director who supervised him are no longer serving in these roles.

AGENCY ACCOUNTS RECEIVABLES

Example of Problems:

- Takes agency up to 90 days deposit checks
- Under K.S.A. 65-2409a(e) KDHE is required to collect a \$4 birth registration fee. Since 1994 KDHE collected \$15,200 - \$35,600 per year (Owed approximately \$92,500 - \$109,500 per year)

Solutions for Payments and Accounts Receivables:

- Full review of internal controls by an outside audit firm may be necessary.
- KQM team initiated to review our check handling policies.
- General Services has been decentralized, and is now under the direct supervision of my new Assistant for Internal Management, Barry Greis.