

Approved: February 22, 2000  
Date

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 16, 2000 in Room 423-S of the Capitol.

All members were present except: Representative Brenda Landwehr, Excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department  
Darrell McNeil, Revisor of Statute's Office  
June Evans, Secretary

Conferees appearing before the committee: Scott Winslow, Kansas Athletic Society  
R. E. "Tuck" Duncan, Occupational Therapists Association

Others attending: See Attached Sheet

The Chairperson stated the agenda of the meeting had been distributed for the benefit of the committee and that is what we are going to try to accomplish today. There are four bills we are going to try to work today. The Chairperson then opened the hearing on **HB 2757 - Concerning emergency care or assistance at scene of emergency accident; defining "health care provider" adding registered athletic trainer.**

Staff gave a briefing stating this Act relates to relief of liability for certain persons who provide emergency health care assistance at the scene of an emergency or accident. Most refer to this as the good Samaritan law. This bill adds "registered athletic trainer" to the Act.

Scott A. Winslow MS/ATC-R, testified as a proponent for **HB 2757**, stating this bill simply adds the athletic training profession to the definition of "health care provider" (See Attachment #1).

R. E. "Tuck" Duncan, Kansas Occupational Therapy Association, testified asking for an amendment on page 2, line 1, after "therapist" to add "registered occupational therapist," (See Attachment #2)

Testimony supporting **HB 2757** was distributed by Jim Sperry, Past President, Kansas Athletic Trainers' Society, (deceased) and Don Richards, Kansas Respiratory Care Society requested amended to **HB 2757** to add under section (e), line 41, to add "health care provider" (See Attachments #3 & 4).

The Chairperson closed the hearing on **HB 2757**.

Representative Morrison moved and Representative Long seconded to amend and include the Occupational Therapists and Respiratory Therapists and pass out favorably as amended. The motion carried.

The Chairperson asked what the Committee wishes to do on **HB 2700 - Criteria for employment in adult care homes and home health agencies.**

Representative Bethell moved and Representative Showalter seconded to amend and on page 2, line 31, to add "If a private contractor determines that a person is prohibited from working in an adult care home under this section, the private contractor shall notify the Department of Health and Environment of such person's name and the reasons for this". Delete "unredacted" any place it appears in the bill. On page 3, line 29, after "investigation" add ", including any felony convictions of offenses other than those enumerated in subsection (a)". On page 5, line 37, after "investigation" add "If a private contractor determines that a person is prohibited from working in an adult care home under this section, the private contractor shall notify the Department of Health and Environment of such person's name and the reasons for such determination". On page 6, line 32 after "investigation" add, "including any felony convictions of offenses other than those enumerated in subsection (a)." The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on February 16, 2000.

Representative Bethell moved and Representative Toelkes seconded to move **HB 2700** out as amended. The motion carried.

The Chairperson asked the Committee what they wished to do on **HB 2169 - Concerning health care professionals; relating to nurses and mental health technicians.**

Representative Bethell moved and Representative Morrison seconded **HB 2169** was much too inclusive for this Committee to make a decision on at this particular time and would like to recommend a Sub-Committee look at the bill and see if the language can't be better.

Representative Haley moved and Representative Storm seconded a Substitute Motion to pass **HB 2169** out favorably.

Representatives Showalter and Haley stated they did not want to move the bill out without the two requested amendments that were offered at the hearing by the Kansas State Board of Nursing and the KSNA.

Representative Bethell stated he still had some question with how they would determine if a person was rehabilitated and they said that would be determined on a case by case study. That has a tendency to be arbitrary based upon who they are talking with. This also has the opportunity for a moving target to be put out in front of a nurse who is trying to get her license back after having been rehabilitated. What is the next step, so we like what we have at this point – those kinds of issues are concerns and need to have a firm rehabilitation standard that we put up there saying these are the things that are going to be looked at, not just determined on an arbitrary basis whether or not a nurse is rehabilitated which is the way it is set up right now.

Representative Haley and Representative Storm withdraw their motion and second to pass **HB 2169** out favorably.

Representative Showalter moved and Representative Haley seconded a Substitute Motion to include the amendments offered by the Kansas State Board of Nursing and KSNA.

Representative Showalter reviewed the amendments by the Kansas State Board of Nursing and KSNA.

The Chairperson stated the amendments did not line up with the bill.

Representative Showalter and Representative Haley withdrew their substitute motion and second.

Representative Long stated there was a hearing and it is a big bill and would like to make sure everything is correct before passing this bill out.

The Chair stated he would see if this bill could be blessed and appointed a Sub-Committee to study **HB 2169**, i.e., Representatives Bethell, Chairperson; Storm, Showalter, Morrison, Swenson, Long and Toelkes.

The Chairperson asked what the Committee's wishes were on **HB 2759 - Authorizing pharmacists to administer drugs under certain conditions.**

Representative Morrison moved and Representative Bethell seconded to move **HB 2759** out favorably. The motion carried.

The Chairperson asked the Committee what their wishes were on **HB 2755 - Prohibitions and restrictions on disclosure of certain information by the department of health and environment.**

Christine Ross-Baze, Director, Child Care Licensing and Registration Section, KDHE, presented a balloon

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on February 16, 2000.

for consideration (See Attachment #5).

Representative Morrison stated he liked the bill with the amendments.

Representative Storm said there was quite a bit of discussion the other day about foster care, do any of these terms include foster homes?

Ms. Ross-Baze replied, yes, foster homes are child care facilities and information of those individuals in foster homes would be closed, including the foster families and name, address and telephone number of the foster home unless the foster parent chooses to have that information open.

Representative Storm said she had some concerns about the foster parent making that distinction, particularly when making these distinctions a year at a time because the children move in and out and could very well change within a year.

Representative Morrison moved and Representative Bethell second to adopt the balloon presented by KDHE. The motion carried.

Representative Morrison moved and Representative Long seconded to move **HB 2755** out as amended.

Representative Storm said she could not accept this bill as written.

Representative Storm moved and Representative Lightner seconded a Substitute Motion to Table **HB 2755**.

It was non-debatable and **HB 2755** was Tabled.

The Chairperson asked for approval of minutes. Representative Geringer moved and Representative Toelkes seconded approval of the minutes of January 31, February 2, 7, 8, 9, 10 and 14.

Representative Haley moved and Representative Geringer a Substitute Motion that all minutes be approved but February 10 because he had two questions that were not in the minutes. The motion carried.

The meeting adjourned at 2:50 p.m. and the next meeting will be February 17.



**Testimony of Scott A. Winslow MS/ATC-R  
House Health and Human Services Committee  
House Bill No. 2757**

**Chairman Boston and Members of the Committee:**

Thank you for the opportunity to appear before you today. My name is Scott Winslow, Chairperson of the legislative committee of the Kansas Athletic Trainers' Society. I have been a Certified Athletic Trainer for the past 7 years, and am employed in Hays. I appear today on behalf of the more than 200 Athletic Trainers, registered with the Kansas State Board of Healing Arts, who provide athletic training services to the citizens of Kansas.

The Certified Athletic Trainer (ATC) is an allied health care provider, educated and experienced in the prevention, initial evaluation, care and reconditioning of injuries related to physical activity. In Kansas, these providers must be registered with the Kansas Board of Healing Arts, and work under the supervision of a licensee of the Board, via written practice protocol guidelines. In 1990, the American Medical Association officially recognized the Certified Athletic Trainer as an allied health care professional. Part of the education and expertise of the Athletic Trainer is the care and delivery of emergency care.

K.S.A. 65-2891 provides protection, for those health care providers listed, from liability from certain civil damages in rendering emergency care. The circumstances and patients described in this statute are those which are common to Athletic Trainers, and for which Athletic Trainers are prepared to face.

House Bill No. 2757 simply adds the athletic training profession to the definition of "health care provider", as referenced in K.S.A. 65-2891. Passage of this bill will enhance the accessibility to care for those persons in emergency situations.

The Kansas Athletic Trainers' Society and myself ask that you enhance this accessibility to care, by reporting House Bill No. 2757 favorable for passage. Thank you again for the opportunity to appear this afternoon, and I will be happy to answer any questions that you may have.

HHS  
2-16-2000  
Atch #1



214 S.W. 7th Street  
Topeka, KS 66603  
(785) 233-4111

FEB. 16, 2000

TO: COMMITTEE ON HEALTH AND HUMAN SERVICES  
FROM: TUCK JUNCAR, KOTA

PLEASE AMEND HB 2757 AS FOLLOWS:

- 41 (e) As used in this section the term "health care provider" means any  
42 person licensed to practice any branch of the healing arts, licensed dentist,  
43 licensed optometrist, licensed professional nurse, licensed practical nurse,  
1 licensed podiatrist, licensed pharmacist ~~and~~, registered physical therapist,  
2 and any physician's assistant who has successfully completed an American  
3 medical association approved training program and has successfully com-  
4 pleted the national board examination for physicians' assistants of the  
5 American board of medical examiners, *any registered athletic trainer*, any  
6 person who holds a valid attendant's certificate under K.S.A. 65-6129,  
7 and amendments thereto, any person who holds a valid certificate for the  
8 successful completion of a course in first aid offered or approved by the  
9 American red cross, by the American heart association, by the mining  
10 enforcement and safety administration of the bureau of mines of the  
11 department of interior, by the national safety council or by any instructor-  
12 coordinator, as defined in K.S.A. 65-6112, and amendments thereto, and  
13 any person engaged in a postgraduate training program approved by the  
14 state board of healing arts.

Registered Occupational  
Therapist,

Thank you!

H&HS  
2-16-2000  
Atch # 2

**Testimony of Jim Sperry RPA-C, ATC-R**  
**House Health and Human Services Committee**  
**House Bill No. 2757**  
**February 9, 2000**

**Chairman Boston and Members of the committee:**

Thank you for the opportunity to submit this written testimony regarding House Bill No. 2757. I am Jim Sperry, current president of the Kansas Athletic Trainers' Society. I am a physician assistant and athletic trainer, currently practicing in Atchison, Kansas. I have been a Certified Athletic Trainer for the past 19 years and a physician assistant for the past 16 years. I have had extensive experience caring for athletes and supervising the care of athletes. In my many years of experience, I have had several occasions when I was the only health care provider immediately available to intervene in an emergency situation.

The Certified Athletic Trainer is a highly skilled health care provider, specializing in the prevention, evaluation, care and reconditioning of persons who sustain injuries and illnesses related to recreational and organized athletic activity. Emergency care and stabilization is part of the education for student athletic trainers and is contained in the learning objectives of the examination required to become a certified athletic trainer. The Kansas Athletic Trainers' Society was founded in 1980, as the state constituent organization of the National Athletic Trainers' Association (NATA). The NATA is the national organization that certifies, through examination, athletic trainers. The American Medical Association officially recognized athletic trainers as allied health care providers in 1990. In 1995, the Kansas Legislature enacted statutes requiring athletic trainers to register with the Kansas State Board of Healing Arts, prior to practicing in Kansas. This practice is authorized via a written protocol guideline with a supervising licensee of the Board.

K.S.A. 65-2891 sets forth protection from certain liabilities for the health care providers listed. Because athletic trainers were not regulated by the state of Kansas when this statute was passed, athletic trainers are not included in the definition of "health care provider", thus offering these professionals the protection set forth in statute. This will allow athletic trainers to provide potentially life-saving care to those persons, regardless of age and circumstance, who experience a medical emergency.

In closing, I ask that your committee pass House Bill No. 2757 and report it favorable for passage by the entire House of Representatives. Thank you again for your time, consideration, and the opportunity to provide this testimony.

Jim Sperry, President  
Kansas Athletic Trainers' Society

HHS  
2-16-2000  
Atch #3

TESTIMONY ON HOUSE BILL No. 2757  
BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE

Mister Chairman,  
Members of the Committee,

My name is Don Richards, I am a Registered Respiratory Therapist, and have been asked by the Kansas Respiratory Care Society to bring a minor yet technically important request before this committee.

Under section (e), line 41 of the Bill, the term "health care provider" lists licensed professionals. As Respiratory Therapists are now licensed in the State of Kansas and are quite capable of rendering emergency assistance by virtue of their professional training, it is requested that the Bill be amended to include Respiratory Therapists under this section.

The Kansas Respiratory Care Society otherwise endorses HB 2757, with the abovementioned proposed amendment.

Thank you for allowing us to provide you with this information.

*Don N. Richards*





**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Clyde D. Graeber, Secretary

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Testimony

Presented to

**House Health and Human Services Committee**

February 16, 2000

by

Kansas Department of Health and Environment

Mr. Chairman, following the committee hearing on HB2755, the Department drafted a balloon which has been distributed for consideration. The balloon contains suggested changes as follows:

Section 2 (a) beginning at line 35, the balloon clarifies that information received through the child care licensing and registration program, which identifies individuals, is not to be released publically unless permitted or required by law.

Section 2 (b) beginning at line 40, the balloon prohibits the release of name, address and telephone number of all child care facilities, maternity centers and family day care homes to the general public unless the information is contained in an administrative enforcement order or the operator permits the release. The balloon allows the operator to give permission to release this information when applying for or renewing a license or certificate.

The Department, under section (c), may still release individual identifying information and the name, address and telephone number of the child care facility, maternity center or family day care home to the agencies and organizations identified. The Department may still release information identified in (a) and (b) if required by other laws or if the information is contained in an administrative enforcement order.

Section 2 (c) line 11, the balloon permits the Department to release information to child care provider organizations for membership and child care informational purposes.

Section 2 (c) lines 16 and 22, the balloon changes "individual" to "person" to include all entities defined in K.S.A. 65-503 (d).

Section 2 (d) The balloon updates statutory language.

Thank you for the opportunity to present to the committee. I am available to answer any questions.

Presented by  
Christine Ross-Baze, Director  
Child Care Licensing and Registration Section

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Division of Health  
Bureau of Consumer Health

Child Care Licensing and Registration Section  
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## HOUSE BILL No. 2755

By Committee on Health and Human Services

1-31

9 AN ACT concerning the department of health and environment; disclo-  
 10 sure of certain information in possession thereof; prohibitions and re-  
 11 strictions on disclosure; amending K.S.A. 1999 Supp. 65-506 and 65-  
 12 525 and repealing the existing sections.

13  
 14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 1999 Supp. 65-506 is hereby amended to read as  
 16 follows: 65-506. The secretary of health and environment shall serve no-  
 17 tice of the issuance, suspension or revocation of a license to conduct a  
 18 maternity center or child care facility or the issuance, suspension or rev-  
 19 ocation of a certificate of registration for a family day care home to the  
 20 secretary of social and rehabilitation services, ~~to the juvenile justice au-~~  
 21 ~~thority, department of education, office of the state fire marshal, county,~~  
 22 ~~city-county or multi-county department of health, and to any licensed~~  
 23 ~~child placement agency or licensed child care resource and referral agency~~  
 24 ~~serving the area where the center or facility is located. Neither the sec-~~  
 25 ~~retary of social and rehabilitation services nor any other person shall place~~  
 26 ~~or cause to be placed any maternity patient or child under 16 years of~~  
 27 ~~age in any maternity center or child care facility not licensed by the sec-~~  
 28 ~~retary of health and environment or family day care home not holding a~~  
 29 ~~certificate of registration from the secretary of health and environment.~~

30 Sec. 2. K.S.A. 1999 Supp. 65-525 is hereby amended to read as fol-  
 31 lows: 65-525. ~~Except as otherwise provided in K.S.A. 1999 Supp. 65-531~~  
 32 ~~and amendments thereto, information received by the licensing agency~~  
 33 ~~through filed reports, inspections or otherwise authorized under K.S.A.~~  
 34 ~~65-501 to 65-522, inclusive, and amendments thereto shall not be dis-~~  
 35 ~~closed publicly in such manner as to identify individuals (a) Information~~  
 36 ~~in the possession of the department of health and environment that iden-~~  
 37 ~~tifies individuals, except for individuals operating a child care facility or~~  
 38 ~~a family day care home, shall not be released publicly, unless required by~~  
 39 ~~law.~~

40 ~~(b) An individual applying for or renewing a license or certificate of~~  
 41 ~~registration to operate a day care home or family foster home may request~~  
 42 ~~in writing that the department of health and environment not disclose~~  
 43 ~~publicly personal information of the individual, including street address~~

received pursuant to K.S.A. 65-501 *et. seq* regarding child care facilities, maternity centers or family day care homes shall not be released publicly in a manner that would identify individuals, unless permitted or required by law.

The name, address and telephone number of a child care facility, maternity center or family day care home shall not be released publicly unless the information is contained in an order as defined in subsection (d) of K.S.A. 77-502 and amendments thereto or the applicant, licensee or registrant, when applying for or renewing a license or certificate of registration, states in writing that the department of health and environment may disclose the information.

1 ~~and telephone number. If the department receives written notice, the per-~~  
 2 ~~sonal information of an individual licensed or registered to operate a day~~  
 3 ~~care home or family foster home shall not be released publicly, unless~~  
 4 ~~required by law or if the information is contained in an order as defined~~  
 5 ~~in subsection (d) of K.S.A. 77-502, and amendments thereto.~~

6 (c) Information that cannot be released by subsection (a) or (b) may  
 7 be released to: (1) An agency or organization authorized to receive notice  
 8 under K.S.A. 65-506, and amendments thereto; (2) a criminal justice  
 9 agency; (3) any state or federal agency that regulates child care or pro-  
 10 vides child protective services; (4) an organization of persons who are  
 11 licensed or registered child care providers for membership; ~~informational~~ and  
 12 ~~or other~~ purposes related to child care; or (5) an organization providing  
 13 professional or vocational training or education for the sole purpose of  
 14 providing individuals with training or education required by regulation.

15 Any state or federal agency receiving information under subsection (a) or  
 16 (b) shall not disseminate the information without the consent of the ~~in-~~ person whose information will be disseminated  
 17 ~~dividual~~ unless required by law, the information is directly related to the  
 18 administration of the agency's program or if the information is contained  
 19 in an order as defined in subsection (d) of K.S.A. 77-502, and amendments  
 20 thereto. Any person, other than a state or federal agency, receiving infor-  
 21 mation under subsection (a) or (b) shall not disseminate the information person whose information will be disseminated  
 22 without the consent of the ~~individual~~ unless required by law or if the  
 23 information is contained in an order as defined in subsection (d) of K.S.A.  
 24 77-502, and amendments thereto.

25 (d) In any hearings conducted under the licensing or regulation pro-  
 26 visions of K.S.A. 65-501 to ~~65-522, inclusive~~, and amendments thereto, ~~et. seq~~  
 27 the hearing officer may close the hearing to the public to prevent public  
 28 disclosure of matters relating to individuals restricted by other laws.  
 29 Sec. 3. K.S.A. 1999 Supp. 65-506 and 65-525 are hereby repealed.

30 Sec. 4. This act shall take effect and be in force from and after its  
 31 publication in the statute book.