

Approved: 3-21-00
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Sandy Praeger at 10:00 a.m. on March 17, 2000 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Norman Furse, Revisor of Statutes
Lisa Montgomery, Revisor of Statutes
Hank Avila, Legislative Research Department
JoAnn Bunten, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Action on HB 2759 - Pharmacists authorized to administer drugs under certain conditions

Staff briefed the Committee on a balloon of **HB 2759** showing proposed amendments. (Attachment 1) The amendments would require that all vaccinees be given a written immunization record for their personal files. The administering pharmacist shall promptly report a record of the immunization to the patient's primary-care provider by electronic facsimile or mail. If the vaccinee does not have a primary care provider, the pharmacist shall promptly report a record of the immunization to a person licensed to practice medicine and surgery by the state board of healing arts and has entered into the vaccination protocol with the pharmacist.

Senator Becker made a motion to adopt the amendments as shown in the balloon of the bill, seconded by Senator Steineger. The motion carried.

Senator Steineger made a motion that the Committee recommend **HB 2759 as amended** favorably for passage, seconded by Senator Becker. The motion carried.

Action on HB 2780 - Establishing a task force on long-term care services

Staff briefed the Committee on a balloon of the bill showing proposed amendments with additional language as suggested by the Committee that would add one member to the task force who would be a trustee or board member from a long-term care facility. (Attachment 2)

Senator Steineger made a motion to adopt the amendments in the balloon of the bill as well as those proposed by the Committee, seconded by Senator Becker. The motion carried.

Senator Steineger made a motion that the Committee recommend **HB 2780 as amended** favorably for passage, seconded by Senator Becker. The motion carried.

Action on Sub HB 2169 - Nurse Practice Act

Staff briefed the Committee on a balloon of the bill that would establish annual fees for the ARNP program fixed by Rules and Regulations of the board. (Attachment 3)

Senator Hardenburger made a motion to adopt the balloon of the bill showing the proposed amendment, seconded by Senator Lee. The motion carried.

Senator Hardenburger made a motion that the Committee recommend **Sub HB 2169 as amended** favorably for passage, seconded by Senator Steineger. 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 March 17, 2000.

Subcommittee update on HB 2700 - Criteria for employment in adult care homes and home health agencies

Senator Hardenburger, Chair of the Subcommittee on **HB 2700** told the Committee that the Subcommittee met Friday morning March 17th to discuss the bill, and will meet again Monday, March 21st and report back to the Committee on Tuesday, March 22nd.

Action on HB 2757 - Addition of registered athletic trainers as health care providers for purposes of good Samaritan law

The Chair noted that **HB 2757** was rereferred back to the Public Health and Welfare Committee on March 15th after a floor amendment was proposed and discussed on the Senate floor. The Chair briefed the Committee on the proposed amendment that related to those administering assistance to a person and receiving compensation, and the good Samaritan law. After Committee discussion it was decided to pass the bill out again as is. Senator Langworthy made a motion that the Committee recommend **HB 2757** favorably for passage, seconded by Senator Steineger. The motion carried.

Adjournment

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

The next meeting is scheduled for March 20, 2000.

HOUSE BILL No. 2759

By Committee on Health and Human Services

1-31

Proposed Amendments to House Bill No. 2759

10 AN ACT relating to the pharmacy act of the state of Kansas; authorizing
11 pharmacists to administer drugs under certain conditions; amending
12 K.S.A. 1999 Supp. 65-1626 and 65-1626a and repealing the existing
13 sections.

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

16 Section 1. K.S.A. 1999 Supp. 65-1626 is hereby amended to read as
17 follows: 65-1626. For the purposes of this act:

18 (a) "Administer" means the direct application of a drug, whether by
19 injection, inhalation, ingestion or any other means, to the body of a patient
20 or research subject by:

21 (1) A practitioner or pursuant to the lawful direction of a practitioner;

22 ~~or;~~

23 (2) the patient or research subject at the direction and in the presence
24 of the practitioner; or

25 (3) a pharmacist [as authorized in section 3 and amendments
26 thereto].

27 (b) "Agent" means an authorized person who acts on behalf of or at
28 the direction of a manufacturer, distributor or dispenser but shall not
29 include a common or contract carrier, public warehouseman or employee
30 of the carrier or warehouseman when acting in the usual and lawful course
31 of the carrier's or warehouseman's business.

32 (c) "Board" means the state board of pharmacy created by K.S.A. 74-
33 1603 and amendments thereto.

34 (d) "Brand exchange" means the dispensing of a different drug prod-
35 uct of the same dosage form and strength and of the same generic name
36 than the brand name drug product prescribed.

37 (e) "Brand name" means the registered trademark name given to a
38 drug product by its manufacturer, labeler or distributor.

39 (f) "Deliver" or "delivery" means the actual, constructive or at-
40 tempted transfer from one person to another of any drug whether or not
41 an agency relationship exists.

42 (g) "Direct supervision" means the process by which the responsible
43 pharmacist shall observe and direct the activities of a pharmacy student

2-1

1 New Sec. 3. (a) A pharmacist may administer vaccine to a person 18
 2 years of age or older pursuant to a vaccination protocol if the pharmacist
 3 has successfully completed a course of study and training, approved by
 4 the American council on pharmaceutical education or the board, in vac-
 5 cination storage, protocols, injection technique, emergency procedures
 6 and recordkeeping. A pharmacist who successfully completes such a
 7 course of study and training shall maintain proof of completion and, upon
 8 request, provide a copy of such proof to the board.

9 ~~[(b)]~~ A pharmacist may not delegate to any person the authority
 10 granted under this act to administer a vaccine.

11 (c) This section shall be a part of and supplemental to the pharmacy
 12 act of the state of Kansas.

13 Sec. 4. K.S.A. 1999 Supp. 65-1626 and 65-1626a are hereby
 14 repealed.

15 Sec. 5. This act shall take effect and be in force from and after its
 16 publication in the statute book.

(b) All vaccinees will be given a written immunization record for their personal files. The administering pharmacist shall promptly report a record of the immunization to the patient's primary-care provider by electronic facsimile or mail. The immunization will also be reported to appropriate county or state immunization registries.

(c)

If the patient ^{vaccinee} does not have a primary care provider, the pharmacist shall promptly report a record of the immunization to

Pickup language PS 6 (j) - "a person because"

HOUSE BILL No. 2780

By Committee on Health and Human Services

2-1

10 AN ACT establishing a task force on long-term care services to study
11 services provided by the public and private sector to citizens of the
12 state and laws and rules and regulations relating to such services.

13
14 WHEREAS, The legislature is vitally interested in the welfare of the
15 citizens of this state who are consumers of long-term care services; and

16 WHEREAS, Services provided for citizens who are consumers of long-
17 term care by state agencies and private vendors should be provided ef-
18 ficiently, economically and sensitively in a supportive state regulatory en-
19 vironment that partners with long-term care providers to promote
20 continuous quality improvement; and

21 WHEREAS, Over the past several legislative sessions major statutory
22 changes have been enacted relating to adult care homes and the respon-
23 sibility for the administration of long-term care programs: Now,
24 therefore,

25
26 Be it enacted by the Legislature of the State of Kansas:

27 Section 1. (a) A task force on long-term care services is hereby es-
28 tablished to study the implementation and operation of recent statutory
29 changes relating to adult care homes, the long-term care ombudsman
30 program, state and federal laws and rules and regulations which impact
31 on the services provided by government and the private sector to citizens
32 who are consumers of long-term care services in skilled nursing facilities,
33 assisted living facilities or community-based services, the financing of
34 these services, both public and private, and such other matters relating
35 thereto as the task force deems appropriate.

36 (b) The task force shall consist of 19 members appointed as follows:

37 (1) Six members appointed by the legislative coordinating council,
38 three of whom shall be consumers of long-term care services which may
39 include representatives of groups interested in improvement of the qual-
40 ity of long-term care, dementia, Alzheimer's disease and long-term care
41 for persons with disabling conditions and three of whom shall be providers
42 of long-term care services which may include a representative of for profit
43 adult care homes, nonprofit adult care homes, free-standing assisted living

the effectiveness of partnering activities
between state agencies and long term care
providers

20

Appoint a trustee or board member
from a long-term care facility.

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1 ~~facilities and adult day care—home health care agencies;~~

2 (2) two members appointed by the president of the senate and the
3 speaker of the house of representatives, one of whom shall be a member
4 of the senate committee on ways and means and one of whom shall be a
5 member of the house committee on appropriations and both of whom
6 shall be from different political parties;

7 (3) two members appointed by the president of the senate, one of
8 whom shall be a member of the senate committee on public health and
9 welfare and one of whom shall be a member of the senate committee on
10 financial institutions and insurance;

11 (4) two members appointed by the minority leader of the senate, one
12 of whom shall be a member of the senate committee on public health
13 and welfare and one of whom shall be a member of the senate committee
14 on financial institutions and insurance;

15 (5) two members appointed by the speaker of the house of represen-
16 tatives, one of whom shall be a member of the house committee on health
17 and human services and one of whom shall be a member of the house
18 committee on insurance;

19 (6) two members appointed by the minority leader of the house of
20 representatives, one of whom shall be a member of the house committee
21 on health and human services and one of whom shall be a member of the
22 house committee on insurance. Of the ~~eight~~ ^{six} members appointed by
23 the legislative coordinating council, no more than two members shall
24 reside in any one congressional district;

seven

25 (7) one member shall be the secretary of social and rehabilitation
26 services or the secretary's designee;

27 (8) one member shall be the secretary of health and environment or
28 the secretary's designee; and

29 (9) one member shall be the secretary of aging or the secretary's
30 designee.

31 (c) The legislative coordinating council shall appoint the chairperson
32 and vice-chairperson from among the membership of the task force, the
33 chairperson to be appointed from among the legislator members of the
34 task force. Staffing for the task force shall be available from the legislative
35 research department and, the revisor of statutes office and the division
36 of legislative administrative services if authorized by the legislative
37 coordinating council.

38 (d) The members of the task force shall receive reimbursement for
39 attending meetings of the task force as authorized by the legislative co-
40 ordinating council consistent with the provisions of K.S.A. 46-1209 and
41 amendments thereto.

42 (e) The task force shall prepare and submit a report and recommen-
43 dations to the governor and to the legislature on or before January 8,

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1 [200].
 2 (1) The provisions of this section shall expire on July 1, [200].
 3 Sec. 2. This act shall take effect and be in force from and after its
 4 publication in the Kansas register.

the second Monday of January each year through 2005. In developing such recommendations the task force shall give consideration to creative, common sense solutions and approaches to problems which do not require additional expenditures of money. *necessarily*

(f) As used in this section, the term "long-term care" includes a broad spectrum of supports, ranging from skilled nursing services to assistance with activities of daily living or help with instrumental activities of daily living.

(g)

2005

1 adopted by the secretary, or by an unlicensed person while engaged in
2 and as a part of such training program in medication administration;

3 (j) the practice of mental health technology by licensed mental health
4 technicians as authorized under the mental health technicians' licensure
5 act;

6 (k) performance in the school setting of nursing procedures when
7 delegated by a licensed professional nurse in accordance with the rules
8 and regulations of the board;

9 (l) performance of attendant care services directed by or on behalf
10 of an individual in need of in-home care as the terms "attendant care
11 services" and "individual in need of in-home care" are defined under
12 K.S.A. 65-6201 and amendments thereto;

13 (m) performance of a nursing procedure by a person when that pro-
14 cedure is delegated by a licensed nurse, within the reasonable exercise of
15 independent nursing judgment and is performed with reasonable skill and
16 safety by that person under the supervision of a registered professional
17 nurse or a licensed practical nurse; or

18 (n) the practice of nursing by an applicant for Kansas nurse licensure
19 in the supervised clinical portion of a refresher course;

20 (o) *the practice of nursing by graduates of approved schools of pro-*
21 *fessional or practical nursing pending the results of the first licensure*
22 *examination scheduled following such graduation but in no case to exceed*
23 *120 days, whichever comes first; or*

24 (p) *the teaching of the nursing process in this state by legally qualified*
25 *nurses of any of the other states while in consultation with a licensed*
26 *Kansas nurse as long as such individuals do not represent or hold them-*
27 *selves out as nurses licensed to practice in this state.*

28 Sec. 8. K.S.A. 65-1133 is hereby amended to read as follows: 65-
29 1133. (a) An ~~accredited~~ *approved* educational and training program for
30 advanced registered nurse practitioners is a program conducted in Kansas
31 which has been approved by the board as meeting the standards and the
32 rules and regulations of the board. An institution desiring to conduct an
33 educational and training program for advanced registered nurse practi-
34 tioners shall apply to the board for ~~accreditation~~ *approval* and submit
35 satisfactory proof that it is prepared to and will maintain the standards
36 and the required curriculum for advanced registered nurse practitioners
37 as prescribed by this act and by the rules and regulations of the board.
38 Applications shall be made in writing on forms supplied by the board and
39 shall be submitted to the board together with the application fee fixed by
40 the board. The ~~accreditation~~ *approval* of an educational and training pro-
41 gram for advanced registered nurse practitioners shall ~~expire two not ex-~~
42 *ceed 10* years after the granting of such ~~accreditation~~ *approval* by the
43 board. An institution desiring to continue to conduct an ~~accredited~~ *ap-*

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1 ~~proved~~ educational ~~and training~~ program for advanced registered nurse
2 practitioners shall apply to the board for the renewal of ~~accreditation~~
3 ~~approval~~ and submit satisfactory proof that it will maintain the standards
4 and the required curriculum for advanced registered nurse practitioners
5 as prescribed by this act and by the rules and regulations of the board.
6 Applications for renewal of ~~accreditation approval~~ shall be made in writ-
7 ing on forms supplied by the board ~~and~~. Each program shall be submitted
8 ~~submit annually~~ to the board ~~together with the application~~ **an annual fee**
9 fixed by the ~~board~~ board's rules and regulations to maintain the approved
10 status.

11 (b) A program to qualify as an ~~accredited approved~~ educational ~~and~~
12 ~~training~~ program for advanced registered nurse practitioners must be con-
13 ducted in the state of Kansas, and the school conducting the program
14 must apply to the board and submit evidence that: (1) It is prepared to
15 carry out the curriculum prescribed by rules and regulations of the board;
16 and (2) it is prepared to meet such other standards as shall be established
17 by law and the rules and regulations of the board.

18 (c) The board shall prepare and maintain a list of programs which
19 qualify as ~~accredited approved~~ educational ~~and training~~ programs for ad-
20 vanced registered nurse practitioners whose graduates, if they have the
21 other necessary qualifications provided in this act, shall be eligible to
22 apply for certificates of qualification as advanced registered nurse prac-
23 titioners. A survey of the institution or school applying for ~~accreditation~~
24 ~~approval~~ of an educational ~~and training~~ program for advanced registered
25 nurse practitioners shall be made by an authorized employee of the board
26 or members of the board, who shall submit a written report of the survey
27 to the board. If, in the opinion of the board, the requirements as pre-
28 scribed by the board in its rules and regulations for ~~accreditation approval~~
29 are met, it shall so approve ~~and accredit~~ the program. ~~From time to time,~~
30 ~~as deemed necessary by the board, it shall cause to be made a resurvey~~
31 ~~of accredited programs and written reports of such resurveys submitted~~
32 ~~to the board. The board shall resurvey approved programs on a periodic~~
33 ~~basis as determined by rules and regulations.~~ If the board determines that
34 any ~~accredited approved~~ program is not maintaining the standards re-
35 quired by this act and by rules and regulations prescribed by the board,
36 notice thereof in writing, specifying the failures of such program, shall be
37 given. A program which fails to correct such conditions to the satisfaction
38 of the board within a reasonable time shall be removed from the list of
39 ~~accredited approved~~ programs until such time as the program shall com-
40 ply with ~~said~~ such standards. All ~~accredited approved~~ programs shall
41 maintain accurate and current records showing in full the theoretical and
42 practical courses given to each student.

43 (d) The board may accept nationally accredited advanced registered

1 nurse practitioner programs such as:

2 (1) Advanced registered nurse practitioner programs which have re-
3 ceived accreditation from a board recognized national nursing accredi-
4 tation agency shall file evidence of initial accreditation with the board,
5 and thereafter shall file all reports from the accrediting agency and any
6 notice of any change in school accreditation status. The board may grant
7 approval based upon evidence of such accreditation.

8 (2) Advanced registered nurse practitioner programs holding ap-
9 proval based upon national accreditation are also responsible for comply-
10 ing with all other requirements as determined by rules and regulations of
11 the board.

12 (3) The board may grant approval to an advanced registered nurse
13 practitioner program with national accreditation for a continuing period
14 not to exceed 10 years.

15 Sec. 9. K.S.A. 1998 Supp. 65-1136 is hereby amended to read as
16 follows: 65-1136. (a) As used in this section:

17 (1) "Provider" means a person who is approved by the board to ad-
18 minister an examination and to offer an intravenous fluid therapy course
19 which has been approved by the board.

20 (2) "Person" means an individual, organization, agency, institution or
21 other legal entity.

22 (3) "Examination" means an intravenous fluid therapy competency
23 examination approved by the board.

24 (4) "Supervision" means provision of guidance by a qualified nurse
25 for the accomplishment of a nursing task or activity with initial direction
26 of the task or activity and periodic inspection of the actual act of accom-
27 plishing the task or activity.

28 (b) A licensed practical nurse may perform a limited scope of intra-
29 venous fluid therapy under the supervision of a registered professional
30 nurse.

31 (c) A licensed practical nurse may perform an expanded scope of
32 intravenous fluid therapy under the supervision of a registered profes-
33 sional nurse, if the licensed practical nurse:

34 (1) ~~Has had one year of clinical experience and~~ Successfully com-
35 pletes an intravenous fluid therapy course given by an approved a pro-
36 vider and passes an intravenous fluid therapy examination administered
37 by an approved a provider; or

38 ~~(2) has had one year of clinical experience; has performed intravenous~~
39 fluid therapy prior to the effective date of this act and has successfully
40 passed an examination; or

41 (3) ~~has had one year of clinical experience;~~ (2) has successfully com-
42 pleted an intravenous fluid therapy course not given by an approved pro-
43 vider and has passed an intravenous fluid therapy examination not ad-

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