

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 7, 2001 in Room 210 Memorial Hall

All members were present except: Representative Brenda Landwehr, Excused  
Representative Peggy Palmer, Excused

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department  
Norman Furse, Revisor of Statute's Office  
June Evans, Secretary

Conferees appearing before the committee: Joyce Volmut, Executive Director, Kansas Medically  
Underserved  
Joe Fund, Legislative Liaison, KDHE

Others attending: See Attached Sheet

The Chairperson opened the meeting stating there would be hearings on **HBs 2210** and **2132** and if time permits would work **HBs 2057** and **2058**.

The Chairperson opened the hearing on **HB 2210 - Distribution and control of drugs in indigent health care clinics and federally qualified centers.**

Norman Furse, Revisor of Statutes Office, gave a briefing on **HB 2210.**

Joyce Volmut, testified in support of **HB 2210**, asking that the words medically indigent clinics, as defined by the secretary of health and environment and FQHC's be added to the current Kansas statute concerning drug rooms in specific medical facilities, whereby a pharmacist in charge indirectly supervises storage of prescription drugs within the facility and delegates to a registered nurse or nurses, an advanced registered nurse practitioner or a licensed physician assistant approved by the pharmacist in charge and under the supervision of the pharmacist in charge shall be in charge of the distribution and control of drugs of a medical care facility pharmacy when a pharmacist is not on the premises. The state department of health and environment, any county, city-county or multicounty health department, indigent health care clinic, federally qualified health center and any private not-for-profit family planning clinic, when registered by the board, may keep drugs for the purpose of distributing drugs to patients being treated by that health department, indigent health care clinic, federally qualified health center or family planning clinic (Attachment 1).

Terri Roberts, Executive Director, Kansas State Nurses Association, distributed written testimony supporting **HB 2210** as this proposed provision will foster access and decrease delays in beginning medications for these clients at the time they are seen (Attachment 2).

Susan A. Linn, Executive Secretary, Kansas State Board of Pharmacy, distributed written testimony supporting **HB 2210** (Attachment 3).

The Chairperson closed the hearing on **HB 2210.**

The Chairperson opened the hearing on **HB 2132 - Approval of construction of mausoleums or burial vaults.**

Dr. Bill Wolff, Legislative Research Department, gave a briefing on **HB 2132.**

Joe Fund, Legislative Liaison, KDHE, testified with an amendment to **HB 2132.** KDHE requested the introduction of this bill to shift the responsibility and authority to the Board of Mortuary Arts (Attachment

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on February 7.

4).

Matt Smith, Board of Mortuary Arts, stated if this responsibility was shifted to the Board of Mortuary Arts they would request an application of fee of not more than \$100 be granted to cover expenses.

John Peterson, representing the Cemetery Association had concerns but due to the bill just being placed on the calendar requested final action be delayed until the Cemetery Association could provide testimony.

The Chairperson closed the hearing on **HB 2132**.

The Chairperson asked what the committee's wishes were on final action on **HB 2057 - Repealing the medical scholarship program?**

Representative Kirk asked staff to prepare a balloon to include "child psychiatrists".

Mr. Furse stated he would look at it and report back tomorrow or the bill could be amended in the Senate.

After discussion, Mr. Furse will provide a balloon for the committee's consideration and possibly final action could be taken then.

The Chairperson asked what the committee's wishes were on final action on **HB 2058 - Continuation of health care reform legislative oversight committee.**

Representative Welshimer moved and Representative Swenson seconded to move HB 2058 out favorably and place on the consent calendar. The motion carried.

The meeting adjourned at 2:15 p.m. and the next meeting will be February 8th.





Kansas Association  
for the  
Medically Underserved  
*The State Primary Care Association*

---

112 SW 6th Ave., Suite 201 Topeka, KS 66603 785-233-8483 Fax 785-233-8403 [www.ink.org/public/kamu](http://www.ink.org/public/kamu)

February 7, 2001

Chairman Garry Boston, members of the House Health and Human Services Committee.

Re: HB 2210

My name is Joyce Volmut. I am the Executive Director of the Kansas Association for the Medically Underserved. Today I am here in support of HB 2210. In this bill, we are asking that the words medically indigent clinics, as defined by the secretary of health and environment and FQHC's be added to the current Kansas statute concerning drug rooms in specific medical facilities, whereby a pharmacist in charge indirectly supervises storage of prescription drugs within the facility and delegates to a nurse, advanced practice nurse or physician assistant responsibility for distribution of prescribed medications when the pharmacist in charge is not physically present. This is the same law that oversees storage and distribution of prescribed medications in health departments.

We are requesting inclusion in this legislation for two reasons; it assures standards, allows nurses, nurse practitioners and physician assistants to distribute prescribed medication to patients who would otherwise not be able to start medical treatment if it were not initiated at the time of their clinic visit.

In addition to seeking support of the Board of Pharmacy and the Kansas Pharmacy Association, we have also visited with the Board of Healing Arts, the Kansas Medical Society, the Board of Nursing and the Kansas State Nurse Association about this legislation. We have heard no opposition.

Currently all clinics have a medical director. In many clinics, however the medical director is only there part time and current law does not allow delegation of distribution of prescribed medication to anyone. Most of the clinics also have a local pharmacist who serves as consultant or is a member of the Board. In fact, in a few smaller clinics, the pharmacist volunteers time during normal clinic hours. This legislation will formalize the role of a pharmacist in charge and provide oversight on how medications are stored and distributed.

Clinics that will benefit most from passage of this legislation are clinics who do not have full time physicians, such as the Duchesne Clinic in Kansas City KS, St. Vincent's Clinic in Leavenworth, Health Ministries of Harvey County, in Newton, Health Care Access in Lawrence, Salina Cares, Guadalupe Clinic in Wichita. Also effected will be some of the FQHC's, like the Mexican American Clinic in Garden City, who employ a full time physician but have satellites that are primarily run by Nurse Practitioners or Physician Assistants.

Our members urge passage of this legislation and thank you for your continued support of the medically underserved.

---

Kansas Health Centers - A Good Investment

---

HHS  
2-7-01  
Atch#1





1208 SW Tyler  
Topeka, Kansas 66612-1735  
785.233.8638 \* FAX 785.233.5222  
www.nursingworld.org/snas/ks  
the Voice of Nursing in Kansas

Emma Doherty, M.A.  
President

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

For More Information Contact  
Terri Roberts J.D., R.N.  
233-8638 Fax 233-5222

February 7, 2001

## H.B. 2210 DISTRIBUTION AND CONTROL OF DRUGS IN INDIGENT HEALTH CARE CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS

### *Written Testimony*

Representative Gary Boston and members of the House Health and Human Services Committee the KANSAS STATE NURSES ASSOCIATION (KSNA) supports the changes proposed in H.B. 2210 which would authorize RN's, ARNP's and PA's in indigent clinics and federally qualified health clinics (FQHC's) to distribute prescribed medications to the clients they serve. This practice has been one that for many years local health departments have carried out to meet the needs of their patients, and this bill would only expand the provisions to permit the 30 Indigent clinics including the 5 FQHC's to also be permitted this authority. This statute governing drug rooms in specific medical facilities have a pharmacist in charge that indirectly supervise storage of the prescription drugs within the facility and delegates to a licensed nurse or ARNP the responsibility for distribution of prescriptive medications in the physical absence of the pharmacist in charge.

*This proposed provision will foster access and decrease delays in beginning medications for these clients at the time they are seen.*

Kansas is very fortunate to have a well developed system of 30 clinics providing health care services to the indigent and uninsured through our state. The health services provided to these families and individuals reduces the burden on hospital emergency rooms and provides much needed services to those unable to obtain them because of lack of the financial resources and/or insurance.

We ask for your support in passing this bill out favorably.

*Thank You.*

The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a unified voice for nursing in Kansas and to advocate for the health and well-being of all people.

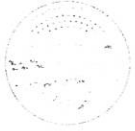
Constituent of The American Nurses Association

H+HS  
2-7-01  
Atch#2

# Kansas State Board of Pharmacy

LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON STREET, ROOM 513  
TOPEKA, KANSAS 66612-1231

STATE OF KANSAS



BILL GRAVES  
GOVERNOR

PHONE (785) 296-4056  
FAX (785) 296-8420  
[www.ink.org/public/pharmacy](http://www.ink.org/public/pharmacy)  
[pharmacy@ink.org](mailto:pharmacy@ink.org)

Representative Garry Boston, Chairperson  
Committee Members  
House Health and Human Services

## RE: HB 2210

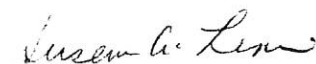
The Kansas Board of Pharmacy supports the passage of HB 2210 that will license indigent health care clinics under K.S.A. 65-1648.

Currently, there is no legal oversight of drug distribution in indigent care clinics. HB 2210 would ensure accountability of the drugs dispensed by these clinics. Board of Pharmacy laws and regulations will require:

- A licensed pharmacist oversees the operation of the pharmacy
- A policy and procedure manual outlining responsibilities for all personnel administering medication
- Medication is properly labeled and administered by an ARNP or PA
- Adequate distribution and medication dispensing records.
- Drugs to be kept in a secure environment; i.e, they are kept in locked cabinets and/or rooms only accessed by a registered nurse or physician assistant.
- Medications are to be stored at the appropriate room/refrigerator temperatures

There would be no financial impact on the operation of the Board of Pharmacy.  
Please call me at 296-4056 if you have any questions concerning this bill or other pharmacy issues.

Sincerely,

  
Susan A. Linn

Executive Secretary

H & HS  
2-7-01  
Atch #3



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

---

**Testimony on House Bill 2132**  
**Concerning Mausoleums**  
**to**  
**House Health and Human Services Committee**

presented by  
Joe L. Fund, Assistant for Research and Governmental Affairs

Chairman Boston and members of the Committee, I am pleased to appear before you today to provide testimony in support of House Bill 2132. KDHE requested the introduction of this bill to shift the responsibility and authority for reviewing and approving of plans and specifications for mausoleums from the secretary of Health and Environment to the secretary of the Board of Mortuary Arts.

For many years, the Bureau of Waste Management has reviewed applications to construct or significantly modify mausoleums. The bureau evaluates applications to ensure that proposed facilities satisfy certain minimum standards of construction regarding the permanence of the structures, the containment of the materials placed within the structures, and any drainage from the interior of the structures. Following the review process, permits to construct or modify existing facilities are issued by the department. The staff performing these reviews are the same engineers who review and issue landfill permits.

The level of effort to perform these reviews and issue permits has been very minimal. Only one or two applications are generally received per year. The review and approval process takes no more than a few work days per year. The reason for requesting the shift in responsibilities is not due to workload considerations, but rather to the appropriateness of KDHE engineers performing this work as compared to persons with greater expertise in mausoleum design and use. It is our opinion that the Board of Mortuary Arts has considerably more relevant knowledge in these matters than KDHE.

In reviewing other statutes related to mausoleums, KDHE has identified two other sections of law where similar changes should be made. Attached to this testimony you will find our suggested amendments to K.S.A. 17-1325 and 17-1326. These changes would also shift KDHE responsibilities to the Board of Mortuary Arts. These amendments address the inspections of crypts and catacombs which are placed in mausoleums as well as the authority to carry out corrective actions at facilities where failed containment has led to health or environmental impacts or the risks of such impacts.

These additional changes do not eliminate the authority of local health departments to inspect mausoleums or to take whatever actions they deem to be necessary to correct problems at such

facilities. Also, KDHE continues to maintain other general authorities under K.S.A. 65-101 related to the protection of public health.

The Bureau of Waste Management will work closely with the Board of Mortuary Arts to facilitate the transfer of these responsibilities. This would include the transfer of all records related to existing facilities and permits.

We appreciate your time and this opportunity to present information in support of HB 2132.



# HOUSE BILL No. 2132

By Committee on Environment

1-23

AN ACT concerning mausoleums or burial vaults or structures; amending K.S.A. 17-1324 and repealing the existing section.

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

Section 1. K.S.A. 17-1324 is hereby amended to read as follows: 17-1324. ~~When~~ Before any person, firm, or corporation, shall desire to build, construct, or erect or other entity constructs or erects any mausoleum, vault, or burial structure, ~~the same~~ to be built or constructed or erected entirely above the ground, or partly by excavation, and to be built, constructed and erected so that ~~the same~~ it may contain one or more deceased human bodies for permanent interment, before proceeding to build, construct, or erect such mausoleum, vault or other structure, shall present and such person or entity shall file a copy of all the plans and specifications for such the construction and erection with the secretary of health and environment of the state of Kansas, and the board of mortuary arts. Before approving such plans and specifications said the secretary shall be satisfied beyond any doubt that the said mausoleum, vault, or other structure would be absolutely permanent and sanitary, and. If the plans and specifications are approved, said the approval shall be evidenced by a written certificate in writing signed by the secretary, may proceed with. Upon such approval, the construction and erection of such mausoleum, vault or other structure may proceed.

Sec. 2. K.S.A. 17-1324 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

17-1325. Crypts and catacombs; construction. All crypts and catacombs, if any be placed therein in such mausoleum, vault, or other structure, shall be constructed so that all parts thereof may be readily and easily examined by the secretary of health and environment the board of mortuary arts or the secretary's designee or by a local health officer, and such crypts or catacombs shall be hermetically sealed after such deceased bodies have been placed therein so that no offensive or unhealthful odor or effluvia may escape therefrom.

History: L. 1917, ch. 85, § 2; R.S. 1923, 17-1325; L. 1975, ch. 462, § 13; L. 1980, ch. 182, § 1; July 1.

17-1326. Same; sealing burial structure; reinterment. Should any firm, person or corporation fail to hermetically seal such crypts or catacombs placed or constructed in such mausoleum, vault, or other burial structure and by reason of such failure or other reasons, offensive odors or effluvia arise therefrom, the secretary of health and environment the board of mortuary arts or the secretary's designee or the local health officer of the county in which such mausoleum, vault or other burial structure shall be situated shall upon the complaint of any local health officer or resident of the township, where such mausoleum, vault or other structure may be situated, compel the sexton or other persons in charge of such mausoleum, vault or other burial structure to immediately place such mausoleum, vault or other burial structure in perfect and sanitary condition or immediately remove said deceased body or bodies therefrom, and properly inter the same at the expense of the person, firm or corporation owning such mausoleum, vault or other burial structure. If no such person, firm or corporation can be found in the county where the same may be located, then such interment shall be at the expense of the township or city where such structure may be situated.

History: L. 1917, ch. 85, § 3; R.S. 1923, 17-1326; L. 1975, ch. 462, § 14; L. 1980, ch. 182, § 2; July 1.

SHH  
H-3

4-3