

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 20, 2001 in Room 210 Memorial Hall

All members were present except: Representative Sue Storm, 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: Mary Lou Davis, Executive Director, Board of Cosmetology

Others attending: See Attached Sheet

The Chairperson stated if members wanted information in their folders to take their file folders with them and new ones would be made for the Senate Bills.

The Chairperson recognized Representative Kirk for a motion.

Representative Kirk moved and Representative Landwehr seconded to reconsider the actions yesterday of HB 2229. The motion carried.

Representative Kirk moved and Representative Landwehr seconded to strike the language in the balloon that speaks to the issue of 85% rule and leave in everything that has to do with "subject to appropriations" and all of the pass through language for all the costs that mandates that.

Representative Landwehr asked if Representative Lightner's amendment yesterday could be included?

The Chairperson stated this just removed the language on the 85% rule.

Representative Landwehr stated on (g) amendment passed out yesterday to strike the last sentence.

The Chairperson stated we are not working the bill at this point, but getting the bill back. With the funding struck in the bill, the Speaker will go ahead and bless the bill so we can come back and rework the bill when we have more time. If the money part is struck, the Speaker indicated he would bless the bill. We have a lot of work today and don't want anyone to feel rushed.

Representative Kirk stated if we could just strike the language to take the money out.

Representative Landwehr moved and Representative Lightner seconded a substitute motion to strip everything back to the original form with Representative Lightner's amendment to strike "Any minimum occupancy requirement applied to nursing facility costs shall include only those costs that are fixed and unalterable regardless of resident census" and add Representative Kirk's appropriation language "Within the limits of appropriations therefor, the".

The Chair stated the bill was back in committee, is there further discussion?

Representative Kirk said the problem with that is the language trying to maintain in the bill was authorized accounted for in the reimbursement rate.

The Chairperson said were not going to take anymore time on this and would move on. The action is closed on **HB 2229.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on February 20.

The Chairperson asked what the committee's pleasure was on **HB 2015**.

Staff brief the committee on the balloon.

Representative Morrison moved and Representative Swenson seconded to accept the balloon (Attachment 1). The motion carried.

Representative Flaharty questioned if this included private colleges.

Staff said, yes.

Representative Long moved and Representative Wells seconded to move **HB 2015** out as amended. The motion carried.

The Chairperson asked the committee's pleasure on **HB 2170**.

Representative Lightner moved and Representative Merrick seconded to move **HB 2170** out favorably.

Representative DeCastro stated she had a problem with the bill. Not sure what this bill exactly does. This is a duplication and already covered and am in opposition of this bill.

Representative DeCastro moved and Representative Landwehr seconded to Table **HB 2170**. The motion carried.

The Chairperson asked what the committee's pleasure was on **HB 2041**.

Representative Long moved and Representative Welshimer seconded to Table **HB 2041**. The motion carried.

The Chairperson asked what the committee wished on **HB 2275**.

Representative Long moved and Representative Welshimer seconded to move **HB 2275** out favorably.

Representative Landwehr stated she had concerns on licensing fees and application fees.

Representative Landwehr moved and Representative DeCastro seconded to Table **HB 2275**.

A show of hands was called – yes 6; no - 8. Motion fails and back on the bill.

The Chairperson asked for a hand count of who wanted to move **HB 2275** out favorably.

A show of hands was called – yes 8; no 5.

The following wanted to be recorded as voting **NO** - Representatives DeCastro, Landwehr and Palmer.

Representative Long moved and Representative Patterson seconded to move **HB 2227** out favorably. The motion carried.

The Chairperson opened the hearing on **HB 2314 - Reciprocity and student instructor's permits**.

Mary Lou Davis, Executive Director, Kansas Board of Cosmetology, testified in favor of **HB 2314**, stating several provision of the law were inconsistent or in need of technical changes and significant changes which include a permit fee for the student instructor, reciprocity process revised, fee structure would provide consistency in biennial renewal fees, disciplinary action for violation and disciplinary action based on disciplinary action taken against them in another state (Attachment 2).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on February 20.

Representative Lightner moved and Representative Showalter seconded to move **HB 2314** out favorably.

Representative Landwehr stated this gives broader authority which we should not do. Better in other areas. Could put entire Board under KDHE. This goes beyond the limits.

Representative Landwehr moved and Representative Palmer seconded a substitute motion to Table **HB 2314**.

The Chairperson asked for a vote to Table the bill and the motion failed.

The Chairperson said were back on the bill to pass out and asked for a show of hands to move **HB 2314** out favorably. Yes - 10; No 5. The motion carried to move **HB 2314** out favorably.

The following requested to be recorded as voting NO: Representatives Landwehr and Palmer.

The Chairperson stated there was time to revert back to **HB 2229**. There is time to go back and try to resurrect what is left of it. There are two choices: I must sign and turn in the Committee Report and told if that is done, the bill will stay below the line. We need to pull the money back out of the bill and in doing that I have no problems with starting all over again but would have to reverse everything and pull it out. Go back to the original bill and work Representative Lightner's amendment and come back and add Representative Kirk's language in.

Representative Landwehr and Representative Palmer withdrew their substitute motion.

Representative Kirk said she was not opposed to striking all of the 85% language, reinstate the original (e) and deleting the last sentence which is Representative Lightner's amendment and on new (g) in Representative Kirk's balloon, "Authorized expenditures not otherwise accounted for in the reimbursement rate of the facility, not under the control of the facility and required by the state of Kansas or federal mandates shall be reimbursed by the state as a direct-cost pass-through". Leave in the amendment "within the limits of appropriations therefore, the" in the balloon.

Representative Kirk suggested to start planning now for the elimination of the 85% rule and give a mandate to have it begin in 2004. There would be 18 months to plan for it.

The Chairperson stated we are walking a very fine line and this is the reason I prefer to have the bill blessed and bring it back. Possibly, we could explore that type of thing but can't do it right now because we can't go where we don't know.

Representative Morrison moved and Representative Showalter seconded a substitute motion to remove the 85% rule to make compatible to Speaker and keep in committee and let the Speaker bless and bring back to work. The motion carried.

Representative Lightner wished to be recorded as voting NO.

The meeting adjourned at 2:30 and the next meeting will be February 28.

HOUSE BILL No. 2015

By Legislative Educational Planning Committee

1-5

AN ACT concerning postsecondary educational institutions; exempting certain programs of the institutions from licensure as child care facilities; amending K.S.A. 2000 Supp. 65-501 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 65-501 is hereby amended to read as follows: 65-501. It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity center or a child care facility for children under 16 years of age without having a license or temporary permit therefor from the secretary of health and environment. Nothing in this act shall apply to any state institution maintained and operated by the state or to any educational or recreational program conducted, maintained or operated by a postsecondary educational institution defined in K.S.A. 2000 Supp. 74-3201b, and amendments thereto.

Sec. 2. K.S.A. 2000 Supp. 65-501 is hereby repealed.

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

(a) A residential facility or hospital that is operated and maintained by a state agency as defined in K.S.A. 75-3701 and amendments thereto; or
(b) a summer instructional camp that is:
(1) Operated by a Kansas educational institution as defined in K.S.A. 2000 Supp. 74-32,120 or a postsecondary educational institution as defined in K.S.A. 2000 Supp. 74-3201b;
(2) operated for not more than five weeks;
(3) provides instruction to children, all of whom are 10 years of age and older; and
(4) accredited by an agency or organization acceptable to the secretary of health and environment.

Kansas register

H+HS
2-20-01
Atch #1



BILL GRAVES, Governor

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House Committee on Health and Human Services House Bill 2275

Tuesday, February 13, 2001
Testimony presented by Mary Lou Davis, Executive Director

Mr. Chairman and Members of the Committee:

In 1997 the legislature enacted regulatory oversight for tattoo artists, body piercers and permanent cosmetic technicians **and** the facilities in which they provide these services. As you know, these body art services are becoming more prevalent and accepted. Therefore, the Board believes that revisions of these statutes will facilitate our efforts to ensure the health and safety of the public while maintaining high standards of practice.

Several provisions of the law are only in need of "clean-up" corrections/revisions. With the implementation of the statutes and through the knowledge gained in the past four years, the Board believes that several other revisions are necessary.

To date the Board currently has licensed 96 body art practitioners and 69 facilities. During calendar year 2000 approximately 28 individuals were issued temporary permits which allows out-of-state individuals to practice at concerts, festivals and etc.

The technical changes include:

- Consistency and uniformity in the language of the statute;
- Clarifies that an inspection confirm compliance with the health and sanitation rules and regulations prior to granting a facility license; and,
- Clarifies the practitioner application process.

More significant provisions include:

- Licensure for a mobile facility;
- All facility licenses will annually expire on December 31 and have a 60 day grace period for renewal with the appropriate late fee;
- Individuals who allow their practitioner license to expire for more than six months must make application as for initial licensure and "satisfactorily complete" the continuing education requirement;
- Piercing the ear lobe is excluded from the body piercing definition;
- Provision for issuing and establishing a licensure fee for an apprentice and trainer; and
- The Board will have enforcement responsibility for violation of licensure statutes or rules and regulations.

Should these revisions be enacted the Board's responsibility would not significantly change. Likewise, the number of practitioner's impacted by this proposed legislation is minimal.

The Kansas Board of Cosmetology requests your favorable action on House Bill 2275.

H+HS
2-20-01
Atch #2