

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 6, 2002 in Room 231-N of the Capitol.

All members were present except: Senator Nancey Harrington
Ms. Margaret Cianciarulo

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Mary Best,, Administrative Assistant

Conferees appearing before the committee: Dr. Elizabeth Saadi, Ph.D., Director, Office of Health
Care Information, KDHE
Mr. Stephen Paige, Director of Bureau of Consumer Health
Mr. Larry Schuertz, Member of KS Meat Processor Assoc.

Others attending: See attached guest list.

Introduction of Bills

With the call to order, Chairperson Wagle announced she would like to start wit the introduction of legislation since this was the last day to introduce bills. She first recognized Senator Barnett who requested the following issues:

1. An issue relating to medicaid fraud to look at best practices in terms of how SRS has contracted with the services and fund this mechanism with monies retrieved from fraud abuse resolutions.

Senator Barnett made a conceptual motion to introduce the above and Senator Jordan seconded. The motion passed.

2. An issue relating to prescription drug costs based on the type of plan implemented in the state of Florida. (Florida Drug Legislation)

Senator Barnett made the conceptual motion to introduce the above. Senator Brungardt seconded and the motion carried.

Next, Chairperson Wagle stated that she also would be requesting two conceptual pieces of legislation be introduced as follows:

1. An issue relating to paramedics (emergency medical technicians allowing them to administer epinephrine.

Chairperson Wagle made a conceptual motion to introduce the above and Senator Steineger seconded. The motion carried.

2. An issue to protect Kansas nursing and assisted living facilities from having unlicensed temporary staff when assigned by a temporary staff agency.

Chairperson Wagle made a conceptual motion to introduce the above and Senator Brungardt seconded. The motion carried.

Last to be recognized for the conceptual bills was Senator Salmans, who requested the introduction of a bill concerning institutional licensing of physicians, relating to the granting of a license.

Senator Salmans made a conceptual motion to introduce the above. Senator Steineger seconded the motion. The motion carried.

Overview of the Health Care Data Governing Boards 2001 Annual Report

Chairperson Wagle then introduced Dr. Elizabeth Saadi, Ph.D., director, Office of Health Care Information, Center for Health and Environmental Statistics. Dr. Saadi presented to the Committee, the Health Care Data Governing Board's 2001 Annual Report as required by K.S.A. 65-6807. Highlights of the report, she explained, include work related to:

- ongoing enhancement of the health care database;
- promoting awareness and educational activities regarding the Health Insurance Portability and Accountability Act (HIPPA);
- provide information to the legislature;
- provide information and data products to customers (businesses, schools and universities, hospitals, etc.)
- contributing to the Kansas Health Statistics Report, establishing health data sharing agreements and partnerships; and
- worked with public health officials to enhance the process for notifying professionals about public health emergencies.

A copy of her presentation and the report can be found in the Chairperson's office.

The Chair thanked Dr. Saadi and asked for questions or comments from the Committee. Questions came from Senator Barnett regarding fetal alcohol syndrome and a chart provided in the report and Ms. Correll's were in regards to the Kansas Integrated Public Health Information System (KIPS) and President Bush's proposed legislation.

Hearing on SB419 - an act concerning retail food stores and food processing plants; relating to the enforcement authority of the Secretary of the Department of Health and Environment

The Chair then introduced Mr. Stephen N. Paige, Director of Bureau of Consumer Health, who was the only proponent to testify.

Mr. Paige stated the KDHE is responsible for food protection programs related to food service establishments, retail food stores, food manufacturing and warehousing. The Secretary of KDHE's responsibilities include establishing food protection standards, maintaining an inspection and regulatory program, and investigation of consumer complaints. He stated the changes proposed in the bill would permit the Secretary to manage and administer the licensing and inspection requirements for food service establishments and also provide the Secretary with administrative and enforcement tools needed to manage the new laws regarding licensing of retail food stores and food processing plants. A copy of his written testimony is ([Attachment 1](#)) attached hereto and incorporated into the Minutes by reference.

Mr. Larry Schuetz, KMPA member (Kansas Meat Processors Association) gave the only opponent testimony. He basically question the legitimacy of the meat processors paying two inspection license fees and being charged two sets of civil penalties from both the Kansas Department of Agriculture (KDA) and KDHE. A copy of his written testimony is ([Attachment 2](#)) attached hereto and incorporated into the Minutes by reference.

The Chair then asked for questions and /or comments from the Committee. A lengthy discussion ensued. Highlights included: suggesting a revision of **SB100** to include an exemption to fit the needs of both groups, clarification of inspections and why two, and an overview of the bill. As it was going on 2:30 p.m., the Chair said that she would discuss this issue with the Committee to determine if a subcommittee needed to be appointed to review the bill.

Adjournment

Adjournment time was at 2:30 p.m.

The next meeting is scheduled for February 7, 2002.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

GUEST LIST

DATE: Wednesday Feb. 6, 2002

NAME	REPRESENTING
Steve Payne	KDHK
Lou Sacki	KDHK
Stephanie Neal	PPA
Loretta Reed	K Dept of Ag
Michael S. Price	Ks Dept of Ag
Chip Wheelen	Assn of Osteopathic Med.
Brad Heidebrecht	H&H Meats - Hesston
Connie Halls	Halls' Meat Proc. Sabett ha
Ann Waylan	KSU
LARRY SCHUETZ	K.M.P.A.
Ronald J. Duss	K.M.P.A.

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

Testimony on Senate Bill 419
to
Senate Public Health and Welfare Committee
Presented by Stephen N. Paige

February 6, 2002

Chairperson Wagle and members of the Senate Public Health and Welfare Committee, I am pleased to appear before you today to regarding Senate Bill 419.

The Secretary of the Kansas Department of Health and Environment is responsible for food protection programs related to food service establishments, retail food stores, food manufacturing and warehousing. Responsibilities of the Secretary include establishing food protection standards, maintaining an inspection and regulatory program, and investigation of consumer complaints.

Food Service establishments have been required to pay license and application fees since 1913. Senate Bill 100 passed by the 2001 Kansas Legislature requires retail food stores and food processing plants to obtain licenses from the Secretary and pay the associated fees. This new licensing requirement became effective July 1, 2001. The new law did not expand the inspection responsibilities of the KDHE, but only required the inspections to be supported by fees.

Passage of SB 100 provided the Secretary with few administrative enforcement tools needed to implement the new licensing laws. Specifically, the Secretary has no authority to conduct annual or follow-up inspections, no authority to issue administrative fines for noncompliance, and no authority to revoke or suspend licenses. In addition, there are no sanctions available to the Secretary for dealing with firms that fail to obtain licenses as required by law. The KDHE cannot effectively administer the new licensing laws without having administrative and enforcement sanctions to deal with noncompliance.

The changes proposed in SB 419 are very similar to the provisions of the Kansas Food Service and Lodging Act. Specific laws of the Food Service and Lodging Act, permit the Secretary to manage and administer the licensing and inspection requirements for food service establishments. Passage of Senate Bill 419, amending the Kansas Food Drug and Cosmetic Act will provide the Secretary with administrative and enforcement tools needed to manage the new laws regarding licensing of retail food stores and food processing plants.

Thank you for the opportunity to appear today, and I will stand for questions by the committee.

Senate Public Health & Welfare Committee
Date: February 6, 2002
Attachment 1

K M P A Testimony

Given by Larry Schuetz February 6, 2002

Atchison, KS

KMPA Member - KS Meat Processor's Asso.

S/B 419 is up for discussion which applies civil penalties to retail food stores and food processing plants, which include me and my fellow members of KMPA who are now under both KDHE and KDA inspection.

S/B 100 was passed July 2, 2001 that gave KDHE the ability to inspect retail areas, as well as charge a license fee based on square footage for inspection.

Why do we pay two inspection license fees and be charged two sets of civil penalties, because as meat processor we will now have civil penalties from both KDA and KDHE?

Along with my fellow KMPA members we strongly oppose S/B 419.

Senate Public Health & Welfare Committee
Date: February 6, 2002
Attachment 2