

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE.

The meeting was called to order by Chairperson Jim Morrison at 1:31 p.m. on February 17, 2003, in Room 243-N of the Capitol.

All members were present except Representative Landwehr, who was excused.

Committee staff present:

Bill Wolff, Legislative Research Department
Renaë Jefferies, Revisor of Statutes' Office
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Penny Bowie, Executive Officer, Board of Examiners in Optometry
Gary Robbins, Executive Director, Kansas Optometric Association

Others attending: See Guest List.

A motion was made, seconded, and passed to approve the minutes for February 12, 2003, and February 13, 2003.

Staff Bill Wolff briefed the Committee on **HB 2169**, addressing fees collected by the Board of Examiners in Optometry. He said the bill allows application fees to be raised from \$150 to \$400, the license exam fee from \$30 to \$150, retaking the exam from \$75 to \$150, and, changing the renewal to biennial, from \$150 to \$800. He noted that these were the statutory limits; the actual fees would be set by rules and regulations of the Board. He said the bill also creates an inactive license.

With Representative Willa DeCastro as chair, the hearing was opened for **HB 2169**. Penny Bowie, Executive Officer, Board of Examiners in Optometry, explained that the biennial renewal will reduce the office workload by 20%. She stated that the inactive status would allow some optometrists who practice in other states to keep their Kansas license, allowing them to easily return to Kansas to practice. (Attachment 1) She said the license fees had not been changed for 13 years, noting that by 2005 the present fee structure would leave no ending balance for the Board. With the change, by 2005 the fund would have \$121,880 and the State General Fund would receive \$30,470.

Gary Robbins, Executive Director, Kansas Optometric Association, said that the increased fees more accurately reflect the cost of Board operation, noting that small incremental increases are more costly for the state if a bill must be passed every few years. (Attachment 2) Answering questions, Mr. Robbins said the first increase would probably be \$50—increasing the renewal fee from \$150 to \$200 or \$225. He estimated it would take 10 years to reach the statutory maximum.

A fiscal note from Duane Goosen, Director, Division of the Budget, was included as written testimony. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at on February 17, 2003, in Room 243-N of the Capitol.

Staff Bill Wolff provided a briefing for **HR 6005**, which addresses the significance of prescription medication to improve health care. (Attachment 4)

A motion and second were offered to recommend **HR 6005** favorable for passage and place it on the House Consent Calendar. The motion passed unanimously.

Dr. Wolff gave a briefing on **HB 2274**, the licensure of Radiologic Technologists, who would be placed under the regulation of the Kansas Board of Healing Arts. He explained the concept of licensure: that radiologic technologists would receive exclusive right to this practice and that the title would be protected, the exceptions to such protected practice being physicians, medical residents and students, military service personnel, and dentists, dental assistants, and dental hygienists. The bill would create an advisory council to assist the Board in developing and administering rules and regulations; it also allows reciprocity for equivalent licensure from other states. Those presently in practice would be allowed three years to obtain a license if they had practiced at least 2 of the three years. He said the fee schedule would be established by the Board, with 80% going to the Board and 20% to the State General Fund. Answering questions, Dr. Wolff said a pharmacist preparing chemotherapy medications for an x-ray would not fall under the scope of the bill. He said that in small clinics, Kansas statutes grant broad delegation by a physician.

Dr. Wolff then briefed the Committee on **HB 2161**, which would allow dental hygienists to work off-site with the agreement of a dentist. He said current law allows both direct supervision (the presence of the dentist) and general supervision (off-site work at adult care homes, state institutions, health-care clinics) so long as the treated individuals had been seen by the dentist within the past year. He said the bill extends that off-site supervision to schools, Head Start, correctional institutions, and certain federally-eligible students. He noted that the bill also creates two "extended care permits," requiring a dental hygienist to carry personal liability, have special training, and have a written agreement with a sponsoring dentist to monitor his/her work off-site.

Mr. Wolff suggested an amendment to say that the Dental Board *shall* issue permits, since, as the bill stands, the Board is not authorized to do so.

The Chair opened Committee discussion on **HCR 5008**. A motion and second were made to pass the bill out favorably; a substitute motion with second was made and was unanimously passed, recommending that the bill be placed on the Consent Calendar.

The Committee, by motion and second, unanimously recommended **HB 2207** favorable for passage.

The meeting was adjourned at 2:37 p.m. The next meeting is scheduled for 1:30 p.m. on Tuesday, February 18, 2003.

**HOUSE HEALTH AND HUMAN SERVICES COMMITTEE
GUEST LIST**

DATE: FEBRUARY 17 2003

NAME	REPRESENTING
Ron Gaches	KDHA
Andy Shaw	1-800-CONTACTS
Susan Linn	Board of Pharmacy
Viccie Burgess	Burgess & Assoc.
Marla Rhoden	KDHE/HOC
Mike Oht	Pinegar, Smith & Assoc
Penny Bowie	KSSBED
MAURIE PROBASCIO	KS Podiatric Med Assn
GARY Robbins	KS Optometric Assn
Christina Collins	Kansas Medical Society
Robert Charamanski	KTLA
KEVIN SPRETTSON	KS DENTAL ASSN
Amanda Reichard	SRS
Julie Helm	Horn Law Firm
Paul Jordan	Workforce Alliance
Gale Remington Smith	KDOA
Leida Kenney	KDHE
Betsy Jelski	KDHE
Darryl Swearing	Bd of Hearing Aids

House Health and Human Services Committee
February 17, 2003

Penny Bowie, Executive Officer
Board of Examiners in Optometry

RE: HB2169

Two changes to the law proposed in HB2169 will improve the efficiency and lower costs of board operations. *Biennial license renewal* is proposed to replace annual renewal. In this scheme half of the optometrists will renew in even numbered years and half in odd numbered years. This will reduce the workload by half each year. In addition, it will reduce the cost of paper, printing, and postage by half.

The second change, implementation of an *inactive license status*, will reduce the workload for auditing continuing education (c.e.) by about 20 percent. There are about 100 optometrists who maintain a Kansas license while their primary practice is in another state. Most of these are Kansas natives with a desire to maintain this link with their home state. However, meeting the c.e. requirements for Kansas and the state in which they practice can be a paperwork nightmare with differing c.e. hours required, license renewal periods, and renewal dates. It discourages some from continuing their licensing here.

The inactive license status will allow these individuals to maintain their licensing tie without submitting evidence of continuing education at every renewal period. While the license is inactive, they are not able to practice here, but moving to active status will require only evidence of continuing education during the inactive period. In addition to reducing the audit time spent by Board staff at renewal time, this strategy will encourage those doctors to continue to submit license fees to the State of Kansas.

The other important change proposed in HB 2169 is an increase in the statutory limits of licensing fees. The last increase in limits was 13 years ago. Licensing fees have been assessed at the limit for 10 years. In other words, license fees have not increased in a decade. In the time, the number of licensees has increased and two additional levels of licensing have been added. These changes, in addition to the expected increases in the cost of goods and services, have left the current limit of fees inadequate to fund the Board to carry out their mission.

HB2169 proposes the following changes:

Type of Fee	Current Limit	Proposed Limit*
Biennial License Renewal (current \$150/yr)	\$300	\$800
License Exam Fee	150	450
Second Try Exam Fee	75	150
Third Try Exam Fee	45	150
License Fee	30	150
Reciprocal License Fee	150	450

*These limits are proposed so that it will not be necessary to request an increase again for at least a decade or more.

Attachment 1
HHS 2-17-03

House Health and Human Services Committee

February 17, 2003

RE: HB2169

Page 2

Initially, the Board plans to begin collecting \$450 biennial renewal fees in 2004. The fees are remitted to the State Treasurer who deposits 80% of those fees into the Optometry Fee Fund, and 20% to the State General Fund. Projected receipts are:

Fiscal Year	Receipts	Optometry Fee Fund	State General Fund
2003	\$ 79,800	\$ 63,840	\$15,960
2004	214,125	171,300	42,825
2005	152,350	121,880	30,470

The Board of Optometry maintains a carry-over balance in the Optometry Fee Fund for years in which there is greater enforcement activity. In recent years, the operations budget has been depleting that balance. It is projected that the Fee Fund will be completely depleted before the end of FY2005.

In addition to the increase in operating costs, there were increased enforcement activities in FY2002 that increased legal services by 20%. The budgets proposed for FY2003, 2004 and 2005 reflect this continued increase to maintain vigilance in the areas of concern.

TESTIMONY BEFORE THE HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ON HOUSE BILL 2169
February 17, 2003

I am Gary Robbins, Executive Director of the Kansas Optometric Association. I am appearing in support of House Bill 2169. Last session, the Kansas State Board of Examiners in Optometry was advised by the House Appropriations Committee and the Senate Ways and Means Committee that their fee fund would be seriously depleted within several years if the statutory limit on licensure fees was not increased. The current \$150 limit has been in place for over a decade. Over the last 10 years, the SBEO has been given additional responsibilities for glaucoma licensure and expanded oral prescriptive drug authority which has required additional testing and administrative expenses.

The profession recognizes the advantages of biennial licensing. We support raising the statutory limits on the various licensing and testing fees to more accurately reflect the cost of operation. We recognize that the State Board of Examiners in Optometry needs to increase fees but the amounts will not approach the proposed statutory limits. Hopefully, the amounts reflected in this legislation will last for another 10-15 years. We are also in support of the language on inactive licenses. Thank you for considering our views on this legislation.

Attachment 2
HHS 2-17-03

KANSAS

DIVISION OF THE BUDGET
DUANE A. GOOSSEN, DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR

February 11, 2003

The Honorable Jim Morrison, Chairperson
House Committee on Health and Human Services
Statehouse, Room 171-W
Topeka, Kansas 66612

Dear Representative Morrison:

SUBJECT: Fiscal Note for HB 2169 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2169 is respectfully submitted to your committee.

HB 2169 would change the licensing period for optometrists from one year to two years. The biennial licensing would begin upon the renewal of licenses that expire on May 31, 2004. The bill would give the Board of Optometry the ability, through rules and regulations, to issue or renew licenses that expire in less than two years in order to set up the biennial licensing system. HB 2169 would increase the statutory caps on fees charged by the board as follows:

<u>Fee</u>	<u>Current Cap</u>	<u>Proposed Cap</u>
First examination fee	\$150	\$450
Second examination fee	75	150
Third examination fee	45	150
Initial license	30	150
License renewal	150	800

HB 2169 would also allow the Board to place an optometrist who had paid the renewal fee, but who had not fulfilled continuing education requirements, on inactive status. An optometrist holding an inactive status license would not be allowed to practice optometry in this state. When the optometrist provides evidence that the continuing education requirements have

been met and pays an additional fee of not more than \$450, the inactive status could be cancelled.

Estimated State Fiscal Effect				
	FY 2003 SGF	FY 2003 All Funds	FY 2004 SGF	FY 2004 All Funds
Revenue	--	--	\$27,127	\$135,635
Expenditure	--	--	--	--
FTE Pos.	--	--	--	--

The Board of Optometry states that passage of HB 2169 would allow for an increase in fees that would generate an additional \$135,635 in FY 2004. Of that amount, \$27,127 would be deposited in the State General Fund, and the balance would be deposited in the Optometry Fee Fund. The Board notes that it will not increase fees to the maximum amounts proposed in this bill. Rather, estimates for the increased revenues use a \$450 biennial renewal fee. Any fiscal effect resulting from enactment of HB 2169 would be in addition to amounts included in *The FY 2004 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Penny Bowie, Board of Optometry

Jim Morrison

From: Bob Bethell [bethell@ink.org]
Sent: Friday, February 14, 2003 8:02 AM
To: jmorriso@ink.org
Subject: H 6005

Thank you Mr. Chairman for the opportunity to testify in favor of H6005.

This resolution will ask Congress to enact financially sustainable, voluntary, universal and privately administered out-patient prescription drug coverage as part of the federal Medicare program .

By accomplishing this the State of Kansas will save \$330,000,000.00 for the time frame of 2005 to 2012 in Medicaid dollars
by removing the "dually eligible" from the Medicaid prescription roles.

I request that H 6005 be recommended for passage favorably.

Thank you for your consideration I will stand for questions.

2/14/2003

Attachment 4
HMS 2-17-03