

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 March 11, 2003 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Mr. Norm Furse, Revisor of Statutes  
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mrs. Pamela Johnson-Betts, Candidate as Secretary of  
the Department of Aging

Others attending: See attached guest list

### **Confirmation Hearing**

Upon calling the meeting to order, the Chair announced there would be a confirmation hearing. She then introduced Mrs. Pamela Johnson-Betts, candidate as Secretary of the Department of Aging.

Mrs. Johnson-Betts provided remarks as to her qualifications and background and then stood for questions. Senators Salmans, Harrington, Wagle, and Haley asked questions ranging from Senior Grandparenting Program funded through the federal government, Senior Citizens Program, eliminations regarding layoffs, Kansas African Advisory Committee, to commending her for her numerous accomplishments, especially Tiger Scout Coordinator.

A copy of Mrs. Johnson-Betts testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

### **Action on the Confirmation**

As there were no further questions, Senator Haley made a motion to support the appointment to the full Senate. Senator Barnett seconded and the motion carried.

### **Action on HB2207 - an act concerning the State Board of Pharmacy; providing for registration of pharmacy technicians**

The next order of business was action on HB2207, an act concerning the State Board of Pharmacy, providing for registration of pharmacy technicians. Senator Brungardt asked for clarification from the Committee, where the bill stood regarding the two-to-one ratio? The Chair stated, currently in the statute, there is a restriction shown on page 3, line 22 and 23 (the language is struck) and also on page 2, lines 37 through 39 (states the ratio of pharmacy technicians to pharmacists in the prescription area of a pharmacy will be fixed by rules and reg,) changing the ratio not exceed the two-to-one ratio (page 3, line 24). She said this language was struck. When she asked the House Chairperson Morrison why the required ratio was stricken, he said the Health and Human Services Committee was not aware that this was in the bill.

Senator Barnett had concerns regarding page 3, lines 24 through 26, stating this should be moved over to page 2, starting on line 36 after the period, because he would like to see the Committee retain this ratio. Chairperson Wagle commented that when session first started, the Board of Pharmacy came to her and

## CONTINUATION SHEET

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE at on March 11, 2003  
in Room 231-N of the Capitol.

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requested legislation regarding the need for licensure and never mentioning the desire to change the ratio from two to one. Senator Haley asked for a clarification and the Chair said that on page 2, beginning with line 36 after the period, and through line 39, it is being proposed that they be deleted and inserted with information found on page 3 lines 22 and 23, which is current law (correcting the line number).

Senator Brungardt asked if Senator Barnett was offering this as an amendment and Senator Barnett said yes. The Chair then asked if everyone understood and was comfortable with the wording and change. Senator Steineger suggested that on line 38, page 2, they delete "shall be fixed by rules and regs the board" and leaving, "shall not exceed two-to-one." Senator Barnett withdrew his amendment and made a motion to accept Senator Steineger's suggestion (after line 38, after the word "shall," the Committee strikes "be fixed by rules and regs the board" and say it shall not exceed a two-to-one ratio).

Senator Steineger asked for a discussion, stating that this should be left in rules and regs rather than a statute, because rules and regs are firm but more flexible than a statute (allowing the situation to change or be updated as needed a little more easier than in a statute) and let the Board of Pharmacy decide what those ratios should be. Senator Salmans was somewhat in agreement, because he felt the Committee could not be sure how the ratio would work. Senator Steineger stated he has sat on all rules and regs committees for the last seven years and feels the review process of rules and regs is a good one so should be left with the rules and regs experts. Senator Barnett stated he had called pharmacists, because he also did not know the proper ratio (one-to-one ample, two-to-one, a stretch) and what compelled him was the testimony, noting the examples of harm and miscalculation, theft of drugs, and drug diversion and could see rules and regs if there were a definite set of standards of what a pharmacy technician should be. Senator Brungardt stated that one of his experts said three-to-one would be okay, so he felt in agreement with Senator Salmans who said opinions will vary, but the fact is, for various reasons the law states two-to-one. He did not feel there was compelling testimony given to change the ratio, and would not feel comfortable wiping it out all together. He stated that this is good policy as there needs to some range and as it is not set in stone, they can come back and change it next year. Senator Haley stated he saw merit to both points that are being taken and is prepared to rely somewhat on the Board. He also mentioned there was no ratio in Missouri in the statute. Senator Wagle also received a number of calls from pharmacists who desire the ratio be kept at two-to-one (safe for the public and easier to manage). She also mentioned her concern with the testimony regarding technicians who advise. Senator Harrington referred to the competition of businesses that have pharmacies within in their stores.

As there was no further discussion. The Chair asked the Committee to raise their hands if they were in favor of the amendment or leave it up to rules and regs. The Chair then asked for further action on the bill Senator Jordan made a motion for a technical change on page 1, line 23, striking "license" to "registration" fee. Senator Harrington seconded the motion and the motion carried

The Chair then asked what the will of the Committee was. Senator Brownlee made a motion, seconded by Senator Steineger, to pass the bill out as amended favorably. The motion carried.

### Adjournment

As it was going on 2:30 p.m., time for Senate session, the Chair adjourned the meeting and announced to the Committee that they would meet tomorrow. The time was 2:30 p.m.

The next meeting is scheduled for March 12, 2003.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

GUEST LIST

31 in att

DATE: Tuesday, March 11, 2003

NAME	REPRESENTING
Doug FARMER	KDOA
Jalynn Copp	Governor
Danah Johnson Betts	KDOA
Jennifer Crow	Governor's office
Craig Kober	KS AREA AGENCIES ON AGING ASSOC
Sheli Sweeney	KDOA
Cary Robbins	KS Optometric Assn
Erin Rutschmann	KNASU
Travis Barnhart	KNASW
Jennifer Younger	Quiznos
Anda Dweay	Empire Bank, NA
Kathy Taylor	TMP. Marian, Hays, KS
Don Barnes	Sen. Salmons Off.
Amber Kjelhus	Sen. Brungardt's Intern
Ron Seebor	Hein Law Firm
Michelle Peterson	Governmental Consulting



State of Kansas  
Department on Aging

Pamela Johnson-Betts, Secretary

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Senate Public Health & Welfare Committee  
Confirmation of Pamela Johnson-Betts  
as Secretary of Aging  
March 11, 2003

Office of the Secretary  
Pamela Johnson-Betts, Secretary

*Senate Public Health & Welfare Committee  
Date: March 11, 2003  
Attachment 1-1*



**Testimony of Pamela Johnson-Betts  
Before The Senate Public Health & Welfare Committee on  
Confirmation as Secretary of  
The Kansas Department on Aging  
March 11, 2003**

Madame Chair and members of the committee, thank you for this opportunity to appear before you on the issue of my appointment by Governor Sebelius as the new Secretary of Aging.

I have been on the job since March 3, 2003. In my week at the Kansas Department on Aging (KDOA), I have met with the Department's Leadership Team; held an all-employee staff meeting; met separately with some staff who will directly be affected by the Department's Layoff Plan; provided input to the development of the Governor's Conference on Aging; met jointly with the Kansas Department of Health and Environment and KDOA staff to continue development of our transition plan; attended a House Appropriations Committee meeting on the KDOA budget; accepted invitations to visit Salina and Dodge City and generally have become a dedicated student of Aging issues and Department specific operational issues.

I plan to visit the 11 Area Agencies on Aging in the near future as well as visiting other partners and stakeholders to better familiarize myself with their role, the services they provide, and their issues, concerns, and suggestions for ways in which we can improve how we operate and how we meet the needs of seniors.

While a weeks' study and active listening does not make me an expert on aging issues, my social work background, early educational study of Aging and field placements with a concentration in geriatrics, I am confident, poised, and committed to become just that. I look forward to my role of working with the Aging Network of diverse partners and stakeholders to advocate on behalf of Kansas seniors and to lead the Department in formulating policy and developing plans to meet seniors needs efficiently and effectively.

I have spent the bulk of my adult life in community and public service. I have an extensive background in community outreach that cross-cuts several agencies, i.e., the Department of Social and Rehabilitation Services (SRS), the Department of Health and Environment, the Department of Human Resources, Education, and the business community. These experiences and general knowledge of the various agencies will be most useful to me in my current position.

I am the mother of three sons; a wife; an only child of aging independent parents; a third generation Kansan; a community volunteer; an educator and a long-time public servant. Staff who have worked for me would describe me as principled, hardworking, competent, reliable, fair, honest and one that encourages and fosters exceeding expectations. I request of staff and

personally give exceptional customer service, recognizing that "customers" are both external and internal and deserve at all times to be treated with respect, dignity, and courtesy.

The opportunity the Governor has given me to assist in improving the lives of older Kansans is a welcome one. Seniors today are much more aware, vivacious, interesting and interested in quality of life. While some of us like to deny we are entering the ranks of seniors, the issuance of the AARP card in the mail jolts many of us into reality. I consider it not just an opportunity but an honor at this stage in my life to have a role in advancing the KDOA mission statement "to promote security, dignity, and independence of Kansas seniors."

As you all know, no one person can do this job alone. I stand before you today with dedicated, knowledgeable staff whose desire it is to help individuals and their families who are in need of some level of assistance. I am confident we can make a difference by managing our programs well, being fiscally responsible, collecting useful data from which to make informed management decisions, and utilizing research and the life experiences of those we serve to improve the lives of Kansas seniors and to prepare others who will soon become seniors.

### **Current KDOA Initiatives**

The Governor's budget recommendation includes the transfer of nursing facility regulation from KDHE to KDOA (\$1,197,965 SGF, \$6,800,000 all funds) and 116 Full Time Equivalent (FTE) positions. The Department on Aging is meeting with the Department of Health and Environment on a weekly basis to develop both a short-term plan and long-range strategies to facilitate an effective transfer.

The Governor's budget recommendation also eliminates the Outreach and Marketing Commission (\$208,488 SGF, \$424,359 all funds) and 10.0 FTE positions, and the Quality Review Division of the Quality Assurance Commission (\$617,541 SGF, \$1,194,469 all funds) and 30.0 FTE positions.

The Agency's Notice of Layoff Plan has been approved by the Department of Administration. The KDOA staff will be informed of the plan's details this Thursday, March 13, 2003. At that time, I will meet with all affected employees to provide information regarding options that may be available to them. It should be noted that the primary functions of these divisions will be absorbed by other employees throughout the agency. This, as can be expected, is difficult for KDOA employees and I am told an unprecedented task for the Department. We are moving forward as sensitively as possible while confident our planning will allow for the continued provision of effective services to Kansas seniors.

I also want to note that on March 1, 2003 the Senior Health Insurance Counseling of Kansas (SHICK) program transferred to the Department on Aging from the Kansas Insurance Department. We look forward to the opportunity of working closely with the SHICK sponsoring organizations as they provide information to seniors.

## Future KDOA Initiatives

The Department has been engaged in many innovative activities for the past few years, which I intend to maintain. Some of these include the following:

- **Private Financing of Long-Term Care-** increases awareness of the need to plan for long-term care and to educate Kansans on the private financing of long-term care services, such as purchasing long-term care insurance when feasible.
- **Lifelong Communities-** coordinate with communities across Kansas to provide information on the value of healthy aging and senior-friendly communities.
- **Promoting Excellent Alternatives in Kansas (PEAK) Nursing Homes-** work with nursing homes and support them in pursuing “non-traditional” models of care with progressive home-like environments.
- **Senior Farmer's Market Program-** provides vouchers to low income seniors that can be used to purchase fresh fruits and vegetables at local farmer's markets during the summer months. KDOA has applied for a grant from the USDA and the Kansas Department of Agriculture is a partner in this project.
- **Relatives as Parents Program (RAPP)-** identifies and supports issues and needs of kinship caregiving, especially as it relates to grandparents raising grandchildren, funded by a grant KDOA received.
- **Alzheimer's Arts and Inspiration Center-** provides respite to caregivers and the opportunity for those with memory loss to share thoughts, philosophies, creations and enjoyment through the avenue of the arts; funded by a grant KDOA received. This is a public/community effort in Parsons, Kansas.

I plan to continue to coordinate and collaborate with other state agencies that serve our customers, including the Kansas Department of Social and Rehabilitation Services (SRS), the Kansas Department of Health and Environment (KDHE), the Kansas Department of Human Resources (KDHR), the Kansas Insurance Department, the Long-Term Care Ombudsman, and others. We will continue communications, coordination, and consultation with all our partners, and most importantly, with our customers.

I have had a remarkable week at the Agency and look forward to many more that afford me the opportunity to provide services for Kansas seniors.

I appreciate the opportunity to appear before you today. I am aware you have other information that provides you with greater detail about myself. I am happy to answer any questions you may have at this time.