

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Acting Chairperson Nancy Kirk at 1:35 P.M. on March 22, 2005, in Room 526-S of the Capitol.

Committee members absent:

Representative Brenda Landwehr- excused

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department

Mary Galligan, Kansas Legislative Research Department

Rena Jefferies, Revisor of Statutes' Office

Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Martin Kennedy, Director of Budget/Governmental Affairs, Kansas Department on Aging

Others attending:

See attached list.

Staff provided a briefing on **SB 92**, a bill which adds the Kansas Department on Aging to the agencies (currently, Kansas Department of Health and Environment and Kansas Social and Rehabilitation Services) that are required to investigate reports of abuse, neglect, or exploitation of adult care home residents. Since the Department has already assumed these duties, there is no fiscal impact on the state budget.

The Chair opened the hearing on **SB 92**.

Martin Kennedy, Director of Budget/Governmental Affairs, Kansas Department on Aging, said that the staff briefing covered the salient points of the bill, and he urged members to pass it. (Attachment 1)

The hearing was closed on **SB 92**.

Chairman Morrison arrived in time to open **SB 92** for discussion.

A motion was made, seconded, and passed to recommend **SB 92** as favorable for passage.

The Chair opened discussion on **SB 254**.

A motion was made, seconded and passed to recommend **SB 254** as favorable for passage.

The Chair opened **SB 10** for discussion.

Members considered two balloon amendments offered by conferees, one recommending that the bill allow only students in grades 4-12 to self-administer medication (page 2, lines 5-7), the other recommending that

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:35 P.M. on March 22, 2005, in Room 526-S of the Capitol.

lines 25-27 on page 2 (requiring that in the absence of a school nurse another person be designated to function as one) be deleted.

A member commented that allowing a non-professional person to delegate nursing care to a non-nurse violates the Nurse Practice Act.

A motion was made and seconded to accept the amendment suggested by conferee Kathy Hubka, which deletes the statement regarding delegating a person to act in place of the school nurse.

The motion to amend passed.

Members discussed the other proposed change, restricting self-administered medication to grades 4-12 rather than grades K-12.

Mark Tallman, Assistant Executive Director, Kansas Association of School Boards, answered a member's question, saying that federal law gives preference for funding certain programs to states that pass legislation like **SB 10**.

A member expressed uneasiness regarding unavoidable liability and the harm that might result from misuse of students carrying medication, wondering if the federal dollars were worth the risk.

Several members acknowledged the risks, but expressed a desire to err on the side of protection for at-risk children, for whom medication might mean the difference between life and death. Several members related stories of a family member's need for immediate succor when suffering allergic distress. Mr. Tallman responded to another question, saying that the law has been in effect for a year and no untoward events have created liability for school districts. One member reminded the committee of the groups that support the bill and that there were no opponents to the bill. Another member said that school nurses, who opposed the bill last year, see it as significantly improved this year and support it.

A motion was made and seconded to recommend **SB 10** favorable for passage as amended. The motion passed unanimously.

A decision was made not to work **HB 2396**.

The Chair invited any member with ideas about issues for next year to convey those ideas to him.

The minutes for the committee meeting of Monday, March 21, were approved.

The meeting was adjourned at 2:45 p.m.

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE
GUEST LIST

DATE: MARCH 22 2005

NAME	REPRESENTING
LARRY BUENING	BD OF HEALING ARTS
Chip Wheeler	Asin of Osteopathic Med
Dan Morra	Intern Rep Hick
Marty Kennedy	KS Dept. on Aging
Jenny Davis	ConLee Consulting
Ron Seeber	Her Law Firm

KANSAS

DEPARTMENT ON AGING
PAMELA JOHNSON-BETTS, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

March 21, 2005

TO: House Committee on Health and Human Services
FROM: Pamela Johnson-Betts, Secretary of Aging
RE: Support for SB 92

Mr. Chairman and members of the House Committee on Health and Human Services, thank you for the opportunity to appear before you today on behalf of the Kansas Department on Aging.

During the 2004 legislative session, Kansas law (K.S.A. 39-1404) was amended to clarify the role of the Department in protecting adult care home residents from abuse, neglect or exploitation. One statutory reference was not amended at that time so that the current statute incorrectly identifies the Kansas Department of Health and Environment as the agency responsible for informing adult care home about findings of abuse, neglect and exploitation. We are requesting clean-up language to correctly reflect that it is the responsibility of KDOA to notify the facility of the findings.

Thank you for your positive consideration of the bill.

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*Attachment 1
HHS 3-22-05*