

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on March 9, 2005 in Room 231-N of the Capitol.

All members were present except:
Susan Wagle- excused

Committee staff present:
Emalene Correll, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Norm Furse, Office of Revisor of Statutes
Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee:
Ron Hein, Kansas Society of Radiologic Technologists
Mark Stafford, Kansas Board of Healing Arts
Karen Greenlee, State Long-Term Care Ombudsman

Others attending:
See attached list.

Hearing on HB 2330

HB 2330— Effective date of certain provisions of radiologic technologists practices act, and title abbreviations for certain radiologic technologists

Upon calling the meeting to order the Chair announced there would be a hearing on **HB 2330**, an act concerning the radiologic technologists practices act; amending K.S.A. 2004 Supp. 65-7303, 65-7304, 65-7306, 65-7310, 65-7314 and 65-7315 and repealing the existing sections. Chairperson Barnett first requested that Mr. Norm Furse, Office of Revisor of Statutes, give a brief overview of the bill.

As there were no questions and/or comments for Mr. Furse, the Chair called upon the first proponent to testify. Ron Hein, Kansas Society of Radiologic Technologists, stated in his testimony that he does not believe that there are any substantive changes of note in this legislation which would adversely impact or affect any other interested groups or health care providers. I would leave to the will of the Committee and the Chairman as to whether or not this noncontroversial bill is appropriate for the consent calendar. A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Mr. Hein, Chairperson Barnett called upon the second proponent conferee to testify. Mark Stafford, Kansas Board of Healing Arts, stated that the Board urges this Committee to recommend **HB 2330** favorably for passage so that the Board can continue to proceed with the steps necessary to license individuals as radiologic technologists as provided by the statutes. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Mr. Stafford, the Chair asks the Committee if they would like to take action on the above bill.

Senator Journey motioned to pass legislation favorably and recommend that it be placed on the consent calendar. Senator Palmer seconded the motion. Motion Passed.

Hearing on HB 2154

HB 2154— Repeal of K.S.A. 65-1627d, 65-1627e and 65-1627g

The next order of business was a hearing on **HB 2154**, an act concerning pharmacists; relating to hearings; repealing K.S.A. 65-1627d, 65-1627e and 65-1627g. Chairperson Barnett first requested that Terri Weber, Legislative Research Department, give a brief overview of the bill.

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on March 9, 2005 in Room 231-N of the Capitol.

As there were no questions and/or comments for Ms. Weber, and there were no conferees, the Chair asked the Committee if they would like to take action on the above bill.

Senator Journey motioned to move legislation favorably and recommend that it be placed on the consent calendar. Senator Gilstrap seconded the motion. Motion Passed.

Hearing on **HB 2153**

HB 2153– Secretary of aging, state long-term care ombudsman

The next order of business was a hearing on **HB 2153**, an act concerning the secretary of aging; relating to the long-term care ombudsman; amending K.S.A. 2004 Supp. 75-7306 and 75-7310 and repealing the existing sections. Chairperson Barnett first requested that Emalene Correll, Legislative Research Department, give a brief overview of the bill.

As there were no questions and/or comments for Ms. Correll, Vice Chair V. Schmidt called upon the first proponent conferee to testify. Kathy Greenlee, State Long-Term Care Ombudsman, stated in her testimony that the above legislation is a technical clean-up bill that has been introduced at the request of the Secretary of Aging and myself. Prior to proposing this legislation, I consulted with representatives from KDOA, KDHE, and SRS. All three agencies concur with the proposed technical changes. A copy of her testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Vice Chair V. Schmidt asks the Committee for any questions and/or comments for Ms. Greelee.

Senator Palmer asks if an individual suspects the abuse/neglect of their mother in a facility, who would they contact.

As there were no further questions and/or comments, Vice Chair V. Schmidt asks the Committee if they would like to take action on the above bill.

Emalene Correll recommends specific technical clean-up.

Senator Haley motioned to accept recommended amendments. Senator Brungardt seconded the motion. Motion Passed.

Senator Haley motioned to pass legislation favorably. Senator Jordan seconded the motion. Motion Passed.

Adjournment

As there was no further business, the meeting was adjourned at 2:00 p.m.

The next meeting is scheduled for Thursday, March 10, 2005.

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Testimony Re: HB 2330
Senate Public Health and Welfare Committee
Presented by Ronald R. Hein
on behalf of
Kansas Society of Radiologic Technologists
March 9, 2005

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Kansas Society of Radiologic Technologists. The KSRT is the professional association for radiologic technologists in Kansas.

The KSRT requested the introduction of this bill, which basically does two things: 1) it delays the effective date of the licensure of Radiologic Technologists three months to permit rules and regulations to be developed by and to permit a better timing sequence for the Board of Healing Arts (BOHA); and 2) it makes minor, technical amendments to the Radiologic Technologists Licensure Act which was passed by the 2004 Legislature (2004 HB 2698). The licensure date delay was requested by the Board of Healing Arts, the regulating agency, to allow them time to complete the rules and regulations process and to better coordinate the collection of fees and the actual licensure process.

The radiologic technologists advisory council to the Board of Healing Arts has approved the provisions which were incorporated into this bill. The Board of Healing Arts will be testifying in support of the changes to the licensure dates in this legislation.

I do not believe that there are any substantive changes of note in this legislation which would adversely impact or affect any other interested groups or health care providers. I would leave to the will of the committee and the Chairman as to whether or not this non-controversial bill is appropriate for the consent calendar.

Thank you very much for permitting me to testify, and I will be happy to yield to questions.

Senate Public Health & Welfare
3-9-05
Attachment # 1

KANSAS BOARD OF HEALING ARTS

LAWRENCE T. BUENING, JR.
EXECUTIVE DIRECTOR



KATHLEEN SEBELIUS, GOVERNOR

MEMO

TO: Senate Committee on Public Health and Welfare

FROM: Mark W. Stafford
General Counsel

DATE: March 9, 2005

RE: H.B. No. 2330

Thank you for the opportunity to appear before you on behalf of the State Board of Healing Arts in support of H.B. No. 2330. In the 2004 session the Legislature adopted Substitute for H.B. 2698, which directs the Board to regulate radiographic technologists. The Kansas Society of Radiologic Technologists has requested amendments to the 2004 act. The Board has no objection to these amendments. The Board requests additional amendments to delay the effective date for some of the sections from July 1, 2005 to October 1, 2005.

The Board requests the delayed effective date because the current statutes would have licenses issued on the same date that the Board would be authorized to adopt rules, accept applications and establish, charge and collect fees. More specifically, K.S.A. 65-7303 requires that individuals be licensed by July 1, 2005 in order to perform radiologic technology procedures. To license individuals by July 1, 2005, it is necessary that applications be totally complete, including the payment of the application fee, and be received in the Board office prior to that date. Unfortunately, K.S.A. 65-7305, describing the process for filing an application, does not go into effect until July 1, 2005. Although K.S.A. 65-7312 allows the Board to adopt rules and regulations prior to July 1, 2005, the statute that authorizes the Board to charge and collect fees in advance and to establish the amount of the fees by rules and regulations does not become effective until July 1, 2005. Also, K.S.A. 65-7309, which requires the Board to remit fees to the state treasurer, does not go into effect until July 1, 2005.

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Senate Public Health & Welfare
3-9-05
Attachment #2

Substitute for H.B. 2698 was passed by the Legislature toward the end of the 2004 after considerable work among all interested parties. It was not approved by the Governor until April 14, 2004. All provisions of the original H.B. No. 2698 would have gone into effect July 1, 2004. This effective date would not have provided the Board with adequate time to adopt the necessary rules and regulations and create the required forms in order to implement the licensing process. Therefore, the Board requested that required licensing be extended to July 1, 2005. As a result, four sections of the bill became effective July 1, 2004 (65-7301, 7310, 7311 and 7312). One section (65-7315) became effective July 1, 2004, but specifically provides that violation of the act would not constitute a misdemeanor until July 1, 2005. The other 10 sections of the bill provided that they would not become effective until July 1, 2005.

We have worked with the Revisor's office to correct the situations created when Substitute for H.B. No. 2698 was originally enacted. As a result, the dates have been changed from July 1, 2005 to October 1, 2005 in K.S.A. 65-7303(a) (Page 1, line 15); 65-7303(f) (Page 2, line 21); 65-7310(c) (Page 4, line 9); 65-7314(b) (page 4, line 28) and 65-7515 (Page 4, line 30).

The Board is on schedule to adopt regulations to license between 3000 and 3300 individuals. The Radiologic Technology Council has met on three occasions and six rules and regulations have now been proposed and are scheduled for public hearing at 10:00 a.m. on Thursday, May 26, 2005. These are:

- 100-73-1. Fees.
- 100-73-2. Expiration of license.
- 100-73-3. Criteria for approval of programs.
- 100-73-4. Examinations.
- 100-73-5. Application.
- 100-73-6. Unprofessional conduct; defined.

The Board urges this Committee to recommend H.B. No. 2330 favorably for passage so that the Board can continue to proceed with the steps necessary to license individuals as radiologic technologists as provided by the statutes. Thank you again for allowing me to testify in support of H.B. No. 2330. I would be happy to respond to any questions.



K A N S A S

KATHY GREENLEE
STATE LONG-TERM CARE OMBUDSMAN

OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN

KATHLEEN SEBELIUS
GOVERNOR

TESTIMONY

Public Health and Welfare
House Bill 2153
By Kathy Greenlee, State Long-Term Care Ombudsman
March 9, 2005

Chairman Barnett and Members of the Committee:

Thank you for allowing me to testify today in favor of HB 2153. This technical clean-up bill has been introduced at the request of the Secretary of Aging and myself.

As you know, the 2003 legislature decided to move the nursing home inspection unit from the Kansas Department of Health & Environment (KDHE) to the Kansas Department on Aging (KDOA) effective July 1, 2003. This inspection unit, also known as the survey unit, now resides at KDOA.

The Office of the State Long-Term Care Ombudsman is required by law to provide information to the nursing home survey unit. We provide information regarding volunteer and regional staff visits to long-term care facilities, the types of cases we have worked and any ongoing concerns.

When the survey unit transfer was made, two ombudsman statutes were overlooked. K.S.A. 75-7306 and 75-7310 need to be amended to insert reference to the Secretary of Aging and remove reference to the Secretary of KDHE and Secretary of SRS. Prior to proposing this legislation, I consulted with representatives from KDOA, KDHE and SRS. All three agencies concur with the proposed technical changes.

Thank you for your consideration of this bill.

*Senate Public Health & Welfare
3-9-05 attachment #3*