

Approved: March 14, 2006

Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:30 P.M. on March 13, 2006, in Room 526-S of the Capitol.

All members were present except Representatives Kelley, Watkins, Kilpatrick, Landwehr, and Bethell, all of whom were 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:

Jack Alexander, State Fire Marshal
Chad Austin, Vice President, Government Affairs, Kansas Hospital Association
Phyllis Kelly, Executive Director, Kansas Adult Care Executives Association
Debra Zehr, Executive Vice President, Kansas Association of Homes and Services for the Aging

Others attending:

See attached list (not available on electronic copy).

The Chair opened the hearing on HB 2977.

Jack Alexander, State Fire Marshal, appearing as a proponent, said he recognized the need for the bill and could see the merits expressed in it. (Attachment 1) However, he said the bill requires resources beyond present funding, and, together with a group of similar bills, would require additional funds of \$500,000. He recommended an interim study to integrate the requirements of the bills. Answering a question, he said the bills referred to are HB 2974, HB 2975, HB 2976, and HB 2977, noting that the bills were introduced as a package. When Mr. Alexander replied that his staff regularly provides training statewide, a member suggested that he include other interested parties in the training, thus obviating the need for additional costs or staff.

Chad Austin, Vice President, Government Affairs, Kansas Hospital Association, testified as a proponent. (Attachment 2) He said implementation of the 2000 Life Safety Code brought stricter standards, and the Centers for Medicare and Medicaid Services (CMS) were requiring more stringent inspections; thus, the bill will serve as an impetus to ensure hospitals are kept up-to-date on the complexities of the new codes. He noted that the Association conducts an annual education/information seminar jointly with the Fire Marshal's Office and CMS staff.

Phyllis Kelly, Executive Director, Kansas Adult Care Executives Association, spoke in favor of the bill. (Attachment 3) She said her association, Kansas Association of Homes and Services for the Aging, and the Kansas Health Care Association jointly sponsor an educational seminar with the Kansas Department

on Aging (KDOA) two times a year, the cost being underwritten by the providers; she noted that the Fire Marshal's Office could be included in these seminars, providing an invaluable venue for information to interested parties statewide. She encouraged members to support the bill.

Debra Zehr, Executive Vice President, Kansas Association of Homes and Services for the Aging, testified in support of the bill. (Attachment 4) Giving background, she said the adoption of the 2000 Life Safety code has created major changes in the 1985 safety code, requiring significant adjustments, much frustration, and increased expense during the past two years. Commenting that the new code helped KDOA to update agency policies, she hoped this bill would help initiate changes for the State Fire Marshal's Office. Answering questions, Ms. Zehr said an interim study would delay implementation. She replied that much of what the bill attempts to do was accomplished at KDOA without legislation.

Mr. Alexander commented that the word "shall" created an obligation that could prove onerous to his office.

A fiscal note was provided for members. (Attachment 5)

The hearing was closed.

Staff Mary Galligan gave a briefing on **SB 469**. She said the bill, which creates a new statute known as the Behavioral Sciences Licensing and Prevention Act and creates a mechanism for the Behavioral Sciences Regulatory Board (BSRB) to deal with impaired providers, was amended significantly by the Senate. She stated that the bill authorizes any person who has information relating to a reportable incident to file a complaint with the Board; it also authorizes the Board to investigate a complaint, to refer a licensee for treatment, to take disciplinary action (deny, revoke, limit, condition, or suspend a license) based on the treatment report.

Staff Melissa Calderwood briefed the committee on **SB 470**, which amends current law regarding temporary licenses issued by the BSRB for four master-level professions regulated by the Board: licensed professional counselor, clinical-level social worker, licensed marriage and family therapist, and licensed masters-level psychologist. Noting that the Senate made significant amendments to the bill, she said the licensed professionals would be allowed one temporary license while preparing to take the licensing examination; when it expired, it could not be renewed, the expiration length extending from 6 months to 24 months, depending on the profession. Answering a question, she said the temporary license fee could be no more than \$150, but other licensing fees were not addressed in the bill.

The minutes for March 9, 2006, were approved.

The meeting was adjourned at 2:21 p.m. The next meeting is scheduled for Tuesday, March 14, 2006.

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

DATE: MARCH 13 2006

| NAME | REPRESENTING |
|-----------------|--|
| Nancy Pierce | KAHA |
| Chad Austin | KS Hosp Assoc |
| Phyllis Keely | Kansas Adult Care Executives ^(KACE) |
| Trick Alexander | KSFMO |
| Den McLaughlin | KSFMO |
| Brenda McDaniel | KSFMO |
| Pat Lehman | KFSA |
| D. Reby | KAHSA |
| JIM LAWSTER | KMS |
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House Health & Human Services Committee
Testimony of
Jack Alexander, State Fire Marshal
March 13, 2006

The Kansas State Fire Marshal is not opposed to the merits of this bill or the series of bills that are linked to this one. We recognize the need for providing these opportunities not only to the facilities addressed in this bill but also to other facility types, design professionals, and the fire service.

HB 2977 establishes an act concerning the state fire marshal to provide joint educational opportunities in fire prevention and the Kansas fire prevention code and education for agency personnel and personnel in adult care homes, medical care facilities and other providers of health care services.

To perform the educational activities outlined in this bill will require individuals knowledgeable and skilled in all codes, regulations, and statutory requirements. Intimate knowledge and experience in performing inspections, documentation, enforcement functions, building construction, fire protection systems, policies, and procedures.

They all have positive features this agency would like to do. They all require resources that we do not have. Independently each bill carries a fiscal note that totaled are over \$500,000. Collectively the services could be provided for less. Our request would be to have all the bills in this group placed in an interim study committee to work out the needs and the concerns for all those impacted.

Attachment 1
HHS 3-13-06



TO: House Health and Human Services Committee

FROM: Chad Austin
Vice President, Government Relations

SUBJECT: House Bill 2977

DATE: March 9, 2006

The Kansas Hospital Association appreciates the opportunity to provide testimony in support of House Bill 2977. This proposed legislation would require the State Fire Marshal's office to provide joint education opportunities to their staff and health care providers in the areas of fire prevention and safety.

The Centers for Medicare and Medicaid Services have instructed all State Fire Marshals to implement more stringent inspections and use heightened scrutiny with those facilities being inspected. Health care providers throughout Kansas are aware that the implementation of the 2000 Life Safety Code has brought with it more strict standards along with controversial interpretations and requirements. It is also apparent to our member hospitals that several personnel changes and budgetary constraints have made it difficult for the State Fire Marshal's office to provide fire safety and prevention education. For these reasons, it is clear that House Bill 2977 is necessary to ensure that health care providers are given the needed resources and education to meet the 2000 Life Safety Code requirements which keep Kansans safe.

This bill also allows for the education of State Fire Marshal personnel to ensure that they are kept up-to-date on the ever-changing and complex 2000 Life Safety Code. Over the past year, several KHA members have complained of inconsistent interpretations by the State Fire Marshal personnel, of the 2000 Life Safety Code which is the basis of all hospital fire safety inspections. For this reason, additional education of State Fire Marshal personnel as provided by House Bill 2977 is necessary.

The Kansas Hospital Association and its members urge the committee to pass House Bill 2977. Thank you for your consideration of our comments.

Attachment 2
HHS 3-13-06

(Oral and Written Testimony – Proponent)

Testimony before the House Health and Human Services Committee on HB 2977. An Act concerning the state fire marshal; relating to fire prevention and education opportunities for certain persons.

Chairman Morrison and Members of the Committee:

I am Phyllis Kelly, Executive Director of the Kansas Adult Care Executives Association (KACE). Our Association represents over 250 adult care home executives in nursing homes and assisted living facilities throughout Kansas. I appear before you today in support of HB 2762.

The KACE Board of Directors and the KACE Legislative Committee have reviewed the components of HB 2977. Both of these entities concur that the proposed legislation would be beneficial to personnel in the fire marshal's office and personnel of adult care homes to ultimately assure the safety of the residents in Kansas.

Joint educational opportunities for state regulatory staff and providers in the long-term care area are not new in Kansas. Since 1998 Long-term care educational seminars have been ongoing; usually two a year that focuses on federal and state statutory and regulatory requirements. These activities were originally initiated at the Kansas Department of Health and Environment and carried over to the Department on Aging when the survey unit was transferred there by the 2004 Legislature.

→ The three Associations, Kansas Adult Care Executives, Kansas Association of Homes and Services for the Aging, and the Kansas Health Care Association, have taken turns sponsoring the training sessions. The topics to be covered, fees for the workshops, and other details are governed by a committee composed of representatives from each of the participating entities.

So, the question could be asked – Are these joint training sessions successful? The last seminar in January on Incontinence and Catheters, repeated in Wichita and Topeka, drew an audience of close to 700 attendees. Why the tremendous interest?

- ❖ The regulators and Adult Care Home staff are hearing the same speakers at the same time.
- ❖ Both groups have an opportunity to hear national speakers who have the latest most timely information on a “hot topic”.
- ❖ This is an opportunity to dialogue in a neutral environment between regulators and providers.
- ❖ The majority of the costs are borne by the facilities, who have the greatest number in attendance, making the state's fiscal responsibility reasonable.

Attachment 3
HHS 3-13-06

I urge you to support HB 2977. There is nothing negative that could result from the passage of this Bill, only positive for Kansas long-term care residents



Testimony in Support of House Bill 2977

**Debra Harmon Zehr, Executive Vice President
Kansas Association of Homes and Services for the Aging
To the House Health and Human Services Committee
March 13, 2006**

Thank you, Chairman Morrison and Members of the Committee, for this opportunity to testify on House Bill 2977.

The Kansas Association of Homes and Services for the Aging (KAHSA) represents 160 not-for-profit nursing homes, retirement communities, hospital long-term care units, assisted living residences, senior housing and community service providers serving over 20,000 older Kansans every day. Our members are dedicated to providing excellent care and services in a safe living environment. They have extensive fire prevention and safety systems in place.

We ask for your support of House Bill 2977.

A number of factors have converged in the past two years to create confusion, frustration and financial stress for health care facilities in Kansas:

1. CMS adopted NFPA's Life Safety Code (LSC) 2000 for health care facilities. Previous to this, CMS required compliance with the 1985 LSC. This 15-year leap in code resulted in all sorts of new requirements.
2. CMS's training of KSFM personnel on how to interpret and apply the new requirements was delayed and uneven.
3. Increased federal scrutiny of state life safety code survey agencies (including the Kansas State Fire Marshal's Office.)

Many of the new requirements have made little sense to members, and have been costly (i.e. sprinkling of outdoor canopies.) There have been times when one inspector tells a provider they must do a certain thing to comply with the code, only to be told by the next inspector that the first change was unnecessary, or, worse yet, wrong. Some providers are operating in buildings that are 3, 4, or more decades old and are being faced with difficult challenges and questions about how much can they/should they spend to make the major changes that are being required.

My members need to and want to understand and comply with the complex and voluminous life safety code regulations. At the same time they need assurance that the regulations are being correctly and consistently interpreted and applied.

*Attachment 4
HHS 3-13-06*

House Bill 2977 will provide an opportunity for inspectors and providers to come together and learn the same information about regulations and fire prevention and safety best practices. This will help health care facilities understand and comply with life safety code regulatory requirements, and will help inspectors understand and apply those regulations more consistently.

As we have done since 2000 on the health care inspection side, KAHSA is willing to work together with state agency and other association representatives on a steering committee to help determine topics, format and other training logistics for joint trainings.

Thank you for your favorable consideration of this bill. I would be happy to answer questions.

March 10, 2006

The Honorable Jim Morrison, Chairperson
House Committee on Health and Human Services
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Representative Morrison:

SUBJECT: Fiscal Note for HB 2977 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2977 is respectfully submitted to your committee.

HB 2977 would require the Kansas State Fire Marshal's Office (KSFM) to provide opportunities for joint education in fire prevention and the Kansas Fire Prevention Code. The training would be made available to personnel from the KSFM, adult care homes, medical care facilities, and other providers of medical or mental health care services who desire such training.

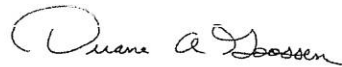
The KSFM states that passage of this bill would require an additional 2.00 FTE positions, including equipment and supplies for those positions, at a total cost of \$90,982. The 2.00 positions would be a Public Information Officer I and an Administrative Specialist. However, because of the difficulty of judging the effect on administrative processes for new responsibilities without the benefit of actual experience, the fiscal effect could vary from this amount. The assumptions used could produce a fiscal effect at the upper end of a range that would be a reasonable estimate of the cost. Assuming that some of the increased workload could be performed by existing staff or that the new responsibilities may not be as extensive as assumed, the bill could require fewer resources to implement than the \$90,982 stated

Attachment 5
HHS 3-13-06

The Honorable Jim Morrison, Chairperson
March 10, 2006
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above. Any fiscal effect resulting from the passage of this bill would be in addition to amounts included in *The FY 2007 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Aaron Dunkel, Health & Environment
Barbara Conant, Department on Aging
Beth Fenske, Fire Marshal's Office