

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 February 13, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Jim Wilson, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association
Mack Smith, Executive Secretary, Kansas Board of Mortuary Arts

Others attending:

See attached list.

Upon calling the meeting to order, Chairman Barnett asked that the Committee review the Minutes for February 1, 2007, February 7, 2007, and February 8, 2007 for approval at the end of the meeting.

The Chair announced that the next order of business would be to open the hearing for **SB 179**.

Hearing on SB 179 – An act concerning mortuary arts; assistant funeral director's licenses qualification and examination

The fiscal note for **SB 179** was available for the Committee to view. A copy of the fiscal note is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon proponent conferee, Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association who stated she wanted to take away the possibility that a funeral home will take advantage of the law and hire unqualified individuals to perform tasks funeral directors should be performing. She also handed out a copy of the bill with an amendment. A copy of her testimony and amendment is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair then called upon proponent conferee, Mack Smith, Executive Secretary, Kansas Board of Mortuary Arts who stated his support for the bill along with the proposed changes. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

With no questions from the Committee, Chairman Barnett closed the hearing on **SB 179**.

The motion was made by Senator Brungardt move the bill as amended. It was seconded by Senator Jordan and the motion carried.

The Motion was made by Senator Brungardt to pass the bill out favorably. It was seconded by Senator Jordan and the motion carried.

Discussion on SB 107 – An act concerning the board of nursing; concerning fingerprinting and criminal history records checks; creating the criminal background and fingerprinting fund

The Chair called upon Emalene Correll to read and explain **SB 107**.

Materials from the **SB 107** hearing were included for the members to review. A copy of the materials are (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

Nobuko Folmsbee also handed out a bill that she read and explained to the Committee. A copy of the bill

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 13, 2007 in Room 231-N of the Capitol.

with balloons and technical changes. A copy the bill is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

Questions came from Senators Barnett, and Schmidt regarding KBI guideline, investigations, release of information, and KBI's acceptance of new bill language.

The Chair decided to move along in the meeting since this bill has not been seen to be accepted by KBI standards and is not ready to be up for action by the Committee at this time.

Discussion on SB 178 – An act concerning cancer registry; relating to confidential data

Materials from the **SB 178** hearing were included for the members to review. A copy of the materials are (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

Questions came from Senator Palmer regarding if someone asked to not be on the register.

The motion was made by Senator Schmidt to move the bill out favorably. It was seconded by Senator Brungardt and the motion carried.

Action on SB 107 – An act concerning the board of nursing; concerning fingerprinting and criminal history records checks; creating the criminal background and fingerprinting fund

The Committee Secretary handed out **SB 81** to the Committee with was closely related to **SB 107**.

The Committee agreed that the language was so close to **SB 81** that they would parallel the language to **SB 107**.

The motion was made by Senator Schmidt to insert the word 'original' into the bill. It was seconded by Senator Brungardt and the motion carried.

The motion was made by Senator Schmidt to move the bill out favorably as amended. It was seconded by Senator Brungardt and the motion carried.

Chairman Barnett announced that the final item on the agenda was for the Minutes to be approved for the Senate Public Health and Welfare Committee on February 1, 2007, February 7, 2007, and February 8, 2007.

The motion was made by Senator Journey to approve the Minutes. It was seconded by Senator Palmer and the motion carried.

Adjournment

As there was no further business, the meeting was adjourned at 2:25 p.m.

The next meeting is scheduled for February 14, 2007.

Senate Public Health and Welfare Committee

February 13, 2007 Please Sign In

MARIL P. MARLIZ

Pam Scott

Mack Smith

Mary Blubaugh

Jen Egan

MARK KNIGHT

Allison Peterson

Derek Hein

Sue Lai

Janet Neff

Henri Menager

Paula Mammot

Leslie Wurdeman

Amy Bryant

Amanda Wilson

Anna Biehler

Michelle Bolz

Betsy Grant

~~Susan Kang~~

Susan Kang

Tari Roberts

Benjamin Mungen

Lesley Cullger

UVA CHARLUSTE HEALTH SYSTEM

Ks Funeral Directors Assn

KS Bd of Mortuary Arts

KS St Bd of Nursing

KSBN

KSBN

KMG

Hein Law Firm

KUMC

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February 8, 2007

The Honorable Jim Barnett, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 120-S
Topeka, Kansas 66612

Dear Senator Barnett:

SUBJECT: Fiscal Note for SB 179 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 179 is respectfully submitted to your committee.

Under current law, the Board of Mortuary Arts may issue an assistant funeral director license with or without an applicant examination. SB 179 would require an examination to be given before an assistant funeral director license is issued. The bill would also require that an applicant for an assistant funeral director license be a high school graduate or possess an equivalent education. This additional requirement would not apply to those who hold licenses as of December 31, 2007, or to registered apprentice funeral directors. Finally, the bill would authorize the agency to assess an assistant funeral directors examination fee, which could not exceed \$200.

Estimated State Fiscal Effect				
	FY 2007 SGF	FY 2007 All Funds	FY 2008 SGF	FY 2008 All Funds
Revenue	--	--	(\$120)	(\$600)
Expenditure	--	--	--	--
FTE Pos.	--	--	--	--

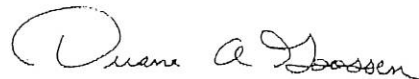
According to the Board of Mortuary Arts, the agency processes approximately 70 assistant funeral director license applications each year. Of these 70 applications, approximately 25 are from registered funeral directors. These applicants would be exempted from the application fee. Also, the Board estimates the number of applicants for an assistant funeral

The Honorable Jim Barnett, Chairperson
February 8, 2007
Page 2—179

director license would decrease by 15, because of the examination requirement. As a result, the agency anticipates administering approximately 30 examinations. If the Board assesses an examination fee of \$100, then \$3,000 in new revenue would be generated, with 80.0 percent (\$2,400) credited to the Mortuary Arts Fee Fund and 20.0 percent (\$600) credited to the State General Fund.

Because the agency anticipates 15 fewer assistant funeral license applicants as a result of the new examination fee, agency revenues would decrease by an estimated \$3,600. This amount is calculated by estimating a loss of 15 applicants who would pay the assistant funeral director fee at \$150 each (\$2,250), as well as a loss of 15 license fees at \$90 per year (\$1,350). Of the total revenue loss of \$3,600, \$2,880 would be a loss to the Mortuary Arts Fee Fund and \$720 would be a loss to the State General Fund. When the new revenue is combined with the anticipated revenue losses, the Board estimates that the state would experience a net revenue loss of \$600, of which \$480 would be attributable to the Mortuary Arts Fee Fund and \$120 to the State General Fund. Although the agency would experience additional printing costs for the new examinations, the costs would be negligible and could be absorbed with existing budget resources. Any fiscal effect resulting from the passage of SB 179 is not accounted for in *The FY 2008 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Mack Smith, Mortuary Arts

Testimony Before the Senate Public Health and Welfare Committee
On Senate Bill No. 179
Presented by Pam Scott, Executive Director
Kansas Funeral Directors and Embalmers Association
February 8, 2007

Chairman Barnett and members of the Committee, I am Pam Scott, Executive Director of the Kansas Funeral Directors and Embalmers Association (KFDA). I appear before you today in support of Senate Bill No. 179 which was introduced at the request of the KFDA.

Senate Bill No. 179 amends Kansas statutes dealing with the licensure of assistant funeral directors. The Bill amends K.S.A. 65-1717 to require that an applicant for an assistant funeral directors license must be a graduate of an accredited high school or must have obtained the equivalent of a high school education as determined by the state department of education as a prerequisite to licensure. The bill would also require an applicant to take and pass a written examination prior to being granted an assistant funeral directors license. We would envision that the questions contained in the examination would be over Kansas statutes and regulations dealing with funeral service. We have not specified such in the bill but have left it up to the discretion of the Kansas State Board of Mortuary Arts to determine the nature and contents of the examination.

There is a grandfather clause in the bill which provides that currently licensed assistant funeral directors will not be subject to the written examination requirements of the bill. Also registered apprentice funeral directors are exempt from the examination requirements in the bill. Registered apprentice are individuals who serve a one-year apprenticeship with a licensed funeral director prior to being licensed as a funeral director. They will be required to take and pass the funeral director examination upon completion of their apprenticeship.

Under Kansas law, an assistant funeral director can do virtually everything a licensed funeral can do but without a funeral directors license. K.S.A. 65-1717 defines an "assistant funeral director" as "a person who assists a funeral director in one or more of the principal functions of funeral directing" and "a person to whom the funeral director delegates the responsibility of conducting services and making interments". K.A.R. 63-2-3 provides that "A funeral, or any portion of it, and all at-need funeral arrangements shall not be conducted without a licensed funeral director or an assistant funeral director present." Currently, anyone can be licensed as an assistant funeral director by applying, paying a fee and providing proof that that

Senate Public Health and Welfare
Attachment #2
February 13, 2007
Committee

they are capable and trustworthy to act as such, are of good moral character and temperate habits, have good standing in the community, and are qualified to engage in the business (K.S.A. 65-1717).

The KFDDA established a task force to study whether changes should be made to Kansas statutes and regulations concerning the licensure of assistant funeral directors. This bill is a result of the task force's recommendations as well as input from funeral directors from throughout the state of Kansas.

KFDDA members believe that Kansas law governing assistant funeral directors should be strengthened to assure that individuals serving Kansas families are of highest quality. A high school diploma or the equivalent thereto should be required to qualify for licensure. Most of our members were surprised to learn such a requirement was not already in place. We also believe requiring a written examination would help raise the quality of assistant funeral directors in the state. It will assist the State Board in determining whether an individual is capable and qualified to engage in the business of funeral directing and familiar with Kansas laws regulating funeral service. Requiring an applicant to study for and take an examination of Kansas law will also help assure that those seeking licensure have a commitment to funeral service and are not just looking for a temporary job.

While most of the individuals currently serving as assistant funeral directors in the state are very capable and qualified to hold their licenses, the current licensing requirements are an invitation for untrained, uneducated, and uncommitted individuals to enter and work in the profession. We want to take away the possibility that a funeral home will take advantage of the law and hire unqualified individuals to perform tasks funeral directors should be performing. Providing the minimal requirements of a high school diploma and an examination will help raise the level of competency of those assisting licensed funeral directors and will have the effect of better service for Kansans experiencing the loss of a loved one.

We hope you will support passage of Senate Bill No. 179.

Pam Scott

SENATE BILL No. 179

By Committee on Public Health and Welfare

1-25

9 AN ACT concerning mortuary arts; assistant funeral director's license;
10 qualifications and examination; amending K.S.A. 65-1717 and 65-1727
11 and repealing the existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 65-1717 is hereby amended to read as follows: 65-
15 1717. (a) The term "assistant funeral director" as herein used means a
16 person who assists a duly Kansas licensed funeral director in one or more
17 of the principal functions of funeral directing, and is actively engaged in
18 such work. An assistant funeral director must be an employee of the
19 funeral director under whom the employee is registered, and shall be a
20 person to whom the funeral director delegates the responsibility of con-
21 ducting funeral services and making interments.

22 (b) The state board of mortuary arts may, in its discretion, license
23 assistant funeral directors to each Kansas licensed funeral director. Li-
24 censure as an assistant funeral director shall be separate and distinct from
25 registration as an apprentice embalmer. The board may issue an assistant
26 funeral director license with ~~or without~~ examination, *the manner and form*
27 *of which is to be determined by the board*, upon the payment of the
28 application fee which shall include the license fee for the current year or
29 portion thereof, and such application and license fee shall be in the
30 amount fixed by the board in accordance with the provisions of K.S.A.
31 65-1727 and amendments thereto. The renewal fee shall be in the amount
32 fixed by the board in accordance with the provisions of K.S.A. 65-1727
33 and amendments thereto. Before issuing a license to an applicant for an
34 assistant funeral director's license, the board shall require satisfactory
35 proof that the applicant is capable and trustworthy to act as such and that
36 the applicant is a person of good moral character and temperate habits,
37 has a good standing in the community and is qualified to engage in the
38 business. In determining the moral character of any such applicant, the
39 board shall take into consideration any felony conviction of such person,
40 but such conviction shall not automatically operate as a bar to licensure.
41 Each person applying for an assistant funeral director's license shall make
42 application and be recommended in writing on forms provided by the
43 board, ~~and shall be~~. *The application shall show that the applicant is at*

1 least 17 years of age *and has graduated from an accredited high school*
2 *or has obtained the equivalent of a high school education as determined*
3 *by the state department of education* before such license can be issued
4 to the applicant. Upon issuing a license to an assistant funeral director,
5 as herein provided, the board shall cause the licensee to be registered in
6 the office of the secretary of the board under the supervision of the Kan-
7 sas licensed funeral director by whom such licensee is employed and
8 under whom such licensee is registered. The funeral director under
9 whom the assistant funeral director has been registered must immediately
10 notify the secretary of the board when the licensee has left the director's
11 employ. Upon the reemployment of the licensee by any other funeral
12 director, such licensee shall be reinstated by the board and receive credit
13 on their apprenticeship for the period of time the licensee had theretofore
14 served as an apprentice. The work of an assistant funeral director shall at
15 all times be under the supervision and control of the Kansas licensed
16 funeral director under whom the licensee is registered. Licenses of assis-
17 tant funeral directors may be suspended or revoked, or the board may
18 refuse to issue or renew the same, for any of the reasons and in the
19 manner stated herein for funeral directors' licenses. Any such license
20 suspension or revocation action shall be in accordance with the provisions
21 of the Kansas administrative procedure act.

22 (c) The expiration date of each license shall be established by rules
23 and regulations of the board. Subject to the provisions of this section,
24 each license shall be renewable on a biennial basis upon the filing of a
25 renewal application prior to the expiration date of the license and upon
26 payment of the renewal fee established pursuant to K.S.A. 65-1727 and
27 amendments thereto. To provide for a system of biennial renewal of li-
28 censes, the board may provide by rules and regulations that licenses is-
29 sued or renewed may expire less than two years from the date of issuance
30 or renewal. In each case in which a license is issued or renewed for a
31 period of time less than two years, the board shall prorate to the nearest
32 whole month the license or renewal fee established pursuant to K.S.A.
33 65-1727 and amendments thereto.

34 (d) *The examination requirements set forth in subsection (b) shall not*
35 *apply to any person holding a valid assistant funeral director's license as*
36 *of December 31, 2007, or to registered apprentice funeral directors.*

37 Sec. 2. K.S.A. 65-1727 is hereby amended to read as follows: 65-
38 1727. (a) On or before October 15 of each year, the state board of mor-
39 tuary arts shall determine the amount of funds that will be required dur-
40 ing the next ensuing two years to properly administer the laws which the
41 board is directed to enforce and administer under the provisions of article
42 17 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory
43 of the provisions thereof and supplemental thereto, and by rules and

and education

1 regulations shall fix fees in such reasonable sums as may be necessary for
2 such purposes within the following limitations:

3	Embalmers examination fee, not more than.....	\$300
4	Embalmers endorsement application fee, not more than.....	400
5	Embalmers reciprocity application fee, not more than	400
6	Funeral directors examination fee, not more than	300
7	Funeral directors reciprocity application fee, not more than.....	400
8	Embalmers/funeral directors reciprocity application fee, not more	
9	than.....	400
10	Assistant funeral directors application fee, not more than.....	200
11	<i>Assistant funeral directors examination fee, not more than</i>	<i>200</i>
12	Embalmers license and renewal fee, not more than	250
13	Funeral directors license and renewal fee, not more than.....	350
14	Assistant funeral directors license and renewal fee, not more than	300
15	Apprentice embalmers registration fee, not more than	150
16	Funeral establishment license fee, not more than.....	800
17	Branch establishment license fee, not more than	800
18	Crematory license fee, not more than	800
19	Crematory renewal fee, not more than	800
20	Funeral establishment/crematory license fee, not more than.....	1000
21	Funeral establishment/crematory renewal fee, not more than.....	1000
22	Branch establishment/crematory license fee, not more than	1000
23	Branch establishment/crematory renewal fee, not more than	1000
24	Duplicate licenses.....	20
25	Rulebooks	20
26	Continuing education program sponsor applications.....	25
27	Continuing education program licenssec applications	25

28 At least 30 days prior to the expiration date of any license issued by the
29 board, the board shall notify the licensee of the applicable renewal fee
30 therefor.

31 (b) The fees established by the board under this section immediately
32 prior to the effective date of this act shall continue in effect until such
33 fees are fixed by the board by rules and regulations as provided in this
34 section. An owner of a licensed funeral establishment or licensed branch
35 establishment and a licensed crematory may be charged by the board a
36 combined funeral establishment/crematory license or renewal fee or
37 branch establishment/crematory license or renewal fee under this section
38 in lieu of a separate license or renewal fee for each facility.

39 (c) The state board of mortuary arts may license embalmers via en-
40 dorsement from another state: (1) if the individual has been licensed for
41 at least five years and has completed at least five consecutive years of
42 active practice in embalming; (2) has passed the national examination
43 written by the international conference of funeral service examining

1 boards; and (3) has not had any adverse action taken against such licensee
2 by the state board in which licensure is held. The original fee for such
3 endorsement license and the renewal fee shall be in the amounts fixed
4 by the board in accordance with the provisions of this section.

5 (d) Fees paid to the board are not refundable.

6 Sec. 3. K.S.A. 65-1717 and 65-1727 are hereby repealed.

7 Sec. 4. This act shall take effect and be in force from and after Jan-
8 uary 1, 2008, and its publication in the statute book.

Created August 1, 1907

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MEMBERS OF THE BOARD

Mr. Barry W. Bedene, Licensee, President
Mr. Fred G. Holroyd, Licensee, Vice President
Mr. Charles R. Smith, Consumer
Ms. Melissa A. Wangemann, Consumer
Mr. Bill Young, Licensee

ADMINISTRATIVE STAFF

Mr. Mack Smith, Executive Secretary
Mr. Francis F. Mills, Inspector
Ms. Mary J. Kirkham, Administrative Specialist

Senate Bill 179
Testimony Before the Senate Public Health and Welfare Committee
Presented by Mack Smith, Executive Secretary
Kansas State Board of Mortuary Arts
Room 231-N, 1:30 p.m., Thursday, February 8, 2007

Chairman Barnett and Members of the Committee:

Thank you for the opportunity to appear before you today. My name is Mack Smith, and I am the executive secretary to the Kansas State Board of Mortuary Arts. I appear before you today to ask for your support of Senate Bill 179 which was introduced by this committee at the request of the Kansas Funeral Directors and Embalmers Association.

The Mortuary Arts Board is in support of the proposed changes to the assistant funeral directors license including the educational requirement of graduation from high school or the equivalent thereof and passing a written examination. Our board has had preliminary discussions regarding the written examination. Although nothing will be finalized until the bill passes, it is anticipated that we would administer a written examination on either a monthly or quarterly basis at our Topeka office. Questions would be approved by the board, which is composed of three licensees and two consumers. Subject matter for the examination would be that of Kansas law (statutes and regulations) involving the funeral profession.

Under current law, assistant funeral directors work under the supervision of licensed funeral directors. They are able to perform the same duties as funeral directors—at the discretion of the licensed funeral director, except that they cannot be in charge of or be issued funeral establishment or branch establishment licenses.

Again, thank you for the opportunity to appear before you today. I will do my best to answer any questions of the committee.

Sincerely,

Mack Smith, Executive Secretary
Kansas State Board of Mortuary Arts

Senate Public Health and Welfare
Attachment # 3
February 13, 2007
Committee



Kathleen Sebelius, Governor
Duane A. Goossen, Director
<http://budget.ks.gov>

January 23, 2007

The Honorable Jim Barnett, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 120-S
Topeka, Kansas 66612

Dear Senator Barnett:

SUBJECT: Fiscal Note for SB 107 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 107 is respectfully submitted to your committee.

SB 107 would require an applicant for licensure as a professional nurse, practical nurse, or mental health technician to be fingerprinted for a state and national criminal history check. The Kansas Board of Nursing would use the resources of the Kansas Bureau of Investigation to assist with the fingerprinting process and the background check.

Estimated State Fiscal Effect				
	FY 2007 SGF	FY 2007 All Funds	FY 2008 SGF	FY 2008 All Funds
Revenue	--	--	--	\$241,866
Expenditure	--	--	--	\$241,866
FTE Pos.	--	--	--	--

The Kansas Board of Nursing would plan to fingerprint all new applicants beginning in FY 2008. The estimated total cost would be \$241,866 from all funding sources. This amount represents 4,479 applicants at \$54.00 per licensee. The number of applicants is based on FY 2006 actual figures. The cost per application is the estimated expense to complete fingerprinting and background checks, which would be paid by the licensee. All fees collected under SB 107 would be deposited into a newly created Criminal Background and Fingerprinting Fund, which would be administered by the Board of Nursing. The money in this fund would be used to

*Senate Public Health and Welfare
Attachment # 4
committee*

The Honorable Jim Barnett, Chairperson
January 23, 2007
Page 2—107

reimburse the Kansas Bureau of Investigation for processing the fingerprints and conducting the background checks. Any fiscal effect resulting from this bill would be in addition to the amounts included in *The FY 2008 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Mary Blubaugh, Board of Nursing
Linda Durand, KBI

Public Health and Welfare Committee
January 23, 2007

Testimony in Support of Senate Bill 107

Diane Glynn, J.D., R.N.
Practice Specialist

Good Afternoon Chairman Barnett and Members of the Committee on Public Health and Welfare. My name is Diane Glynn, Practice Specialist for the Kansas State Board of Nursing. I am providing testimony on behalf of the Board Members to provide support of SB 107 which will allow the Board of Nursing to ask an applicant for licensure to be fingerprinted and submit to a state and national criminal history record check.

The mission of the Board of Nursing is to assure the citizens of Kansas safe and competent practice by trustworthy nurses and mental health technicians.

The citizens of Kansas are dependent upon the Board of Nursing to conduct appropriate screening of applicants. Boards of Nursing have the responsibility of regulating nursing and a duty to exclude individuals who pose a risk to the public health and safety. One means of predicting future behavior is to look at past behavior. In 1998 only five boards of nursing were authorized to use criminal background checks and in 2005 a National Council of State Boards of Nursing survey revealed the number had increased to 18 boards and that number increased in 2006 to 20.

Teachers, banking and financial positions, and in some states physicians require criminal background checks. The Kansas judicial system received authority to require fingerprint and criminal background checks on attorneys in 2005 and the system has been implemented. Three states (Massachusetts, Missouri, and Oregon) require criminal background checks for most, if not all professional licensure applicants. Although most states ask questions about criminal convictions on licensure applications, applicants may not be motivated to be truthful. Criminal background checks provide validation of the information reported or not reported on applications. The board asks applicants to self-report but the board has no way to know if applicants have fully disclosed arrests and convictions in other states.

Review of information from State Boards of Nursing who have implemented fingerprints

and criminal background checks reveal that the rate of positive returns is 6-7% for RNs and 10-12% for LPNs.

On September 30, 2003 the Board of Nursing was notified by a Registered Nurse in New Mexico that he had received information from the Internal Revenue Service (IRS) that he had worked in Kansas and had not paid taxes on that income. The nurse from New Mexico had never worked in Kansas. KSBN investigated the allegations and collaborated with the FBI who arrested the imposter on November 18, 2003. The imposter was originally licensed in Missouri in 1985 and in Kansas in 1998. At least one agency that had employed the imposter had run a security check and it produced a "clean" record. Had fingerprints been required on application, this imposter would not have been granted a license. The imposter was a convicted felon. The nurse who was the victim of identify theft was in the Army Reserve. Fingerprints for both of these individuals were on file, and the imposter would have been exposed.

Criminal convictions are permissive grounds for discipline or denial of licensure for all boards of nursing, with the one exception for Kansas, the person-felony bar. Kansas law requires for the board to weigh and balance the conviction with mitigating factors. Not all applicants with a criminal history are or should be denied a license, most are granted a license. Each applicant receives individual analysis. K.S.A. 65-1120 (f) currently authorizes the Board of Nursing to receive (from the KBI) criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of applicant. This bill will broaden current authority to the national level.

In August 2005, National Council of State Boards of Nursing passed a model process for fingerprints and background checks. The model is a baseline for states to use and build on. Kansas currently conducts KBI background checks which include arrests, convictions, and expungements.

On December 4, 2005 the Council of State Governments Health Policy Task Force signed a resolution on supporting criminal background checks for nurses applying for state licenses. A copy of the resolution is attached to this testimony..

Legislative Post Audit Committee recommended in October 2006 that the Board of Healing Arts request statutory authority which would require applicants to be fingerprinted that would be submitted to KBI and FBI for a background check.

We ask for favorable action on this legislation. Thank you for your time and consideration and I will stand for questions.



Thomas L. Bell
President

TO: Senate Committee on Public Health and Welfare

FROM: Deborah Stern, RN, JD
Vice President Clinical Services/ Legal Counsel

RE: Senate Bill 107

DATE: January 23, 2007

The Kansas Hospital Association (KHA) appreciates the opportunity to speak in favor of Senate Bill 107 which would require nursing licensees to be fingerprinted and submit to both state and national criminal history record checks. This information would then be made available to the Kansas State Board of Nursing for use in determining the suitability of the applicant for licensure.

KHA supports this legislation as it assists Kansas hospitals by requiring both a state *and* federal criminal background check for all registered nurses, licensed practical nurses and licensed mental health technicians seeking a license to practice in Kansas. In this transient society in which we live, obtaining both state and federal criminal background information is a necessity.

Screening potentially dangerous applicants for licensure before they become employed greatly assists Kansas health care facilities in providing a safer environment for patients, co-workers and the community. Applicants could easily meet these new requirements by going to their local or state law enforcement agency to have their fingerprints taken. The proposed legislation calls for the fee for these background checks (approximately \$54) to be paid by the applicant.

For the reasons cited above, KHA recommends that you support SB 107.

Kansas Hospital Association

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41-5



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ELLEN CARSON, PH.D., A.R.N.P., B.C.
 PRESIDENT

THE VOICE AND VISION OF NURSING IN KANSAS

TERRI ROBERTS, J.D., R.N.
 EXECUTIVE DIRECTOR

For More Information Contact:
 Terri Roberts J.D., R.N.
 troberts@ksna.net
 January 23, 2007

S.B. 107 Fingerprinting and Background Checks for Professional, Practical Nurses and Licensed Mental Health Technicians

Senator Barnett and members of the Senate Public Health and Welfare Committee, my name is Ellen Carson Ph.D., ARNP, and I am the President of the KANSAS STATE NURSES ASSOCIATION. KSNA is the professional organization for registered nurses in Kansas.

KSNA has been very active in monitoring and dialoguing with the Kansas State Board of Nursing Investigative Committee since they started holding "policy discussions" in an open meeting during each of the regularly scheduled Board meetings. Both members of the KSNA Council on Practice and Council on Economic and General Welfare have made presentations to the investigative committee on various aspects of the "investigative and disciplinary process" as well as requesting information about practice patterns that the Board has identified as inappropriate or unsafe by licensed nurses.

KSNA has a rich history of supporting the Board of Nursing in their role of "protection of the public". Licensees are required to self-report felonies and misdemeanors on their initial and every two year renewal forms. In 1997 KSNA introduced and lobbied for a statutory change in the Nurse Practice Act that was passed and prohibits individuals with *Article 34, Chapter 21 Felony Convictions* from being licensed as nurses in Kansas. This followed a highly publicized conviction of a PSU senior nursing student, with a previous felony conviction that murdered a PSU female student. At the time the legislature passed this absolute prohibition Kansas was only the second state to add such a restriction for licensure. It reads as follows and is in K.S.A. 65-1120;

no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto;

See the attachment labeled Felony Restrictions on RN Licensure in Kansas. We print this list regularly in The Kansas Nurse to insure that educators and others are aware of this statutory prohibition.

In addition to supporting the role of the Board in protecting the public, we have an obligation to insure that the Board is following the statutes and is consistent and fair in matters related to licensure, discipline and affording licensees their legal rights.

For the past seven years KSNA has requested, provided information and participated in dialogue with the BON Investigative Committee towards the establishment of a decision making model that would be used by the agency when reviewing matters involving licensure restrictions and discipline disposition. To date the Board has not yet adopted a model, although immediately before and since the Kansas Legislative Post Audit they have adopted several policies that guide and document the "process" that they use in reviewing complaints and disciplinary cases. These have been helpful, in providing some level of assurances that disciplinary matters are considered according to the same process, however, they fail to insure that similar cases from year to year are treated equally with commensurate disposition. This includes disposition of licensure applications with self-reported criminal histories.

S.B. 107 contains new language that would authorize the Kansas Board of Nursing to obtain not only criminal convictions, but arrests, expungements and juvenile records from the Kansas Bureau of Investigation (KBI) and the Federal Bureau of Investigation (FBI) for all licensees and applicants. **KSNA has no objection to the agency receiving criminal conviction data, or using fingerprints for proper identification.**

The Nurse Practice Act statute provides in K.S.A. 65-1120 that the Board of Nursing may "revoke, limit, or suspend" a license if a licensee is found:

"to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust".

We do however, have concerns about the Board obtaining juvenile, expunged and arrest records. Their current statute includes language that authorizes them to receive "arrest" information pursuant to KSA 65-1120 (f)

"(f) Criminal justice information. The board upon request shall receive from the Kansas Bureau of Investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board."

KSNA cannot support even this access to *arrest records* because it must be assumed that they will be construed as prejudicial in determining whether a licensee should be granted or retain a license. Licensees and/or applicants would be forced to defend an "arrest" that might be aged, a false accusation and in most cases certainly a challenge to defend, if no prosecution ensued and an opportunity under the law to defend the allegation. We cannot support that licensees/applicants are considered guilty and have to defend themselves under these circumstances. Only criminal convictions should be obtained and used by the agency.

Juvenile records are currently protected under separate statute which prohibits their release unless the entity has statutory authority. We have not heard a compelling argument by the Board of Nursing in any of their discussions about fingerprinting and background checks why juvenile records should be considered by the Board in awarding licensure.

Expungements are slightly different. There is a laundry list in K.S.A. 21-4619 the Expungement Statute of those entities that are entitled to receive expungement information, and there appear to be no categories of licensed health professionals currently in that list and this may be the first to be added.

Expungements generally require:

- 3-5 years of no criminal conviction,
- going to court to ask for the expungement,

and heinous felonious crimes cannot ever be expunged. Again, we have heard no compelling argument for obtaining these records.

In addition to these comments about the proposed language in S.B. 107 we ask that the committee review another area of the Kansas Nurse Practice Act that is germane to the rights of licensees and applicants of the Board in matters relating to discipline and licensure. This is an area of the Nurse Practice Act that several lawyers representing licensees in disciplinary matters have brought to our attention, as well as employers and licensees. K.S.A. 65-1135 currently by statute prohibits the Board from disclosing matters in a pending investigation except in three circumstances:

65-1135. Complaint or information relating to complaint confidential; exceptions.

(a) Any complaint or report, record or other information relating to the investigation of a complaint about a person licensed by the board which is received, obtained or maintained by the board is confidential and shall not be disclosed by the board or its employees in a manner which identified or enables identification of the person who is the subject or source of such information except:

(1) In a disciplinary proceeding conducted by the board pursuant to law or in an appeal of the order of the board entered in such proceeding, or to any party to such proceeding or appeal or such party's attorney;

(2) to the proper licensing or disciplinary authority of another jurisdiction, if any disciplinary action authorized by K.S.A. 65-1120 and amendments thereto has at any time been taken against the licensee or the board has at any time denied a license certificate or authorization to the person; or

(3) to the person who is the subject of the information, but the board may require disclosure in such a manner as to prevent identification of any other person who is the subject or source of the information.

(b) This section shall be part of and supplemental to the Kansas nurse practice act.

History: (L. 1994, ch. 218, § 1; L. 2000, ch. 113, § 3; L. 2001, ch. 161, § 7; July 1.)

Licensees and lawyers, for a number of years have expressed concern about the Boards disclosure outside the boundaries of this statute. This statute has been interpreted by the Board *that they may release information to potential employers (faculty) information* related to pending investigations. We and attorney's representing licensees have viewed this as a violation of statute. The inappropriate disclosure of information by the Board of a pending investigation was the topic of a KSNA complaint letter filed with the Attorney Generals Office in June of 2005. The letter was accompanied with documentation that information was shared in violation of the statute. The AG's office (which provides an Assistant AG to represent and advise the agency) sent a response in December of 2005 indicating that the AG's office had no jurisdiction and that the only recourse for licensees it to go to District Court. We believe that the legislature should make this statute more clear to avoid licensees having to seek judicial review in order to have their rights upheld by the licensing agency.

KSNA respectfully requests that this committee amend S.B. 107 by:

1. **Deleting from the new proposed language in S.B. 107 on lines 19, 22, 23,31,32, and 41 the references to arrests, juvenile and expungement records.** See attached Ballon.

2. Adding KSA 65-1120, another statute in the Kansas Nurse Practice Act, to this bill **with amended language in (f) deleting the words "arrests and"** so that **only** criminal convictions would be obtained by the Board of Nursing from the KBI for consideration of fitness for licensure.

Current Statute:

"(f) Criminal justice information. The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board."

3. **Clarify K.S.A. 65-1135 that the Board can only release investigative information to the licensee and in a formal disciplinary hearing and is strictly prohibited from releasing to anyone, anything but final orders of the Board on matters of discipline.** We believe that these protections on behalf of the licensee must be clarified in the nurse practice act.

Thank you for your consideration.

4-8

SENATE BILL No. 107

By Committee on Public Health and Welfare

1-17

9 AN ACT concerning the board of nursing; concerning fingerprinting and
10 criminal history records checks; creating the criminal background and
11 fingerprinting fund.

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) The board of nursing may require an applicant for
14 licensure as a professional nurse, practical nurse or mental health tech-
15 nician to be fingerprinted and submit to a state and national criminal
16 history record check. The fingerprints shall be used to identify the ap-
17 plicant and to determine whether the applicant has a record of criminal
18 history in this state or other jurisdictions. The board of nursing is au-
19 thorized to submit the fingerprints to the Kansas bureau of investigation
20 and the federal bureau of investigation for a state and national criminal
21 history record check. The board of nursing may use the information ob-
22 tained from fingerprinting and the applicant's criminal history for pur-
23 poses of verifying the identification of any applicant and in the official
24 determination of character and fitness of the applicant for any licensure
25 to practice professional or practical nursing or mental health technology
26 in this state.

27 (b) Local and state law enforcement officers and agencies shall assist
28 the board of nursing in taking and processing of fingerprints of applicants
29 to practice professional or practical nursing or mental health technology
30 in this state and shall release all records of adult and juvenile convictions,
31 adjudications, expungements and non-convictions to the board of nursing.

32 (c) The board shall fix a fee for fingerprinting of applicants or licens-
33 ees, or both, as may be required by the board in an amount necessary to
34 reimburse the board for the cost of the fingerprinting. Fees collected
35 under this subsection shall be deposited in the criminal background and
36 fingerprinting fund.

37 (d) There is hereby created in the state treasury the criminal back-
38 ground and fingerprinting fund. All moneys credited to the fund shall be
39 used to pay the Kansas bureau of investigation for the processing of fin-
40 gerprints and criminal history background checks for the board of nurs-
41 ing. The fund shall be administered by the board of nursing. All expend-
42 itures from the fund shall be made in accordance with appropriation acts

convictions

convictions

convictions

delete "and juvenile"
delete "adjudications, expungements and non-convictions"

conviction



January 23, 2007

41-9

Felony Restrictions on RN Licensure in Kansas

The Kansas Nurse Practice Act was amended in 1997 to prohibit licensure of RNs, LPNs or LMHTs who have a criminal conviction of felony crimes against persons. This is the list of felonies referenced in K.S.A. 65-1120 which reads as follows:

65-1120.

- (a) *Grounds for disciplinary actions.* The board may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found after hearing:
- (2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal-drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120 *no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto;*

ARTICLE 34, CHAPTER 21 FELONY CRIMES SORTED NUMERICALLY BY STATUTE NUMBER

REFERENCE	DESCRIPTION	REFERENCE	DESCRIPTION
21-3401	Murder in the First Degree	21-3419a	Aggravated Criminal Threat: > \$25,000 loss of productivity
21-3401	Murder in the First Degree; Attempt (K.S.A. 21-3301)	21-3420	Kidnapping
21-3401	Murder in the First Degree; Conspiracy (K.S.A. 21-3302)	21-3421	Aggravated Kidnapping
21-3401	Murder in the First Degree; Solicitation (K.S.A. 21-3303)	21-3422(a)(3)	Interference With Parental Custody in all other cases
21-3402(a)	Murder in the Second Degree (intentional)	21-3422(a)(b)	Aggravated Interference With Parental Custody
21-3402(b)	Murder in the Second Degree (reckless)	21-3426	Robbery
21-3403	Voluntary Manslaughter	21-3427	Aggravated Robbery
21-3404	Involuntary Manslaughter	21-3428	Blackmail
21-3406(a)(1)	Assisting Suicide (force or duress)	21-3435(1)(2) or (3)	Exposing Another to a Life Threatening Communicable Disease
21-3406(a)(2)	Assisting Suicide	21-3437(a)(1)	Mistreatment of a Dependant Adult - physical
21-3410	Aggravated Assault	21-3437(a)(2)*	Mistreatment of a Dependant Adult - aggregate amount \$25,000 or more
21-3411	Aggravated Assault on LEO	21-3437(a)(2)*	Mistreatment of a Dependant Adult - aggregate amount at least \$500 but < \$25,000
21-3412a	Domestic Battery: third or subsequent conviction w/in last 5 years (b)(3)	21-3437(a)(2)*	Mistreatment of a Dependant Adult - aggregate amount is < \$500 and committed by a person convicted w/5 years of this crime two or more times
21-3413(a)(2)	Battery Against a Correctional Officer	21-3438(a)	Stalking
21-3413(a)(3)	Battery Against a Juvenile Correctional Facility Officer	21-3438(b)	Stalking when the victim has an order pursuant to the protection from stalking act, a Temporary Restraining Order or an Injunction in effect against the offender
21-3413(a)(4)	Battery Against a Juvenile Detention Facility Officer	21-3438(c)	Stalking when the offender has a previous conviction w/in 7 years for stalking the same victim
21-3413(a)(5)	Battery Against a City/County Correctional Officer/Employee	21-3439	Capital Murder
21-3414(a)(1)(A)	Aggravated Battery - intentional, great bodily harm	21-3440(a)	Injury to a Pregnant Woman in the Commission of a Felony
21-3414(a)(1)(B)	Aggravated Battery - intentional, bodily harm	21-3440(c)	Injury to a Pregnant Woman in the commission of K.S.A. 21-3412 (battery), or K.S.A. 21-3413(a)(1) (battery on LEO), or K.S.A. 21-3413(a)(1) or (a)(2) (domestic battery statute), or K.S.A. 21-3517 (sexual battery)
21-3414(a)(1)(C)	Aggravated Battery - intentional, physical contact	21-3441(c)(1)	Injury to a Pregnant Woman by Vehicle - committing a violation of R-1567
21-3414(a)(2)(A)	Aggravated Battery - reckless, great bodily harm	21-3442	Involuntary Manslaughter in the Commission of a DUI
21-3414(a)(2)(B)	Aggravated Battery - reckless, bodily harm		
21-3415(a)(1) or (3)	Aggravated Battery on LEO - intentional, great bodily harm or motor vehicle		
21-3415(a)(2)	Aggravated Battery on LEO - bodily harm or physical contact; deadly weapon		
21-3419(a)(1)	Criminal Threat		
21-3419(a)(2)	Criminal Threat (adulterate or contaminate any feed, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply)		
21-3419a	Aggravated Criminal Threat: < \$500 loss of productivity		
21-3419a	Aggravated Criminal Threat: > \$500 but < \$25,000 loss of productivity		



KANSAS STATE NURSES ASSOCIATION
Board of Directors Meeting
February 25, 2006
Agenda Item # 2.3

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE
ATTORNEY GENERAL

120 SW 10TH AVE 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

December 8, 2005

Janice Jones, R.M., M.N., C.N.S., President
Kansas State Nurses Association
1208 SW Tyler
Topeka, Kansas 66612-1735

Re: Complaint and Request for Investigation - KSBN

Dear Ms. Jones,

I am writing in response to your June 28, 2005, letter of complaint and request for an investigation into the Kansas State Board of Nursing (KSBN) staff's interpretation and implementation of K.S.A. 65-1135. I regret to inform you that we cannot provide the assistance you requested.

While the Attorney General's office does have investigatory authority into certain record-related issues – pursuant to the Kansas Open Records Act, K.S.A. 45-215 *et seq.* – the office does not have *carte blanche* jurisdiction to oversee or enforce how specific state agencies, boards or commissions apply or interpret record-related laws pertaining exclusively to them. Rather, that authority rests with the specific agency, board or commission to which the pertinent record-related laws apply. Essentially, how a specific agency, board or commission interprets such provisions is a matter of policy; accordingly, such interpretations may be subject to challenge pursuant to the act for judicial review and civil enforcement of agency actions, K.S.A. 77-601 *et seq.*

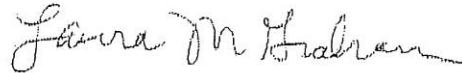
In terms of the KSBN staff's interpretation of K.S.A. 65-1135, therefore, and whether the statute allows the board to disclose that an investigation is pending – even before a formal proceeding has been initiated - the Attorney General's office has no basis to investigate or instruct KSBN on how the statute should be applied or interpreted. Furthermore, it would seem that the appropriate recourse for a nurse who believes the KSBN staff wrongly disclosed that an investigation was pending against the nurse would be to bring a private cause of action against KSBN.

Janice Jones
Page 2

I hope this information is helpful. If you have any questions or concerns or wish to discuss this matter further, please feel free to contact our office.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
PHILL KLINE



Laura M. Graham
Assistant Attorney General

LMG:jm

cc: Mary Blubaugh, KSNB Executive Administrator
Judith Hiner, KSNB President



**KANSAS STATE
NURSES ASSOCIATION**

June 28, 2005

1208 SW TYLER

TOPEKA, KANSAS 66612-1735

785.233.8638 * FAX 785.233.3222

www.nursingworld.org/snas/ks

THE VOICE AND VISION OF NURSING IN KANSAS

JANICE JONES, R.N., M.N., C.N.S.
PRESIDENT

TERRI ROBERTS J.D., R.N.
EXECUTIVE DIRECTOR

Laura Graham, Assistant Attorney General
Attorney General's Office, Memorial Hall
120 SW 10th Street, 2nd Floor
Topeka KS 66612

Dear Ms. Graham,

In March of 2005, officials of the KANSAS STATE NURSES ASSOCIATION, in conversation with Kansas State Board of Nursing staff and an official, expressed concerns about the KSBN staff's interpretation and implementation of KSA 65-1135. The KSNA Board of Directors recently reviewed correspondence shared with our office that appears to defend conduct by the Kansas State Board of Nursing staff that may violate this statute.

KSNA files this letter as a formal complaint of KSBN staff violating KSA 65-1135. Our interpretation of the statute is that all matters, including the fact that an investigation is pending, are confidential

- until a formal proceeding is initiated (KSA 65-1135(a)(1));
- final action is taken by the agency authorizing the sharing of agency action on the license (KSA 65-1135(a)(2)); or
- at any time to the licensee being investigated (KSA 65-1135(a)(3)),

and that these are the only criteria and thresholds for release of confidential information related to a complaint or investigation. These exceptions reflect elements of fundamental fairness that is important for licensees, and maintains the integrity of due process afforded to licensees in the investigative phase of a potential disciplinary proceeding.

Statistics from the Board of Nursing indicate that, after the investigation phase, in 2003, 160 cases (32%) were inactivated; in 2004, 157 cases (32%) were inactivated, and to date, 58 of 2005 cases (51%) have been inactivated. With one third of all case files inactivated, it is very important that all protections afforded by statute be upheld.

Here is the circumstance (documented) that we believe to be in violation:

The Director of a Kansas community college received a telephone call early this spring from a KSBN Education Specialist, that a RN licensee, a newly-hired part-time faculty member, was "under investigation by the KSBN for possible drug impairment and other allegations." KSBN staff made this call following receipt of a "Faculty Qualification Form," required of all schools when a potential new faculty member is hired.

After hearing and confirming that this conversation had taken place, the licensee affected contacted her attorney and requested that he send a letter to the KSBN, requesting compliance with KSA 65-1135 in the future.

KSNA elected and appointed officials have received several anecdotal stories and complaints about just such conduct by KSBN staff privy to confidential investigative files and information; however, because information was shared verbally by the KSBN staff with certain individuals (employers, licensees, co-workers, other states' licensing boards), KSNA never had legitimate evidence that the statute was being violated. The licensees in receipt of the phone calls and disclosed information, for the most part, are hesitant to call the KSBN action into question because of their regulatory role and retaliatory reputation. These individuals have, however, called and reported what they knew or suspected about such disclosures to KSNA elected officials and staff.

In the past couple of months, the interpretation of K.S.A. 65-1135 by the KSBN has been questioned by attorneys representing RN licensees and RN's themselves. We believe this matter to be very important to licensees of the Kansas State Board of Nursing. The KSBN staff clearly differ from KSNA in their interpretation and implementation of this statute.

We respectfully request a full and complete investigation into this matter by your office. This may include the licensee's case mentioned previously, interviews with Kansas School of Nursing Deans/Directors who have received phone calls in the past from KSBN staff disclosing confidential investigative information, and Boards of Nursing staff in other states.

We would add that a legislator had a bill introduced in the 2005 session (House Bill 2149) to add a new (a)(4) to K.S.A. 65-1135, which would read:

"Section 1. K.S.A. 65-1135 is hereby amended to read as follows: 65-1135.


(a) Any complaint or report, record or other information relating to the investigation of a complaint about a person licensed by the board which is received, obtained or maintained by the board is confidential and shall not be disclosed by the board or its employees in a manner which identified or enables identification of the person who is the subject or source of such information except: ...

(4) to a prospective employer of the person who is the subject of the information. The board may require such prospective employer to submit documentation verifying that the person is seeking employment which such employer or a release to disclose such information from the person who is the subject of the information."

It is clear that a legislator (and the Revisor) didn't believe sharing now-confidential investigative information with prospective employers was permitted, hence the bill aimed at expanding the conditions in which it could be disclosed.

KSNA officials' discussions and dialogue on HB 2149, the public policy involved, and protecting the rights of licensees, has heightened our awareness of this statute. It is imperative that the profession and regulators be in concert on this statute's meaning, interpretation, and implementation. Unfortunately, this is not the case, and we seek clarity and compliance. Thank you for your attention to this matter.

Sincerely,


Janice Jones, R.N., M.N., C.N.S., President
1106 Delmar Drive El Dorado KS 67042

cc: Mary Blubaugh, Executive Administrator, KSBN
Judith Hiner, President, KSBN
KSBN Board Members
KSNA Board of Directors and Council on Practice

enclosures: List of licensee/parties referenced
Letter from Larry Michel (Redacted)
Letter from Betty Wright (Redacted)
Investigative Committee Disposition of Cases (by calendar year)

LAW OFFICES
KENNEDY BERKLEY YARNEVICH & WILLIAMSON

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ROBERT B. BERKLEY
(1926-1996)

FAX (785) 825-8856

April 13, 2005

Betty Wright
Kansas State Board of Nursing
900 S.W. Jackson, Suite 1051
Topeka, KS 66612-1230

Re: [REDACTED]

Dear Betty:

I am writing this letter to address a concern in connection with the above matter. We have previously discussed this case and you are aware that I represent [REDACTED]

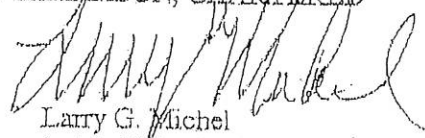
[REDACTED] has recently learned that [REDACTED] of the State Board told [REDACTED] Community College that [REDACTED] was being investigated for possible drug impairment. First, it is not my understanding that the Board of Nursing is investigating [REDACTED] for possible impairment. Second, we do not believe that it is appropriate for this information to be revealed. It is my understanding that the Nurse Practice Act requires that investigative files be kept confidential until such time as they become a public record. Accordingly, I would ask that you check into this situation and advise your client to cease disclosing confidential information to third parties.

Please let me know if you have any questions. Otherwise, we appreciate your prompt attention to this matter.

Sincerely,

KENNEDY BERKLEY YARNEVICH
& WILLIAMSON, CHARTERED

By:


Larry G. Michel

lmichel@kenberk.com

LGM:wj



KANSAS STATE BOARD OF NURSING
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

April 26, 2005

Larry Michel
KENNEDY BERKLEY YARNEVICH
& WILLIAMSON, CHARTERED
119 West Iron Ave, Suite 710
PO Box 2567
Salina, KS 67402-2567

Re: your client: [REDACTED]

Dear Mr. Michel:

Thank you for your letter written April 13, 2005 regarding your client [REDACTED]. The letter stated that "[REDACTED] of the State Board told [REDACTED] Community College that [REDACTED] was being investigated for possible drug impairment."

The facts are that [REDACTED] is required to reveal pending investigations to nursing schools who inquire about this information if the nurse is applying for a position on the faculty of a nursing school. She always relays that an investigation is pending, what the brief description of the case is, and then states that the school should contact the potential faculty member.

The information that the board has a pending investigation would be released, along with the type of case being investigated. [REDACTED] would have also indicated that the case or cases are pending and her license is unencumbered.

The contents of the investigative case file are confidential, unless requested by other licensing boards, see K.S.A. 65-1135, however, the fact that there is an investigation is not confidential.

If you have questions, I can be reached at 785-296-7047.

Sincerely,

Betty Wright
Assistant Attorney General
Kansas Board of Nursing

COPY

SENATE BILL No. 107

Proposed amendment for consideration by KSNA

By Committee on Public Health and Welfare

1-17

Nobuko Folmsbee

9 AN ACT concerning the board of nursing; concerning fingerprinting and
10 criminal history records checks; creating the criminal background and
11 fingerprinting fund.

; release of criminal history record information prohibited;
amending K.S.A. 65-1120 and 65-1135 and repealing
the existing sections

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) The board of nursing may require an applicant for
15 licensure as a professional nurse, practical nurse or mental health tech-
16 nician to be fingerprinted and submit to a state and national criminal
17 ~~history~~ record check. The fingerprints shall be used to identify the ap-
18 plicant and to determine whether the applicant has a record of criminal
19 ~~history~~ in this state or other jurisdictions. The board of nursing is au-
20 thorized to submit the fingerprints to the Kansas bureau of investigation
21 and the federal bureau of investigation for a state and national criminal
22 ~~history~~ record check. The board of nursing may use the information ob-
23 tained from fingerprinting and the applicant's criminal ~~history~~ for pur-
24 poses of verifying the identification of any applicant and in the official
25 determination of character and fitness of the applicant for any licensure
26 to practice professional or practical nursing or mental health technology
27 in this state.

New

convictions

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28 (b) Local and state law enforcement officers and agencies shall assist
29 the board of nursing in taking and processing of fingerprints of applicants
30 to practice professional or practical nursing or mental health technology
31 in this state and shall release all records of adult and ~~juvenile~~ convictions,
32 ~~adjudications, expungements and non-convictions~~ to the board of nursing.

33 (c) The board shall fix a fee for fingerprinting of applicants or licens-
34 ees, or both, as may be required by the board in an amount necessary to
35 reimburse the board for the cost of the fingerprinting. Fees collected
36 under this subsection shall be deposited in the criminal background and
37 fingerprinting fund.

38 (d) There is hereby created in the state treasury the criminal back-
39 ground and fingerprinting fund. All moneys credited to the fund shall be
40 used to pay the Kansas bureau of investigation for the processing of fin-
41 gerprints and criminal ~~history background~~ checks for the board of nurs-
42 ing. The fund shall be administered by the board of nursing. All expend-
43 itures from the fund shall be made in accordance with appropriation acts

conviction

Senate Public Health and Welfare committee
Attachment #5
February 13, 2007

1 upon warrants of the director of accounts and reports issued pursuant to
2 vouchers approved by the president of the board or a person designated
3 by the president.

See attached

4 Sec. 2. This act shall take effect and be in force from and after its
5 publication in the statute book.

5.

Sec. 2. K.S.A. 65-1120 is hereby amended to read as follows:
65-1120. (a) Grounds for disciplinary actions. The board may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found after hearing:

(1) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120 no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto;

(3) to have committed an act of professional incompetency as defined in subsection (e);

(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

(5) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;

(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board;

(7) to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations

adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122 and amendments thereto;

(8) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8); or

(9) to have assisted suicide in violation of K.S.A. 21-3406 and amendments thereto as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406 and amendments thereto.

(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 2002-Supp. 60-4404 and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. 2002-Supp. 60-4405 and amendments thereto.

(b) Proceedings. Upon filing of a sworn complaint with the board charging a person with having been guilty of any of the unlawful practices specified in subsection (a), two or more members of the board shall investigate the charges, or the board may designate and authorize an employee or employees of the board to conduct an investigation. After investigation, the board may institute charges. If an investigation, in the opinion of the board, reveals reasonable grounds for believing the applicant or licensee is guilty of the charges, the board shall fix a time and place for proceedings, which shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) Witnesses. No person shall be excused from testifying in

any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state except the crime of perjury as defined in K.S.A. 21-3805 and amendments thereto.

(d) Costs. If final agency action of the board in a proceeding under this section is adverse to the applicant or licensee, the costs of the board's proceedings shall be charged to the applicant or licensee as in ordinary civil actions in the district court, but if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and which the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.

(e) Professional incompetency defined. As used in this section, "professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(f) Criminal justice information. The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to ~~arrests and~~ criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.

Sec. 3. K.S.A. 65-1135 is hereby amended to read as follows:

65-1135.

65-1135. (a) Any complaint or report, record or other information relating to the investigation of a complaint about a person licensed by the board which is received, obtained or maintained by the board is confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of such information except:

(1) In a disciplinary proceeding conducted by the board pursuant to law or in an appeal of the order of the board entered in such proceeding, or to any party to such proceeding or appeal or such party's attorney;

~~(2) to the proper licensing or disciplinary authority of another jurisdiction, if any disciplinary action authorized by K.S.A. 65-1120 and amendments thereto has at any time been taken against the licensee or the board has at any time denied a license certificate or authorization to the person; or~~

(3) (2) to the person who is the subject of the information, but the board may require disclosure in such a manner as to prevent identification of any other person who is the subject or source of the information.

(b) The board and its employees are strictly prohibited from releasing any criminal history record information received from the Kansas bureau of investigation except as otherwise provided in subsection (a).

(c) The board and its employees are strictly prohibited from releasing any information other than the final order of the board regarding disciplinary matters to anyone except the licensee and an attorney for such licensee.

(b) (d) This section shall be part of and supplemental to the Kansas nurse practice act.

Sec. 4. K.S.A. 65-1120 and 65-1135 are hereby repealed.

February 6, 2007

The Honorable Jim Barnett, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 120-S
Topeka, Kansas 66612

Dear Senator Barnett:

SUBJECT: Fiscal Note for SB 178 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 178 is respectfully submitted to your committee.

SB 178 would amend current law regarding the Kansas Cancer Registry to allow the Department of Health and Environment to expand allowable uses of confidential data in the Registry to conduct follow-up projects on cancer cases for public health purposes. The bill would allow KDHE, with the approval of the Health and Environmental Institutional Review Board of the Department, to contact individuals who are the subjects of medical reports submitted to the Registry for follow-up studies. Any person contacted would have the option to decline participation; and, informed consent by a parent or guardian would be required if the person is under the age of 18, unless the inquiry involved information about a subject who is deceased. KDHE would adopt rules and regulations to define who could conduct the follow-up studies and to develop criteria for obtaining informed consent.

The passage of SB 178 would not have a fiscal effect for the Department of Health and Environment. Should studies be conducted as a result of this legislation, sources of funding would need to be identified that are commensurate with the needs of the study.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Aaron Dunkel, KDHE



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Health

**Testimony for Senate Bill 178
Follow-up on Cancer Cases**

To
Senate Public Health and Welfare Committee

By
Howard Rodenberg MD MPH

Kansas Department of Health and Environment

February 8, 2007

Chairman Barnett and Members of the Committee: My name is Dr. Howard Rodenberg. I am the Director of the Division of Health, Kansas Department of Health and Environment. Thank you for the opportunity to appear before you today to discuss Senate Bill 178 concerning the Kansas Cancer Registry. The Department of Health and Environment supports this bill to grant authority to the Secretary to conduct follow-up studies for important public health purposes.

Each year in Kansas, nearly 12,000 people are diagnosed with cancer, and 5,000 die from the disease. Cancer is second only to heart disease as the leading cause of death among Kansas' citizens. The cost of cancer exceeds \$1.6 billion each year in direct medical expenses, lost productivity on the job and premature death.

Current law authorizes the Secretary of Health and Environment to collect data pertaining to all cancers that occur in Kansas and to adopt rules and regulations that specify who shall report, the data elements to be reported, timeliness of reporting and the format for collecting and transmitting data to the registry. Under the Secretary's authority, this information is reported to the Kansas Cancer Registry located at the University of Kansas Medical Center, which is operated by research professionals under a contractual agreement with the Kansas Department of Health and Environment. The cancer registry receives reports from Kansas hospitals, physicians, laboratories and clinics through mail, fax or electronic submission. Data collected includes the type of cancer, stage at diagnosis, patient's personal information (such as name, age, address) and the diagnosing physician's contact information. The data is maintained by the Kansas Cancer Registry using strict protocols to protect confidentiality. The Cancer Registry procedures are reviewed on an annual basis by the Internal Review Boards of KU and KDHE to assure protection of patient confidentiality.

The Kansas Cancer Registry has achieved a rating of gold standard from the National Association of Central Cancer Registries based upon completeness, timeliness of reporting and data quality. Data from the Registry is used extensively for public health purposes to monitor occurrence of types of cancers, assess demographic patterns in cancer occurrence, stage at diagnosis and length of time from diagnosis until death. The data from the registry was used extensively by the 60+ partner organizations who were involved in developing the Kansas Cancer Control and Prevention Plan. The incidence and mortality information provided by the registry also enables the state to meet program and evaluation requirements for receipt of federal funds to support the Early Detection Works breast and cervical cancer screening program.

While the Registry provides critical information on occurrence of cancer, its utility is limited significantly by restrictions related to use of confidential (identifiable) data. Current law provides for identifying the types and occurrence of cancer on a population basis, but stops short of allowing a method to examine the *causes* of cancer or to identify modifiable influences that have a direct bearing on cancer outcomes. This restriction hampers public health efforts to implement recommendations of the Kansas Cancer Plan, which outlines a plan to impact the prevention of cancer as well as the quality of life of cancer survivors and their families.

Senate Bill 178 proposes to allow the Secretary of the Department of Health and Environment to authorize use of Cancer Registry data under carefully controlled circumstances to expand the use of this confidential data. The Secretary of KDHE will adopt rules and regulations regarding any and all projects to be conducted to ensure privacy, sensitivity and context of inquiries. In keeping with the strict protocols regarding confidentiality issues that are already in place, all proposed studies would be reviewed and require approval of the Institutional Review Boards of the Kansas Department of Health and Environment and the University of Kansas Medical Center to assure the highest level of confidentiality. Follow up information would be collected directly from cancer patients or their families, who will be able to decline participation upon contact or any time thereafter.

The bill will allow for carefully administered follow-up studies to be conducted that will provide important information on access to care, survivorship issues and quality of life following a cancer diagnosis. These are priority issues identified in the Kansas Cancer Prevention and Control Plan and will be used to design and implement effective screening and early detection programs, conduct epidemiological studies, monitor health care access, utilization and effectiveness of services for prevention and treatment and quantify financial burden associated with cancer care. Follow up with cancer patients for this purpose is becoming standard practice among Cancer Registries, with about half of the states operating Cancer Registries already including this provision related to use of confidential data. SB 178 does not allow for any "routine" contacts of cancer patients reported to the Registry, nor does it include any additional duties or reporting requirements on the part of diagnosing physician.

One example of a study that could be conducted under the provisions of SB178 is a closer examination of Kansans diagnosed with brain cancer. We know there are between 175 and 185 new cases reported to the Kansas Cancer Registry each year, but little is known about risk factors or possible causes of brain cancer. Asking patients a few select questions about their history of environmental exposures or health behaviors could result in pin pointing common factors that hold answers regarding potential causes or risks of this type cancer.

One of our cancer partners, a physician in rural southwest Kansas, has expressed concern about the number of late stage colorectal cancers he has diagnosed. The ability to follow up with colorectal cancer patients in the western part of the state could provide insight into why they were diagnosed at late stages: did they lack health insurance? Was transportation available to the closest screening facility? Did they not understand the importance of early detection? Such a follow up study could provide currently unavailable information about the apparent disparities between rural and urban areas of the state.

Utilization of cancer screening and treatment services are another area that would benefit greatly from follow up study. Anecdotal accounts indicate that in some circumstances patients actually refuse cancer care or specific treatment regimens, yet the reasons for their decision is not understood. In order to improve their quality of life and survivorship, we need to understand and address from a public health perspective, potential attitudes or misconceptions about screening, diagnostic or treatment options.

Overall, cancer survivors are growing in number as cancer education, screening, early diagnosis and quality treatment improve. It is estimated that more than 10 million people in the United States are cancer survivors. One of the goals of the Kansas Cancer Partnership is to improve the quality of life for those diagnosed with cancer. However, without sufficient follow up data it is difficult to focus interventions to change the current status.

For instance, we have little knowledge of how many individuals with cancer lose their jobs and then their health insurance or have other difficulties because of their illness. Individuals often struggle with the financial burden of cancer treatment and their recovery could affect employment, including reintegration into the workplace. To better understand how worksites and employees can be better prepared to deal with a person who comes back with physical limitations, looks different (no hair), changed energy level, need for flex schedule to accommodate treatment, personal support, etc., we would use the authorization of SB178 to better assess the extent to which these factors impact both individuals and businesses. We would also be able to assess what supports proved to be of greatest benefit to the cancer survivor and their family.

End-of-life care is also an area of concern. The spectrum of end-of-life issues encompasses use of hospice, pain management programs, advance care directives, and the support of the surviving family. At this time we don't know the extent to which people use hospice, how many use advanced care directives, how patients and families use advanced care directives, or to what degree do families throughout Kansas understand and honor the wishes of the patient. We don't have a good way to gauge which resources proved to be the most helpful to the patient, family and provider. Using the Kansas Cancer Registry allows us to explore these questions for the benefit of future cancer victims.

It is critical to note that these uses of the Kansas Cancer Registry do not duplicate any current clinical data bases used to conduct clinical trials in cancer care. The majority of oncologists (cancer specialists) in Kansas have access to networks for clinical trials, and patients entered in these trials have a myriad of clinical data entered into these registries. However, these registries are used almost exclusively to monitor the effect of an anti-cancer regimen and are specific to the group of patients being enrolled in the trial. Further, the information is often not used in a Kansas-specific model; the aggregate information from all patients enrolled in the trials

from across the country is used to determine which anti-cancer therapies provide the best treatment choices. These databases do not allow for studies on the prevention of cancer, nor for exploring the social situation in which cancer victims and their families exist, nor for evaluating the survivorship and end-of-life experiences.

The statewide nature of the Kansas Cancer Registry is the only source where the sum total of patients with cancer in Kansas can be accessed in the numbers needed to assure reliable research and explore policy issues and options unique to our state.

The biggest gain from this change in statute will allow public health to understand what the issues are that cause poor cancer outcomes. It is not a clinical trial as to which drug works best - rather, it provides a way for public health to better understand what keeps people from utilizing the services and resources that are available. The passage of Senate Bill 178 will result in the collection of cancer information beneficial to all Kansans who are touched by cancer, now or in the future.

Thank you for your consideration of this issue. I would be happy to answer any questions at this time.

Testimony on Senate Bill 178
Concerning the Kansas Cancer Registry
To
Senate Public Health and Welfare Committee

Presented by James Hamilton, Jr., MD, FACS
Kansas Cancer Partnership
Commission on Cancer State Chair, Kansas
February 9, 2007

Members of the Senate Public Health and Welfare Committee: My name is Dr. James Hamilton and I am here today representing the Kansas Cancer Partnership as Chairman of the Commission on Cancer for the State of Kansas. Thank you for allowing me this time today regarding Senate Bill 178, which proposes enhancements to the Kansas Cancer Registry.

The Kansas Cancer Partnership supports cancer prevention and control and this legislation addresses one of the very vital data sources used by the Partnership to track cancer incidence and mortality in the state.

We know cancer takes a heavy toll on the citizens of Kansas. All of us have been touched by cancer. As a surgeon, I can also testify to the personal toll it takes on my patients and their families. Prevention, early detection and quality treatment are keys to reducing the burden of cancer in the state. We also must be able to track the disease and provide a means to access important information regarding causes and risks of cancer. It is important to gather data on access to cancer care including the availability of new technology and treatment options, the convenience of services and barriers that patients encounter including transportation and translations services. Only cancer survivors can provide this vital data and are key to identifying survivorship issues, pain management and other data that can directly impact the diagnosis of cancer in the public health setting.

The members of the Kansas Cancer Partnership, which currently number nearly 140 individuals representing public and private entities across that state, support cancer control and prevention for Kansas and its citizens. The state already has the authority to collect the data for the Kansas Cancer Registry. What this bill does is to allow for direct follow up with cancer survivors to plan specific activities to prevent cancer related problems. The primary outcome of this change would be to provide enhanced understanding of cancer in Kansas.

As a physician, I do not believe this bill would result in an undue burden on myself or my practice. However, I believe it will enhance public health efforts and result in enhanced data for the Kansas Cancer Registry.

Thank you and please let me know if you have any questions.



From: "Patti Moser" <Patti_Moser@via-christi.org>
To: <morgand@senate.state.ks.us>
Date: 2/8/2007 8:39 AM
Subject: FW: SB 178 - Cancer Registry

Please support SB 178, for utilization of cancer registry data to follow up on care of cancer patients. This is an important data base that will support measurement of the goals of the Kansas Cancer Control Partnership. Over 140 people, representing various cancer organizations and individuals throughout the state of Kansas, have identified that ongoing care of and resources available to cancer patients is hard to measure, and therefore, hard to identify areas of need. The Kansas Cancer Registry data will provide a method to learn more about how to support cancer patients upon diagnosis, throughout their cancer care, and survival issues upon completion of cancer treatment. On behalf of the Research and Data Workgroup of the Cancer Partnership, I ask you to support SB178.

Patti Moser, RN, MPH, BSN, OCN
Chair, Research and Data Workgroup
Kansas Cancer Control Partnership