

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 14, 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
Nobuko, Office of Revisor of Statutes
Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Christine Ross-Baze, Kansas Department of Health and Environment
Candy Shively, Kansas Department of Social and Rehabilitation Services
Craig Barbee, Board of Emporia Christian School
Ron Hein, on behalf of Kansas Society of Radiologic Technologists
Lawrence Buening, Kansas Board of Healing Arts

Others attending:

See attached list.

Upon calling the meeting to order, Chairman Barnett asked that the Committee review the Minutes for February 13, 2007 for approval at the end of the meeting.

Chairman Barnett called upon Emalene Correll to read and explain **SB 201** for the Committee.

Questions for Emalene came from Senators Palmer and Barnett regarding page 3 Section (g) on **SB 201**, child abuse or neglect, requirement of Secretary to provide written testimony.

Emalene then read and explained **SB 202** for the Committee.

Questions from Emalene came from Senator Schmidt regarding clarification and definition of wording in **SB 201**.

Chairman Barnett then called upon Terri Weber to read and explain **SB 284** for the Committee.

The Chair announced that the next order of business would be to open the hearing for **SB 201**.

Hearing on SB 201 – An act concerning restrictions on persons maintaining or residing, working or volunteering at child care facilities or family day care homes.

The fiscal note for **SB 201** 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.

The Chair called upon the first proponent conferee, Christine Ross Ross-Baze, Kansas Department of Health and Environment who stated her support for the bill with the proposed changes that she included on her testimony. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett then called upon proponent conferee, Candy Shively, Kansas Department of Social and Rehabilitation Services who stated her support with the proposed changes and appreciate the efforts of the Kansas Department of Health and Environment to safeguard this federal funding stream for Kansas. A copy of her testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon proponent conferee, Craig Barbee, Board of Emporia Christian School who stated that he supports the bill as an improvement to our current system of protecting those most vulnerable of Kansas citizens, yet must conclude additional measures must be taken to close the communication gap and that by

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 14, 2007 in Room 231-N of the Capitol.

passing the bill without ensuring the communication gap is closed, the Committee's time will be wasted and more importantly the children and elderly will still be at risk.. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

Questions came from Senators Palmer and Barnett regarding child abuse/neglect registry, Barbee's requests for notification, time line of notification, and submission date process.

Written testimony was provided by Deanne Bacco, Executive Director of Kansas Advocates for Better Care. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

Written testimony was also provided by Bruce Linhos, Executive Director, Children's Alliance. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett then closed the hearing on **SB 201**.

The Chair then opened the hearing on **SB 202**.

Hearing on SB 202 – An act concerning child care facilities; relating to definitions

The fiscal note for **SB 202** was available for the Committee to view. A copy of the fiscal note is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon proponent conferee, Christine Ross-Baze, Kansas Department of Health and Environment who stated that with the amendment proposed for this bill would result in further streamlining the placement of children into permanent homes and thus gives her support for passage of the bill. A copy of her testimony is (Attachment 8) attached hereto and incorporated into the Minutes as referenced.

Written testimony was also provided by Bruce Linhos, Executive Director, Children's Alliance. A copy of his testimony is (Attachment 9) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett then closed the hearing on **SB 202**.

The Chair then opened the hearing on **SB 284**.

Hearing on SB 284 – An act concerning the radiologic technologists practice act

The fiscal note for **SB 284** was available for the Committee to view. A copy of the fiscal note is (Attachment 10) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon proponent conferee, Ron Hein, on behalf of Kansas Society of Radiologic Technologists who stated that the bill amends the scope of practice for radiologic technologists to permit rad techs to administer medications. A copy of his testimony is (Attachment 11) attached hereto and incorporated into the Minutes as referenced.

The Chair then called upon proponent conferee, Lawrence Buening, Kansas Board of Healing Arts who stated that the amendments that are made by this bill have been recommended by the Radiologic Technology Council and were presented to and approved by the Board as a whole. A copy of his testimony is (Attachment 12) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett then closed the hearing on **SB 284**.

The Chair 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 14, 2007.

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

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 14, 2007 in Room 231-N of the Capitol.

Adjournment

As the Committee had run out of time, the meeting was adjourned at 2:33 p.m.

The next meeting is scheduled for February 15, 2007

SIGN UP SHEET FOR
SENATE PUBLIC HEALTH AND WELFARE
COMMITTEE

WEDNESDAY, FEBRUARY 14, 2007

IS NOT AVAILABLE

February 9, 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 201 by Senate Committee on Public Health and Welfare

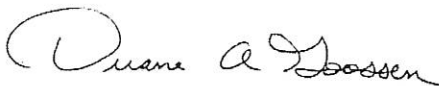
In accordance with KSA 75-3715a, the following fiscal note concerning SB 201 is respectfully submitted to your committee.

SB 201 would permit the Department of Health and Environment (KDHE) to conduct national criminal history record checks and would allow KDHE to require fingerprints to determine criminal history and a person's eligibility to live, work, or volunteer in child care facilities and family day care homes. The bill would also allow KDHE to share the results of background checks with child placement agencies for the purpose of adoption and to assess the suitability of prospective foster parents to become licensed.

KDHE states that there would be no direct fiscal effect for the agency. However, the bill is necessary to comply with the federal requirements for national background checks contained in the Adam Walsh Act. If these federal requirements are not met, the agency could be in danger of losing federal Title IV-E Foster Care funds.

Child placement agencies, which are not operated by the state, estimate savings of \$9,000 because they would no longer have to duplicate background checks from the KBI. However, fingerprints based national background check costs could be as much as \$50 per individual. This cost would be borne by the foster or adoptive family, or the child placement agency.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Aaron Dunkel, Health & Environment
Linda Durand, KBI



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Health

Testimony on SB 201

To

Senate Committee on Public Health and Welfare

By

**Christine Ross-Baze LMSW, Director
Child Care Licensing and Registration Program**

Kansas Department of Health and Environment

February 14, 2007

Chairman Barnett and members of the Committee on Public Health and Welfare, my name is Christine Ross-Baze and I am the director of the Child Care Licensing and Registration Program at the Kansas Department of Health and Environment. Thank you for the opportunity to appear before you today in support of Senate Bill 201.

SB 201 amends K.S.A. 65-516 in a number of ways.

The bill proposes amended language to update the terms used in K.S.A. 65-516 and to update needed statutory references.

Language has been added to clarify the Department's authority to prohibit a person from residing, working or volunteering in a child care facility or family day care home if the person has a criminal conviction, juvenile adjudication or child abuse or neglect determination in another state or the federal government that Kansas would consider to be a prohibiting offense if it occurred in Kansas.

On page 1 lines 25 and 26 the bill proposes to add a conviction of conspiracy to commit a prohibiting offense to the list of prohibiting conditions. This addition will better protect children cared for in child care facilities and family day care homes.

SB 201 proposes to permit the Department to conduct national criminal history record checks to determine criminal history and a person's eligibility to reside, work or regularly volunteer in child care facilities and family day care homes. SB 201 further authorizes the Department to require fingerprints for identification purposes and to conduct the national criminal history background checks.

BUREAU OF CHILD CARE AND HEALTH FACILITIES - CHILD CARE LICENSING & REGISTRATION PROGRAM
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 200, TOPEKA, KS 66612-1270
Voice 785-296-1270 Fax 785-296-0803 Website www.kdheks.gov/kidsnet

senate Public Health and Welfare
Attachment # 2
February 14, 2007
committee

New federal legislation, the Adam Walsh Act of 2006, requires that states conduct national criminal history background checks for all prospective foster and adoptive parents and adults living in the foster or adoptive home. The proposed language in SB 201 is designed to comply with the federal requirements.

On page 3 beginning with line 24, SB 201 proposes to require the Department to share the results of the background checks with child placement agencies for the purposes of adoption and to assess the suitability of prospective foster parents to become licensed. With this provision child placement agencies would not need to request background checks separately from the Department's process. This efficiency would benefit children and families by reducing duplication and resultant delays. The recommendation for this efficiency originated from discussions in the Foster Parent Best Team involving child placement agencies, foster parents, SRS and the Department. Child placement agency staff estimated that this efficiency would save the agencies approximately \$9,000 in conducting duplicative background checks.

The Department supports the passage of SB 201. I am available to answer any questions you may have.

Kansas Department of

Social and Rehabilitation Services

Don Jordan, Secretary

Senate Public Health and Welfare Committee
February 14, 2007

Senate Bill 201

**Integrated Service Delivery-Children and Family
Services**
Deputy Secretary Candy Shively

For additional information contact:
Public and Governmental Services Division
Kyle Kessler, Deputy Secretary

Docking State Office Building
915 SW Harrison, 6th Floor North
Topeka, Kansas 66612-1570
phone: 785.296.0141
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www.srskansas.org

Senate Public Health and Welfare
Attachment # 3
February 14, 2007
committee

**Kansas Department of Social and Rehabilitation Services
Don Jordan, Secretary**

Senate Public Health and Welfare Committee
February 14, 2007

Senate Bill 201

Senator Barnett and members of the committee, I'm Candy Shively, Deputy Secretary of SRS. Thank you for the opportunity to speak in support of SB 201.

Federal law now requires states, prior to licensing foster homes, to conduct finger print background checks with the National Crime Information Center (NCIC) of the Federal Bureau of Investigation (FBI), the Kansas child abuse and neglect registry and the child abuse and neglect registry of any other state in which a potential foster parent resided during the preceding 5 years. Failure to comply by July 1, 2007 may result in a loss of federal funds. These funds are safeguarded by the changes in new section (e). Additional changes contained in SB 201 are unrelated to federal funding.

The amendments to section (a)(3) and (g) don't substantively change the law, but do add clarity. Currently there is no reference to the child abuse and neglect registry in Kansas statutes. The name grew out of the addition of subsection (3) in 1984. Social and Rehabilitation Services (SRS) didn't use the term validated in 1984 and doesn't currently use that term. This has been confusing for some who are barred by K.S.A. 65-516(a)(3) because their names are in the registry based on a substantiated finding of abuse or neglect. This change, carried over in section (g), more accurately communicates the cause and effect of an SRS determination of abuse or neglect.

We appreciate the efforts of the Kansas Department of Health and Environment to safeguard this federal funding stream for Kansas and ask your support of SB 201.

I would be happy to answer any questions.

SB-201
Proponent

Craig Barbee
1021 Lincoln St.
Emporia Kansas 66801

S 0201

Bill by Public Health and Welfare

Child placement agencies; secretary of health and environment; information on persons at child care facilities or family day care homes.

I stand in favor of SB-201. I am Chairman of the Board of Emporia Christian School. We have a licensed day care facility as well as a K-4 through 8th grade elementary school.

While reviewing our processes with our administrator, I asked what type of responses we receive from the KDHE when we submitted requests for background checks. His reply was that we don't receive any responses from KDHE. I followed up asking how do we know that they received our requests and how do we know that the request was completed? KDHE informs the requesting facilities only if a negative response is obtained from the KBI.

I began to investigate the process that allowed such a large gap in communications and that is when I learned about the type of background checks that were being performed.

Currently, the KDHE only performs Criminal History checks on Kansas convictions. What that means are persons that have committed crimes that would prohibit them from having contact with children, in another state, could move to Kansas and resume contact with children and never show up on Kansas criminal history checks until they have committed a crime in Kansas and been **caught and convicted**.

When I discovered this, I had several contacts with the KDHE via email and telephone. In each conversation the KDHE representative replied that even though he may have agreed to some extent with my concerns, they were complying with all of their statutory and regulatory requirements (paraphrased).

My challenge to them was that they are tasked with protecting the most vulnerable of our citizens, our elderly and our children. If they knew that there were gaps in their current system, they should correct them without being forced by a Regulatory change.

Is SB 201 enough or is there more that needs to be done to protect our most vulnerable citizens? The answer is no!

During my initial inquiry about the Criminal History checks I learned that once our facility places our request in the mail, that is the last we would see any communication on it unless it successfully arrived at KDHE; they successfully forwarded it on to the KBI and the KBI found a problem and replied to the KDHE and they replied to us. The

Senate Public Health and Welfare Committee
Attachment # 4
February 14, 2007

KDHE's view is that **'no news is good news'**. This philosophy is placing Kansas children at risk. When I asked what would happen if we unknowingly hired someone with a criminal history, based upon the failed process of the KDHE, I was told that we would be liable. How can any child care or adult care facility function to hire additional staff or volunteers if they know that the KDHE is not keeping up their part of the bargain and they will hold that facility responsible for the KDHE's failure?

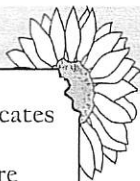
There is no proof that the KDHE ever received our request, then no time frame for them to complete the requested background check. There is currently no requirement for them to acknowledge that a child care facility ever sent them the request.

Although our US Postal Service is nearly flawless, we know that there are problems since they staff a full time Dead Letter Office. We also know that interoffice mail can be dropped in delivery, it can be misfiled, and it can be accidentally discarded.

I am proposing that we amend SB-201 to include the following:

- 1) Require KDHE to send a receipt notice to each requesting facility, acknowledging that they are starting the process of completing the criminal history checks on the persons listed. That notice of receipt should be made within 3 business days.
- 2) Require a notice of completion of the requested criminal history checks when returned from the KBI. That reply should be made regardless of the results either positive or negative.
- 3) Require that if a negative result is obtained from the criminal history check, a direct communication is made to the requesting facility via a person to person communication. This would be followed with a specific written document identifying the results.

In conclusion, I support SB-201 as an improvement to our current system of protecting those most vulnerable of Kansas citizens, yet I must conclude additional measures must be taken to close the communication gap. If you pass SB-201 without ensuring the communication gap is closed, your time will be wasted and more importantly our children and elderly will still be at risk.



Kansas Advocates
for
Better Care

“Advocating for Quality Long-Term Care” since 1961

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Retired teacher & Kansas Legislator

Marilyn & Ollie Brashears *Kansas City*
Alverta McField Nursing Home Support Group

Earl Nehring, Ph.D., *Lawrence*
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Jeanne Reeder, LMSW MRE
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Heart of America Alzheimer's Assn.

Artie Shaw, Ph.D., *Lawrence*
Clinical Psychologist

Jean Wambsganss, *Hutchinson*
*Retired Nursing Home Activities/
Social Service Director*

Julia Wood, *Wichita*
Retired Kansas teacher

Honorary Board Member
William Dann, *Lawrence*

Executive Director
Deanne Bacco, MCP, LACHA

SB 201

Restricting persons maintaining, residing, working or volunteering
at child care facilities or family day care homes

Testimony to the Senate Public Health and Welfare Committee
From Kansas Advocates for Better Care
February 14, 2007

Honorable Chairman Dr. Barnett
and Committee Members:

Kansas Advocates for Better Care (KABC) is a proponent of this bill.

This bill is a welcome addition to the concept of protecting the members of these vulnerable populations from abuse, neglect and exploitation.

KABC humbly requests that you add one additional vulnerable population to this bill, frail adults/elders. Please include “licensed adult care home facilities” along with the child care facilities and family day care homes throughout the bill’s descriptions of protected populations. We request that the bill be considered “an act concerning restrictions on persons maintaining or residing, working or volunteering at child care facilities, family day care homes, and licensed adult care homes”.

Thank you for this opportunity to testify in support of this bill and request the same protection be provided for frail adults/elders living in licensed adult care homes.

Deanne Bacco, Executive Director of KABC

*Senate Public Health and Welfare
Attachment # 5
February 14, 2007
Committee*

913 Tennessee Suite 2 Lawrence, Kansas 66044-6904

phone: 785.842.3088 fax: 785.749.0029 toll-free: 800.525.1782 e-mail: info@kabc.org website: www.kabc.org

Robert Drummond
TLC for Children and Families, Inc.
President



Bruce Linhos
Executive Director

Community Agencies Serving Children and Families

212 S.W. 7th Street Topeka, Kansas 66603
(785) 235-KIDS fax: (785) 235-8697 e-mail: blinhos@childally.org
Website: www.childally.org

Testimony in Support of SB 201
Senate Public Health and Welfare
February 14, 2007

The Children's Alliance is the state's association of private non profit child welfare agencies. Member agencies provide an array of service for youth both in the custody of the Department of Social and Rehabilitation Services as well as those under the Juvenile Justice Authority. Services provided by member agencies include family preservation, foster care, group and residential treatment as well as specialized treatment services including drug and alcohol treatment. As an Association whose members serve youths in need of foster care, we support the intent of SB 201 to streamline the process of doing criminal justice checks on prospective foster parents. We also note that a similar bill HB 2497 passed out of the House Public Health Committee last year.

Agencies must do a criminal background check through the KBI of all prospective foster and adoptive parents. Currently we have approximately 2,200 foster homes. This bill will help expedite the process by which the child placing agencies receive this information on the KBI checks. When someone is volunteering to be a foster family what we want is to help move them through the process as quickly and painlessly as possible. We believe that this bill will assist child placing agencies with this part of the licensing requirement.

We also see this as a part of what we hope will be a paperless system that will, in the near future, allow private agencies to submit and check on licensing information without duplicative data entry and the time lost in that process.

To date agencies have not had the ability to receive background information from the national data base. This will provide an important safe guard in cases where families have recently moved to Kansas from another state.

We request the committees support for SB 201

Bruce Linhos
Executive Director
Children's Alliance of Kansas

Senate Public Health and Welfare
Attachment # 6
February 14, 2007
committee

February 5, 2007

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

Dear Senator Barnett:

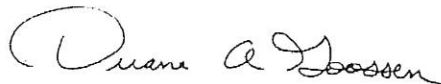
SUBJECT: Fiscal Note for SB 202 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 202 is respectfully submitted to your committee.

Under current law, operators of licensed child care facilities may provide care for children under 16. Children who are being cared for by relatives are exempt from this statute. SB 202 would also exempt children who are in the custody of the Department of Social and Rehabilitation Services and who live with a family that is close to adopting the child. These families would not be subject to the licensing regulations of the Departments of Social and Rehabilitation Services and Health and Environment.

The Department of Social and Rehabilitation Services and the Department of Health and Environment indicate that there would be no fiscal effect from enactment of SB 202.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Jackie Aubert, SRS



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Health

Testimony on SB 202

To

Senate Committee on Public Health and Welfare

By

Christine Ross-Baze LMSW, Director
Child Care Licensing and Registration Program

Kansas Department of Health and Environment

February 14, 2007

Chairman Barnett and members of the Committee on Public Health and Welfare, my name is Christine Ross-Baze and I am the director of the Child Care Licensing and Registration Program at the Kansas Department of Health and Environment. Thank you for the opportunity to appear before you today in support of Senate Bill 202.

SB 202 proposes to amend the definition of a child care facility in order to clarify that individuals wishing to adopt children in the custody of the Kansas Department of Social and Rehabilitation Services, (SRS) and who have signed an adoptive placement agreement, are not subject to licensure by the Kansas Department of Health and Environment.

The Child Care Licensing Act, K.S.A. 65-501 et seq., sets forth requirements for child care facility licensure. When a child under 16 years of age is removed from their parental home and is placed by SRS with a family that is not related to the child by blood, marriage or legal adoption, the Child Care Act requires the family to be licensed as a family foster home.

However, K.S.A. 59-2131 permits the court to order the placement of a child for adoption in an unlicensed family home when the family has been determined to be suitable. K.S.A. 59-2132 requires an adoptive assessment of the family's background and suitability in order to adopt.

The differing statutory requirements governing adoption and child care facility licensure has resulted in unclear direction regarding whether or not families, wishing to adopt children in SRS custody, are required to be licensed as family foster homes.

BUREAU OF CHILD CARE AND HEALTH FACILITIES - CHILD CARE LICENSING & REGISTRATION PROGRAM

CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 200, TOPEKA, KS 66612-1270

The proposed language in SB 202 brings these differing statutes into harmony by clearly exempting from child care facility licensure families who wish to adopt children in the custody

Voice: 785-296-1270 Fax: 785-296-0803 Website: www.kdheks.gov/kidsnet

Senate Public Health and Welfare
Attachment # 8
February 14, 2007
Committee

of the Secretary of SRS and who have entered into an adoptive placement agreement.

The amendment proposed in SB 202 would result in further streamlining the placement of children into permanent homes. Safety and suitability issues will continue to be addressed through the adoptive assessment and background checks prior to the family signing an adoptive placement agreement and throughout the adoption process.

For these reasons the Department supports the passage of SB 202. I am available to answer any questions you may have.

Robert Drummond
TLC for Children and Families, Inc.
President



Bruce Linhos
Executive Director

Community Agencies Serving Children and Families

212 S.W. 7th Street Topeka, Kansas 66603
(785) 235-KIDS fax: (785) 235-8697 e-mail: blinhos@childally.org
Website: www.childally.org

Children's Alliance

Senate Bill 202
Senate Public Health and Welfare
February 14, 2007

The Children's Alliance is the association of the private child welfare agencies. Members of our association provide family preservation, foster care, and adoption to children in the custody of the state. Members serve both the youth in JJA and SRS custody. During the course of the year member agencies work with nearly 5,000 children through both adoption and foster care.

Senate Bill 202 provides needed clarification in the definition of child care facilities. This bill brings into line language in various statutes relating to requirement for the licensing of preadoptive families. We believe this clarification will be of assistance to families seeking to adopt and will provide for a greater consistency and understanding among the various agencies involved in the adoptive process.

I ask the committee's support for SB 202.

Bruce Linhos
Executive Director

Senate Public Health and Welfare
Attachment # 9
February 14, 2007
committee

February 13, 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 2184 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 284 is respectfully submitted to your committee.

SB 284 would make three changes to the Radiologic Technologist Practice Act. Radiologic technologists are licensed under the authority of the Board of Healing Arts. The bill would:

1. Allow technologists to administer medications, as approved by the Board of Healing Arts;
2. Waive the examination or education requirements and grant licensure to any applicant who holds a valid certificate from the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or another recognized national credentialing body; and,
3. Delete the "grandfather" provisions that allow the Board to waive education and examination requirements for persons who practiced radiologic technology prior to July 1, 2005 but who have not passed the examination and who have not completed the education requirements.

The Board of Healing Arts indicates that the passage of SB 284 would not have a fiscal effect on the agency. Those radiologic technologists who have been "grandfathered" may experience additional costs to complete the requirements for licensing.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Cathy Brown, Healing Arts

Aaron Dunkel, KDHE

HEIN LAW FIRM, CHARTERED

5845 SW 29th Street, Topeka, KS 66614-2462

Phone: (785) 273-1441

Fax: (785) 273-9243

Ronald R. Hein
Attorney-at-Law

Email: rhein@heinlaw.com

Testimony re: SB 284
Senate Public Health and Welfare Committee
Presented by Ronald R. Hein
on behalf of
Kansas Society of Radiologic Technologists
February 14, 2007

Mr. Chairman, Members of the Committee:

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

KSRT supports the passage of SB 284. This bill amends the scope of practice for radiologic technologists to permit rad techs to administer medications, which are within their scope of training and competence, and which have been approved by the Board of Healing Arts (BOHA). This bill was originally brought to our attention by the BOHA, and was prompted by a request for guidance from the BOHA on whether a rad tech can flush an IV. When that question was proposed to the Board of Healing Arts, Larry Buening, Executive Director of the Board, realized that the scope of practice for rad techs did not address the issue of administration of medicines.

We view this change as simply technical in nature, and this bill is not designed to expand the actual scope of practice for rad techs, nor to permit them to perform any functions, or to utilize any medications, which are not already permitted within the scope of practice that they are currently performing. However, since scopes of practice for all healthcare providers other than physicians, are narrow, and prescribe what practitioners can do, it is necessary to make this change to the statute.

The second amendment repeals the grandfather clause which was necessary when rad techs were first licensed, and is, again, simply a technical clean-up to the statute. This amendment necessitates a change in K.S.A. 65-7305 to incorporate language which is currently in K.S.A. 65-7306, which will be repealed. The language which is inserted into K.S.A. 65-7305(d), includes language that basically continues the grandfathering of persons who have AART certification who may come to Kansas from other states.

We have talked with other groups that are interested in this legislation including the KMS. We urge the committee to report SB284 with the recommendation that it be passed.

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

Senate Public Health and Welfare
Attachment # 11
February 14, 2007
Committee

KANSAS BOARD OF HEALING ARTS

LAWRENCE T. BUENING, JR.
EXECUTIVE DIRECTOR



KATHLEEN SEBELIUS
GOVERNOR

MEMORANDUM

TO: Senate Public Health and Welfare Committee
FROM: Lawrence T. Buening, Jr.
Executive Director *LTB*
DATE: February 13, 2007
RE: Senate Bill No. 284

Thank you for the opportunity to appear before you on behalf of the State Board of Healing Arts in support of S.B. No. 284. The amendments that are made by this bill have been recommended by the Radiologic Technology Council and were presented to and approved by the Board as a whole.

In June, several individuals inquired whether the Board had any guidelines for flushing IVs with normal saline. After reviewing the statutes, it did not appear that flushing IV lines with normal saline was within the definition of "radiologic technology" as set forth in K.S.A. 2006 Supp. 65-7302(m) since normal saline is not a radioactive substance. The Radiologic Technology Council met on July 28 and recommended that the statutory language be amended to authorize radiologic technologists to flush IVs and to administer contrast dyes. The Council also recommended changes that would repeal the "grandfather" provisions that have been in effect since July 1, 2004. S.B. No. 284 was presented to and approved by the Board as a whole last Friday, February 9.

Section 1 of the bill amends K.S.A. 65-7302(m) to allow radiologic technologists to administer medications as allowed by the Board. Section 2 adds a new subsection (d)(2) to K.S.A. 2006 Supp. 65-7305 and would allow the Board to waive examination and education requirements for individuals who have a current and valid certificate issued by the ARRT or the NMTCB. Section 3 repeals K.S.A. 2006 Supp. 65-7306 which contains the current grandfather provisions for individuals who had practiced radiologic technology prior to July 1, 2005 but had neither formal education nor had passed the examination required for licensure. As the Radiologic Technologists Practice Act has now been in existence since July 1, 2004, the Board rarely receives applications from individuals based only on their work experience prior to July 1, 2005.

I would be happy to respond to any questions.

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*Senate Public Health and Welfare
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Committee*