

MINUTES OF THE HOUSE TRANSPORTATION AND PUBLIC SAFETY BUDGET
COMMITTEE

The meeting was called to order by Chairman Lee Tafanelli at 1:30 P.M. on March 20, 2007 in Room 527-S of the Capitol.

All members were present except:
Representative Josh Svaty- excused

Committee staff present:
Amy VanHouse, Kansas Legislative Research Department
Mike Corrigan, Office of the Revisor of Statutes
Gina Bowes, Committee Secretary

Conferees appearing before the committee:

Others attending:
See attached list.

- Attachment 1 Overview of **HB 2421**
- Attachment 2 Overview of **HB 2131**
- Attachment 3 Overview of **HB 2133**
- Attachment 4 Proposed Substitute for **HB 2133** submitted by Mary Sloan, Director of Government Affairs, Kansas Association of Homes and Services for the Aging (KAHSA)

Amy VanHouse, Legislative Research Department, explained **HB 2421** establishes \$250,000 death benefit for the Kansas army and air national guard (Attachment 1).

Chair Tafanelli reminded Committee members that their role is to act in an advisory capacity to the full Appropriations Committee and, as such, will make recommendations to the Appropriations Committee for action.

Representative Williams made a motion to move **HB 2421** to the Appropriations Committee with a favorable recommendation. The motion was seconded by Representative Whitham. The motion was carried on a voice vote.

The Chair noted, for the record, that additional financing options have been presented with regard to insurance coverage alternatives for the Kansas army and air national guard and that the Appropriations Committee may consider reviewing those options.

The hearing on HB 2421 was closed.

HB 2131 - Interpretive guidelines for rules and regulations of state fire marshal.

Staff explained **HB 2131** would allow the State Fire Marshal to develop public interpretive guidelines for the agency's rules and regulations to ensure uniform enforcement (Attachment 2).

The Chair stated that testimony from the March 8, 2007, Committee meeting indicated there was no requirement to put into statute the contents of **HB 2131** and **HB 2132**.

The hearing on HB 2131 was closed.

HB 2133 - Informal resolution of dispute of deficiencies cited by fire inspectors.

Staff explained sections of **HB 2133** which allows the owner or operator of an adult care home, hospital, assisted living facility, business or residence to make a written request to the State Fire Marshal's office for an informal independent dispute resolution (IDR) by an independent review panel regarding deficiencies found during an inspection (Attachment 3).

Proposed Substitute for **HB 2133** was distributed to the Committee (Attachment 4).

CONTINUATION SHEET

MINUTES OF THE House Transportation and Public Safety Budget Committee at 1:30 P.M. on March 20, 2007 in Room 527-S of the Capitol.

Committee discussion followed regarding the proposed substitute language for **HB 2133**. The following was noted as a result of the discussion:

- Fire Marshal Jack Alexander agreed to contact CMS for a definition of "Adult Care Facility" and distribute that information to the Appropriations Committee.

Representative Holmes made a motion to move Proposed Substitute for **HB 2133** favorably to the Appropriations Committee with recommendations to include definitions as provided by CMS. The motion was seconded by Representative Moxley. Motion withdrawn with permission from the Second.

There was consensus among the Committee to recommend Proposed Substitute for **HB 2133** with language amendments to the Appropriations Committee.

The hearing on HB 2133 was closed.

The Chair addressed **HB 2131**, **HB 2132**, and **HB 2148** and stated there was Committee consensus that no legislation was required. The Chair also noted that Fire Marshal Jack Alexander would report back to the Transportation and Public Safety Budget Committee in 2008 regarding progress on the issues the fire marshal agreed upon with the Kansas Hospital Association members.

For clarification, the Chair stated the Committee would not take action on **HB 2150** at this time.

The meeting was adjourned at 2:15 p.m.

TRANSPORTATION AND PUBLIC SAFETY BUDGET COMMITTEE
 GUEST LIST

DATE: March 20, 2007

NAME	REPRESENTING
Mary Swan	KAHSA
Butch Dowse	National Guard Assn of KS.
Amy Herrick	Self on HB 2421
Bob Alexander	KSFMO
Brenda McDaniel	KSFMO
Pat Lehman	KFSA
Dan McLaughlin	KSFMO
Tod Bunting	Adjutant General
Amanda Yorkley	KSFMO
Barb Sumpter	KSFMO
Don Murray	Federico
Dorothy Pender	KHCA
Linda K. Smith	KMHA

HOUSE BILL No. 2421

By Committee on Appropriations

2-7

9 AN ACT relating to the Kansas army and air national guard; concerning
10 certain death benefits; amending K.S.A. 48-282 and repealing the ex-
11 isting section.

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

14 Section 1. K.S.A. 48-282 is hereby amended to read as follows: 48-
15 282. (a) Subject to the provisions of K.S.A. 48-281, and amendments
16 thereto, in addition to any other benefits provided to members of the
17 Kansas army or air national guard, the state of Kansas shall provide an
18 aggregate death benefit in the amount of \$250,000 to the beneficiary or
19 beneficiaries of each member of the Kansas national guard who, on or
20 after ~~the effective date of this act and prior to~~ September 1, 2005, dies
21 as a result of federal active duty in a combat area in the line of duty ~~and~~
22 ~~for whom a death benefit is not payable pursuant to section 1 of chapter~~
23 ~~207 of the 2005 session laws of Kansas, and amendments thereto.~~ The
24 death benefit provided by this section shall not be payable in any such
25 case if such member dies as a result of committing suicide.

26 (b) The death benefit provided by this section shall be paid from
27 amounts allocated therefor from the state emergency fund in accordance
28 with K.S.A. 75-3713b, and amendments thereto.

29 (c) If such member has not designated one or more beneficiaries in
30 accordance with the policies and procedures or rules and regulations
31 adopted by the adjutant general for such death benefit, then a death
32 benefit payable for such member's death pursuant to this section shall be
33 paid into such member's estate and shall be disbursed or otherwise dis-
34 tributed as provided by law as part of such estate.

35 (d) For the purpose of carrying out the provisions of this section, the
36 adjutant general shall adopt policies and procedures for the designation
37 of a beneficiary or beneficiaries and for payment of the death benefit
38 provided by this section and may adopt rules and regulations to carry out
39 the provisions of this section.

40 Sec. 2. K.S.A. 48-282 is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the Kansas register.

TRANSPORTATION & PUBLIC SAFETY
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DATE 3-20-07

ATTACHMENT 1

HOUSE BILL No. 2131

By Committee on Appropriations

1-19

9 AN ACT relating to the state fire marshal; providing for interpretive
10 guidelines for rules and regulations.

11

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

13 Section 1. The state fire marshal shall develop and provide for public
14 interpretive guidelines for rules and regulations of the state fire marshal
15 for the purpose of ensuring uniform enforcement of such rules and
16 regulations.

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

TRANSPORTATION & PUBLIC SAFETY
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DATE 3-20-2007

ATTACHMENT 2

Substitute for HOUSE BILL No. 2133

By Committee on Appropriations

3-23

9 AN ACT concerning fire inspections; establishing a two-tier informal dis-
10 pute resolution procedure for medical care facilities, adult care homes,
11 assisted living facilities or special hospitals.
12

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

14 Section 1. (a) If, upon inspection for compliance with federal law
15 pursuant to oversight by the centers for medicare and medicaid services
16 of a medical care facility, adult care home, assisted living facility or special
17 hospital by an officer of the state fire marshal, deficiencies are found,
18 such medical care facility, adult care home, assisted living facility or spe-
19 cial hospital within 10 calendar days after receipt of the statement of
20 deficiencies, may make a written request to the state fire marshal for
21 informal dispute resolution. The medical care facility, adult care home,
22 assisted living facility or special hospital may make not more than one
23 request for a two-tier informal dispute resolution per inspection to dis-
24 pute any deficiencies with which such medical care facility, adult care
25 home, assisted living facility or special hospital disagrees, based on the
26 statement of deficiencies and any other materials submitted, except that
27 such medical care facility, adult care home, assisted living facility or spe-
28 cial hospital shall have an opportunity to supplement such material prior
29 to a disposition of the claim. The state fire marshal shall hold an informal
30 dispute resolution meeting with such medical care facility, adult care
31 home, assisted living facility or special hospital in person upon request of
32 the medical care facility, adult care home, assisted living facility or special
33 hospital. The first-tier of the informal dispute resolution shall be con-
34 ducted within 30 days of receipt of the written request from the medical
35 care facility, adult care home, assisted living facility or special hospital.
36 The medical care facility, adult care home, assisted living facility or special
37 hospital shall be notified of the results of the first-tier informal dispute
38 resolution on or before 10 days of the disposition being rendered.

39 (b) A written request for informal dispute resolution shall:

- 40 (1) State the specific deficiencies being disputed;
41 (2) provide a detailed explanation of the basis for the dispute; and
42 (3) include any supporting documentation, including any information
43 that was not available at the time of the inspection.

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ATTACHMENT 3

1 (c) The medical care facility, adult care home, assisted living facility
2 or special hospital may challenge the decision of the first-tier informal
3 dispute resolution and may request completion of the second-tier of in-
4 formal dispute resolution by a three-person panel appointed by the state
5 fire marshal. No more than one panel member shall be an employee of
6 the state fire marshal, and such member shall not be the person who
7 conducted the first-tier of the informal dispute resolution. At least two
8 panel members shall not be employees of the state fire marshal and shall
9 have suitable expertise to review the disputed deficiency or deficiencies.
10 The second-tier informal dispute resolution shall take place within 30 days
11 of the request by the medical care facility, adult care home, assisted living
12 facility or special hospital. The medical care facility, adult care home,
13 assisted living facility or special hospital shall be notified of the results of
14 the second-tier informal dispute resolution within 10 days of the dispo-
15 sition being rendered.

16 (d) The state fire marshal may fix, charge and collect a fee from a
17 medical care facility, adult care home, assisted living facility or special
18 hospital requesting a second-tier informal dispute resolution review panel
19 to recover all or part of the costs incurred by state fire marshal for holding
20 such second-tier informal dispute resolution panel under this section that
21 shall not exceed \$250.

22 (e) Any decision or proposed resolution of the informal dispute res-
23 olution panel under this section shall be advisory to the state fire marshal.

24 (f) The state fire marshal shall adopt rules and regulations to imple-
25 ment the provisions of this section.

26 (g) As used in this section:

27 (1) "Assisted living facility" shall have the meaning ascribed thereto
28 in K.S.A. 39-923, and amendments thereto;

29 (2) "medical care facility" shall have the meaning ascribed thereto in
30 K.S.A. 65-425, and amendments thereto;

31 (3) "adult care home" shall have the meaning ascribed thereto in
32 K.S.A. 39-923, and amendments thereto; and

33 (4) "special hospital" shall have the meaning ascribed thereto in
34 K.S.A. 65-425, and amendments thereto.

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

PROPOSED Substitute for HOUSE BILL NO. 2133

By

AN ACT concerning fire inspections; establishing a two-tier informal dispute resolution procedure for adult care homes and hospitals.

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

Section 1. (a) Notwithstanding any other provision of law to the contrary, if, upon inspection of an adult care home or hospital by an officer of the state fire marshal, deficiencies are found, such adult care home or hospital within 10 calendar days after receipt of the statement of deficiencies, may make a written request to the state fire marshal for informal dispute resolution. The adult care home or hospital may make not more than one request for a two-tier informal dispute resolution per inspection to dispute any deficiencies with which such adult care home or hospital disagrees, based on the statement of deficiencies and any other materials submitted, except that such adult care home or hospital shall have an opportunity to supplement such material prior to a disposition of the claim. The state fire marshal shall hold an informal dispute resolution meeting with such adult care home or hospital in person upon request of the adult care home or hospital. The first-tier of the informal dispute resolution shall be conducted within 30 days of receipt of the written request from the adult care home or hospital. The adult care home or hospital shall be notified of the results of the first-tier informal dispute resolution on or before 10 days of the disposition being rendered.

(b) A written request for informal dispute resolution shall:

- (1) State the specific deficiencies being disputed;
- (2) provide a detailed explanation of the basis for the dispute; and
- (3) include any supporting documentation, including any information that was not available

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ATTACHMENT 4

at the time of the inspection.

(c) The adult care home or hospital may challenge the decision of the first-tier informal dispute resolution and may request completion of the second-tier of informal dispute resolution by a three-person panel appointed by the state fire marshal. No more than one panel member shall be an employee of the state fire marshal, and such member shall not be the person who conducted the first-tier of the informal dispute resolution. At least two panel members shall not be employees of the state fire marshal and shall have suitable expertise to review the disputed deficiency or deficiencies. The second-tier informal dispute shall take place within 30 days of the request by the adult care home or hospital. The adult care home or hospital shall be notified of the results of the second-tier informal dispute resolution within 10 days of the disposition being rendered.

(d) The state fire marshal may fix, charge and collect a fee from an adult care home or hospital requesting a second-tier informal dispute resolution review panel to recover all or part of the costs incurred by state fire marshal for holding such second-tier informal dispute resolution panel under this section that shall not exceed \$250.

(e) The state fire marshal shall adopt rules and regulations to implement the provisions of this section.

(f) As used in this section:

(1) "Adult care home" shall have the meaning ascribed thereto in K.S.A. 39-923, and amendments thereto; and

(2) "hospital" shall have the meaning ascribed thereto in K.S.A. 65-425, and amendments thereto.

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

book.