

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on February 16, 2009, in Room 136-N of the Capitol.

All members were present except Senator Kelly who was absent.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
 Doug Taylor, Office of the Revisor of Statutes
 Kelly Navinsky-Wenzl, Kansas Legislative Research Department
 Terri Weber, Kansas Legislative Research Department
 Jan Lunn, Committee Assistant

Conferees appearing before the committee:

Jack Confer, Executive Director and Scott Hesse, Counsel, for Kansas Board of Healing Arts
 Linda Hubbard, Private Citizen

Others attending:

See attached list.

Senator Barnett inquired whether anyone wanted to comment on **SB 166** which was heard on February 12, 2009. Jerry Slaughter, Kansas Medical Society, commented that while his organization is supportive of the concept to provide KHPA management authority over mental health drugs for children and adolescents, some unanswered questions exist for which he would appreciate further communication with Dr. Andy Allison, Kansas Health Policy Authority. Bud Burke, a pharmaceutical lobbyist, indicated that many of the industry stakeholders have had no opportunity to review the compromised language and following review of the amendment, he requested an opportunity to comment.

Senator Barnett announced **SB 166** is an exempt bill, and the hearing would be continued at a date following turnaround.

Senator Barnett requested Nobuko Folmsbee, revisor of statutes office, brief those attending on **SB 200 - Board of healing arts; regulations of allied health care professionals.**

SB 200, as amended, would enact new law and would amend existing law concerning the State Board of Healing Arts and its regulation of certain allied health professionals. The bill regulates allied health professionals including: podiatrists, physician assistants, physical therapists, occupational therapists, respiratory therapists, athletic trainers, naturopathic doctors and radiologic technologists. These professions would be regulated (under the Board of Healing Arts) the same as medical doctors, osteopathic doctors and chiropractors. For the allied health professions specified in the bill, the legislation would enact new law allowing the Board of Healing Arts to enter into a written nondisciplinary resolution for various practice issues described in the bill. The second new section would enact new law allowing the State Board of Healing Arts to require a person to be fingerprinted and submit to a state and national criminal history record check as part of an original application for, or reinstatement of, any license, registration, permit or certificate. A technical amendment clarifies the disposition of fees.

Terri Weber, legislative research department, briefed committee members on **SB 173 - State health care benefits program; certain retired officers and** which allows any retired public officer/employee who, at the time of retirement, did not elect insurance. Upon a qualifying event, the retiree can re-enter the State Employee Health Insurance Plan. This creates a one-time opportunity for a retiree to re-enter the Plan bearing all costs.

SB 200 - Board of healing arts; regulations of allied health care professionals. Jack Confer and Scott Hesse, Kansas State Board of Healing Arts, spoke in support of this legislation. They indicated this bill supports and expands **HB 2620** which was passed during the 2008 Session. **SB 200** provides authority to the board to conduct criminal background checks and fingerprinting for the allied health professionals listed above (Attachment 1). In addition, the legislation would also enact new law creating a designation of a federally active license for physical therapists, and create a searchable, public information database. There were no opponents to **SB 200**.

CONTINUATION SHEET

Minutes of the Senate Public Health And Welfare Committee at 1:30 p.m. on February 16, 2009, in Room 136-N of the Capitol.

Discussion was heard related to collection and disposition of fees for background checks and fingerprinting. Ms. Folmsbee outlined the proposed technical amendment that contains language clarifying how monies from the collection of fees, charges or penalties are remitted to the State Treasurer.

Upon a motion by Sen. Schmidt to adopt the technical amendment and to move out SB 200 favorably with a second by Senator Colyer, the motion passed.

SB 173 - State health care benefits program; certain retired officers and employees.

Linda Hubbard was present to describe her circumstances (Attachment 2) that lead to the creation of **SB 173**. Ms. Hubbard testified the law was changed in January 2001 to exclude retired employees from re-entering the State Employee Health Plan.

Discussion was heard related to rationale for the change in the law, the cost of passing this legislation, and the numbers of retirees that might re-enter the Plan. Clarification was provided that the entire cost of re-entry to the Plan is borne by the retiree, and there is no way to predict the number of retirees that could choose to take advantage of a one-time re-entry. Senators discussed an amendment that would provide a retroactive date "on or after January 1, 2006" and to amend the effective date as publication in the Kansas Register instead of the statute book.

Senator Schmidt moved to amend SB 173 as discussed and to move out the bill favorably for presentation to the full Senate; Senator Haley seconded the motion which passed.

Senator Barnett adjourned the meeting at 2:09pm.

The next meeting is scheduled for February 17, 2009.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

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DATE: February 16, 2009

| NAME | REPRESENTING |
|-------------------|------------------------------|
| Karla Thies | KDOT |
| Dennis Phillips | KS CFF |
| Kelsey Nepote | Student |
| Holly Smith | Kansas Liberty |
| Angela Blackwell | Student |
| Josh Turek | Student |
| ERIN O'TOUL | Student |
| Phyllis Young | CCHD - KU MED |
| Rachel Jelenkovic | CCHD - KU MED |
| Lisa Walsh | CCHD - KU Med |
| GADY ADKINS | SEAK |
| Richard Schwartz | Public |
| Linda Hubbard | retired public employee |
| Christi Parkratz | KS BHA |
| Julia Mowers | KS BHA |
| Paul Silorsky | KPTA |
| Bud Burke | KPTA / Lilly USA |
| LeAnn Bell | KHPA |
| John Kiefhaber | Ks. Chiropractic Association |
| Chris Gigstad | Federico Consulting |

MEMORANDUM

TO: Senate Public Welfare Committee

FROM: Kansas State Board of Healing Arts – Executive Director Jack Confer

DATE: February 16, 2009

RE: Senate Bill 200

The Kansas State Board of Healing Arts (“Board”) supports Senate Bill 200. In addition, we would like to thank this committee for hearing our request. This bill will give the Board the authority to conduct background checks on applicants, enter into non-disciplinary resolutions with licensees and registrants, and to post disciplinary information on the agency web site for our remaining 10 allied professions.

BACKGROUND

In 2008, the Kansas Legislature enacted House Bill 2620 which granted this Board the authority to conduct background checks on applicants, enter into non-disciplinary resolutions with licensees, and to post disciplinary information on the agency web site. This Act applies to the three healing arts professions; medical doctors, osteopaths and chiropractors.

Senate Bill 200 takes the applicable provisions of H.B. 2620 and applies them to podiatrists, physicians’ assistants, respiratory therapists, physical therapists, physical therapist assistants, occupational therapists, occupational therapist assistants, radiologic technologists, athletic trainers and naturopathic doctors.

In order to best serve and protect the public, the Board believes the provisions enacted last year in H.B. 2620 are critical for all professions it licenses, not just the healing arts licensees.

STATUTORY AMENDMENTS

Specifically, the applicable provisions of H.B. 2620 that will apply to the 10 allied professions include:

- Authorizing the board, a committee of the board, or a peer review committee to enter into a professional development plan, make written recommendations to a licensee or issue a written letter of concern to a licensee in specific cases outlined in the statute.
- Requiring fingerprinting for a national and state criminal history check to anyone applying for original licensure or reinstatement.
- Creating a searchable database for containing public information for each of the licensees of the ten professions.
- Creating a federally active status for physical therapists.

(continued on back)

Public Health and Welfare

Date:

02/16/09

Attachment:

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The agency proposes the applicable provisions be added as new language through S.B. 200 to the following acts:

- Physician Assistant Licensure Act, K.S.A. 65-28a01 et seq.
- Physical Therapy Act, K.S.A. 65-2901 et seq.
- Occupational Therapy Practice Act, K.S.A. 65-5401 et seq.
- Respiratory Therapy Practice Act, K.S.A. 65-5501 et seq.
- Athletic Trainers Registration Act, K.S.A. 65-6901 et seq.
- Naturopathic Doctor Registration Act, K.S.A. 65-7201 et seq.
- Radiologic Technologists Practice Act, K.S.A. 65-7301 et seq.

The Kansas State Board of Healing Arts believes incorporating the following provisions of S.B. 200 into the allied professions is essential in better serving and protecting the citizens of Kansas.

Testimony Provided to the Senate Public Health and Welfare Committee on SB 173

By Linda Hubbard
Retired State Employee
February 16, 2009

Mr. Chairman and members of the Committee:

Thank you for the opportunity to appear and provide testimony today on Senate Bill 173. I ask that you act favorably by passing SB 173. My interest in this matter is quite personal. However, I am also hoping passage of SB 173 might assist others who find themselves in the same position as I did in 2007.

On April 1, 2006, I retired from Kansas State Service after a 32 ½ year career with the Kansas Department of Labor, KDOL. At the time of my retirement I was able to obtain health insurance coverage through my husband's private company (he was part owner of small private company) at a cost considerably lower than that offered by the State of Kansas. I therefore discontinued State health insurance coverage since the quality of coverage offered by my husband's company was comparable to that offered by the State but a considerable cost savings.

On February 14, 2007 my 61 year old husband (with no previous knowledge that he was ill) was diagnosed with liver cancer and given one month to live. Stan died in April of 2007, about one year after my retirement. I was able to remain on the insurance program through his business for six months (because they were a small company, I was not eligible for an 18 month Cobra plan). In August of 2007 I began to search for a private health plan. I was fairly confident that since I have no serious health issues, I would be able to find a policy which would provide me with adequate coverage. However, I was denied coverage by Blue Cross/Blue Shield of Kansas, and American Medical Security. I contacted AARP, my College Alumni association and several other private insurers as well as the Kansas Insurance Department. It appeared that my only option for coverage would be the High Risk Pool with a premium of over \$600 per month. I was finally able to obtain a single policy, which

exempted my two previous existing conditions (osteopenia and hyperthyroid – neither of which are serious or life threatening) with a premium of \$477 per month and a \$1,100 deductible. The premium on that policy increased in November of 2008 (because I was a year older) from \$477 to \$538 per month.

It is my understanding that Active State Employees are permitted to change their insurance coverage at any time during the plan year based on a “qualifying event”. Simply stated, this qualifying event could mean the death of a spouse or even divorce. It is also my understanding that until January, 2001, State retirees were able to likewise discontinue coverage under the State Health plan and then return to coverage at a later date with no penalty. Apparently a change was made at that time which prohibited a return, no matter the circumstances or qualifying event, once a retiree had discontinued coverage. My plan when I retired after 32 ½ years of State Service was to remain on my husband's coverage until I reached Medicare eligibility.

Under current State law and practice, it would appear that State retirees are treated quite differently from active employees, yet both are members of the same larger group. It seems that after more than 32 years of faithful State service I should be allowed to make one election – to return to State coverage. The circumstances of my husband's death were not within my control and I am willing to pay the full cost of the premium for such coverage. In today's economy we routinely hear about layoffs and job losses in the Kansas labor force and the State of Kansas is faced with difficult economic choices.

KPERS retirees have not had an increase in retirement benefits since 1998 – 11 years. Yet, we all know and experience the significant increases in the daily cost of living. SB 173 offers the Kansas Legislature a unique opportunity to assist retired State Employees on fixed income by allowing, in certain and very controlled circumstances, the ability to continue basic health insurance coverage. Thank you for the opportunity to appear before you today and I ask that you pass SB 173. I would be happy to respond to questions you may have.