

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

February 13, 2009
Room 143-N—Statehouse

Members Present

Representative Carl Holmes, Chairperson
Senator Vicki Schmidt, Vice-Chairperson
Senator Karin Brownlee
Senator Janis Lee
Senator Ralph Ostmeyer
Representative John Faber
Representative Jan Pauls
Representative Joe Patton
Representative Ed Trimmer

Members Absent

Senator Chris Steineger
Representative Steve Huebert
Representative Jerry Williams

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Corey Carnahan, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Kenneth Wilke, Revisor of Statutes Office
Nobuko Folmsbee, Revisor of Statutes Office
Judy Glasgow, Committee Assistant

Others Present

Kyle Kessler, KVC Behavioral HealthCare
Skye Westerland, Kansas Chapter, National Association of Social Workers
Sharon Stueve
Katelyn Ultgen, KGC
J. DeSimoné, Senator D. Schmidt's Office
Judith V. Caprez, Fort Hays State University

Kendel Carswell, Fort Hays State University
Tim Davis, Fort Hays State University
Patricia Levy, Fort Hays State University
Michelle Levy, Kansas University
Carman Allen, Kansas Board of Emergency Medical Services
Phyllis Gilmore, Kansas Behavioral Sciences Regulatory Board
Leslie Allen, Kansas Behavioral Sciences Regulatory Board
Susan Vogel, Kansas Department of Health and Environment
John P. Smith, Kansas Department of Credit Unions
John Wine, Kansas Insurance Department
David Starkey, Kansas Department of Agriculture
Ken Tyson, Kansas Department of Agriculture
Leroy Brungardt, Kansas Insurance Department
Richard Cram, Kansas Department of Revenue
Doug Louis, Kansas Corporation Commission
Berend Koops, Hein Law Firm
Mary Galligan, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department

The Chairperson for 2009, Representative Carl Holmes called the meeting to order at 1:35 p.m. The Chairperson noted that there were three new members on the Committee. He introduced Senator Lee and noted that there were two new members who were not present, Representative Huebert and Representative Williams.

The Chairperson asked for action on the minutes of the January 8, 2009 meeting of the Committee. Representative Patton stated that the Committee had questioned whether the Kansas Health Policy Authority had statutory authority for the regulation that had been before the Committee and had requested that the agency respond to the Committee. He noted that the request was not specifically stated in the minutes and questioned whether a response had been received. Staff provided Committee members a copy of a letter from Kansas Health Policy Authority dated January 30, 2009, withdrawing the regulation (Attachment 1). A technical correction was noted by staff.

A motion was made by Senator V. Schmidt to approve the minutes, noting Representative Patton's concern, and was seconded by Representative Pauls. The motion passed.

Chairperson Holmes recognized Carmen Allen, Manager, to speak to the proposed rules and regulations noticed for hearing by the Board of Emergency Medical Services. KAR 109-5-1, continuing education; KAR 109-5-2, documentation for continuing education; KAR 109-5-3, continuing education approval for long-term providers; KAR 109-5-6, single-program approval for providers of continuing education; KAR 109-15-1, reinstating attendant certificate after expiration; and KAR 109-15-2, recognition of non-Kansas credentials.

Staff stated that in KAR 109-5-1, on page 4, the term "CECBEMS" should be defined for clarification. There was also a question concerning subsection (m) and the fact that continuing education credit during one calendar day shall not exceed 28 hours. Committee members felt that 28 hours of credits earned in one day should be reconsidered, and that there should be a maximum of eight hours approved in a 24-hour period. A Committee member questioned the term "medical" as used on page 4, (k) (4), and asked that a definition of the term be included.

Ms. Allen responded to all questions from the Committee. She was thanked for her appearance before the Committee.

The Chairperson welcomed Phyllis Gilmore, Executive Director, to address the proposed rule and regulation noticed for hearing by the Behavioral Sciences Regulatory Board. KAR 102-2-6, program approval.

There was concern from a Committee member about the Board not accepting courses approved by the national accreditation body. The Committee member requested that the Board provide documentation on what the concerns are and why the Board members believe there is a problem. The Committee also was concerned about the requirement that at least 50 percent of the required program coursework be completed in residence at the institution from which the degree is granted. In response to a question from a Committee member, Ms. Gilmore stated that the Board did not vote on the rule and regulation, and one member did have some reservations about its consequence.

After responding to the questions and comments from the Committee, Ms. Gilmore was thanked for her appearance before the Committee.

Chairperson Holmes noted that there were several conferees who wished to present testimony in opposition to the proposed rule and regulation of the Behavioral Sciences Regulatory Board.

The Chairperson recognized Kyle Kessler, Vice-president for Administration and Government Affairs at KVC Behavioral HealthCare, to respond to the proposed rule and regulation presented by the Behavioral Sciences Regulatory Board (Attachment 2).

Mr. Kessler stated that KVC is opposed to this proposed regulation which limits educational opportunities and would actually implement stricter standards for educational programs than are required nationally. He stated that this would impact rural and western Kansas learning opportunities for students who want to study part time. The High Plains Mental Health Services, from Western Kansas, also is opposed to this regulation. Chairperson Holmes thanked Mr. Kessler for his appearance before the Committee.

The Chairperson noted that written testimony was available from A. Elizabeth Cauble, PhD, LMSW, Department of Sociology, Anthropology and Social Work, Kansas State University (KSU) (Attachment 3). The change would mean that students who transfer to KSU with more than 62 hours of credit and students who have taken a bulk of their required hours through distance education would not be eligible to practice social work in Kansas.

Chairperson Holmes recognized Judith Caprez, Director, Social Work Program, Fort Hays State University (FHSU) (Attachment 4). Ms. Caprez stated that this regulation would limit the development of on-line education. She stated that the requirement for 50 percent of coursework to be completed in residency would do away with the grant program that Fort Hays had received from the Legislature for Southwest Kansas. She stated that the fact that the University does block practicums where students come every Monday for coursework because otherwise, the distance they must travel would preclude the students from participating. Another fact is that many of the faculty of the university are adjunct faculty, rather than "primary professional employment." FHSU instructors have completed their Master's degrees, but do not work primarily for the University. Ms. Caprez stated that this regulation would shut the program down at FHSU. Chairperson Holmes thanked Ms. Caprez for appearing before the Committee.

After a thorough discussion by the Committee, it was the consensus of the members that the rule and regulation should be withdrawn by the agency for further review and consideration. The Committee asked that the Board consider the testimony that was presented before the Committee in opposition to the regulation. The Committee requested that staff send a copy of the letter addressed to the Behavioral Sciences Regulatory Board to each of the persons who testified before the Committee opposing the rule and regulation.

John Smith was welcomed by the Chairperson to speak to the proposed rules and regulations noticed for hearing by the Kansas Department of Credit Unions. KAR 121-11-1, definitions; KAR 121-11-2, process for merger of credit unions; KAR 121-12-1, definition, and KAR 121-9-1, foreign credit union; requirements for approval.

Mr. Smith stated that these proposed rules and regulations came about because of SB 535, passed by the 2008 Legislature. Mr. Smith stated the rules and regulations reflect current Kansas Department of Credit Unions operation.

Mr. Smith responded to questions of a general nature from the Committee. The Chairperson thanked him for his presentation before the Committee. Multiple Committee members noted that a letter should be sent commending the Department on putting the guidelines into rules and regulations.

Chairperson Holmes recognized Janet Neff to address the proposed rule and regulation noticed for hearing by the Kansas Department of Health and Environment. KAR 28-70-4, confidential data for follow-up patient studies.

Staff noted that KSA 65-1,172 refers to the institutional review board as provided for in Title 45, Part 46, of the Code of Federal Regulations, and stated that the Department should adopt these by reference and state the addition being adopted. Staff noted that there should be a definition of "review board." Ms. Neff stated that the Department had adopted them by reference, but she would have to get back to the Committee as to where they were referenced. A Committee member asked if the Department had begun the study referenced in KSA 65-1,174a. Ms. Neff stated that the study was not funded so the Department was not proceeding. The Committee expressed concern that the requirements for this rule and regulation came out of the 2007 Legislature and how long it had taken to promulgate the rules and regulations. Ms. Neff was thanked by the Chairperson for appearing before the Committee.

John Wine was welcomed by the Chairperson to speak to the proposed rule and regulation noticed for hearing by the Kansas Insurance Department (Attachment 5). KAR 40-77-20a, agents; continuing education; approval of courses; requirements.

Staff suggested that on page 6, second line, "2008 Supp." be inserted before KSA 40-4909, and on page 7, (e) (2), "2008 Supp." be inserted before KSA 40-4903. Staff also noted that it was not necessary to include the subparagraph (j), in the reference to KSA 2008 Supp. 40-4903.

After Mr. Wine responded to questions from the Committee, the Chairperson thanked him for his presentation.

David Starkey was welcomed by the Chairperson to speak to the proposed rules and regulations noticed for hearing by the Department of Agriculture. KAR 99-25-5, technical representative license application and renewal; and KAR 99-26-1, fees.

Mr. Starkey stated that KAR 99-26-1 increases the hourly rate charged by the Kansas Department of Agriculture for National Type Evaluation (NTEP) testing for a Certificate of Conformance issued by the National Conference of Weights and Measures.

Mr. Starkey responded to questions from the Committee of a general nature. The Chairperson thanked him for appearing before the Committee.

Chairperson Holmes recognized Richard Cram to address the proposed rule and regulation noticed for hearing by the Department of Revenue. KAR 92-12-145, transfer of tax credits.

Staff questioned why the regulation was changed, since the statute states "all taxpayers" and does not limit the transfer to not-for-profit, making the rule and regulation in conflict with the statute. Mr. Cram stated that KSA 79-32,113 exempts non-profit organizations from Kansas income tax. A Committee member suggested that KSA 79-32,113 be added to the history section. Mr. Cram stated that agency staff would look into this. The Committee questioned the economic impact statement that was provided.

The Chairperson introduced Doug Louis, Conservation Division, to speak to the proposed rules and regulations noticed for hearing by the Kansas Corporation Commission (Attachment 6). KAR 82-3-311a, drilling through CO₂ storage facility or CO₂ enhanced oil recovery reservoirs; KAR 82-3-1100, definitions: carbon dioxide (CO₂) storage facilities; KAR 82-3-1101, CO₂ storage facility; permit application; KAR 82-3-1102, notice of application for permit and protest; KAR 82-3-1103, application required to amend permit; KAR 82-3-1104, transfer of a CO₂ storage facility permit; KAR 82-3-1105, modification, suspension, or cancellation of permit; KAR 82-3-1106, well construction requirements; KAR 82-3-1107, storage facility requirements; KAR 82-3-1108, storage facility monitoring and reporting; KAR 82-3-1109, annual review of safety plan; safety plan update; KAR 82-3-1110, safety inspection; KAR 82-3-1111, leak detector inspections and testing; KAR 82-3-1112, mechanical integrity testing; KAR 82-3-1113, report of leak, potential leak, or loss of containment; KAR 82-3-1114, temporary abandonment of storage wells; KAR 82-3-1115, temporary abandonment of a storage facility; KAR 82-3-1116, application for decommissioning and abandonment of storage facility; KAR 82-3-1117, postclosure determination; KAR 82-3-1118, plugging methods and procedures, plugging report, and plugging fee for CO₂ storage wells; KAR 82-3-1119, fees for CO₂ storage facilities and CO₂ storage wells; and KAR 82-3-1120, penalties.

Staff noted in KAR 82-3-1101 page 1, (1) the reference to KSA 55-155 would be outside the authority of that particular statute to license CO₂ facilities. Mr. Louis stated that he would take this back for discussion. In KAR 82-3-1109, staff suggested that a cross reference should be made to KAR 82-3-1101, (c) (14), pages 5 and 6, so that the items that are in the storage safety facility plan can be found by those reviewing the plan. Staff noted that in KAR 82-3-1111, that KSA2008 Supp. 55-1640 should be added in history section. A Committee member had a concern in KAR 82-3-1117 about the state taking over liability. It was never the intention when the legislation was drafted that the state would take responsibility for CO₂ storage. Another concern expressed by the Committee was how to protect the fee fund in the future since it could be more than 50 years before the funds were needed. A suggestion was made that a third party be set up to handle the trust funds. The question was raised as to who would be the third party. The chairperson of the Committee in response to questions concerning KAR 82-3-1114, KAR 82-3-1116 and KAR 82-3-1117, moved to refer these to the Joint Committee on Energy and Environment for study. Questions for that Committee to study would be both the state ownership issue and time frame and how to protect the fee funding from being swept. Staff was instructed to send a letter to the Chairman and Vice-Chairman of the relevant Committee notifying them of the Committee's decision. In KAR 82-3-1118, staff suggested that the language from KAR 82-3-117 and KAR 82-3-118 be included and modified

to cover CO₂. In response to a question from staff on KAR 82-3-1120, Mr. Louis stated that the penalty provision is in the regulatory statute and that it is the Commission's discretion to set the amount of the penalty and the amount could be up to \$10,000 per day per violation. This is the same language as used in natural gas law. Staff noted that "KSA 2008 Supp." should be listed in the history section throughout these rules and regulations. In KAR 82-3-311a, a Committee member was concerned about the party responsible for protecting the CO₂ if another party drills through a CO₂ well. It was the Committee member's belief that the person who has drilled through the well, not the person who owns the field, should be held responsible.

After responding to all the questions from the Committee, Chairperson Holmes thanked Mr. Louis for his presentation.

A Committee member requested that a copy of the letter sent to Kansas Health Policy Authority after the January 8, 2009, meeting be furnished to all Committee members. The concern of the member was that there was no statutory authority for the proposed rule and regulation, and also no authority for the current rule and regulation that was being amended.

Chairperson Holmes stated that the Legislative Research Department had prepared a list showing legislation that has required the Kansas Department of Health and Environment to promulgate rules and regulations. The list shows there was legislation passed in 2004, 2005, and 2006 for which rules and regulations should be prepared. It was the consensus of the Committee that a letter be sent to KDHE to appear before the Committee in April to address this issue. Staff will send a copy of the report to all Committee members.

Vice-Chairperson Schmidt called attention to the document prepared by Legislative Research staff showing agency responsiveness to the Committee's concerns and requests. The Committee thanked the staff for preparing the document. The memorandum shows that there is a significant lack of response from agencies to requests from the Committee. A suggestion from a Committee member was that a list of agencies who have not responded to this Committee concerning rules and regulations be provided to the Appropriations and Ways and Means Committee Chairpersons. Committee members and staff will work on this.

The Chairperson announced that the next Committee meeting would be April 6 for the primary day and April 7 for the secondary day, if needed.

The Chairperson adjourned the meeting at 4:45 p.m.

Committee Comments on Proposed Rules and Regulations

Kansas Board of Emergency Medical Services. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning continuing education; documentation for continuing education; continuing education approval for long-term providers; single-program approval for providers of continuing education; reinstating attendant certificate after expiration; recognition of non-Kansas credentials; and revocation. After discussion, the Committee had the following comments.

KAR 109-5-1. In subsection (m), the Committee is concerned about the potential of receiving 28 hours of continuing education in one day and suggests that a maximum

of eight hours of credit should be allowed to be obtained in one day. Further, the Committee is concerned with the type of continuing education which would qualify. For example, is it medical or nursing instruction? Please spell out CECBEMS in subsection (m).

Kansas Department of Revenue. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning transfer of tax credit. After discussion, the Committee had the following comments.

KAR 92-12-145. The Committee believes that this rule and regulation is contrary to statutory requirements. Please explain the rationale for this rule and regulation. In addition, the Committee believes that the Economic Impact Statement is incomplete since it lacks specificity.

Kansas Behavioral Sciences Regulatory Board. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning program approval (social work). After discussion, the Committee had the following comments.

KAR 102-2-6. The Committee is concerned with the impact of and the approval process contained in this regulation. The Committee believes that this regulation should be withdrawn. In addition, the Committee asks the agency to explain, in detail, the inadequacies of the social work programs in the state and to provide the Committee with the appropriate documentation of those inadequacies.

Kansas Insurance Department. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning agents, continuing education, approval of courses, requirements. After discussion, the Committee had the following comment.

KAR 40-7-20a. The Committee asks that the agency update its statutory references in subsections (c) and (e). It also notes that the reference to a subsection of KSA 40-4903 in subsection (e) is not necessary and may require the agency to resubmit this rule and regulation if the statute is amended in the future.

Kansas Department of Credit Unions. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning definitions (merger); process for merger of credit unions; and definition (branches); and foreign credit union, requirements for approval. After discussion, the Committee had no comment other than to express its appreciation to the agency for getting its guidelines into rules and regulations.

Kansas Department of Health and Environment. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning confidential data for follow-up patient studies. After discussion, the Committee had the following comments.

KAR 28-70-4. The Committee notes that the term "institution review board" is defined by federal regulation. The Committee suggests that there be a reference to the proper Code of Federal Regulations citation with an adoption by reference of such

federal regulations as of a date certain. If these federal regulations already have been adopted by reference, please insert a cross reference to the rule and regulation in which the adoption by reference occurs. In addition, the Committee expresses its great concern with the length of time to develop this rule and regulation and notes that the legislation has been effective since July 1, 2007.

Kansas Department of Agriculture. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning technical representative license application and renewal and fees. After discussion, the Committee had no comments.

Kansas Corporation Commission. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning drilling through CO₂ storage facility or CO₂ enhanced oil recovery reservoirs; definitions: carbon dioxide (CO₂) storage facilities; CO₂ storage facility, permit application; notice of application for permit and protest; application required to amend permit; transfer of a CO₂ storage facility permit; modification, suspension, or cancellation of permit; well construction requirements; storage facility requirements; storage facility monitoring and reporting; annual review of safety plan, safety plan update; safety inspection; leak detector inspections and testing; mechanical integrity testing; report of leak, potential leak, or loss of containment; temporary abandonment of storage wells; temporary abandonment of a storage facility; application for decommissioning and abandonment of storage facility; postclosure determination; plugging methods and procedures, plugging report, and plugging fee for CO₂ storage wells; fees for CO₂ storage facilities and CO₂ storage wells; and penalties. After discussion, the Committee had the following comments.

KAR 82-3-1100. The Committee is concerned with the definitions of "fresh water" and "usable water" with regard to water which may some day be needed for consumption purposes and whether different definitions should be used. Are these definitions consistent with those used by the Division of Water Resources of the Department of Agriculture and the Kansas Department of Health and Environment?

KAR 82-3-1101. The Committee is concerned with the reference to KSA 55-155 since that section applies to oil and gas operators rather than those who may be involved with CO₂ sequestration.

KAR 82-3-1109. The Committee suggests the inclusion of a cross reference back to safety plan requirements contained in KAR 82-3-1101 (c)(14).

KAR 82-3-1111. The Committee suggests the inclusion of KSA 2008 Supp. 55-1640 in the history section of this rule and regulation.

KAR 82-3-1117. The Committee is concerned with the State of Kansas taking possession of CO₂ storage facilities at some point in the future and intends to refer this as a topic of study to the Joint Committee on Energy and the Environmental Policy.

KAR 82-3-1118. This regulation references rules and regulations that appear to refer to oil and gas activities rather than to CO₂ storage. Please make appropriate changes.

KAR 82-3-311a. The Committee believes that the responsibility for penetrating a CO₂ storage formation should rest with the company doing the drilling rather than with the field owner.

Prepared by Judy Glasgow
Edited by Raney Gilliland

Approved by Committee on:

April 6, 2009
(date)

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS
COMMITTEE GUEST LIST

DATE: Feb. 13, 2009

NAME	REPRESENTING
Kyle Kenler	KVC Behavioral Health
St. Westlund	KNASU
Sharon Stuewe	Social Work
Kelli [unclear]	KVC
J DeSimone	D. Schmidt
Julie [unclear]	FHSU
Tim Davis	FHSU
Kendall Casswell	FHSU
Patsy [unclear]	FHSU
Michelle Leng	KU
Carmen Allen	BEMS
Phyllis [unclear]	BSRB
Leslie Allen	BSRB
Susan [unclear]	KDHE
John P. [unclear]	KDCU
Richie [unclear]	KDOR
Beard Koops	Hein Law Firm

Coordinating health & health care
for a thriving Kansas

KHPATM

KANSAS HEALTH POLICY AUTHORITY

January 30, 2009

Raney Gilliland
Kansas Legislative Research Department
Room 545-N, State Capitol Building
300 S.W. Tenth Avenue
Topeka, KS 66612-1504

Dear Mr. Gilliland:

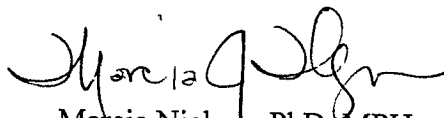
Re: Joint Committee on Administrative Rules and Regulations

Thank you for your recent letter regarding the January 8, 2009, meeting of the Joint Committee on Administrative Rules and Regulations.

KAR 129-5-151. After discussion with KHPA program staff, it was determined not to proceed with the promulgation of the regulation. We are withdrawing the regulation from the amendment process.

I appreciate the Committee's careful review of the regulatory process for the Kansas Health Policy Authority. If you have further questions or comments, please feel free to contact Rita Haverkamp at (785) 296-5107.

Sincerely,



Marcia Nielsen, PhD, MPH
Executive Director

MN/RH/rh

pc: KHPA File Copy

Rm. 900-N, Landon Building, 900 SW Jackson Street, Topeka, KS 66612-1220

www.khpa.ks.gov

Medicaid and HealthWave:

Phone: 785-296-3981

Fax: 785-296-4813

State Employee Health

Benefits and Plan Purchasing:

Phone: 785-368-6361

Fax: 785-368-7180

Joint Committee on Administrative Rules and Regulations
February 13, 2009
Attachment 1



**Joint Committee on Administrative Rules and Regulations
 Testimony on BSRB Proposed Regulations Regarding KAR 102-2-6
 February 13, 2009**

Topeka Office
 3712 SW Burlingame Circle
 Suite A
 Topeka, KS 66609
 785/271-1200
 785/271-6200 (Permanency Fax)
 785/266-3428 (CPA Fax)

Corporate Office
 21350 West 153rd Street
 Olathe, KS 66061-5413
 913/322-4900
 www.kvc.org

Chairman Holmes and honorable members of the Committee, I am Kyle Kessler, Vice-President for Administration and Governmental Affairs at KVC Behavioral HealthCare. We appreciate the opportunity to provide testimony regarding the possible adoption of regulations by the Behavioral Sciences Regulatory Board (BSRB) that would affect distance learning programs in the field of social work that are currently being offered. Currently, there are four masters-level social work programs in Kansas that are located in the cities of Wichita, Topeka, and Lawrence. These are all excellent programs that have produced some of the brightest minds who are engaged in helping some of the most vulnerable citizens of Kansas.

KVC Behavioral HealthCare, Inc. (KVC) is a private, not-for-profit organization providing medical and behavioral healthcare, social services and education to children and families. KVC provides a wide array of behavioral healthcare services that include inpatient and outpatient mental health services as well as foster care case management. As a provider of the aforementioned services, KVC is a good judge of the necessary qualifications to accomplish effective treatment for consumers. A quality education is essential to the provision of these services.

The regulations being proposed by the BSRB are the direct result of the application and admission of Kansans to the Masters in Social Work Program at the Florida State University School of Social Work. The online program through FSU is accredited by the Council on Social Work Education (CSWE), which is the nationally recognized accrediting body for social work education. Two accounts from KVC employees and licensed bachelors level social workers who are currently participating in this program are as follows:

KVC Case Manager and FSU MSW student, Rachel Malchose, provides the following input and account regarding the FSU MSW Program.

"I am currently in my second semester of this two year program. So far the program has been a great experience. I really couldn't imagine going to school any other way. It has been extremely convenient with having a family, working full-time and going to school part-time. I feel that this program has the exact same expectations/requirements as any other program would have and it's fully accredited. In all of the classes, the instructors have outlined what is expected each week and when major assignments are due. We have been required to complete weekly chapters readings, listen to audio power point presentations, watch videos that pertain to certain chapters, participate in weekly discussion boards, complete group presentations, complete debate papers, complete power point presentations, weekly quizzes, exams, etc. I feel that the instructors have provided a wide range of materials to enhance learning. I feel that this program has already taught me so much, especially in regards to my current job, and I still have 4 semesters to go."



A second student and KVC Case Manager, Susan Henry, provides the following input and account regarding the FSU MSW Program.

“I am currently in my second semester in the Master's of Social Work program through Florida State University. I have gained a great deal of knowledge through the classes I have taken thus far. We're required to have weekly interaction with our classmates through the discussion boards set up by the instructors. We are held accountable for our course work by being required to submit weekly posts on our text or articles we're assigned each week. I feel it is a credible program. We gain the same knowledge through weekly readings, written assignments, weekly quizzes and term papers you would in any other program without the face to face interaction. The part-time online set up of the classes has been a great benefit to me personally since I work full-time and have two small children.”

In conclusion, KVC is opposed to these proposed regulations which limit educational opportunities and actually would implement stricter standards for educational programs than are required nationally. In fields such as child welfare and mental health treatment, a shortage of social workers already exists. The children and families of Kansas deserve the most well educated workforce, and KVC believes that additional educational opportunities are a step in this direction. This concludes my testimony. I would be happy to stand for questions.

February 13, 2009

Joint Committee on Administrative Rules and Regulations

To the committee:

Thank you for the opportunity to submit written testimony regarding K.A.R. 102-2-6. I am head of the Department of Sociology, Anthropology, and Social Work at Kansas State University and cannot be with you today because of budget meetings.

Although I appreciate the intent of the rules and regulation change put forth by BSRB to protect both social work education and programs in Kansas, I am concerned that it will have the opposite effect. My greatest concern is section (3) (b). It states "at least 50% of the required program coursework be completed in residence at the institution from which the degree is granted....." Our undergraduate major in social work requires 124 hours for graduation. This rules means that 62 of those hours must be taken in residence for a graduate to be eligible for licensure. We have many transfer students who come with more than 62 hours of credit including community college students. We also have students who have taken a bulk of their required hours through distance education. It appears that both of these groups would not be eligible to practice social work in Kansas if this rule takes effect.

Defining the method of educational delivery as in (C) (2) "in residence" students ... "means that the student is present at the physical location of the institution for the purpose of completing coursework during which the student and one or more core faculty members are in face-to-face contact" is problematic. Paragraph (B) defines a core faculty member as "an individual whose primary professional employment is at the institution in which the program is housed" and paragraph (3) defines primary professional employment as "a minimum of 20 hours per week of instruction, research, any other service to the institution in the course of employment, and the related administrative work." So, this rule specifies the educational delivery method and who can provide the instruction. This is overly prescriptive for programs that are accredited by the Council on Social Work Education. The notion that students can learn only by face-to-face delivery is a bit behind the times. Approximately 80% of K-State students take online courses, many of whom do so while in residence.

Will students who take online classes be eligible for licensure? Will we have to create some sort of reporting mechanism that keeps track of what courses are online and what courses are face-to-face? It seems to me to be an unnecessary expenditure given our current budget situation.

Finally, the residency requirement greatly limits the opportunity for social work programs in Kansas to develop quality distance education courses. This is a great disservice to those areas of the state that do not have easy access to social work programs, but have great need for social workers. The University of Kansas is in the first year of a \$2.5 million, five year federal grant designed to expand the child welfare workforce. I have the opportunity to be a part of the grant advisory committee with both public and private child welfare agency representatives from across the state. Those from the more rural areas of the state are begging for social work education to be available to their employees in a way they can maintain their employment. We must find the means to meet this need without requiring excessive travel or relocation. We all know that resources are limited. Distance education offers an alternative to meet this need, which will strengthen the workforce. Why, at this critical time, would BSRB promulgate a rule that limits social work educators' ability to provide a social work education to every Kansan who wants one?

Although I appreciate their diligence in maintaining high standards for social work education, I urge you to encourage BSRB to rethink this rule and seek input from all social work programs in the state.

Thank you,

Betsy Cauble

A. Elizabeth Cauble, PhD, LMSW
Head, Dept. of Sociology, Anthropology, and Social Work
Kansas State University

**FORT HAYS STATE UNIVERSITY
SOCIAL WORK PROGRAM
REQUIRED BSW CURRICULUM**

FALL**SPRING**Freshman

ENG 101	English Composition I	3 hrs.	ENG 102	English Composition II	3 hrs.
COMM 100	Fundamentals of Oral Communication	3 hrs.	HHP 200	Personal Wellness	3 hrs.
*SOC 140	Intro. to Sociology	3 hrs.	*PSY 100	General Psychology	3 hrs.
MIS 101	Introduction to Computer Information Syst.	3 hrs.	*POLS 101	American Government	3 hrs.
Mathematics	General Education requirement	<u>3 hrs.</u>	International Studies	General Education Requirement	<u>3 hrs.</u>
		15 hrs.			15 hrs.

Sophomore

*BIOL 100	Human Biology	3 hrs.	*MATH 250	Elements of Statistics	3 hrs.
*BIOL 102	Lab Experiences in Biology	1 hrs.	*MLNG 226	Beginning Spanish II	5 hrs.
SOCW 260	Intro. to Social Work	3 hrs.	*ENG 303	Technical and Professional Writing	3 hrs.
*MLNG 225	Beginning Spanish I	5 hrs.	*IDS 350	Multiculturalism in the U.S.	3 hrs.
International Studies	General Education requirement	3 hrs.	Math/Natural Science	Gen. Education Elective	<u>3 hrs.</u>
IDS 300	Economic Ideas & Current Issues	<u>3 hrs.</u>			17 hrs.
		18 hrs.			

Junior

SOC 362	Methods of Social Research	3 hrs.	SOCW 322	HBSE II	3 hrs.
SOCW 320	HBSE I	3 hrs.	SOCW 310	Social Welfare Policy & Services I	3 hrs.
SOCW 380	Generalist Practice: Intro. to Practice	3 hrs.	SOCW 381	Generalist Practice: The Helping Relationship	3 hrs.
*IDS 400	Bioethics	3 hrs.	SOCW 382	Generalist Practice: Group Systems Elective	<u>3 hrs.</u>
Social Work Elective		<u>3 hrs.</u>			15 hrs.
		15 hrs.			

Senior

SOCW 461	Generalist Practice: Family Systems	3 hrs.	SOCW 467	Social Work Professional Seminar	3 hrs.
SOCW 462	Generalist Practice: Organizational & Community Systems	3 hrs.	SOCW 468	Field Practicum	<u>12 hrs.</u>
SOCW 410	Social Welfare Policy & Services II	3 hrs.			15 hrs.
SOCW 420	HBSE III	3 hrs.			
SOCW 463	Introduction to the Practicum	2 hrs.			
IDS 333	Exploration in the Humanities Elective	<u>1 hr.</u>			
		15 hrs.			

TOTAL CREDIT HOURS**125 hrs.***** Cognates: Required Non-Social Work Courses**

▲ *ECFI 202 Principles of Econ: Macro is allowed in place of IDS junior colleges and other colleges or universities.

Students must carry 15-16 hours for 7 semesters and 18 hours for 1 hours required to graduate. Fewer hours per semester can be taken

**FORT HAYS STATE UNIVERSITY
SOCIAL WORK CORE COURSES**

*SOCW 260	INTRODUCTION TO SOCIAL WORK.....	3 hrs.
SOCW 320	HUMAN BEHAVIOR AND THE SOCIAL ENVIRONMENT I.....	3 hrs.
SOCW 322	HUMAN BEHAVIOR AND THE SOCIAL ENVIRONMENT II.....	3 hrs.
SOCW 420	HUMAN BEHAVIOR AND THE SOCIAL ENVIRONMENT III.....	3 hrs.
*SOC 362	METHODS OF SOCIAL RESEARCH.....	3 hrs.
SOCW 310	SOCIAL WELFARE POLICY AND SERVICES I.....	3 hrs.
SOCW 410	SOCIAL WELFARE POLICY AND SERVICES II.....	3 hrs.
SOCW 380	GENERALIST PRACTICE: INTRODUCTION TO PRACTICE.....	3 hrs.
SOCW 381	GENERALIST PRACTICE: THE HELPING RELATIONSHIP.....	3 hrs.
SOCW 382	GENERALIST PRACTICE: GROUP SYSTEMS.....	3 hrs.
SOCW 461	GENERALIST PRACTICE: FAMILY SYSTEMS.....	3 hrs.
SOCW 462	GENERALIST PRACTICE: ORGANIZATIONAL AND COMMUNITY SYSTEMS.....	3 hrs.
SOCW 463	INTRODUCTION TO THE PRACTICUM.....	2 hrs.
SOCW 467	SOCIAL WORK PROFESSIONAL SEMINAR.....	3 hrs.
SOCW 468	FIELD PRACTICUM.....	<u>12 hrs.</u>
		<u>53 hrs.</u>

- * SOC 362 Methods of Social Research is available online through the Virtual College.
- * SOC 260 Introduction to Social Work is available online through the Virtual College.

SOCIAL WORK PROGRAM
LIBERAL ARTS COGNATES
NON-SOCIAL WORK REQUIRED COURSES

BIOL 100	HUMAN BIOLOGY	3
BIOL 102	LABORATORY EXPERIENCES IN BIOLOGY	1
POLS 101	AMERICAN GOVERNMENT	3
PSY 100	GENERAL PSYCHOLOGY	3
SOC 140	INTRODUCTION TO SOCIOLOGY	3
ENG 303	TECHNICAL AND PROFESSIONAL WRITING	3
MATH 250	ELEMENTS OF STATISTICS	3
MLNG 225	BEGINNING SPANISH I	5
MLNG 226	BEGINNING SPANISH II	5
*IDS 300	ECONOMIC IDEAS AND CURRENT ISSUES	3
IDS 350	MULTICULTURALISM IN THE U.S.	3
IDS 400	BIOETHICS	<u>3</u>
TOTAL		38

* ECFI 202 Principles of Econ: Macro is allowed in place of IDS 300 for students transferring to FHSU from junior colleges and other colleges or universities.

The following cognates are available through the Virtual College:

- BIOL 100 Human Biology
- POLS 101 American Government
- PSY 100 General Psychology
- SOC 140 Introduction to Sociology
- MATH 250 Elements of Statistics
- MLNG 225 Beginning Spanish I
- MLNG 226 Beginning Spanish II
- IDS 300 Economic Ideas and Current Issues
- IDS 350 Multiculturalism in the U.S.
- IDS 400 Bioethics

RECOMMENDED ELECTIVE COURSES

1. SOCIOLOGY OF THE FAMILY IN AMERICA
2. DEATH AND DYING
3. SOCIAL INEQUALITY
4. INTRODUCTION TO ETHICS
5. PRINCIPLES OF CULTURE
6. ABNORMAL PSYCHOLOGY
7. SOCIAL PSYCHOLOGY
8. HUMAN HEREDITY
9. HUMANS & THE ENVIRONMENT
10. SOCIOLOGY OF SEX ROLES
11. SOCIOLOGY OF AGING
12. MEDICAL SOCIOLOGY
13. MEDICAL TERMINOLOGY
14. NON PROFIT ORGANIZATIONS
15. GRANT PROPOSAL DEVELOPMENT
16. INTERNSHIP & GRANTWRITING

RECOMMENDED SOCIAL WORK ELECTIVE COURSES

1. TOPICS IN SOCIAL WORK: SOCIAL WORK AND THE LAW
2. SPIRITUALITY AND AGING: THE EMPOWERING RELATIONSHIP
3. WORKSHOP IN SOCIAL WORK
4. INDEPENDENT STUDY IN SOCIAL WORK
5. INTERNSHIP IN SOCIAL WORK

RECOMMENDED CERTIFICATE PROGRAMS

- | | |
|-----------------------|-----------------------------|
| 1. ETHNIC STUDIES | 5. COMMUNITY DEVELOPMENT |
| 2. LEADERSHIP STUDIES | 6. WOMEN AND GENDER STUDIES |
| 3. LIFE ISSUES | 7. JUSTICE STUDIES |
| 4. GRANT WRITING | 8. ADDICTIONS |

MEMORANDUM

To: Joint Committee on Administrative Rules and Regulations
From: John Wine
Kansas Insurance Department
Re: **K.A.R. 40-7-20a**
Date: February 13, 2009

My name is John Wine and I am a Staff Attorney for the Kansas Insurance Department. I would like to thank the committee for allowing the Department to appear and comment on the proposed revisions to K.A.R. 40-7-20a.

K.A.R. 40-7-20a is being amended to specify the requirements for online educational courses for insurance agents. On page five the regulation gives specific guidelines for providers of required continuing education who wish to make some of these courses available online. The proposed amendment also makes several minor clarifying changes in the existing regulation.

The regulation does not require anyone to provide continuing education online so there will be no economic impact on insurers, government agencies, regulated entities, large or small businesses or the general public.

Leroy Brungardt, Director of the Producers Division of our office is with me today and we would be happy to answer any questions the members of the committee might have. Again, thank you for allowing us to appear today and comment on the proposed regulation.

**Comments of Doug Louis
Director
Conservation Division
Kansas Corporation Commission
Before the
Joint Committee on Administrative Rules and Regulations
February 13, 2009**

Mr. Chairman and members of the Committee, I am Doug Louis, the Director of the Conservation Division of the Kansas Corporation Commission. I am here this afternoon to provide comment on proposed new regulations K.A.R. 82-3-1100 through K.A.R. 82-3-1120 and K.A.R. 82-3-311a.

K.S.A. 55-1637 directed the Commission to adopt regulations for carbon dioxide (CO₂) storage in Kansas. I believe the proposed regulations cover all of the areas set out in K.S.A. 55-1637 for the safe storage of CO₂ in the State.

I apologize for not meeting the target date contained in K.S.A. 55-1637 for having these regulations adopted. There were numerous reasons for the delay. Since this was a new area of regulation for the Commission (for that matter, no other state had written CO₂ sequestration regulations) we needed to educate ourselves of the unique technical aspects of CO₂ storage. During this process we stayed informed of EPA's evolving CO₂ storage regulations.

These regulations provide a regulatory framework to govern CO₂ storage from the initial application for a permit to final post-closure determination. The following is a very brief summary of each regulation:

K.A.R. 82-3-1100. This regulation contains definitions of terms used throughout the regulations covering carbon dioxide (CO₂) storage facilities.

K.A.R. 82-3-1101. This regulation requires the issuance of a permit before a CO₂ storage facility can be operated. The regulation also sets out the requirements of an application to obtain a CO₂ storage facility permit.

K.A.R. 82-3-1102. This regulation sets out the notice requirements for an application to obtain a CO₂ storage facility permit. Notice must be mailed, or delivered, to each operator of a lease and each mineral owner of unleased minerals within one-half mile of the storage facility boundary and all landowners within the storage facility boundary. Notice must also be published in the official county newspaper in each county with land included in the project, in the Wichita Eagle newspaper and in the Kansas Register.

K.A.R. 82-3-1103. This regulation requires an application to amend a CO₂ storage facility permit. The regulation also sets out the notice requirement for the application to amend the CO₂ storage facility permit.

K.A.R. 82-3-1104. This regulation establishes the requirements necessary to transfer a CO₂ storage facility permit to a new operator.

K.A.R. 82-3-1105. This regulation sets out the conditions for which the Commission modifies, suspends, or cancels a CO₂ storage facility permit.

K.A.R. 82-3-1106. This regulation establishes the well construction requirements and standards for CO₂ storage wells. The regulation covers well completions for existing wells and wells to be drilled or reentered.

K.A.R. 82-3-1107. This regulation sets standards and requirements for CO₂ storage facility equipment.

K.A.R. 82-3-1108. This regulation establishes the monitoring and reporting requirements for CO₂ storage facility operations.

K.A.R. 82-3-1109. This regulation requires the CO₂ storage facility operator to conduct an annual review of its safety plan. The regulation sets out specific areas that must be covered by the safety plan review. The regulation also requires updating of the safety plan as changes occur at the storage facility, or as required by the Director to protect public health and safety.

K.A.R. 82-3-1110. This regulation requires the CO₂ storage facility operator to conduct an annual safety inspection of the storage facility to ensure all safety and monitoring equipment are in proper working order. The regulation requires prior notice to the Conservation Division to allow for witnessing the safety inspection. The regulation also lists specific items which must be inspected or tested and requires a written report of the safety inspection from the CO₂ storage facility operator.

K.A.R. 82-3-1111. This regulation requires testing of all leak detectors, at least annually. Any defective leak detector must be repaired or replaced within 10 days.

K.A.R. 82-3-1112. This regulation sets out the methods and frequency for mechanical integrity testing of CO₂ storage wells.

K.A.R. 82-3-1113. This regulation requires the CO₂ storage facility operator to report each leak, each potential leak and any pressure changes or other monitoring data that indicate loss of containment of injected CO₂ or associated fluids. The regulation establishes reporting deadlines and requires the CO₂ storage facility operator to submit a plan to repair the leak or regain containment for the Conservation Division's review and approval.

K.A.R. 82-3-1114. This regulation requires CO₂ storage wells that have not been in operation for 90 days to be plugged or temporarily abandoned. The regulation provides for approval or denial of the temporary abandonment application by the Director.

K.A.R. 82-3-1115. This regulation allows the CO₂ storage facility to be temporarily abandoned. The regulation sets out what information must be provided by the CO₂ storage facility operator and allows for approval or denial by the Director.

6-2

K.A.R. 82-3-1116. This regulation requires an application and approval by the Conservation Division prior to decommissioning and abandonment of a CO₂ storage facility. The regulation specifies the content of the application and when it must be filed.

K.A.R. 82-3-1117. This regulation requires an application and approval by the Conservation Division for a post closure determination of the CO₂ storage facility. The regulation specifies the content of the application for a post closure determination. Upon approval of post closure status, the operator must plug any remaining monitor wells, the CO₂ storage facility permit will then be revoked and any financial assurance maintained by the operator will be released. Future remediation or monitoring activities will be performed by the State using a fund, which is financed wholly by fees from the storage facility operators.

K.A.R. 82-3-1118. This regulation establishes the methods and procedures for plugging CO₂ storage wells. The regulation requires the filing of a plugging report pursuant to K.A.R. 82-3-117 and the payment of a plugging fee in accordance with K.A.R. 82-3-118.

K.A.R. 82-3-1119. This regulation establishes the various fees associated with the application for a permit and the operation of a CO₂ storage facility.

K.A.R. 82-3-1120. This regulation establishes the penalties that may be assessed by the Commission for violation of the provisions of K.A.R. 82-3-1100 through K.A.R. 82-3-1119.

K.A.R. 82-3-311a. This regulation establishes the requirements, methods and procedures for drilling any well that penetrates or bores through any stratum or formation used for CO₂ storage or CO₂ enhanced oil recovery.

Summary

EPA has completed the public comment phase and has entered into the notice of data availability period for the proposed CO₂ storage regulations. EPA's target date for having final regulations is early 2011. Depending on the final EPA regulations, substantial amendments may be required to conform to EPA regulations.

We tried to keep the initial fee for permitting a CO₂ storage project reasonable, \$4,500.00 plus \$100.00 per well application fee and \$1,000.00 annual fee per unplugged well in the project.

The main funding source for this program will come from a fee of \$0.05 per ton of CO₂ injected.

These regulations do not cover CO₂ injection for oil and gas enhanced recovery, which is governed by our current underground injection regulations. In addition, these regulations do not cover acquisition of storage rights, the capture and preparation of CO₂ for storage or the transportation of CO₂ to the storage site facility. These areas are outside the scope of K.S.A. 55-1637 and outside the Commission's jurisdiction.

The regulations as proposed have been reviewed by the Commission's Oil and Gas Advisory Committee as required under K.S.A. 55-153. The official notice for these proposed regulations has been made in the *Kansas Register*. In addition, a copy of the proposed regulations has been posted, along with the associated economic impact statements, on the Commission's Internet.

website. A public hearing will be conducted on the proposed regulations on March 26, 2008, at the Kansas Corporation Commission office in Wichita. To date, the Commission has not received written comments from any party on the proposed regulations. The Commission is now accepting comments regarding proposed regulation changes via e-mail at oilandgasregcomments@kcc.ks.gov.

If the Committee has questions, I would be happy to answer them.

Thank you.