

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Brenda Landwehr at 1:30 p.m. on March 4, 2010, in Room 784 of the Docking State Office Building.

All members were present except:

Representative Marc Rhoades
Representative Scott Schwab
Representative Aaron Jack

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Melissa Calderwood, Kansas Legislative Research Department
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Representative Cindy Neighbor (Attachment 1)
Terry Humphrey, National Association of Social Workers (Attachment 2)
Kathleen Selzler Lippert, Acting Director, Kansas Board of Healing Arts (Attachment 5)

Others attending:

See attached list.

HB 2118 - Social worker safety training

Chairperson Landwehr opened the hearing on **HB 2118**.

Representative Cindy Neighbor presented testimony in support of the bill stating it will require that 6 CEU's, of the 40 required every two years, would be for safety training for social workers. She stated the bill does not cost the State General Fund one dollar and will not place any additional burden on the social worker. Providing the opportunity for safety training will help them in their daily responsibilities. (Attachment 1)

Terry Humphrey, representing the National Association of Social Workers, presented testimony in support of the bill. It included an amendment which clarified that the continuing education is for safety awareness training and not martial arts training such as kung fu or other similar training. (Attachment 2)

Written testimony in support of the bill was presented by Michelle Sweeney, Policy Analyst for the Association of Community Mental Health Centers of Kansas, Inc. In addition to supporting the bill, the Association added the comment that safety training is valuable not only for social workers, but for all licensee classes under the Behavioral Sciences Regulatory Board. Each category of licensee would do well to possess skills that will help keep them safe if the situation called for it. (Attachment 3)

Written testimony in support of the bill was provided by Craig Kaberline, Executive Director, Kansas Area Agencies on Aging Association. (Attachment 4)

The Chair gave the Committee members the opportunity to ask questions and when all were answered, the hearing on **HB 2118** was closed.

SB 490 - Physical therapists; licensure

Chairperson Landwehr opened the hearing on **SB 490**.

Kathleen Selzler Lippert, Acting Executive Director, Kansas Board of Healing Arts, presented testimony in support of the bill. She indicated the Board has worked with the Physical Therapist Council and the Board's licensing administrator to draft the language to amend **K.S.A 65-2910**. The Physical Therapist Council and licensing administrator have brought to the Board's attention the need for additional license statuses of "federally active" and "exempt" to be added to the Physical Therapists' Practice Act. She reported passage of this bill would result in economic impact to the Kansas State Board of Healing Arts. KSBHA estimates

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 1:30 p.m. on March 4, 2010, in Room 784 of the Docking State Office Building.

it would need an expenditure limitation increase of \$18,000 for fiscal year 2011 to upgrade online forms and their electronic database system. (Attachment 5)

The Chair gave the Committee members the opportunity to ask questions and when all were answered, the hearing on **SB 490** was closed.

The next meeting is scheduled for March 8, 2010.

The meeting was adjourned at 2:30 p.m.

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HOUSE OF REPRESENTATIVES

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CINDY NEIGHBOR
18TH DISTRICT

COMMITTEE ASSIGNMENTS
ENERGY AND UTILITIES
FINANCIAL INSTITUTIONS
HEALTH AND HUMAN SERVICES
INSURANCE

Testimony for HB 2118

March 4, 2010

By: Representative Cindy Neighbor

Thank you, Madame Chair, and members of the Health and Human Services Committee for allowing me to speak with you. Today, I am here to address HB 2118 which addresses an issue that is very close to me.

Several years ago a case manager, whom I will refer to as Terry, made a visit to one of our students in their home to evaluate and work with a young high school youth. Unfortunately, the visit did not end positively, as Terry was murdered under horrible circumstances during that visit. Unfortunately, there were two tragedies that occurred that day. The first was the brutal murder of Terry, and the second was for the family of the youth who committed the murder. This brought about immediate concerns to the community and the Shawnee Mission School District.

I stand before you today to say that there is a solution that will better prepare and provide knowledge and understanding for Social Workers working in the field in situations like the one Terry faced present themselves. I can't say it will eliminate all such possibilities, but I can say it will provide training for the awareness of the signs and how to defend and protect individuals from such attacks.

For every Social Worker who will be trained, we will provide for a safer workplace and the ability for employers to have lower Worker Compensation premiums. Preventing injury or death not only saves money, but is critical in keeping families stable.

The Social Workers I know are very dedicated. They care about all of the families and individuals they work with. They care deeply about the work they do. The one thing we can provide them is the opportunity for safety training which will help them in their daily responsibilities.

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1-1

HB 2118 does not cost the State General Fund one dollar and will not place any additional burden on the Social Worker. It requires that 6 CEU's, of the 40 required every two years, be for safety training. I believe this is a small and much needed request if it saves lives. Please make this happen for Terry and all the other Social Workers who care so deeply for our citizens. Give them the tools to be successful by passing this most important piece of legislation.

Thank you for your time, and I will stand for questions at the appropriate time.

Representative Cindy Nighiser

National Association of Social Workers

TESTIMONY on HB 2118**March 4, 2010; House Health and Human Services**

Presented by Terry Humphrey

HB 2118 requires new social workers to have 6 hours of safety awareness training. Current law requires social workers to complete 40 hours of Continuing Education (CE) every two years to maintain their license. This legislation does not increase the number of required CE. It simply designates that six hours of CE will be on the topic of social worker safety awareness.

Policy Background

Social workers are frequently put in harms way while delivering professional services. Some clients are extremely vulnerable and may be prone to unexpected violence. The social worker's skill in calming a tense situation can prevent a client from lashing out. Safety training gives social workers the necessary knowledge and skills to prevent or handle violent situations.

Public Policy Benefits

Preventing violence will keep people safe and save precious resources. Social workers, employers, staff, clients, family members, and the State have a vested interest in a safe workplace. Safety training, as part of professional continuing education, is the way to achieve the goal.

- Employers will benefit. A safe workplace keeps Workers Compensation premiums low and from rising.
- The State will benefit. Preventing injury or death saves money. Death and injury claims, criminal prosecution and other services will not be utilized if social workers and their clients remain safe during their work together.
- Families will benefit. Preventing injury or death of a family member is critical in keeping families stable.
- There is no cost to the state with the passage of the legislation. Social workers are already responsible for their Continuing Education.

The attached amendment language addresses concerns in the original language of the bill. It clarifies that the CE is for safety awareness training and not martial arts training such as kung fu or other similar training.

Updated Amendment language:

On and after January 1, 2011, an applicant for first time licensure renewal as a baccalaureate social worker, master social worker or specialist clinical social worker, as part of such continuing education, shall complete not less than six hours of social worker safety awareness training. If the applicant has already taken such training, as part of a previous level of social work licensure renewal, then the applicant is not required to complete an additional six hours of social worker safety awareness training.

KNASW asks for favorable passage of the amendment and the legislation.



**Testimony to the House Health and Human
Services Committee**

March 4, 2010

Madame Chair and members of the committee, my name is Michelle Sweeney, I am the Policy Analyst for the Association Community Mental Health Centers of Kansas, Inc. The Association represents the 27 licensed Community Mental Health Centers (CMHCs) in Kansas who provide home and community-based, as well as outpatient mental health services in all 105 counties in Kansas, 24-hours a day, seven days a week. In Kansas, CMHCs are the local Mental Health Authorities coordinating the delivery of publicly funded community-based mental health services. The CMHC system is state and county funded and locally administered. Consequently, service delivery decisions are made at the community level, closest to the residents that require mental health treatment. Each CMHC has a defined and discrete geographical service area. With a collective staff of over 4,500 professionals, the CMHCs provide services to Kansans of all ages with a diverse range of presenting problems.

Together, this system of 27 licensed CMHCs form an integral part of the total mental health system in Kansas. As part of licensing regulations, CMHCs are required to provide services to all Kansans needing them, regardless of their ability to pay. This makes the community mental health system the "safety net" for Kansans with mental health needs, collectively serving over 123,000 Kansans with mental illness.

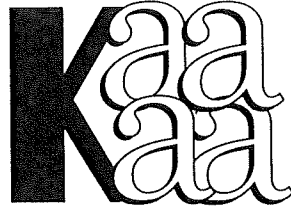
The Association stands in support of the concepts outlined in House Bill 2118. House Bill 2118 would require social workers with baccalaureate degrees, social workers with masters degrees, and specialist clinical social workers to complete at least six hours of social worker safety training, including self-protection maneuvers, as a part of the continuing education requirement for their first time license renewal. If the licensee has taken the training as a part of a previous level of social work licensure renewal, the requirement would be waived.

In the public mental health system in Kansas, front line staff such as social workers, case managers, outreach workers, and therapists all come into direct contact with consumers in their jobs. It is important that they are aware of how to keep themselves safe, and to protect themselves if the need arises. There may be times when patients are unstable or in crisis, and a direct care staff person will need to work with them to regain stability. At these times, the worker must be able to protect themselves from harm. Many times, workers travel to individuals clients homes to provide case management and therapy, and the scenario may well arise where a social worker or case manager needs to know safety skills. This law ensures that workers have those skills in case they ever need them.

The Association supports HB 2118, but would add one comment. Safety training is valuable not only for social workers, but for all licensee classes under the Behavioral Sciences Regulatory Board. Each category of licensee would do well to possess skills that will help keep them safe if the situation called for it. Thank you, Madame Chair.

HEALTH AND HUMAN SERVICES
DATE: 3-4-10
ATTACHMENT: 3-1

KANSAS
AREA AGENCIES
ON AGING
ASSOCIATION



Meeting the Needs of Older Kansans

2910 SW TOPEKA BOULEVARD • TOPEKA, KS 66611 • 785-267-1336 • FAX - 785-267-1337

To: House Health And Human Services Committee
From: Craig Kaberline, Executive Director - Kansas Area Agencies on Aging Association
Date: March 4, 2010

Testimony in Support of House Bill 2118

Chairman Landwehr and members of the committee, I appreciate the opportunity to provide written testimony regarding House Bill 2118. The Kansas Area Agencies on Aging Association's mission is to work to improve services and supports for all older Kansans and their caregivers. K4A represents all eleven Area Agencies on Aging (AAA) who provide information and coordinate services for seniors in all 105 counties of Kansas.

I write this testimony of behalf of the Kansas Area Agencies on Aging Association (K4) in support of House Bill 2118, concerning social workers and requirement of social worker safety training.

HB 2118 would require social workers with baccalaureate degrees, social workers with masters degrees, and specialist clinical social workers to complete at least six hours of social worker safety training as a part of the continuing education requirement for their first time license renewal. The Kansas Area Agencies on Aging believes anything that has the potential to protect the health and safety of the social worker is good for our system. I know when I was young and working in the field alone there were times that I wished I had some training on situations that could put my safety at risk. We believe personal safety training is good anytime throughout a social workers career and of particular importance with new social workers.

We thank you for your continued commitment to the safety and well being of those who work in the field each and every day.

We ask for your support of House Bill 2118.

Craig Kaberline, MSW
Executive Director
Kansas Area Agencies on Aging Association

AREA AGENCIES ON AGING:

CENTRAL PLAINS • EAST CENTRAL KANSAS • JAYHAWK • JOHNSON COUNTY • NORTH CEN
NORTHWEST KANSAS • SOUTH CENTRAL KANSAS • SOUTHEAST KANSAS • SOUTHWEST K
e-mail: k4aed@hotmail.com • WEBSITE: www.K4A.

HEALTH AND HUMAN SERVICES

DATE: 3-4-10

ATTACHMENT:

4-1

March 4, 2010

TO: Health and Human Services Committee
FROM: Kathleen Selzler Lippert, Acting Executive Director

RE: Senate Bill 490, Affecting Licensure Status of Physical Therapists

Dear Chairperson Landwehr and Committee Members:

The Kansas State Board of Healing Arts supports SB 490. The Board has worked with the Physical Therapist Council and the Board's licensing administrator to draft the language to amend K.S.A. 65-2910. The Physical Therapist Council and licensing administrator have brought to the Board's attention the need for additional license statuses of "federally active" and "exempt" to be added to the Physical Therapists' Practice Act.

The impetus behind the need for a "federally active" license is that there are numerous physical therapists and physical therapist assistants who are currently employed at Fort Riley, Fort Leavenworth, and at the various Veteran Administration hospitals, clinics, and centers in Kansas. All of the physical therapists and physical therapist assistants are covered for malpractice by the Federal Tort Claims Act. Therefore, in order to perform their duties for these entities, they are not required to have individually-held medical malpractice insurance.

However, under the current "active" license, physical therapists and physical therapist assistants are required to carry individually-held malpractice insurance. For those employed by the federal government, this results in duplication of medical malpractice coverage solely because it is required by their "active" license status.

The reason the Board is seeking the "exempt" license status is similar. Several physical therapists and physical therapist assistants have expressed the desire to volunteer their time at various free-clinics that serve the indigent citizens of Kansas. If a physical therapist or physical therapist assistant is providing services on behalf of a free-clinic, they are covered by the State Torts Claims Act and therefore have no need to carry individually-held medical malpractice insurance. However, like the federally employed physical therapists, these licensees are statutorily required to carry such insurance since they have an 'active' license.

SB 490 proposes to create the additional license statuses of "federally active" and "exempt."

The passage of this bill would result in economic impact to the Kansas State Board of Healing Arts. KSBHA estimates it would need an expenditure limitation increase of \$18,000.00 for fiscal year 2011 to upgrade online forms and their electronic database system.