

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

May 1, 2003
Room 531-N—Statehouse

Members Present

Representative Carl Holmes, Chairman
Senator Dwayne Umbarger
Senator Stan Clark
Senator Karin Brownlee
Representative Andrew Howell
Representative Jerry Henry
Representative Candy Ruff
Representative Sharon Schwartz
Representative Jan Pauls

Members Absent

Senator U. L. "Rip" Gooch
Representative Dan Williams

Staff Present

William G. Wolff, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Mitch Rice, Revisor of Statutes Office
Judy Glasgow, Secretary

Others Present

Mark Stafford, Board of Healing Arts
John Badger, Department of Social and Rehabilitation Services
Nialson Lee, Department of Social and Rehabilitation Services
Jamie Corkhill, Department of Social and Rehabilitation Services
Shelly Dechand, Division of Budget
Paula Johnson, Kansas Corporation Commission
Tom Day, Kansas Corporation Commission
Leo Haynes, Kansas Corporation Commission
Dennis Priest, Department of Social and Rehabilitation Services
Jennifer Springer, Behavioral Science & Regulatory Board

The meeting was called to order by Chairman Holmes at 12:15 p.m. He recognized Dennis Priest, Department of Social and Rehabilitation Services, to review the proposed rules and regulations. KAR 30-6-108, real property; and KAR 30-6-109, personal property.

Mr. Priest explained that the proposed changes in KAR 30-6-108 were to limit the exemption for non-business income producing property under certain circumstances. This change will bring the provisions of the regulation into compliance with the federal Social Security Act. Mr. Priest answered questions from the Committee concerning how the distinction is made between home and rental property and the length of time a residence may be designated as the residence when a person is in a care center.

There being no further questions, Chairman Holmes thanked Mr. Priest for his presentation.

Chairman Holmes welcomed Nialson Lee to speak to the proposed rules and regulations noticed for hearing by the Department of Social and Rehabilitation Services. KAR 30-5-107, scope of non-medical transportation services; and KAR 30-5-107a, reimbursement for non-emergency transportation services and meals and lodging.

Mr. Lee explained that the statement "adopted by reference" will need to be corrected in KAR 30-5-107a (2) since this language would not allow the agency to make a change of policy or delete any of the criteria and would not allow rates to be changed. The Department is in the process of reworking the language for the public hearing.

Mr. Lee answered questions from members concerning issues of mileage rates and the reason mileage was concentrated in certain metropolitan areas. There being no further questions, Mr. Lee was thanked for appearing before the Committee.

Jamie Corkhill, Department of Social and Rehabilitation Services, was recognized by Chairman Holmes to address the proposed rule and regulation noticed for hearing, KAR 30-44-5, scope of services; judgment interest.

There were no questions and Chairman Holmes thanked Ms. Corkhill for her explanation.

Mark Stafford was introduced by Chairman Holmes to speak to the proposed rules and regulations noticed for hearing by the Kansas State Board of Healing Arts. KAR 100-21-1, definitions; and KAR 100-21-2.

Mr. Stafford stated that these proposed rules and regulations fill an apparent need to provide a clearer definition of dispensing physicians as one who obtains prescription-only drugs and delivers them to the ultimate consumer. He noted the proposed rule and regulation adds a definition for "drug sample."

After Mr. Stafford responded to general questions from members, he was thanked by the Chairperson for appearing before the Committee.

Chairman Holmes asked for action on Committee minutes from March 12 and April 1, 2003. Senator Clark noted that the beginning and ending times on the April 1, 2003, minutes were incorrect and should be amended to begin at 8:00 a.m. and end at 10:00 a.m. *Senator Clark moved to approve the April 1 minutes as amended and to approve the March 12 minutes as presented; Representative Pauls seconded the motion. Motion carried.*

Paula Johnson, Assistant General Counsel, Kansas Corporation Commission, was welcomed by the Chairman to speak to the proposed gas pipeline safety rules and regulations noticed for hearing by the Kansas Corporation Commission. KAR 82-11-1, definitions; KAR 82-11-03,

transportation of natural and other gas by pipeline; annual reports and incident reports; KAR 82-11-4, transportation of natural and other gas by pipeline; minimum safety standards; KAR 82-11-8, customer installations; location and monitoring responsibility; and KAR 82-11-10, drug and alcohol testing.

Ms. Johnson explained that 45 percent of certain programs are federally funded and these proposed rules and regulations bring the state into federal compliance to continue this funding. Compliance with the proposed revisions is already mandated by federal law; thus, state adoption will not have a significant impact on either governmental agencies or private entities, including natural gas companies.

A question arose concerning the telephone number listed for sending reports to the Commission in KAR 82-11-3. It was noted that the number given was a Washington, D.C. number. Ms. Johnson stated that the Commission would look into the matter. It also was noted that, because of modern technology, the reference to the use of "same size and kind of paper" may no longer be necessary. A member commented that the Committee preferred the phrase "rule and regulation" as opposed to the Department of Administration's use of the word "regulation" (see KAR 82-11-10). Staff noted that the initials "KCC" should be inserted before 192.004-1 at the bottom of the first page.

There being no further questions, Ms. Johnson was thanked for her comments.

Chairman Holmes welcomed Jennifer Springer, Behavioral Sciences Regulatory Board, to address the proposed rules and regulations noticed for hearing. KAR 102-1-8, renewal and reinstatement; KAR 102-1-15, continuing education; KAR 102-2-4a, continuing education for licensees; KAR 102-2-9, examinations; KAR 102-2-11, renewal and reinstatement; KAR 102-2-12, licensed specialist clinical social work licensure requirements; KAR 102-3-7a, professional postgraduate supervised experience requirement to be licensed as a clinical professional counselor; KAR 102-3-9a, renewal and reinstatement; KAR 102-3-10a, continuing education for licensees; KAR 102-4-9a, renewal and reinstatement; KAR 102-4-10a, continuing education for licensees; KAR 102-5-3, educational requirements; KAR 102-5-7a, postgraduate supervised professional experience requirement for a clinical marriage and family therapist; KAR 102-5-9, renewal and reinstatement; KAR 102-5-10, continuing education for licensees; KAR 102-5-12, unprofessional conduct; KAR 102-5-16, unprofessional conduct regarding record keeping; KAR 102-6-9, renewal; and KAR 102-6-10, continuing education for registrants.

Ms. Springer and Phyllis Gilmore, Executive Director of the Behavioral Sciences Regulatory Board, answered questions of a general nature about the proposed changes in the regulations. In response to a question about the reference to the July 1, 2003, date used in KAR 102-2-12, Ms. Springer stated that this date was taken directly from the legislation that was passed establishing the requirements for this licensure category.

Staff had a question concerning the time frame for reinstatement of the license for a clinical psychotherapist in KAR 102-4-9a. Ms. Springer noted that reinstatement issues were under study by the Board and subject to further change. It was suggested that the word "posttest" (see KAR 102-5-10 for example), be checked for correct spelling. Should the word be hyphenated, post-test?

There being no further questions, Chairman Holmes thanked Jennifer Springer and Phyllis Gilmore for their presentations and complimented them and the Board on the manner in which the writing and amending of rules and regulations has been handled recently.

COMMENTS ON PROPOSED RULES AND REGULATIONS

Department of Social and Rehabilitation Services. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning medical assistance program reimbursements and automatic eligibles, real property, and support enforcement. After discussion, the Committee had no comment.

Kansas Corporation Commission. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning gas pipeline safety. After discussion, the Committee expressed the following comment.

- KAR 82-11-3. In the adoption by reference, make certain that all federal officials, addresses, and telephone numbers are converted as necessary to the appropriate Kansas counterparts.

Board of Healing Arts. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning dispensing physicians. After discussion, the Committee had no comment.

Behavioral Sciences Regulatory Board. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning the renewal and reinstatement requirements for licensees, educational requirements and continuing education, unprofessional conduct, and record keeping. After discussion, the Committee had no comment.

The meeting adjourned at 2:00 p.m.

Prepared by Judy Glasgow and Bill Wolff

Approved by Committee on:

May 30, 2003