

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 19, 2003 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department
Mr. Norm Furse, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Representative Willa DeCastro
Ms. Cindy Galemore, BSN, RN, MSED, and
NCSN Coordinator of Health Services
Ms. Joyce Markendorf, MSN, RN,
KS State Nurses Association
Representative Bob Bethel
Ms. Jane O'Bryan, Member of the Board of Adult Care
Home Association

Others attending: See attached guest list

Hearing on HCR 5008 - concurrent resolution urging the designation of school nurses as first responders

Upon calling the meeting to order, the Chair announced there would be a hearing on HCR 5008, a concurrent resolution urging the designation of school nurses as first responders and asked Ms. Emalene Correll, Kansas Legislative Research Department to explain the bill. Ms. Correll stated that the bill basically suggests state and local officials designate school nurses as first responders to a biological or chemical attack and any legal or regulatory barriers, which would prevent the school nurse from responding in this type of situation, be removed. She stated she was not aware of any specific barriers and Kansas has a very broad based "Good Samaritan Act" to protect anyone from liability responding to a type of emergency situation. Lastly, she stated she was aware during the House hearings on the bill, while the Board of Emergency Medical Services supported the resolution, they did express the hope the first responder here would not be confused with first responders who are certified by the Board.

Senator Wagle asked if there was any way to delineate between a trained first responder that is an emergency service. Ms. Correll stated that the EMS Board certifies people who are certified as first responders, who have completed a training course which is less than that required for example, members of fire departments.

As there were no further questions for Ms. Correll, the Chair recognized the first proponent to testify, Representative Willa DeCastro who stated that Kansas' 974 school nurses watch over more than 500,000 public school age children every day. A copy of her testimony and written testimonies of 13 proponents are (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair asked for questions or comments for Representative DeCastro, since she would be leaving for another meeting. Questions from Senators Harrington and Salmans ranged from appreciation for her packet, how does this relate to the emergency medical people regarding why would these people be designated to be the first responders prior to the stabilization procedure, is there a difference in the terminology for first responders, to how does this terminology relate to chemical nerve gas?

The Chair then recognized the second proponent, Ms. Cindy Galemore, BSN, RN, MSED, and NCSN Coordinator of Health Services, who offered highlights of a letter she authored February 5, 2003, which mentions the recent June 2002, position statements from NASN titled "School Nurse Role in Bioterrorism Emergency Preparedness." A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

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The final proponent for the bill was Ms. Joyce Markendorf, MSN, RN, on behalf of the Kansas State Nurses Association, who stated that school nurses are the only clinically prepared health care providers in a school system, there are no state laws or regulations that require the school nurse in Kansas be certified in CPR or First Aid, and the state does not require that a school district hire a school nurse. A copy of her testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Action on HCR 5008 - a concurrent resolution urging the designation of school nurses as first responders

As there were no opponent, neutral, or written testimony available and no questions for proponents, the Chair asked the Committee if they wanted to act on the bill. Senator Steineger made a motion to pass this bill favorably. Senator Harrington seconded and the motion passed.

Hearing on HB2171 - an act concerning adult care home administrators; relating to licensure

The next order of business was a hearing on HB2171, an act concerning adult care home administrators; relating to licensure. The Chair again asked Ms. Correll to give a brief overview of the bill. Ms. Correll stated that:

1) The first amendment can be found on page 2 of the bill, lines 6 through 8, which actually creates a new fee which the Board which would be set by rules and regulations (one would be a wallet card license replacement fee and the second, a duplicate wall license fee for an administrator who serves as administrator of more than facility). The fees are restricted by the general fee restriction found in the existing fee already, and may not be more than \$200.00.

2) The second change is found in Section 2 beginning on line 29 on page 2, authorizing the Board to take into account before a person is admitted to take the examination for licensure, a determination of whether the person has met Board established standards of good character, training, and experience. (The standards are to be set by the Board.) The technical amendments on page 3, deals with the appeals process and currently states, final orders must be in writing, signed by the chairperson, and approved by the Board. This would simply require that all of those orders be issued in accordance with the Kansas Administrative Procedures Act.

3) The final amendment is a policy issue on page 4, authorizing the board to deny a license or temporary license of an adult care home administrator . Currently, they had the authority to revoke or suspend a license, but not the authority to deny one. This simply adds an opportunity for a hearing which is more of a clean up than anything else. A hearing is not required unless the applicant who has been denied the license asks for a hearing.

4) There was a House Committee of the Whole amendment, found on line 38, page 4, which is simply a technical amendment to correct a statutory reference.

5) More ground added in (I), (j), and (k), pages 4 and 4, beginning with line 40, on grounds on which a Board may take an action against the licensee or an applicant for a license including misrepresenting or omitting facts on an application, had disciplinary action taken against the adult care home administrator license issued by another state or jurisdiction, and one that is less usually, but probably applicable in this instance, on page 5, if the individual had disciplinary action taken against an adult care home administrator on a professional or occupational health care license, mental health care, or social worker license, issued by this state or by another state or jurisdiction.

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Senator Harrington, referring to page 1, lines 20 and 21, asked Ms. Correll, how do you determine “good character” and “otherwise suitable”? Ms. Correll stated these were phrases used in many of the legislature acts and is generally case by case type of circumstance, with the Board probably establishing some standards to make this determination.

The Chair then recognized Representative Bob Bethel, who was testifying for the Committee’s support of this bill, asking him if there was a bill like this that had already been worked. He stated that it was introduced in the Senate last year but never went anywhere and in the past, they moved the docket board up under Health and Environment and let it somewhat stand on its own, but this was requested by Counsel for the Board of Adult Care Home Administrators (BACHA), currently from the Attorney General’s office. He stated that the bill accomplishes some technical clean up to the statutes that allow the BACHA to operate. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

The final proponent to testify was Ms. Jane O’Bryan, Member of the Board of Adult Care Home Association who stated that the changes of the bill are primarily technical but K.S.A. 65-3506 is amended so that the Board’s final orders will be issued in accordance with the Kansas Administrative Procedure Act (KAPA). A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

As there was no opponent, neutral or written testimony, the Chair asked if there were questions of the proponents. Senator Steineger asked Representative Bethel if these wall-to-wall fees were new fees and was he in support of them, and did he have any idea how much the fee would be?

Action on HB 2171 - an act concerning adult care home administrators; relating to licensure

The Chair closed the hearing and asked the Committee if they wanted to act on the bill. Senator Steineger made a motion to pass the bill favorably. Senator Barnett seconded the motion and the motion carried.

Action on HB 2234 - an act relating to the behavioral sciences; licensure reciprocity.

The Chair then asked Mr. Furse to distribute the possibilities for the Board of Behavioral Sciences, **HB2234**. She stated wanted to offer the Committee a couple of possibilities, saying the Board had numerous working committees to work on reciprocity and updating their language on issuing licenses and from what she understood, she thought the social workers had a working committee that came forth with language, put it in a bill and they opposed it over in the House and the House struck everything dealing with the social workers, referring to Section 3. Mr. Furse, referring to the handout, said that the first part of the proposed amendment language was the bill as originally introduced at the request of the Behavioral Sciences Regulatory Board and behind it was alternate two, which would be language that the social worker representatives brought into the Committee which leaves the bill as originally introduced deleted. It also addresses the only difference in the specialist clinical social worker category which relates only to that individual whose licensed in another jurisdiction and applying for licensure in Kansas. A copy of Mr. Furse’s handout is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

A discussion ensued between Senators Barnett, Brungardt, Wagle, and Brownlee, and Ms. Correll regarding the differences between alternate two and proposal one.

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Action on HB 2234 - an act relating to the behavioral sciences; licensure reciprocity

As there was no further discussion on the bill, the Chair asked the Committee if they wanted to act on the bill. Senator Brungardt made a motion to pass the amendment favorably. Senator Harrington seconded the motion and the motion passed.

Senator Brungardt made a motion to pass the bill favorably. Senator Brownlee seconded the motion and the motion passed.

Adjournment

As there was no further business, the Chair adjourned the meeting. The time was 2:28 p.m.

The next meeting is scheduled for March 20, 2003.