

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 12, 2001 in Room 231-N of the Capitol.

All members were present except: Senator Harrington

Committee staff present: Ms. Emalene Correll, Legislative Research Department
Mr. Norman Furse, Revisor of Statutes
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Rebecca Zapick, Intern for Senator Barnett
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee:

Mr. Mike Oxford, Executive director, Topeka Independent Living Resource Center
Ms. Teresa Groupil, Editor/Advocate, Topeka Independent Living Resource Center
Ms. Sharon Huffman, Legislative Liaison, Kansas Commission on Disabilities Concern
Ms. Gina McDonald, Kansas Association of Centers for Independent Living, Salina, Kansas
Ms. Lou Ann Kibbee, systems Change Coordinator, Living Independently in Northwest Kansas
Ms. Linda Lubensky, Executive Director, Kansas Home Care Association

Others attending: See attached guest list.

Distribution of handouts

Upon calling the meeting to order, Chairperson Wagle referred the Committee to the one handout before them, which was a National Conference of State Legislatures notebook on health care matters and a survey response form that they were welcome to keep and read.

Hearing on SB 319 - exacting the Kansas freedom of choice in long term care, service & support act.

With that business aside, she then announced the Committee would have a hearing on SB 319 and would also be working some bills.

Chairperson Wagle first asked staff to give a brief overview of the bill. Ms. Emalene Correll, Legislative Research Department stated that the bill would create a new law relating to choices in long-term care services and that the persons described in Section one of the bill would be given a chance to receive appropriate home community-based services in lieu of admittance to one of the other institutions. She does have some concern with the definition and terminology in the bill's description of the facilities with the "adult care home" being the over-arching term. She assumes that Section B is primarily aimed at the medicaid program, so this might need clarification as it makes no mention of persons who depend in part on public

Chairperson Wagle then introduced the first proponent conferee to testify, Mr. Mike Oxford, Executive Director, Topeka Independent Living Resource Center. The highlights of Mr. Oxford's testimony included the National Governor's Association (NGA) policy position on long-term care and the United States Supreme Court's "Olmstead" decision interpreting the Americans with Disabilities Act requirements governing long-term. A copy of his written testimony is (Attachment #1) attached hereto and incorporated into the Minutes by reference.

The second proponent conferee recognized by the Chairperson was Ms. Tessa Groupil, Editor/Advocate, Topeka Independent Living Resource Center who gave testimony on how she is on the Physical Disabilities Waiver and chooses to live at home, but is concerned because waivers are optional. If she were put on a waiting list, she would have to enter a nursing home. A copy of her written testimony is (Attachment #2) attached hereto and incorporated into the Minutes by reference.

The next proponent conferee was Ms. Sharon Huffman, Legislative Liaison, Kansas Commission on Disabilities Concern shared the views of Mr. Oxford and added that employment rate for the disabled is a 75%, but the bill would allow more people more choices which would enable them to have a job. A copy of her written testimony is (Attachment #3) attached hereto and incorporated into the Minutes by reference.

Ms. Gina McDonald, President of the Kansas Association of Centers for Independent Living (KACIL) was the next proponent conferee who provided a brief history of KACIL, pointing out that it is less expensive to provide services in the community than it is to provide them in facilities. She touched on people with head-injuries having to face a 2 year waiting list, those who choose to go into a nursing home without an entitlement, and with our state aging in population, KACIL is looking at a visionary concept. A copy of her written testimony is (Attachment #4) attached hereto and incorporated into the Minutes by reference.

Next to testify as a proponent was Ms. Lou Ann Kibbee, Systems Change Coordinator, Living Independently in Northwest Kansas (LINK) who stated she has used Personal Care Attendants for more than 20 years. She also informed the Committee of what she would not have had (ex. A college education) if she did not have this choice. She still requires this assistance, but because of the choice, she is able to private pay, but is concerned for those who just want the opportunity to be able to choose. A copy of her written testimony is (Attachment #5) attached hereto and incorporated into the Minutes by reference.

The last proponent conferee to testify was Ms. Linda Lubensky, Executive Director, Kansas Home Care Association who stated problems the State and its citizens face regarding long-term care system (ex. With changes in federal medicare programs providers have seen their revenues cut and services reduced) and staffing shortages. A copy of her written testimony is (Attachment #6) attached hereto and incorporated into the Minutes as referenced.

Written proponent testimony was also provided by the following: Mr. Tom Laing, Lobbyist, Interhab; Ms. Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities; Ms. Terry Roberts, Executive Director, Kansas State Nurses Association; and Ms. Shannon Jones, Executive Director of the Statewide Independent Living Council of Kansas. A copy of their testimonies are (Attachments #7, 8, 9, and 10) attached hereto and incorporated into the Minutes by reference.

As there was no opponent or neutral testimony, Chairperson Wagle asked for questions or comments from the Committee. A lengthy discussion ensued between Senators Salmans, Wagle, Haley, Barnett and Praeger with Mr. Mike Oxford ranging from what is the "Omsburg Act", why is this issues being tested by law in legislation as opposed to administration, are waivers given according to need or essentially a first come first serve, to do we have an emergency mechanism for the waivers.

Action on HB 2313 - State Board of Nursing approval of schools and programs.

With no further discussion, the next order of business was working of **HB 2313**. Chairperson Wagle again requested Mr. Furse give a brief overview even though there was a hearing last week. Mr. Furse touched briefly on the policy regarding registered nurses performing IV therapy and practices in the State of Kansas that are exempt. Chairperson Wagle then recognized questions and comments from Senators Brungardt and Barnett and Ms. Correll for Ms. Blubaugh concerning "accredited" versus "approved" giving more latitude and forcing people to take the test. The Committee was concerned that the dollars being requested probably would not be available. Senator Harrington offered alternatives, such as school programs. Further discussion among Committee members led some to voice that they were still not clear regarding the "24 months". Chairperson Wagle said they would discuss at the next meeting so that they could move on to other bills to be worked..

Action on SCR - 1609 - memorializing Congress regarding the high cost of prescription drugs.

The next bill to be worked was **SCR 1609**. Senator Barnett was asked by Chairperson Wagle to give a brief overview of some amendments and requests for some alterations of language. A discussion concerning the overview followed with Senators Barnett, Praeger, Steineger, and Brungardt, Ms. Correll and Ms. Montgomery ranging from whom in the industry have seen, 55 million Americans with no insurance for prescription drugs to strike "for" and add "of." Senator Brungardt moved to amend changes made on the balloon. Senator Harrington seconded the motion. The motion passed.

Chairperson Wagle then asked what the will of the Committee was for this bill. Discussion ensued with Senators Haley, Praeger and Barnett and Ms. Nancy Zogleman, Pfizer, Inc. regarding the percentages shown on line 38 (it was 16% now changing to 21%). The motion was made by Senator Praeger to strike "16%" and add "20%." Senator Barnett seconded the motion. Senator Barnett motioned to move the bill favorably as amended. Senator Brungardt seconded the motion. The motion passed.

Action of HB 2497 - renaming the House Committee on Economic Development the Committee on New Economy.

The final bill to be worked was **HB 2497** and placing **SB 336** into this bill dealing with all of the leadership requests on the other committees. Senator Jordan moved to amend the motion to put the contents of **SB 336** into **HB2497**. Senator Steineger seconded the motion. The motion carried. Senator Jordan motioned to move the bill favorably as amended. Senator Steineger seconded the motion. The motion passed.

Adjournment

The meeting adjourned at 2:30 p.m.

The next meeting is scheduled for March 13, 2001.