

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on March 13, 2001 in Room 210 Memorial Hall

All members were present except:

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department  
Renea Jefferies, Revisor of Statute's Office  
June Evans, Secretary

Conferees appearing before the committee:

Others attending: See Attached Sheet

The Chairperson stated that Representative Jim Morrison, Chairperson of the Sub-Committee on Licensing would give a report the Sub-Committee's meetings and findings.

Representative Morrison said he appreciated the Chairperson establishing this Sub-Committee. The purpose of the committee was to work collectively as a group with those people that want to have a change in the scope and moving from registration to licensure, or whatever. These meetings have been very worthwhile. The Sub-Committee will continue to meet at times when there is time and the Chairperson position will be shared. Representative Storm will chair the next meeting. An interim study of 6 - 10 days has been requested to continue the work (Attachment 1).

The Chairperson thanked Representative Morrison and the members of the Sub-Committee for their work.

The Chairperson stated there were no hearings today and the first thing on the agenda is **SB 186** that was passed out of committee yesterday. **HB 2227** which was passed out earlier has not been set for hearings in the Senate and this is causing some anxiety because this is very important to BSRB. Therefore, it is recommended even though we have passed **SB 186** out favorably that we reconsider our action and pull it back and take **HB 2227** which passed out of committee with no amendments and marry the two together and run **SB 186** with **HB 2227**.

Representative Morrison moved and Representative Showalter seconded to reconsider and bring back **SB 186** to the committee. The motion carried.

The Chairperson asked what the committee's wishes were on **HB 2229 - Kansas Senior Caregiving Initiative**. A balloon was distributed yesterday that stripped the 85% rule and makes it subject to appropriations.

Representative Morrison moved and Representative Showalter seconded to approve the balloon to **HB 2229**. The motion carried.

Representative Kirk offered an amendment seconded by Representative Storm, "effective July 1, 2002 the Department on Aging and SRS are prohibited from penalizing facilities for low census through a reduction of the medicaid rate (excludes 85% occupancy rule).

Chairperson Boston asked Representative Kirk if there would be a fiscal note?

Representative Kirk stated no, not effective until 2002 so next year they would have to take a look at it.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on March 13, 2001.

The Chairperson stated we got the bill back because it was not going anywhere if there was any money in it. The fiscal note, \$4 or \$5 million, would not be in this fiscal year, but by the same token it would be appropriating money for later. Not sure what would happen to the bill if passed out with this amendment.

Representative Lightner stated there would be a delayed fiscal note, correct?

The Chairperson said that was correct.

The Chairperson asked if there were any ongoing deliberations about changing the 85% rule?

Representative Kirk stated the last she knew nothing was being done with it so this is my way of saying on a policy statement this is a way of dealing with medicaid reimbursement.

The Chairperson asked if the initial intent of the 85% rule was to penalize those that were operating at a lesser deficiency?

Representative Kirk said, right, back when this was first implemented the average occupancy was up in the 90s and it was the feeling they were not putting forth the effort to operate in an efficient manner. That has changed and the rule is still present. When penalizing someone because of a low census, and penalize them on the medicaid rate, it is putting the financial stability of these facilities at risk.

Representative Storm said to penalize or insist that we wanted that facility down to 85% occupancy rate when the whole state's efforts and philosophy have been to keep people in their homes as long as possible, don't we have to support the state's philosophy?

Representative Kirk said most are down to 85% because industry has worked to meet request of state to keep people in their homes longer. Now there are a lot of assisted living facilities that are changing how they operate and that reduces the occupancy of these facilities and it should as these people should stay in their home longer. Only the most acutely ill go to facilities. When the 85% rule was initiated those other options were not available.

Representative Showalter stated the 85% rule needs to be removed. Is there another way of accomplishing this or sending the message other than putting it on this bill when in fact it may kill this bill?

Representative Kirk said there is the possibility that it might this year, but we could change it next year. We need a policy statement to say we don't want the agencies to use the rate structures to penalize facilities. We need a clear statement that this is not acceptable.

Representative Showalter asked if Representative Kirk wanted the 85% rule in this bill even if it would kill the bill?

Representative Kirk said she could not understand why it would kill the bill because it does not have a fiscal impact this year.

Representative Showalter said that was this year. I do agree there this a problem.

The Chairperson called a question on the Kirk Amendment. Yes - 8, No 8 and the Chairman broke the tie, voting No, making the vote Yes- 8 No 9 and the amendment lost. We are now back on the bill..

Representative Long moved and Representative Lightner seconded to move **HB 2229** favorably as amended. The motion carried.

The Chairperson asked the committee what their wishes were on **SB 50 - Elimination of dental assistants sunset provision.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on March 13, 2001.

Representative Morrison moved and Representative Patterson seconded to amend on Page 2 and strike “coronal” on lines 27 and 29 and “above the gum line” on line 29 and “is not performed on a patient who has undergone local or general anesthesia at the time of the procedure in lines 29, 30 and 31. The motion failed.

Representative Palmer moved and Representative DeCastro seconded a substitute motion to move **SB 50** out of committee as currently printed. There was a question on the vote: Yes 8 and No 8, being a tie the Chairman voted Yes and **SB 50** moved out favorably.

The meeting adjourned at 2:15 p.m. and the next meeting will be March 14.