

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on March 19, 2009, in Room 136-N of the Capitol.

All members were present except Senator Kelsey who was excused.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Doug Taylor, office of the revisor of statutes, briefed those attending on the following bills:

HB 2359 - Cosmetology board written renewal examination information booklet.

HB 2343 - Nurses; licensure; qualifications.

HB 2359 deals with Board of Cosmetology and license renewal by deleting a statutory requirement for the development of a written booklet. Consequently, online renewals for cosmetology practitioners would be allowed which would reduce agency expenditures approximately \$15,000.

HB 2343 would amend the qualifications for licensed practical nurses (LPNs) and registered professional nurses (RNs) in the Nurse Practice Act. The bill would delete the requirement that applicants for RN or LPN licensure be high school graduates. Recently, there has been an increase in the number of nursing school graduates who were home schooled and did not receive a high school diploma or GED. The Board of Nursing believes the high school graduation requirement is no longer needed as schools of nursing have an admission procedure which includes review of ACT or SAT scores.

Senator Barnett opened the hearing on **HB 2359**, by recognizing Mary Lou Davis, executive director Kansas Board of Cosmetology, who spoke in support of this legislation (Attachment 1) explaining potential savings that could be realized by deleting the requirement for a written booklet to be mailed to cosmetology practitioners.

There were no opponents to **HB 2359**; Senator Barnett closed the hearing on **SB 2359**.

Senator Barnett, opened the hearing on **HB 2343**. Mary Blubaugh, executive administrator for the Kansas State Board of Nursing, provided testimony (Attachment 2) supporting this legislation. She indicated the Board of Nursing no longer believes a high school diploma or equivalent is required for licensure due to admission procedures used by schools of nursing, the State Board of Nursing regulates nursing schools and surveys are conducted regularly, and 19 other states do not require high school graduation or its equivalent for licensure.

Carolyn Middendorf, representing the Kansas State Nurses Association, spoke in support of **HB 2343** (Attachment 3). Ms. Middendorf explained that since the establishment of the law, education for registered nurses has transitioned from diploma education to associate or baccalaureate college degrees. These programs are required to meet specific standards for approval by the Board of Regents and the Board of Nursing.

Senator Barnett closed the hearing on **HB 2343**.

Senator Barnett called attention to follow-up information distributed in the committee members' packets of information which includes: follow-up information related to **HB 2162** (Attachment 4), and comments related to **SB 166** which Mike Hammond, Association of Community Mental Health Centers of Kansas, Inc., requested be included (Attachment 5).

Upon a motion by Senator Kelly to favorably pass out **HB 2359** and a second by Senator Brungardt, the motion passed unanimously.

CONTINUATION SHEET

Minutes of the Senate Public Health and Welfare Committee at 1:30 p.m. on March 19, 2009, in Room 136-N of the Capitol.

Senator Wysong moved to pass out **HB 2343** for favorable consideration by the Senate; Senator Brungardt seconded the motion; the motion carried.

Senator Barnett asked those attending to consider **HB 2162 - Marriage and family therapists educational requirements and psychologists application fees**. Senator Barnett reported that in previous discussions, an amendment had been proposed and since that time, interested parties had been working collaboratively to work out differences. What has been presented to the chair for committee members' consideration is the base bill. The amendment previously discussed is not needed at the current time.

Upon a motion by Senator Schmidt to move out **HB 2162** favorably for passage, and a second by Senator Colyer, the motion passed.

Senator Barnett requested committee members turn attention to **SB 166 - Medicaid; repealing statute prohibiting prior authorization for certain mental illness** which represents another challenging issue concerning a number of interested parties dealing with the issue of mental health prescription drugs, and a broader issue of safety, particularly in children. Dr. Andy Allison was present to discuss the collaboration efforts with representatives from the Kansas Medical Society, stakeholders, and others. A compromise amendment was suggested (Attachment 6) which accomplishes the original intent of the bill. The amendment was reviewed with committee members.

Jerry Slaughter, Kansas Medical Society, offered comments relative to the amendment and the issue of clearly defining the responsibilities and authorities of the mental health prescription drug advisory committee (no written testimony).

Ms. Folmsbee clarified that this would be considered a substitute bill rather than an amendment to the original bill which repealed statute. What was presented for committee consideration was a bill that did not repeal current statute but added subsections (b) through (f). Ms. Folmsbee continued to brief senators on the contents of the substitute bill.

Senators inquired about the role of the Kansas Health Policy Authority in regulating or advising on the safety of other prescription medicines, the mental health prescription advisory committee, the committee membership, appointees, and terms of appointment.

Senator Barnett recognized Mike Hammond from the Association of Community Mental Health Centers of Kansas, Inc., who indicated that he could not support the recommendations being discussed because the majority of members in his organization had not had the opportunity to review and to provide feedback on the recommendation. He carefully reviewed sections of the previous amendment with the recommended substitute legislation (no written testimony).

There was no action on **SB 166 - Medicaid; repealing statute prohibiting prior authorization for certain mental illness medications.**

Senator Barnett asked committee members to consider action on **HB 2221 - Disclosure of certain child care information.** Senator Wysong moved to delete the language of **HB 2221** and to insert language of **SB 25** as passed by the Senate committee of the whole, and to pass out **HB 2221** favorably for advancement to the full Senate. Senator Schmidt seconded the motion which passed on a vote of 7 in favor and 1 against the motion.

The meeting was adjourned at 2:33pm.