

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

March 22, 2016
Room 281-N—Statehouse

Members Present

Senator Vicki Schmidt, Chairperson
Representative Sharon Schwartz, Vice-chairperson
Senator Oletha Faust-Goudeau
Senator Tom Hawk
Senator Garrett Love
Senator Ralph Ostmeyer
Representative Steve Huebert
Representative Jerry Lunn
Representative Janice Pauls
Representative Ed Trimmer
Representative Valdenia Winn

Member Absent

Representative Jim Ward

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Whitney Howard, Kansas Legislative Research Department
Natalie Scott, Office of Revisor of Statutes
Jenna Seematter, Office of Revisor of Statutes
Shirley Jepson, Committee Assistant

Conferees

Wendee Grady, Staff Attorney, Department of Agriculture
Dr. Bill Brown, Animal Health Commissioner, Department of Agriculture
Dr. Justin Smith, Deputy Animal Health Commissioner, Department of Agriculture
Robert Large, Chief Legal Counsel, Department of Agriculture
Alexandra Blasi, Executive Director, Board of Pharmacy
Curt Shreckengaust, Deputy Director, Board of Emergency Medical Services
Cheryl Magathan, Real Estate Appraisal Board
Shelby Lopez, Executive Director, State Board of Technical Professions
Randy Stookey, Agricultural Remediation Board
Kay Haug, Director of Vital Statistics, Department of Health and Environment
Robin Wolfe, Registration Chief, Department of Health and Environment
Chris Tymeson, Chief Legal Counsel, Department of Wildlife, Parks and Tourism

Others Attending

[See Attached List.](#)

Morning Session

The meeting was called to order at 7:30 a.m. by Chairperson Schmidt.

Review and Comment on proposed rules and regulations noticed for hearing by the Department of Agriculture, Division of Animal Health.

KAR 9-7-4, tuberculosis and brucellosis in cattle; KAR 9-7-4a, Trichomoniasis in cattle.

Wendee Grady, Staff Attorney, Department of Agriculture, appeared before the Committee to explain the proposed rules and regulations, noting all of the existing Trichomoniasis rules are being amended and moved to KAR 9-7-4a in order to provide more in-depth and clear rules regarding testing requirements, quarantine placement and removal, and neighbor notification. Accompanying Ms. Grady were Dr. Bill Brown and Dr. Justin Smith, both from the Department of Agriculture. Ms. Grady stated within the proposed rules and regulations are definitions and requirements outlining testing requirements for *Tritrichomonas foetus*, and what can be done to mitigate the spread of *Tritrichomonas foetus*. In addition, it outlines the information that must be provided by owners or managers of a positive *Tritrichomonas foetus* herd, so the owners or managers of neighboring herds can be notified that their herds may be impacted by a positive *Tritrichomonas foetus* infection. Ms. Grady indicated no financial impact is anticipated for other government agencies from either the amendment or new regulation.

Responding to questions from the Committee, Ms. Grady indicated the current rules and regulations are being revised and expanded. Dr. Smith stated *Tritrichomonas foetus* causes early-term abortion in cattle but the disease has no effect on humans. Dr. Brown explained all bulls are tested for the disease as they come across the state line into Kansas.

Review and Comment on proposed rule and regulation noticed for hearing by the Department of Agriculture, Board of Veterinary Examiners.

KAR 70-5-1, amount of fees.

Robert Large, Chief Legal Counsel, Department of Agriculture, appeared before the Committee to explain the proposed rule and regulation, noting the amendment to KAR 70-5-1 eliminates fees no longer applicable, and establishes new fees necessitated by statutory creation of a new license category, institutional license. Mr. Large indicated there is no anticipated environmental impact as a result of this amendment.

Responding to a question from the Committee, Mr. Large stated the fees in the regulation are below statutory limits.

Review and Comment on proposed rule and regulation noticed for hearing by the Board of Pharmacy.

KAR 68-7-22, collaborative practice.

Alexandra Blasi, Executive Director, Board of Pharmacy, appeared before the Committee to explain the proposed rule and regulation, stating the new regulation concerns the administration of the Kansas Pharmacy Practice Act and provides definitions and standards for collaborative drug therapy management between pharmacists and physicians. The rule and regulation was developed with the Board's Collaborative Drug Therapy Committee. The mission of the Board is to ensure that all persons practicing pharmacy are properly licensed and registered, ensure compliance with Kansas statutes regarding proper compounding and dispensing of prescription drugs, maintenance of professional practice standards, and proper manufacture, distribution, and sale of prescription and nonprescription drugs, including controlled substances and poisons. In order to attain these goals, the Board is adding this regulation to comply with professional, healthcare, and safety norms. Ms. Blasi explained there will be no negative impact on other entities or persons and a positive impact on patient safety and welfare.

There were no questions from the Committee.

Review and Comment on proposed rules and regulations noticed for hearing by the Board of Emergency Medical Services.

KAR 109-5-1a, emergency medical responder (EMR) continuing education; KAR 109-5-1b, emergency medical technician (EMT) continuing education; KAR 109-5-1c, emergency medical technician intermediate and advanced emergency medical technician (AEMT), continuing education.

Curt Shreckengaust, Deputy Director, Board of Emergency Medical Services, appeared before the Committee to explain the proposed rules and regulations, stating KAR 109-5-1a is a regulation that defines the continuing education (CE) requirements for renewal of an EMR certificate. Mr. Shreckengaust noted the hours of Board-approved CE are being reduced from 20 to 16 hours. KAR 109-5-1b defines the CE requirements for renewal of an EMT certificate. The Board-approved CE hours in this regulation have been changed from 40 to 28 hours. KAR 109-5-1c defines the CE requirements for renewal of an EMT-intermediate and advanced EMT certificate. The regulations were revised to appropriately reflect the CE standards approved by the Board and adopted by reference. The hours of Board-approved CE in this regulation are being changed from 50 to 44 clock-hours.

There were no questions from the Committee.

Review and Comment on proposed rules and regulations noticed for hearing by the Real Estate Appraisal Board.

KAR 117-1-1, definitions; KAR 117-2-2, licensed classification, appraisal experience requirement; KAR 117-2-4, licensed classification, scope of practice; KAR 117-3-2, general classification, appraisal experience

requirement; KAR 117-3-4, general classification, scope of practice; KAR 117-4-1, residential classification, education requirements; KAR 117-4-2, residential classification, appraisal experience requirement; KAR 117-4-4, residential classification, scope of practice.

Cheryl Magathan, Real Estate Appraisal Board, appeared before the Committee to address the proposed rules and regulations, stating the eight proposed amended permanent rules and regulations pertain to real property appraisers. Ms. Magathan indicated there will be no economic impact to the agency. Ms. Magathan stated KAR 117-1-1 adds the definition of “course objectives”; KAR 117-2-2 references the “course objectives” in KAR 117-1-1 and increases the allowed maximum for mass appraisal experience from 25 percent to 50 percent; KAR 117-2-4 is amended to reference the uniform standards of professional appraisal practice in statute; KAR 117-3-2 is amended to reference the course objectives definition and change the options for meeting experience requirements; KAR 117-3-4 is amended to use the statutory reference to the uniform standards of professional appraisal practice; KAR 117-4-1 is amended to correct the reference to a four-year college or university; KAR 117-4-2 is amended to reference the “course objectives” definition in 117-1-1 and to change the options for meeting experience requirements for residential appraisal; and KAR 117-4-4 is amended to use a statutory reference to the uniform standards of professional appraisal practice.

The Committee had no questions.

Review and Comment on proposed rule and regulation noticed for hearing by the State Board of Technical Professions.

KAR 66-6-1, seals and signatures.

Shelby Lopez, Executive Director, Board of Technical Professions, appeared before the Committee to address the proposed rule and regulation, stating the regulation is being revised to provide clarity regarding digital seals and signatures. The adoption of the amendment will not have any economic impact on the State Board of Technical Professions. Steve Brosemer, Chairperson of the Board, also was present and provided a few comments.

Senator Hawk commended the State Board of Technical Professions on the ceremony the Board holds twice each year to present licensing. Senator Hawk noted, at each ceremony, a Board member addresses the group and comments on the importance of high standards in the profession and places strong emphasis on getting involved in the community. Senator Hawk noted the importance of the ceremony and instilling in the recipients an awareness of the trust the public places in them.

The Committee had no questions.

Review and Comment on proposed rules and regulations noticed for hearing by the Agricultural Remediation Board.

KAR 125-1-6, eligible corrective action costs; KAR 125-1-7, eligible corrective action costs, exclusions.

Randy Stookey, Agricultural Remediation Board, appeared before the Committee to address the proposed rules and regulations, stating KAR 125-1-6 sets forth the list of corrective action costs eligible for reimbursement from the Kansas Agricultural Remediation Fund, removing contractor charges for meals, lodging, travel, mileage, and other similar expenses from the list. He estimated travel expenses make up less than half of one percent of the total cost.

Mr. Stookey explained KAR 125-1-7 expands the list of ineligible corrective action costs to add mileage so no travel expenses would be eligible for reimbursement. Mr. Stookey indicated there will be no economic effect or impact on other governmental entities and will not decrease the Board's revenues or increase its expenditures or fiscal liability. The changes will, however, reduce its administrative burden for review of travel expenses to meet Department of Administration requirements.

Responding to questions from the Committee concerning the contractor's charges, Mr. Stookey indicated these charges normally would be paid by the owner of the facility.

Review and Comment on proposed rules and regulations noticed for hearing by the Department of Health and Environment.

KAR 28-17-10, delayed certificate of birth; KAR 28-17-11, revocation (was disposition of supporting documents for delayed birth certification registration); KAR 28-17-20, corrections to certificates and records.

Kay Haug, Director of Vital Statistics, Department of Health and Environment, appeared before the Committee to address the proposed rules and regulations, stating KAR 28-17-10 corrects the title of the regulation and language in the regulation and clarifies the documents required to be filed to register a delayed certificate of birth; KAR 28-17-11 is being revoked; and KAR 28-17-20 updates the procedures when making minor corrections to existing birth, death, stillbirth, marriage, and divorce certificates. Ms. Haug stated there is no increased cost to private citizens or consumers to implement the amended regulations.

Responding to a question from the Committee, Ms. Haug stated it is the law that all births must be recorded. It is the agency's goal to work with the parents to get birth certificates filed even if they are late. Ms. Haug noted there are a number of reasons when a birth might not get recorded at the time of birth, such as babies born at home or while the mother was traveling through Kansas or the midwife forgot to file. Responding to another question concerning church records, Robin Wolfe, Registration Chief, Department of Health and Environment, explained "document evidence" would include church records as well as other types of documents to provide evidence of the birth. After a Committee member noted the rule and regulation would no longer allow a birth certificate to be amended for a change of gender, Ms. Wolfe stated KSA 65-2422c allows only "minor corrections" to a birth certificate and the agency believed changing gender on the birth certificate to reflect a post-birth change of gender would exceed agency authority.

Review and Comment on proposed rules and regulations noticed for hearing by the Department of Wildlife, Parks and Tourism.

KAR 115-25-19, doves, management unit, hunting season, shooting hours, and bag and possession limits.

Chris Tymeson, Chief Legal Counsel, Department of Wildlife, Parks and Tourism, appeared before the Committee, explaining the proposed rule and regulation increases the number of allowable days for migratory dove season pursuant to changes in federal law. Mr. Tymeson noted the regulation is not anticipated to have any negative economic impact on the department, other agencies, small businesses, or the public.

KAR 115-25-7, antelope, open season, bag limit, and permits.

Mr. Tymeson explained the proposed rule and regulation establishes the open season, bag limits, and permits for antelope season; he noted the regulation increases permits in some units by type and updates the season dates for the 2016-2017 season. The proposed version of the regulation is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses, or the public but may generate additional benefit to businesses providing goods and services to hunters.

COMMITTEE DISCUSSION AND COMMENTS

Department of Agriculture, Division of Animal Health

After discussion, the Committee had no comments.

Department of Agriculture, Board of Veterinary Examiners

After discussion, the Committee had no comments.

Board of Pharmacy

After discussion, the Committee had no comments.

Board of Emergency Medical Services

After discussion, the Committee had no comments.

Real Estate Appraisal Board

After discussion, the Committee had no comments.

Board of Technical Professions

After discussion, the Committee had the following comment.

Comment. The Committee wishes to commend the agency and the Board for the recognition given to those new to the professions under the jurisdiction of the Kansas Board of Technical Professions and the efforts to impress on the new professionals the importance of the public trust.

Agricultural Remediation Board

After discussion, the Committee had no comments.

Department of Health and Environment

After discussion, the Committee had no comments.

Department of Wildlife, Parks and Tourism

After discussion, the Committee had no comments.

Adjournment

The meeting was adjourned at 8:22 a.m. The next meeting of the Committee is scheduled "on call of the Chair."

Prepared by Shirley Jepson
Edited by Jill Shelley and Whitney Howard

Approved by the Committee on:

June 1, 2016
(Date)