

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 20, 2003 in Room 231-N of the Capitol.

All members were present except: Senator Chris Steineger

Committee staff present: Mr. Norm Furse, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. Terry Lambert, Chief Executive Officer of Newman Memorial Hospital
Mr. Rick Tidwell, member of Board of Trustees at Newman Memorial County Hospital, Emporia, KS.
Mr. Thomas Bell, Executive Vice President, Kansas Hospital Association
Mr. H. Philip Elwood, Lobbyist, Goodell, Edmonds & Palmer
Ms. Heidi Daley, Educational Audiologist/VP Audiology KS Speech-Language-Hearing Association
Ms. Evie Curtis, Board Member representing KS Board of Hearing Aid Examiners
Ms. Julie Hein, Legislative Counsel for KS Hearing Aid Association
Ms. Marla Rhoden, Dir. of Health Occupation Credentialing, Department of Health and Environment

Others attending: See attached guest list

Action on SB106 - an act relating to the public health and welfare of all Kansans; identifying major health care issues and establishing objectives and priorities.

Upon calling the meeting to order, Chairperson Wagle stated she wanted to act on SB106, an act relating to the public health and welfare of all Kansas; identifying major health care issues and establishing objectives and priorities, and asked if the Committee wanted to address. Senator Barnett wanted to make the Committee aware that Mr. Norm Furse, Revisor of Statutes, had suggested a balloon to combine Sections 1, 2, 3 and four into one section and when the bill was initially drafted, it had language that was going to appear as a resolution, then was changed to a bill form so some capitalizations were changed for this bill. A copy of the balloon handed out by Senator Barnett is (Attachment 1) attached hereto and incorporated into the Minutes as reference Senator Barnett said he would like to move to amend the bill as outlined by the balloon. This was seconded by Senator Jordan and the motion carried. Senator Barnett then asked to move to advance the bill out favorably. It was seconded by Senator Brungardt and the motion carried.

Hearing on SB151 - an act concerning county hospitals

The Chair announced the next order of business would be a hearing on SB151 - an act concerning county hospitals and asked Mr. Furse to give a brief overview of the bill. Mr. Furse stated the bill, which was introduced by this Committee at the request of Senator Barnett, relates with his hospital in Emporia. Mr. Furse went on to state that the hospital had the opportunity to enter into a joint enterprise with other persons and was not able to because of the way the statute was written. As introduced, Mr. Furse stated

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that the bill would add to the definition of “hospital” in lines 23 and 24, to read “any joint enterprises for the provision of health care services”, making it applicable to the county hospital statutes in Article 46, Chapter 19. He also offered the balloon he had prepared from a number of suggestions. A copy of his balloon is ([Attachment 2](#)) attached hereto and incorporated into the Minutes as referenced.

As there were no questions asked of Mr. Furse, the Chair called upon the first proponent conferee, Mr. Terry Lambert, Chief Executive Office of Newman Memorial County Hospital, d/b/a Newman Regional Health in Emporia, Kansas who stated the reason he was testifying was to support this bill which would allow County Hospitals to enter into joint ventures with physicians or other investors in for-profit investment opportunities. A copy of his testimony is ([Attachment 3](#)) attached hereto and incorporated into the Minutes by reference.

The second proponent was Mr. Rick Tidwell, a member of the Board of Trustees at Newman Memorial County Hospital who stated that even though a number of occasions have arisen in which the Hospital had a possible opportunity to invest in for-profit ventures, at the advice of counsel, they have not been able to further explore these opportunities due to the current language in the status. A copy of his testimony is ([Attachment 4](#)) attached hereto and incorporated into the Minutes by reference.

The third proponent to testify was Mr. Thomas Bell, Executive Vice President, Kansas Hospital Association who stated that county hospitals tend to be largely dependent on reimbursement from the Medicare program. He also pointed out that the bill can be considered to be a clarification, if appropriate for county hospitals then appropriate for district hospitals, and it has been fifteen years since governmental health laws have been reviewed in any detail. A copy of his testimony is ([Attachment 5](#)) attached hereto and incorporated into the Minutes as reference.

The final proponent testimony came from Mr. H. Philip Elwood from Goodell, Stratton, Edmonds & Palmer who stated that the proposed amendments are intended to level the playing field for county and district hospitals and the proposed language adds to the concept that the county or district hospital is to control the joint enterprise. A copy of his testimony is ([Attachment 6](#)) attached hereto and incorporated into the Minutes as reference.

As there was no opponent or neutral testimony, the Chair referred to the written testimony provided by the County Commission, Lyon County Courthouse stating their county hospital is not on their tax rolls and passage of this bill may help maintain that status while expanding needed healthcare services. A copy of their written testimony is ([Attachment 7](#)) attached hereto and incorporated into the Minutes as reference.

Chairperson Wagle thanked the conferees and asked the Committee for questions or comments. Senators Brownlee, Brungardt, Barnett, Wagle, and Harrington offered questions ranging from what percentage of the operating fund is provided by the county, what could happen in a worse case scenario if the bill did not pass, what is a service not being provided that isn't allowed currently, clarification of for-profit versus nonprofit, outpatient and ambulatory, to where is the accountability (are meetings and records open to the public?)

As there was no further discussion on the bill, Chairperson Wagle closed the hearing and asked the Committee members to review the material in front of them concerning this bill, especially the language, to make sure it does what the Committee needs it to do. The Chair said that she would like to act on this either next Monday or Tuesday (February 25 or 26th).

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Hearing on SB199 - an act concerning the fitness and dispensing of hearing aids

The next order of business was the hearing of **SB199** - an act concerning the fitness and dispensing of hearing aids and again, Chairperson Wagle asked Mr. Furse to give a brief overview of this bill. Mr. Furse stated that for such a short bill, it does contain three changes to the law.

1) The current law language relates to entities or persons that the fitting and dispensing of hearing aids do not apply to, so this is basically the exception section in the fitting and dispensing of hearing aids licensure act. Currently the person who is engaged in practicing the fitting of hearing aids would not be subject to the act (if that persons practice is part of the academic curriculum of an accredited institution of higher education or a program conducted by a public charitable institution or nonprofit organization, which is primarily supported by voluntary contributions. As long as the organization does not sell hearing aids or accessories thereto, this bill adds the exception with language found in lines 21 & 22, "and such persons performing the fitting does not specifically charge the person being fitted, a fee for such service."

2.) The second change in the law is found on lines 23 to 28, creating a second exception and provides that if the licensed audiologist is employed by a publically funded school district or education property or education service center, that person is not subject to this act so long as the organization does not sell hearing aids and accessories and such person performing the fitting does not charge a fee.

3.) The third change to this section is in Sub B and relates to a situation where a license of another state agency (ex. Board of Healing Arts) conducts the fitting and dispensing procedures and a complaint is filed against such person with the agency, this language would require that agency to consult with the Board of Examiners of Fitting and Dispensing Hearing Aids (lines 29 thru 33).

The Chair asked if there were questions of Mr. Furse. As there were none, the Chair recognized the first proponent conferee, Ms. Hedi Daley, Educational Audiologist/VP Audiology, Kansas Speech-Language-Hearing Association, who stated the issue for their association and its members is clarifying who is "specifically exempted" from the licensing requirements stated in 74-6810. A copy of her testimony is (Attachment 8) attached hereto and incorporated into the Minutes as referenced.

The second proponent conferee recognized was Ms. Evie Curtis, Board Member of Kansas Board of Hearing Aid Examiners, who stated that this bill originated due to an opinion by the Attorney General in May, 2002, and while the Board is not opposing the amendment to 74-5810, they do want to clarify a few points for the record. A copy of her testimony is (Attachment 9) attached hereto and incorporated into the Minutes as referenced.

The third proponent conferee was Ms. Julie Hein who offered testimony for Mr. Ron Hein, Lobbyist for Kansas Hearing Aid Association. Ms Hein stated that this legislation was proposed by the Kansas Speech Language and Hearing Association, and the proposal for exemption for certain audiologists under certain conditions from licensure act of hearing aid dispensers is not one that they would have sought on their own. A copy of Mr. Hein's testimony is (Attachment 10) attached hereto and incorporated into the Minutes as referenced.

The final proponent conferee was Ms. Marla Rhoden, Director, Health Occupations Credentialing, who stated this proposed legislation would exempt licensed audiologists in public school settings from the requirement to hold a license as a hearing aid dispenser to fit and/or adjust hearing aids for students in public schools and that the Speech-Language Pathology and Audiology Advisory Board, which serves in an advisory capacity to KDHE as the licensing agency for audiologists, supports the passage of this bill. A copy of her testimony is (Attachment 11) attached hereto and incorporated into the Minutes as referenced.

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As there were no opponent or neutral conferees, the Chair asked the Committee for questions or comments. Senator Jordan did ask for clarification regarding lines 32 and 33.(Are we talking about the Kansas Board of Hearing Aid Examiners or is there a different group, the Kansas Board of Examiners in Fitting and Dispensing of Hearing Aids, or are the two the same?) Mr. Furse answered that the statutory name is in line 32.

The Chair then closed the hearing as there were no more questions, She then said she would also like to work this bill on Monday or Tuesday of next week.

Adjournment

As it was going on 2:30 p.m., Senate session time, the meeting was adjourned. The time was 2:31 p.m.

The next meeting is scheduled for February 24, 2003.