

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on March 8, 2005 in Room 231-N of the Capitol.

All members were present except:

Susan Wagle- excused

Committee staff present:

Emalene Correll, Kansas Legislative Research Department

Terri Weber, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee:

Dr. Sharon Green, State Board of Examiners in Optometry

Gary Robbins, Kansas Optometric Association

Barbara Conant, Department on Aging

Terri Roberts, Kansas State Nurses Association

Joseph Kroll, KDHE

Representative Bob Bethell

Linda Lubensky, Kansas Home Care Association

Deanne Bacco, Kansas Advocates for Better Care

Others attending:

See attached list.

**Hearing on HB 2336**

**HB 2336– Requirements for licensure for optometrists and use of certain drugs**

Upon calling the meeting to order Chairperson Barnett announced there would be a hearing on **HB 2336**, an act concerning the regulation of optometrists; amending K.S.A. 65-1501a and 74-1505 and K.S.A. 2004 Supp. 65-1505 and 65-1509 and repealing the existing sections. Chairperson Barnett first called upon Mr. Norm Furse, Revisor of Statutes, to give a brief overview of the bill. Emalene Correll, Legislative Research Department, offered some language clarification within the bill.

Senator V. Schmidt asked if off the label use of drugs is included in this legislation.

**Final Action on SB 217**

**SB 217– Tuberculosis evaluations for faculty, staff and students who enter high school, college or university classrooms**

Chairperson Barnett announced that the Committee would return to the hearing on **HB 2336** after final action was taken on **SB 217**, an act requiring tuberculosis evaluations for certain faculty, staff and students who enter high school, college or university classrooms. Chairperson Barnett first called upon Mr. Norm Furse, Revisor of Statutes, to give a brief overview of the bill and its amendments. A copy of his overview and amendments is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

Senator Brungardt motioned to adopt balloon amendment. Senator V. Schmidt seconded motion. Motion Passed.

Senator Brungardt motioned to pass legislation favorably. Senator Palmer seconded motion. Motion Passed.

## CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on March 8, 2005 in Room 231-N of the Capitol.

### **Cont. Hearing on HB 2336**

Chairperson Barnett announced that the Committee would now continue the hearing on **HB 2336**. He then called upon the first proponent conferee to testify. Dr. Sharon Green, State Board of Examiners in Optometry, stated that the most important reason to have all Kansas optometrists practicing at the highest level of licensure is to ensure that all patients are getting the highest quality of care. Another reason why all Kansas optometrists should upgrade their licenses is to ensure that they are practicing the current standard of care. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair asks the Committee for any questions and/or comments.

Senator Palmer asks how much additional time and money would be invested to gain additional licensure.

As there were no further questions and/or comments, Chairperson Barnett called upon the second proponent conferee to testify. Gary Robbins, Kansas Optometric Association, stated that an agreement has been reached that will provide for future flexibility and allow the opportunity for all parties to have ongoing input through an interprofessional advisory committee which will advise the Kansas State Board of Examiners in Optometry. With these amendments, we would strongly support **HB 2336**. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Norm goes over technical changes with Mr. Robbins for his approval.

Senator V. Schmidt requested that a balloon amendment be prepared for the Committee by Mr. Furse.

As there were no further questions and/or comments Chairperson Barnett closed the hearing on **HB 2336**.

### **Hearing on HB 2178**

#### **HB 2178– Kansas senior care act; provision of preventative health services**

The next order of business was a hearing on **HB 2178**, an act concerning the Kansas senior care act; relating to preventative health services; amending K.S.A. 75-5927 and K.S.A. 2004 Supp. 75-5928 and repealing the existing sections. Chairperson Barnett first called upon Mr. Norm Furse, Revisor of Statutes, to give a brief overview of this bill as well as **HB 2086**.

As there were no questions and/or comments, the Chair called upon the first proponent conferee to testify. Barb Conant, Department on Aging, stated that through this bill, KDOA requests amending the Senior Care Act to expand allowable activities under the act to include preventive services if we receive additional Senior Care Act funds in the future. A copy of her testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments, Chairperson Barnett called the Committee's attention to written testimony submitted by Terri Webber, Kansas State Nurses Association. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the minutes as referenced.

Senator V. Schmidt motioned to pass bill favorably. Senator Brungardt seconded the motion. Motion Passed.

### **Hearing on HB 2086**

#### **HB 2086– Home health agencies surveys**

The next order of business was a hearing on **HB 2086**, an act concerning home health agencies; relating to surveys; amending K.S.A. 65-5104 and repealing the existing section.

## CONTINUATION SHEET

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Chairperson Barnett calls upon the first proponent conferee to testify. Joseph Kroll, Kansas Department of Health and Environment, stated that KDHE wishes to amend state law regarding survey frequency for licensed-only home health agencies to be consistent with federal Medicare requirements. This will increase the survey interval for licensed-only home health agency surveys from at least once every fifteen months to at least once every 36 months. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

The Chair asks the Committee for questions and/or comments.

Senator Palmer asks if this bill would include nursing homes.

As there were no further questions and/or comments, Chairperson Barnett called upon the second proponent conferee to testify. Representative Bob Bethell stated this legislative will allow the agency to devote more time with the troubled organizations while allowing those who do a good job the opportunity to not be concerned about surveys coming too often. A copy of his testimony is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

The Chair asks for any questions and/or comments.

Senator Palmer asks what responsibilities the Home Health Agency has.

As there were no further questions and/or comments Chairperson Barnett called, upon the third proponent conferee to testify. Linda Lubensky, Kansas Home Care Association, stated that the system has worked well for the Medicare certified agencies in Kansas, as well as nationally. This bill simply extends that existing system to the non-Medicare certified agencies in our state. A copy of her testimony is (Attachment 8) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Ms. Lubensky, the Chair called the Committee's attention to the written testimony submitted by Deanne Bacco, Kansas Advocates for Better Care, in opposition of **HB 2086**. A copy of her testimony is (Attachment 9) attached hereto and incorporated into the Minutes as referenced.

Senator V. Schmidt motioned to pass legislation favorably. Senator Palmer seconded the motion. Motion Passed.

### **Adjournment**

As there was no further business, the meeting was adjourned at 2:10 p.m.

The next meeting is scheduled for Wednesday, March 9, 2005.