

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 19, 2008 in Room 136-N of the Capitol.

Senator Vicki Schmidt was excused, all other members were present.

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Renaë Jefferies, Revisor of Statutes
Jan Lunn, Committee Secretary

Conferees appearing before the committee:

Sky Westerlund, LMSW, Kansas Chapter National Association of Social Workers
Mary Lou Davis, executive director, Kansas Board of Cosmetology
Ray Dalton, Deputy Secretary, Social and Rehabilitation Services

Others attending:

See attached list.

HB 2570 - Persons authorized to make adoption assessments

Sky Westerlund, representing the Kansas Chapter of National Social Workers, was recognized by Chairman Barnett to conclude her comments from March 12, 2008 (reference minutes of March 12, 2008, for attachments). Ms. Westerlund refreshed committee members on her points made previously. Ms. Westerlund spoke in opposition to **HB 2570** indicating social work licensure is classified as a "specialty practice." In addition, Ms. Westerlund pointed out the possibility of an ethical challenge when a social worker conducts mental health therapy with a family/client and the family/client requires an adoption home assessment by the same social worker. Ms. Westerlund encouraged committee members to consider a balloon amendment that prevents a home adoption assessment being conducted by the same social worker who is providing mental health therapy to the family/client.

Senator Brungardt asked whether the reasons for delay in adoptions were due to difficulty in obtaining home assessments. Ms. Westerlund clarified that a legislative post audit report reveals the majority of back-log was due to potential adoptive parents not returning required paper work.

Chairman Barnett indicated the next order of business would be to hear **HB 2721 - Board of cosmetology; licensing requirements**, and final action on the previous bill would be taken towards the conclusion of the meeting.

Emalene Correll, Legislative Research, briefed those attending on the very lengthy **HB 2721 - Board of cosmetology; licensing requirements**. This bill makes numerous changes to statutes governing licenses of the Kansas Board of Cosmetology in areas of cosmetology, tanning, and body arts (including the practice of tattooing, cosmetic tattooing, and body piercing). The bill also makes technical changes in numbering for purposes of clarity. Main components in the bill relate to:

- a. educational requirements for schools in raising the instructor to student ratio both for didactic and practical experiences as well as increasing clock hours of instruction;
- b. provisions for cosmetology relating to definitions and health statement for applicant licensure;
- c. provisions related to display of license and sanitation standards prescribed by KDHE;
- d. provisions clarifying Board's disciplinary options;
- e. the inclusion and expansion of tanning facilities in the Board's disciplinary authority accompanied by authority to discipline and assess a civil penalty against a licensee;
- f. provisions affecting the practice of tattooing in clarifying multiple definitions and the prohibiting of "scarification;" licensure requirements; disciplinary actions; and civil fines;

Mary Lou Davis, executive director Board of Cosmetology, appeared in support of **HB 2721** and indicated the bill is the result of a two-year study by the Board of Cosmetology to provide needed changes in the law required by evolving market- and consumer-driven demands. Ms. Davis

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indicated the Board had also developed a comprehensive educational plan to accommodate the transition in the law. Ms. Davis' testimony is attached and therefore, becomes part of the record. (Attachment 1)

Chairman Barnett called attention to written testimony submitted by A. Wes Siegner, Jr., President of MELA, (Attachment 2) in which members were urged to amend **HB 2721** so that procedures such as temporary hair removal using light-based devices, including laser devices, remain within the scope of practice of adequately trained cosmetologists and estheticians.

Ms. Davis requested several minutes to review Mr. Siegner's written testimony due to the fact that according to her knowledge, laser devices (in Kansas) are defined as "medical devices," and the use of medical devices is not allowed by licensees governed by the Board of Cosmetology.

Renae Jefferies distributed copies of a balloon amendment containing technical (enumeration) changes (Attachment 3) to **HB 2721** that provide consistency and clarify instructional clock hours required prior to July 1, 2009, in the appropriate places. Senator Palmer moved to accept the balloon amendment as presented; Senator Jordan seconded the motion. The motion passed.

It was noted that it was never the intention of the Board of Cosmetology to deposit civil fines assessed and collected under the act into the cosmetology fee fund but into the state general fund. Therefore, on page 28, line 9 the corrected language should read: "to the credit of the state general fund cosmetology fee fund." Senator Palmer moved a conceptual amendment to correct language in the act on page 28, line to read "to the credit of state general fund"; Senator Brungardt seconded the motion. The motion passed.

Ms. Davis asked that final action on the bill be postponed until Wednesday, March 26, 2008, to allow adequate time to research and to assess the written testimony submitted. Chairman Barnett indicated final action would be moved to March 26, 2008.

Chairman Barnett called committee members attention to **SB 566 - attendant care workers act**, that was heard on March 12, 2008.

Chairman Barnett referred to a letter from Barbara J. Hinton, legislative post auditor, that was received following the hearing on March 12, 2008. This was considered a matter of information. (Attachment 4)

Renae Jefferies, revisor, distributed a balloon amendment (Attachment 5) including a technical change to reflect findings and recommendations from the study are reported to the health policy oversight committee (not the health care oversight committee). Senator Haley moved to adopt the technical amendment to **SB 566** as submitted; the motion was seconded by Senator Wagle. The motion passed.

Deputy Secretary Social and Rehabilitation Services, Ray Dalton, discussed a technical amendment (Attachment 6) submitted by Secretary Don Jordan clarifying to whom the study pertains and subsequent enumeration changes. Senator Haley moved to adopt the amendment; Senator Wagle seconded the motion. The motion passed.

Following brief discussion, Senator Haley moved to pass the bill out favorably as amended. Senator Gilstrap seconded the motion. The motion passed unanimously.

HB 2570 - Persons authorized to make adoption assessments

Chairman Barnett called for additional discussion on **HB 2570**. There was none. Senator Palmer moved to pass out favorably **HB 2570**, Senator Wagle seconded the motion. The motion carried.

The meeting was adjourned at 2:38pm.

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