

Approved: _____
Date

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 16, 2000 in Room 423-S of the Capitol.

All members were present except: Representative Brenda Landwehr, Excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department
Darrell McNeil, Revisor of Statute's Office
June Evans, Secretary

Conferees appearing before the committee: Scott Winslow, Kansas Athletic Society
R. E. "Tuck" Duncan, Occupational Therapists Association

Others attending: See Attached Sheet

The Chairperson stated the agenda of the meeting had been distributed for the benefit of the committee and that is what we are going to try to accomplish today. There are four bills we are going to try to work today. The Chairperson then opened the hearing on **HB 2757 - Concerning emergency care or assistance at scene of emergency accident; defining "health care provider" adding registered athletic trainer.**

Staff gave a briefing stating this Act relates to relief of liability for certain persons who provide emergency health care assistance at the scene of an emergency or accident. Most refer to this as the good Samaritan law. This bill adds "registered athletic trainer" to the Act.

Scott A. Winslow MS/ATC-R, testified as a proponent for **HB 2757**, stating this bill simply adds the athletic training profession to the definition of "health care provider" (See Attachment #1).

R. E. "Tuck" Duncan, Kansas Occupational Therapy Association, testified asking for an amendment on page 2, line 1, after "therapist" to add "registered occupational therapist," (See Attachment #2)

Testimony supporting **HB 2757** was distributed by Jim Sperry, Past President, Kansas Athletic Trainers' Society, (deceased) and Don Richards, Kansas Respiratory Care Society requested amended to **HB 2757** to add under section (e), line 41, to add "health care provider" (See Attachments #3 & 4).

The Chairperson closed the hearing on **HB 2757**.

Representative Morrison moved and Representative Long seconded to amend and include the Occupational Therapists and Respiratory Therapists and pass out favorably as amended. The motion carried.

The Chairperson asked what the Committee wishes to do on **HB 2700 - Criteria for employment in adult care homes and home health agencies.**

Representative Bethell moved and Representative Showalter seconded to amend and on page 2, line 31, to add "If a private contractor determines that a person is prohibited from working in an adult care home under this section, the private contractor shall notify the Department of Health and Environment of such person's name and the reasons for this". Delete "unredacted" any place it appears in the bill. On page 3, line 29, after "investigation" add ", including any felony convictions of offenses other than those enumerated in subsection (a)". On page 5, line 37, after "investigation" add "If a private contractor determines that a person is prohibited from working in an adult care home under this section, the private contractor shall notify the Department of Health and Environment of such person's name and the reasons for such determination". On page 6, line 32 after "investigation" add, "including any felony convictions of offenses other than those enumerated in subsection (a)." The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on February 16, 2000.

Representative Bethell moved and Representative Toelkes seconded to move **HB 2700** out as amended. The motion carried.

The Chairperson asked the Committee what they wished to do on **HB 2169 - Concerning health care professionals; relating to nurses and mental health technicians.**

Representative Bethell moved and Representative Morrison seconded **HB 2169** was much too inclusive for this Committee to make a decision on at this particular time and would like to recommend a Sub-Committee look at the bill and see if the language can't be better.

Representative Haley moved and Representative Storm seconded a Substitute Motion to pass **HB 2169** out favorably.

Representatives Showalter and Haley stated they did not want to move the bill out without the two requested amendments that were offered at the hearing by the Kansas State Board of Nursing and the KSNA.

Representative Bethell stated he still had some question with how they would determine if a person was rehabilitated and they said that would be determined on a case by case study. That has a tendency to be arbitrary based upon who they are talking with. This also has the opportunity for a moving target to be put out in front of a nurse who is trying to get her license back after having been rehabilitated. What is the next step, so we like what we have at this point – those kinds of issues are concerns and need to have a firm rehabilitation standard that we put up there saying these are the things that are going to be looked at, not just determined on an arbitrary basis whether or not a nurse is rehabilitated which is the way it is set up right now.

Representative Haley and Representative Storm withdraw their motion and second to pass **HB 2169** out favorably.

Representative Showalter moved and Representative Haley seconded a Substitute Motion to include the amendments offered by the Kansas State Board of Nursing and KSNA.

Representative Showalter reviewed the amendments by the Kansas State Board of Nursing and KSNA.

The Chairperson stated the amendments did not line up with the bill.

Representative Showalter and Representative Haley withdrew their substitute motion and second.

Representative Long stated there was a hearing and it is a big bill and would like to make sure everything is correct before passing this bill out.

The Chair stated he would see if this bill could be blessed and appointed a Sub-Committee to study **HB 2169**, i.e., Representatives Bethell, Chairperson; Storm, Showalter, Morrison, Swenson, Long and Toelkes.

The Chairperson asked what the Committee's wishes were on **HB 2759 - Authorizing pharmacists to administer drugs under certain conditions.**

Representative Morrison moved and Representative Bethell seconded to move **HB 2759** out favorably. The motion carried.

The Chairperson asked the Committee what their wishes were on **HB 2755 - Prohibitions and restrictions on disclosure of certain information by the department of health and environment.**

Christine Ross-Baze, Director, Child Care Licensing and Registration Section, KDHE, presented a balloon for consideration (See Attachment #5).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on February 16, 2000.

Representative Morrison stated he liked the bill with the amendments.

Representative Storm said there was quite a bit of discussion the other day about foster care, do any of these terms include foster homes?

Ms. Ross-Baze replied, yes, foster homes are child care facilities and information of those individuals in foster homes would be closed, including the foster families and name, address and telephone number of the foster home unless the foster parent chooses to have that information open.

Representative Storm said she had some concerns about the foster parent making that distinction, particularly when making these distinctions a year at a time because the children move in and out and could very well change within a year.

Representative Morrison moved and Representative Bethell second to adopt the balloon presented by KDHE. The motion carried.

Representative Morrison moved and Representative Long seconded to move **HB 2755** out as amended.

Representative Storm said she could not accept this bill as written.

Representative Storm moved and Representative Lightner seconded a Substitute Motion to Table **HB 2755**.

It was non-debatable and **HB 2755** was Tabled.

The Chairperson asked for approval of minutes. Representative Geringer moved and Representative Toelkes seconded approval of the minutes of January 31, February 2, 7, 8, 9, 10 and 14.

Representative Haley moved and Representative Geringer a Substitute Motion that all minutes be approved but February 10 because he had two questions that were not in the minutes. The motion carried.

The meeting adjourned at 2:50 p.m. and the next meeting will be February 17.