

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Sandy Praeger at 10:00 a.m. on March 21, 2000 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Norman Furse, Revisor of Statutes
Lisa Montgomery, Revisor of Statutes
Hank Avila, Legislative Research Department
JoAnn Buntun, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Action on HB 2700 - Criteria for employment in adult care homes and home health agencies

Senator Hardenburger, Chair of the Subcommittee on **HB 2700**, noted the Subcommittee agreed with the House version of the bill and recommended amendments to the bill that would clarify the issue of adding conspiracy to commit crimes in the bill as shown in a balloon of **HB 2700**. (Attachment 1)

During Committee discussion Senator Becker expressed his concern with the issue of private contractors conducting background checks that may be more efficient and accurate than the current procedure done by the KBI. It was noted that some providers near the state line will sometimes access a national data base, and private contractors provide that service. The definition of conspiracy was also discussed by the Committee.

Senator Hardenburger made a motion to adopt the amendments shown in the balloon of the bill, seconded by Senator Bleeker. The motion carried. Senator Becker voted No.

Senator Hardenburger made a motion that the Committee recommend **HB 2700 as amended** favorably for passage, seconded by Senator Bleeker. The motion carried. Senator Becker voted No.

Action on HB 2755 - Prohibitions and restrictions on disclosure of certain information by the Department of Health and Environment

Staff briefed the Committee on a balloon of the bill showing proposed amendments to **HB 2755**. (Attachment 2) The Committee suggested adding additional language, "or denied", to the amendment shown in the balloon of the bill to be inserted on page 1, line 25, after the period which would now read: "A maternity center or child care facility that has had a license suspended, revoked or denied by the secretary of health and environment or a family day care home that has had a certificate of registration suspended, revoked or denied by the secretary of health and environment shall notify in writing the parents or guardians of the enrollees of the issuance, suspension or revocation.

Senator Hardenburger made a motion to adopt the balloon of the bill with the additional language, seconded by Senator Langworthy. The motion carried.

Senator Hardenburger made a motion that the Committee recommend **HB 2755 as amended** favorably for passage, seconded by Senator Becker. The motion carried.

Action on SB 398 - Addiction counselor licensure act

Senator Salmans briefed the Committee on a balloon of the bill showing proposed amendments and also requested that language be deleted in the bill that would change the makeup of the board as shown in Section 14. (Attachment 3)

Senator Salmans made a motion that the balloon of the bill be adopted and language relating to the expansion of the board in Section 14 and throughout the bill be deleted, seconded by Senator Hardenburger. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S, Statehouse, at 10:00 a.m. on March 21, 2000.

Senator Salmans made a motion that the Committee recommend **SB 398 as amended** favorably for passage, seconded by Senator Steineger. The motion carried.

The Chair noted that the board's composition has been an on-going issue for some time, and pointed out that the new BSRB Executive Director, Phyllis Gilmore, plans to look at the board's composition and the whole structure of how the board does its work. Instead of the Committee mandating changes regarding the board's composition at this time, it was suggested the Committee may want to consider other ways for the board to function more efficiently.

Commission Discussion and Action on Naturopathy

The Chair brought the Committee's attention to a proposed substitute bill relating to the issue of naturopathy. (Attachment 4) The substitute bill would clarify that persons who recommend or furnish natural medicines and remedies which are not prescription-only drugs would be exempt from the Healing Arts Act. The Chair pointed out that a court case will be heard in the Kansas Supreme Court on April 18, 2000 (State Board of Healing Arts vs. Stanley W. Beyrle) that may provide additional guidance on the subject. It was noted that a request will be submitted by the Committee recommending the study of naturopathy by the Health Care Legislative Oversight Committee during the interim.

Senator Steineger asked for clarification from Larry Buening, Executive Director, Kansas Board of Healing Arts, if items listed under the definition of "naturopathic physical medicine" in **SB 593**, Section 2 (g) would be considered "remedies." Mr. Buening noted that a portion of the modalities listed in that section would be. However, there are certain machines that are prescription-only devices that perform a function or therapy and these devices can only be used by licensed practitioners. The definition of such practitioners is broader than just MD's, DO's. Chiropractors may use a prescription-only device as long as it is not medicine or surgery. He also pointed out that "remedy" would not include acupuncture since a Supreme Court case decided it may only be performed by licensees of the healing arts or persons acting under the supervision or direction of a licensee. However, with these exceptions, the substitute bill would be more expansive of what Chinese practitioners could do with natural medicine remedies.

During Committee discussion it was suggested to insert "or devices" in subsection (q) of the substitute bill after the word "drugs". Subsection (q) relates to persons who would be exempt from the Healing Arts Act and would now read: "Persons who recommend or furnish natural medicines and remedies which are not prescription-only drugs or devices."

Senator Jones made a motion to adopt the amendment and the technical changes in the substitute bill, and that the Committee recommend **Substitute for SB 593 as amended** favorably for passage.

Chris Collins, Kansas Medical Society, expressed her opposition to the substitute bill because she felt that naturopathy would be accepted as a proven method. The Chair noted that the bill as drafted does not state that naturopathy is a proven method, but rather naturopathy would not be regulated. Further study would be made on the subject during the interim.

The Chair called the Committee's attention to the motion made by Senator Jones. Senator Bleeker seconded the motion. The motion carried.

Approval of Minutes

Senator Jones made a motion to approve the Committee minutes of March 13, 14, 15, 16, 17 and 20, 2000, seconded by Senator Bleeker. The motion carried.

Adjournment

The meeting was adjourned at 11:00 a.m.