

## MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 1:30 p.m. on February 24, 2004 in Room 231-N of the Capitol.

All members were present except:

Senator Chris Steineger- absent  
Senator Karin Brownlee - excused  
Senator Pete Brungardt - excused

Committee staff present:

Ms. Emalene Correll, Legislative Research  
Mr. Norm Furse, Revisor of Statutes  
Mrs. Diana Lee, Revisor of Statutes  
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee:

Ms. Linda Kenney, Director of the Bureau for Children, Youth, and Families

Others attending:

Please See Attached List

### **Action on SB425 - concerning dentistry; relating to the administering of sedation and anesthetics**

Upon calling the meeting to order, the Chair announced she would like to take action on SB425 and called upon Mr. Furse to pass out the balloon. The Chair went on to state that when the Committee had a hearing on this bill, the Board of Behavioral Sciences testified they wanted to do away with the language dealing with the unlicensed assistants because the section had become obsolete since they have allowed for licensure of different areas in the psychiatric fields. And there were concerns, she said, when dealing with the bill that without really wanting to, by striking the whole paragraph, they were also making it so that a corporation could not hire a licensed psychiatrist; thus the amendment. She then asked Mr. Furse to explain. His highlights included three changes:

- 1) change the effective date, which currently in the bill is July 1, 2007 to publication in the statute book which would make it July 1 of this year (2004);
- 2) change the language in sub (b), page 2 of the balloon, and as the Chair stated, testimony of the Board related to the elimination of the licensed assistants from the language and yet they struck out the whole subsection relating to other things. So on page 2 of this balloon, would eliminate the language that related to unlicensed assistant removing the word "not" and leave the current law language in that says nothing in the act would prevent the employment by a person, association, partnership or a corporation furnishing psychological services for remuneration of persons licensed as psychologists and by taking the "not" out, it would eliminate the unlicensed person;
- 3) the third change would cover Senator Salman's concern regarding testimony of one unlicensed person being used by a licensed psychologist under this subsection (k) and read, if you were practicing before the effective date of the act, you can continue to still be subject to the provisions of the act or under the supervision of a licensed psychologist. He stated, as long as you were doing this you had protection. A copy of the balloon is (Attachment1) attached hereto and incorporated into the Minutes as referenced.

The Chair followed up by stating there was only one individual the Board of Behavioral Sciences had found that was working in this situation, but in case there were more, the Board thought they would make the effective date 2007 which is usually not extended that far into the future, so this is a cleaner way to handle this, with a grandfather clause.

As there were no questions of the Committee, a motion was made to move the amendment as outlined by Mr. Furse and indicated in the balloon, and pass the bill favorably as well. This was seconded by Senator Jordan and the motion carried

### **Action on SB453 - an act concerning the regulation of child care facilities; relating to exemptions therefrom**

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The next order of business was working **SB453**, which the Chair stated was heard at the February 23<sup>rd</sup> meeting. She then asked for comments from the Committee.

Senators Barnett, Haley, Steineger, and Brownlee, had questions for two conferees, Ms. Kathy Damron and Ms. Diane Kramer, from the 2-23-04 meeting, ranging from is the balloon language agreeable to both sides of the issue, concerns of the state board standards and on school property, after a person is hired does the school district perform background checks and who pays for it, the maintenance of student records/cumulative folders, (regarding #6 of the balloon) will this negatively impact the Tiny K Program, to what about those school districts that own or lease. Senator Steineger did ask that "owned or leased" be inserted into #4 of the balloon. A copy of the balloon is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Highlights of concerns of the balloon were covered by Senator Barnett, including:

- the teacher and administrator have to be certified;
- background checks will be done by KBI;
- following building and fire codes;
- does not allow children under the age of 3;
- certified by the Board to the Secretary on or before November 1.

Senator Barnett also wanted to share that Ms. Kramer had brought information from Emporia, looking at ratios none higher than 1 to 10 (the state standard is 1 to 12) and compared the standards of the Department of Education versus the Department of Health and Environment for child care regulations and the education standards far exceed KDHE ( ex. 124 college credit hours resulting in a 4-year degree versus a 18-year-old high school student or one with a GED.) A copy of Ms. Kramer's information is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

As there were no further questions, a motion was made by Senator Barnett to move the balloon with the addition of the language "owned or leased" in item #4, line 2 and include the technical change. This was seconded by Senator Brownlee and the motion carried. Senator Barnett then made a motion to move the bill favorably. It was seconded by Senator Brownlee and the motion carried.

### **Hearing on SB511 - an act concerning infants; relating to rule and regulation authority for the newborn infant hearing screening program**

The next order of business was a hearing on **SB511** and the Chair asked Mr. Furse to explain the bill. His highlights included

- the bill was introduced by the joint committee on the administration of rules and regs relating to the newborn hearing screening act.
- current law, which is being amended here, provides every child born in Kansas within 3 to 5 days of normal birth and 5 to 8 days for premature births, should be given a screening exam for the detection of significant hearing loss.
- the new language would relate primarily to rules and regs and provide, starting in line 28, that any person performing any screening under the act, would provide to Secretary of Health and Environment, information regarding the exam as required by the rules and regs;
- the second change is on line 43, bottom of page 1, again relates to the Secretary of Health and Environment adopting rules and regs necessary to carry out provisions of the act and "concerning the following matters which include but are not limited to" and then sets out a list of items for consideration for subject matter to be adopted by rules and regs of the Secretary; among them would be the establishment of the equipment used in the screening test, establishment of:
  - 1) protocol to be followed in performing the screening under the act,
  - 2) standards for qualifications of training of personnel who perform the screening; and,

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- 3) responsibilities for medical care facility's administrators or other personnel necessary to carry out the program under this act.

As there were no questions of Mr. Furse, the Chair called upon the one conferee who was a proponent of the bill, Ms. Linda Kenney, Director, Bureau for Children, Youth and Families, Kansas Department of Health and Environment (KDHE) who stated that they support the bill as amended and suggesting two changes:

- 1) revise (b) to read: "Every child born in the state of Kansas, ~~within three to five days for normal births and five to eight days for premature births following birth,~~ *within five days of birth,* unless a different time is medically indicated, will be given a screening examination for detection of significant hearing loss," leaving the remainder of (b) as is. She stated this would promote clarity in timing of screening and reduce redundancy and that prematurity, home birth, or other would be covered under "unless a different time is medically indicated."

- 2) in ©), delete the word "significant" before hearing loss, stating that since the word is not defined in the statute, it could lead to confusion or varying interpretations and it is the intent of the screening to detect the possibility of any hearing loss.

A copy of her testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

As there was no opponent, neutral, or written testimony, questions of Ms. Kenney came from Senators Wagle, Haley, and Brownlee including: clarification of the main purpose of the bill, rules and regs concerns, did the Secretary have the authority to approve the proposed regulations, why all the detail in the existing law, what is the procedure to test a week old baby, is equipment readily available (within proximity throughout the state), can you identify a discernable difference between general and significant, and can you identify degenerative hearing loss if not tested early?

The Chair then asked Mr. Furse where the language comes from in the bill, is page 2 necessary, is section (f) typical of other agencies, is this current law, and in section (d) "shall" provide information, is this part of the rules and regs discussion and where did it come from?

As there was no further discussion on the bill, a motion was made by Senator Jordan to amend **SB511** by deleting the words "within three to five days for normal births and five to eight days for premature births following birth" and replacing this with "within five days of birth," and secondly, in section ©) deleting the word "significant" before hearing loss and keeping everything else as is. This was seconded by Senator Haley with one discussion that he is waiting to find the information that was suggested by Senator Brownlee and make sure it was not part of the discussion of rules and regs (the mention of the word "shall"). The motion carried

A motion by Senator Jordan, seconded by Senator Brownlee, to move the bill favorably as is. The motion carried.

### Adjournment

As there was no further business, the meeting was adjourned. The time was 2:30 p.m.

The next meeting is scheduled for Tuesday, March 2, 2004.