

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 March 14, 2000 in Room 423-S of the Capitol.

All members were present except: Representative Dale Swenson, Excused
Representative Jonathan Wells, Excused

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

Conferees appearing before the committee: Phyllis Gilmore, Executive Director, Behavioral Sciences
Regulatory Board
Ronald R. Hein, Mental Health Credentialing Coalition
Representative Nancy Kirk
Larry Froelich, Secretary, Kansas Board of Pharmacy
Loretta Hoerman, Kansas Academy of Physician Assistants
Lawrence T. Buening, Executive Director, Kansas Board of
Healing Arts
Larry Slaughter, Kansas Medical Society

Others attending: See Attached Sheet

The Chairperson opened the hearing on: **SB397-Allowing licensed professional counselors to practice without direction if such counselor does not diagnose and treat.**

Staff gave a briefing on **SB397**, stated the bill was the result of the Task Force on Providers of Mental Health Services. The Task Force recommended that licensed professional counselors whose practice does not include diagnosis and treatment not be required to work under the direction of another person.

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, testified in support of **SB397**, stating this was a "technical clean-up" to **HB2213** that was passed by the 1999 legislature. Currently there are some licensed professional counselors practicing independently who are not diagnosing and treating mental disorders. An example would be vocational or educational counselors (See Attachment #1).

Ron Hein, legislative counsel for the Mental Health Credentialing Coalition, testified as a proponent to **SB397**, stating MHCC supports elimination of the requirement of being under direction if the licensed professional counselor does not diagnose and treat mental disorders (See Attachment #2).

Representative Nancy Kirk offered an amendment to Section 2. **SB397** (See Attachment #3)

Representative Bethell moved and Representative Geringer seconded to adopt Representative Kirk's amendment. The motion carried.

Representative Bethell moved and Representative Morrison seconded to adopt balloon on page 1, line 11 to add "behavioral sciences; relating to the board; relating to" between "concerning" and "professional" and add "K.S.A. 74-7508 and" between "amending" and "K.S.A." and on line 13 change "section" to "sections". Amend Section 2 and renumber the remaining sections. The motion carried. (See Attachment #4).

Representative Long stated she would like to hold off on final action until after hearing from BSRB that they do not have a problem with it.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on March 14, 2000.

The Chairperson terminated the hearing on **SB397** as don't believe the members feel comfortable with the bill and stated would try to pick up at a later date.

The Chairperson opened the hearing on **SB512 - Controlled substances scheduled under the uniform controlled substances act.**

Larry Froelich, Secretary for the Kansas Board of Pharmacy, testified in support of **SB512**, stating these changes have already been enacted federally. Prescription drugs that have a potential for abuse are "scheduled" as controlled substances according to the potential for psychological and physical abuse potentials (See Attachment #5).

Representative Bethel offered an amendment to **SB512**, striking "ketamine" which is a date rape drug on line 23 of page 1 and striking "class A person misdemeanor" on lines 28 and 29 and add "severity level 7, person felony".

Representative Bethell moved and Representative Morrison seconded to accept balloon to strike "ketamine" on line 23 of page 1 and striking "class A person misdemeanor" on lines 28 and 29 and add "severity level 7, person felony" The motion carried.

Representative Morrison moved and Representative Bethell seconded to move **SB512** out as amended. The motion carried.

The Chairperson opened the hearing on **SubSB599 - Licensure of physicians assistants.**

Loretta Hoerman, representing the Kansas Academy of Physician Assistants (KAPA), testified in support of **SubSB599**, offering an amendment, on page 11, line 21, New Sec. 9, striking (c) and replacing it with (c) "A physician assistant shall not perform professional services unless the name, address and signature of each supervising physician have been provided to the board. A responsible physician shall notify the board when supervision and direction of the physician assistant has terminated. The board shall provide forms for identifying each supervising physician and for giving notice that direction and supervision has terminated. These forms may direct that additional information be provided, including a copy of any protocols, as required by rules and regulations adopted by the board (See Attachment #6).

Lawrence T. Buening, Jr., Executive Director, Kansas Board of Healing Arts, testified in support of **Sub SB599**, stating passage last session of the bill licensing respiratory therapists, the distinction which previously existed between those licensed as independent practitioners and those registered as dependent practitioners no longer existed. Therefore, the Board voted to support physician's assistants in becoming licensed and directed Board staff to work together on a proposed bill. The amendment offered by the Kansas Academy of Physician Assistants is acceptable to the Board.

The Board offers an additional amendment to insert New Section: (a) All administrative proceedings to revoke, suspend, limit or deny a license, or to censure a licensee, shall be conducted in accordance with the provisions of the Kansas administrative procedure act. (b) When it appears to the board that any person is violating any of the provisions of this act, the board may bring an action in the name of the State of Kansas in a court of competent jurisdiction for an injunction against such violation without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted (See Attachment #7).

Jerry Slaughter, Kansas Medical Society, testified in support of **Sub SB599**, which elevates the status of physician assistants from registrants to licensees of the Board of Healing Arts. KMS supports the amendment by the Kansas Academy of Physician Assistants and the Board of Healing Arts (See Attachment #8).

The Chairperson closed the hearing on **Sub SB599.**

The Chairperson stated that action was reconsidered at the rail to bring **HB2814 - Establishing the**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on March 14, 2000.

Senior Pharmacy Assistance Program back to the committee the same as it left the committee. Need to strip the amendments and work. There is a balloon amendment.

Staff gave a briefing on the proposed amendment to **HB2814**. Administration of the program would be by the secretary of aging and the age would be changed from 62 to 67 or older except that commencing with fiscal year 2003 an individual to be eligible for the program must be 65 years of age or older.

Representative Geringer said he was concerned about the money being spent before receiving it.

Representative Storm asked how many Kansans would qualify.

The Chairperson stated we did not have the figures for 67 and above. At age 62 111,000 were eligible and of those 41,000 were eligible for Medicaid so it left the balance of 70,000.

SRS's estimation is there would be 53,000 eligible at age 67.

Representative Toelkes stated age 65 is when insurance stops covering people so was there any consideration of going from 62 to 65 rather than 67?

The Chairperson stated this was backloaded with the dollars that were available and what had to be done conservatively to make sure that the amount of money that was going to be available based on the amount of earnings was going to be adequate to take care of the claims. It is variable and no one knows for sure but that is the reason it was raised from 62 to 67.

Representative Landwehr questioned why the date of April 1 was chosen rather than fiscal year?

Staff stated this was a transfer fund bill.

Representative Bethell moved and Representative Henry seconded to strip **HB2814** and bring back in its original state. The motion carried.

Representative Bethell moved and Representative Lightner seconded to adopt balloon. The motion carried.

Representative Henry moved and Representative Bethell seconded to move **HB2814** out as amended. The motion carried.

The Chairperson stated there would not be a meeting scheduled for Wednesday. The meeting adjourned at 3:10 p.m. and the next meeting will be March 16.

Written testimony: Charles Wheelen, Kansas Association of Osteopathic Medicine (See Attachment #9) and Keith R. Landis, Committee on Publication for Kansas (See Attachment #10).