

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

August 29, 2011
Room 152-S—Statehouse

Members Present

Representative Carl Holmes, Chairperson
Senator Vicki Schmidt, Vice-chairperson
Senator Oletha Faust-Goudeau
Senator Ralph Ostmeyer
Senator Tim Owens
Senator Allen Schmidt
Representative Steve Huebert
Representative Joe Patton
Representative Jan Pauls
Representative Ed Trimmer
Representative Caryn Tyson
Representative Valdenia Winn

Staff Present

Jill Shelley, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Nobuko Folmsbee, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Katherine McBride, Office of the Revisor of Statutes
Judy Glasgow, Administrative Assistant

Conferees

Chris Tymeson, Kansas Department of Wildlife, Parks and Tourism
Tom Hawk, Behavioral Sciences Regulatory Board
Leslie Allen, Behavioral Sciences Regulatory Board
Barbara Burks, Chairperson, Behavioral Sciences Advisory Board
Sky Westerlund, National Association of Social Workers
Dr. Jody Brook, University of Kansas
Dr. Betsy Cauble, Kansas State University
Christine Mennike, Kansas Department of Health and Environment
William Bider, Kansas Department of Health and Environment
Betty Wright, Kansas Dental Board
Patricia A. Scalia, State Board of Indigents' Defense Services
David Cromwell, Board of Emergency Medical Services
Athena Andaya, Kansas Attorney General's Office

Others Present

Rob Mealy, Kearney and Associates

Whitney Damron, Kansas Psychological Association
Derek Hein, Hein Law Firm
Sean Miller, Capitol Strategies
Shannon Bell, Little Government Relations
Susan Vogel, Kansas Department of Health and Environment
John Federico, Federico Associates
Dorothy Stucky Halley, Kansas Attorney General's Office

Morning Session

Chairperson Holmes called the meeting to order at 10:00 a.m.

The Chairperson asked for Committee action on the July 22, 2011, minutes. *Senator Owens moved that the minutes be approved as presented; Senator Ostmeyer seconded the motion. The motion passed.*

Chairperson Holmes welcomed Chris Tymeson, General Counsel, to speak to the proposed rules and regulations noticed for hearing by the Kansas Department of Wildlife, Parks and Tourism. KAR 115-2-3, camping, utility, and other fees; KAR 115-8-1, department lands and waters, hunting, furharvesting, and discharge of firearms; KAR 115-8-9, camping; KAR 115-8-10, pets, provisions and restrictions; KAR 115-17-1, commercial harvest of fish bait, legal species, harvest seasons, size restrictions, daily limits and possession limits; KAR 115-17-2, commercial sale of fish bait; KAR 115-17-2a, commercial sale of bait fish, testing procedures; KAR 115-17-3, commercial fish bait permit, requirement, application, and general provisions; KAR 115-17-4, commercial harvest of fish bait, legal equipment, taking methods, and general provisions; KAR 115-17-5, commercial harvest of fish bait, open areas; KAR 115-17-10, commercial harvest of fish, permit requirement and application, reports, permit revocation; KAR 115-17-11, commercial harvest of fish, legal equipment and taking methods, identification tags, and identification tag fee; KAR 115-17-12, commercial harvest of fish, legal species, seasons, size restrictions, daily limits, and possession limits; and KAR 115-25-14, fishing, creel limit, size limit, possession limit, and open season.

Mr. Tymeson stated that KAR 115-8-1 would increase utility fees by one dollar. He stated that the Department is proposing an amendment to reduce the annual camping permit fees by \$50.00 for both the off season and prime season. Mr. Tymeson also informed the Committee that legislation would be introduced during the 2012 Legislative Session to update the statutes due to the agency's name change.

A Committee member had received questions from constituents concerning KAR 115-25-14 and the change in number and size of certain species. Mr. Tymeson stated that if the particular species and body of water were provided, he would send information to the legislator.

The Chairperson recognized Tom Hawk, Executive Director, Behavioral Sciences Regulatory Board, to speak to the proposed rules and regulations noticed for hearing by the Behavioral Sciences Regulatory Board (Attachment 1). KAR 102-7-1, definitions; KAR 102-7-2, fees; KAR 102-7-3, educational requirements; KAR 102-7-4, application for licensure; KAR 102-7-4a, licensure without examination; KAR 102-7-4b, application for licensure based on reciprocity; KAR 102-7-5, examination for addiction counselor or clinical addiction counselor; KAR 102-7-6, professional postgraduate supervised experience requirement for a clinical addiction counselor; KAR 102-7-7, renewal, late renewal; KAR 102-7-7a, reinstatement after

suspension or revocation; KAR 102-7-8, renewal audit; KAR 102-7-9, continuing education; KAR 102-7-10, documentation of continuing education; KAR 102-7-11, unprofessional conduct, and KAR 102-7-11a, recordkeeping.

Mr. Hawk introduced Leslie Allen to review the rules and regulations for the Committee. Ms. Allen stated that these proposed rules and regulations are the result of HB 2577 passed in 2010 and SB 100 passed as part of 2011 HB 2182.

In KAR 102-7-1, staff said that the definition of “malfeasance” on page 2, subsection (l), was too broad and should be more specific. Ms. Allen stated that the agency would look at this again. On page 4, subsection (s), staff noted that the term “helping profession” was not defined anywhere in the regulation. Ms. Allen stated that on page 4, (s)(1) the term “education” has been removed by the Board. On page 5, (u)(3), a Committee member was concerned about the imposing of one’s personal values and how this could be measured, especially for clergy, and whether this should be removed or clarified. A court case was referenced by Mr. Hawk that addressed this particular concern, and the Committee requested that he provide staff with information on the case. Ms. Allen stated that she would take this concern back to the Committee working on the regulations. Staff noted that KAR 102-7-2(a)(11) requires clarification to which type of counselor this applies.

In KAR 102-7-3, page 2, (b)(1), several Committee members and staff stated that the rule and regulation contains an unauthorized delegation of the Board's power, and the language should be changed to show that the Board is making the decision, not the national organization. On page 4, Ms. Allen stated (c)(9)(A) was changed to read “learning as related to substance use disorders,” thus removing the terms “diagnosis and treatment” from the regulation language, (B) had been changed from 600 clock-hours to 400 clock-hours, and (C) changed to “1 hour of supervision for every 10 hours of class work.” On page 5, paragraph (d)(1), staff asked to what the term “regionally accredited” referred and suggested it be clarified. Staff noted that on page 11, (h)(10)(B) the term should be “licensed clinical addiction counselors.” In KAR 102-7-4, staff noted a reference to a 2010 session law in (e)(1) and in the history section that needs to be amended and updated. Staff noted in KAR 102-7-9, p. 2, (d) (3), (4), and (5) should have the statement added at the end of each paragraph “under this paragraph” to clarify to what the number of hours applies.

Chairperson Holmes recognized Sky Westerlund, Executive Director of the Kansas Chapter, National Association of Social Workers (NASW), to speak in opposition to the proposed rules and regulation proposed by the Behavioral Sciences Regulatory Board (Attachment 2). Ms. Westerlund stated that one problem was the definition of “related fields.” NASW offered an amendment to clarify what a related field degree program would be, which would permit an individual who has a degree in social work to be eligible for licensure as an addictions counselor, if the individual wants that particular license. A second issue is that the Kansas Department of Social and Rehabilitation Services (SRS) has communicated that the agency will no longer allow Medicaid reimbursement for substance abuse treatment services unless the provider is licensed as an addiction counselor or a clinical addiction counselor.

Dr. Jody Brook, University of Kansas, was recognized by the Chairperson to speak in opposition to the proposed rules and regulations. Dr. Brook stated that the education offered by the University of Kansas provided the core competency for addiction counselors. At this time, she did not believe that the University would add a separate course of study for addictions counseling.

Chairperson Holmes welcomed Dr. Betsy Cauble, Kansas State University, to speak to the proposed rules and regulations noticed for hearing ([Attachment 3](#)). Dr. Cauble stated it is not likely that Kansas State University would create more classes for undergraduate social workers, since this would require adding more faculty, which has not happened for at least four years due to resource issues. The University will not seek accreditation from another accrediting body when it is unnecessary for student preparation, because the cost of having two accreditations would be prohibitive.

Chairperson Holmes called the Committee's attention to written testimony from Bruce Nystrom, on behalf of the Kansas Psychological Association ([Attachment 4](#)).

Afternoon Session

The meeting was reconvened by the Chairperson. The Chairperson recognized Barbara Burks, Chair of the Advisory Committee to the Behavioral Sciences Regulatory Board. Ms. Burks stated that Emporia State University had added coursework for addiction counseling at this time. She stated that neither the University of Kansas nor Kansas State University require any course in addiction for a degree in social work, and that SRS always has required someone providing addiction counseling to have the appropriate license. She said she believed the middle ground would come after the program had been in operation for a time.

A Committee member expressed concern about what will happen in rural areas with the new requirements. One Committee member felt substantial changes were being made in the rules and regulations prior to the public hearing. Several Committee members expressed concern that these rules and regulations do not reflect the legislative intent of the bill that was passed; and it may be necessary to bring the issue back up in the 2012 Legislative Session. After discussing the proposed rules and regulations in depth, the Committee suggested that the Board and the opposing groups work to find a common ground compromise. The Chairperson noted the temporary rules and regulations would expire October 31, 2011, and it appeared that a compromise could not be reached before that time. The Committee agreed, in this case, it may be necessary to extend the emergency rules and regulations. It was the consensus of the Committee that the agency be notified that a compromise should be worked out while the second 120 days of temporary rules and regulations would be in effect and before the Session.

Chairperson Holmes recognized Christine Mennicke to address the proposed rule and regulation noticed for hearing by the Kansas Department of Health and Environment (KDHE), Bureau of Waste Management ([Attachment 5](#)). KAR 28-29-1a, modification of obsolete references and text.

Ms. Mennicke stated this rule and regulation was to update KAR references and obsolete text in 11 rules and regulations for the Bureau of Waste Management.

Staff stated the Bureau was not following normal procedure as set forth in KSA 77-419 ([Attachment 6](#)). Staff noted that this is the second time that the Department of Health and Environment has done this. A Committee member questioned how persons using the rules and regulations would know a separate regulation updates other regulations. Bureau Director William Bider stated the agency would look at this rule and regulation again and determine how to proceed. After much discussion, the Committee determined it will request this rule and regulation be returned to the Bureau of Waste Management, all 11 rules and regulations be updated with the current information, and a copy of a letter to this effect be sent to the general

counsel for the agency, the Department of Administration, and the Attorney General's office. The Committee also indicated a letter should be sent to the KDHE General Counsel indicating the Committee would be glad to hear why the Department had proceeded in rule-making in this manner.

The Chairperson recognized William Bider, Director, to address the proposed rule and regulation noticed for hearing by KDHE, Bureau of Waste Management (Attachment 7). KAR 28-31-10, hazardous waste monitoring fees.

Mr. Bider stated the Kansas hazardous waste program is funded by a federal grant and various fees paid by the generators, transporters, and handlers of hazardous waste. The current fee revenues are inadequate to meet the projected budgetary needs, even with reduced program staffing. Another cause of the reduction of funds was the increase of salaries for some engineers and geologists who were determined to be underpaid when compared to the private sector. Also, some facilities have gone out of business and no longer pay fees, decreasing revenues. A Committee member stated that the agency should have received funds to cover the increase in the salaries of those employees.

A Committee member questioned whether the agency had come before the 2011 legislative budget committees to notify them that the Bureau was going to be short of funds and that the agency would need to raise fees. Mr. Bider stated that the agency had not. A Committee member requested Mr. Bider provide the Committee with a detailed account of what caused the \$300,000 shortfall. The Committee requested this rule and regulation be held until the October 10, 2011, meeting, and the budget director for KDHE and the Legislature's fiscal analyst come to the next meeting. The Committee directed that a copy of the letter be sent to the Chairperson, Vice-chairperson, and ranking minority members of the House Appropriations Committee, the Senate Ways and Means Committee, and the appropriate subcommittees.

Betty Wright, Executive Director, was welcomed by the Chairperson to speak to the proposed rule and regulation noticed for hearing by the Kansas Dental Board. KAR 71-4-1, continuing education credit hours and basic cardiac life support certificate required for renewal license of dentist and dental hygienist.

Patricia A. Scalia, Executive Director, was recognized by the Chairperson to address the proposed rules and regulations noticed for hearing by the State Board of Indigents' Defense Services. KAR 105-4-2, definition of terms; KAR 105-4-3, affidavit of indigency; and KAR 105-11-1, defendant reimbursement of attorney fees.

Ms. Scalia stated that proposed KAR 105-4-2 is being updated to exclude a car with a value of more than \$20,000 from assets used to determine eligibility. Previously, no vehicle was considered an asset for eligibility purposes. A Committee member stated the value of \$20,000 was too high and should be lowered. Ms. Scalia stated the agency would look at this.

David Cromwell was recognized by Chairperson Holmes to speak to the proposed rules and regulations noticed for hearing by the Board of Emergency Medical Services. KAR 109-1-1, definitions; KAR 109-1-2, medical adviser; KAR 109-2-1, ambulance service operator; KAR 109-2-2, application for ambulance service permit and ambulance license, permit renewal and license renewal; KAR 109-2-4, revoked; KAR 109-2-5, ambulance service operational standards; KAR 109-2-6, classes of ambulance services; KAR 109-2-7, ground ambulance staffing; KAR 109-2-8, standards for type I, type II, type IIA, and type V ground ambulances and equipment; KAR 109-2-10a, air safety program and informational publication; KAR 109-2-11, standards for type V air ambulances and equipment; KAR 109-2-12, standards for rotor-wing

ambulance aircraft and equipment; and KAR 109-2-13, standards for fixed-wing ambulance aircraft and equipment.

In KAR 109-1-1, staff noted the definitions should be in alphabetical order. On page 1, subsection (d) the term “adviser” should be changed to “director” to mirror the 2011 HB 2182, Sec. 82. On pages 4 and 5, there are three definitions for incompetence; staff suggested, for clarification, there be only one definition with subheadings. Staff noted paragraph (gg)(7) should read “advanced practice registered nurse,” also to reflect changes of 2011 HB 2182. This should be changed throughout the rules and regulations. Staff noted the history section needs to be updated in KAR 109-1-2. Staff noted in KAR 109-2-2, page 1, (c), the term “political jurisdiction” should be clarified and perhaps changed to “city, county or township.” In KAR 109-2-5 page 1, (c), a Committee member suggested the term “calibrated” be added to the requirements. On page 6, paragraph (r)(2), the agency may want to check with the Secretary of State concerning the use of electronic signatures. Staff stated KAR 109-2-8 needs to have its history section updated. A Committee member requested in KAR 109-2-10a, page 1 (a)(3), the term “fixed-wing” aircraft be changed to “all” aircraft or a description of the aircraft removed.

Ken Wilke reviewed a proposed bill concerning the rules and regulations filing act, requested by Senator Vicki Schmidt (Attachment 8). Senator Schmidt stated that the amendment proposed in the bill would keep the Committee from having to meet monthly. *Senator Vicki Schmidt moved to introduce and prefile the bill, starting the bill in the Senate. Senator Ostmeyer seconded the motion. The motion passed.*

Chairperson Holmes welcomed Athena Andaya, Deputy Attorney General, to speak to a deadline for rules and regulations required by 2010 HB 2517 and a proposed draft bill concerning certified batterer intervention providers (Attachment 9). The Attorney General’s Office (AGO) requested this legislation because there was need for authority to determine who would interview victims and the certification of the training of the batterer intervention provider by the AGO. The Committee decided to send a letter to the Attorney General’s Office suggesting that it work with someone from the Revisor’s Office in drafting a bill to present to the Committee prior to the Legislative Session.

Jill Shelley distributed a summary of the responsiveness of agencies who appeared before the Committee from January 2010 to July 2011 (Attachment 10). She also distributed a spreadsheet showing responses to Committee comments by agency (Attachment 11). A spreadsheet detailing agency responsiveness to deadlines for promulgation of rules and regulations also was provided (Attachment 12).

The Chairperson noted, from the responses listed, in the future, it will be important to pay attention to the words “shall” and “may” in legislation requiring or authorizing rules and regulations. A Committee member requested if agencies had not responded or published proposed rules and regulations for more than six months, a letter be sent requesting a response to the Committee’s comments and, if none is forthcoming, then have that agency appear before the Committee at its next meeting.

The Committee expressed its appreciation to Ms. Shelley in preparing the three reports. They let the Committee track agency responses to their comments and to keep track of bills passed that require rules and regulations to be promulgated.

A written response was distributed to Committee members from the Court of Tax Appeals concerning comments and questions raised at the July 22 hearing (Attachment 13).

Chairperson Holmes stated that the next meeting would be October 10, 2011. The starting time to be determined by the number of rules and regulations noticed for hearing. The Chairperson adjourned the meeting at 5:30 p.m.

Prepared by Judy Glasgow
Edited by Jill Shelley and Sharon Wenger

Approved by Committee on:

October 10, 2011
(Date)

COMMITTEE COMMENTS ON PROPOSED RULES AND REGULATIONS

Kansas Behavioral Sciences Regulatory Board. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning; fees; educational requirements; application for licensure; licensure without examination; application for licensure based on reciprocity; examination for addiction counselor or clinical addiction counselor; professional postgraduate supervised experience requirement for clinical addiction counselor; renewal, late renewal; reinstatement after suspension or revocation; renewal audit; continuing education; documentation of continuing education; unprofessional conduct; recordkeeping; and designation of referral source for use in the diagnosis and treatment of substance use disorders. After discussion, the Committee had the following comments.

KAR 102-7-1. In subsection (l), the Committee agrees with the agency that the definition of malfeasance should be more specific. The Committee suggests that the agency consider that the act being prohibited or constituting wrongdoing or misconduct be limited to acts performed in the capacity of a licensed drug abuse counselor, e.g. see K.A.R. 102-4-1a (l). In subsection (s), the Committee suggests the agency clarify what is meant by the terms “related field” and “helping profession.” In paragraph (u)(3), the Committee requests the agency clarify what is meant by “to impose one’s personal values, spiritual beliefs, or lifestyle” and requests the agency send legislative staff information on the court case in the hearing.

KAR 102-7-2. In paragraphs (a)(11) and (a)(12), the Committee requests clarification as to whether the permit is only for addiction counselors.

KAR 102-7-3. Paragraph (b)(2) refers to a program approved by SRS, but 2011 HB 2182, Sec. 12, paragraph (a)(2) says the program must be “approved by the board.” Please explain. The agency told the Committee it will make changes to paragraph (c)(9), including removing “diagnosis and treatment” from (c)(9)(A). The Committee believes it is important these terms be removed, because diagnosis and treatment by individuals with only a bachelor’s degree, or less formal education, was considered inappropriate by the Legislature during the debate on the Addictions Counselor Licensure Act included in 2011 HB 2182. In subsection (d), the Committee requests the agency clarify what is meant by “regionally accredited” in paragraph (d)(1). Further, the Committee believes that “accredited by the National Addiction Studies Accreditation Commission” in paragraph (d)(3) is an unlawful delegation of authority and asks the agency to explain why it believes it is not such a delegation. In paragraph (h)(10)(B), the Committee suggests changing “clinically licensed” to “licensed clinical” to reflect the statutory term.

KAR 102-7-4. In paragraph (e)(1), the 2010 session law reference should be updated to L. 2011, Ch. 114, Sec. 12. Please review the all of the proposed regulations for similar 2010 session law references which were further amended by the 2011 legislative session, e.g., in KAR 102-7-4b, and update them accordingly.

KAR 102-7-5. The Committee is concerned that these additional requirements will result in a lack of addiction counselors in certain parts of the state. Please inform the Committee of agency determinations of the effect of these regulations on access to addiction counseling services, particularly in rural, western areas.

KAR 102-7-7. In subsection (b), please clarify the rationale regarding the policy on the time limit within which a licensee may submit a late renewal form.

KAR 102-7-9. In various places in subsection (d), please clarify that the maximum number of continuing education hours refers to a maximum of a specific type, e.g., of hours obtained at a seminar, institute, conference, workshop, or course (paragraph (d)(3)). The Committee suggests that in paragraphs (1) through (10), the agency consider adding the phrase "under this paragraph" after the term "continuing education hours" to provide clarity.

Recommendation. The Committee strongly recommends the agency work with representatives of social workers and university social work programs to reach a common ground on these regulations, before the temporary addiction counseling regulations expire.

Kansas Department of Health and Environment. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning modification of obsolete references and text. After discussion, the Committee had the following comment.

KAR 28-29-1a. The Committee believes that the manner in which the agency drafted the proposed regulation does not conform to the requirements for amending rules and regulations set forth in K.S.A. 2010 Supp. 77-419, which requires that rule and regulation amending an existing rule and regulation contain the entire section amended and that the new matter be indicated by underlining or printing in italics and the material to be deleted shown in strikethrough type. Also, the Committee believes this type of regulation will be confusing for the regulated community because there are no indication in the regulations "being amended" that an amendment has been made in another regulation. The Committee believes that the listed regulations should be amended instead. The Committee will send a letter to KDHE's general counsel on this matter, with copies to the Attorney General's Office and the Department of Administration and will request that the agency's general counsel appear before to the Committee at the Committee's meeting on October 10, 2011, and explain the rationale for amending other regulations in this manner.

Kansas Department of Health and Environment. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning hazardous waste monitoring fees. After discussion, the Committee had the following comment.

KAR 28-31-10. The Committee requests additional information about the specific categories and amounts that have led to the budget shortfall, such as the amounts of salary increases for engineers and geologists made in response to 2008 Senate Sub. for HB 2916 (below-market salary adjustments for certain state employees). The Committee will request the KDHE budget director appear before the Committee at its meeting on October 10, 2011, to explain the need for the fee increases and why the Legislature was not notified during the 2011

Session of the underfunding leading to this significant fee increase. Copies of this letter will be sent to the chairpersons of the Senate Ways and Means and the House Appropriations committees, the chairpersons of the corresponding budget subcommittees dealing with the KDHE budget, and those committees' ranking minority members.

Kansas State Board of Indigents' Defense Services. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning definition of terms; affidavit of indigency; defendant reimbursement of attorney fees. After discussion, the Committee had the following comment.

KAR 105-4-2. The Committee believes that setting a maximum value for the defendant's car is appropriate but believes \$20,000 is substantially higher than is necessary to allow a defendant to have adequate, reliable transportation. The Committee suggests the agency consider reducing that amount.

Kansas Department of Wildlife and Parks. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning camping, utility, and other fees; department lands and waters: hunting, furharvesting, and discharge of firearms; camping; pets, provisions and restrictions; commercial harvest of fish bait, legal species, harvest seasons, size restrictions, daily limits, and possession limits; commercial sale of fish bait; commercial sale of bait fish, testing procedures; commercial fish bait permit, requirement, application, and general provisions; commercial harvest of fish bait, legal equipment, taking methods, and general provisions; commercial harvest of fish bait, open areas; commercial harvest of fish, permit requirement and application, authority, reports, permit revocation; commercial harvest of fish, legal equipment and taking methods, identification tags and identification tag fee; commercial harvest of fish, legal species, seasons, size restrictions, daily limits, and possession limits; and fishing, creel limit, size limit, possession limit, and open season (exempt). After discussion, the Committee had no comments.

Kansas Board of Emergency Medical Services. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning definitions; medical adviser; ambulance service operator; application for ambulance service permit and ambulance license, permit renewal and license renewal; ambulance service operational standards; classes of ambulance services; ground ambulance staffing; standards for type I, type II, type IIA, and type V ground ambulances and equipment; air safety program and informational publication; standards for type V air ambulances and equipment; standards for rotor-wing ambulance aircraft and equipment; standards for fixed-wing ambulance aircraft and equipment; and revocation. After discussion, the Committee had the following comments.

General comment. In several places, these proposed rules and regulations use the term "advanced registered nurse practitioner." This term was updated to "advanced practice registered nurse" in L. 2011, Ch. 114 (2011 HB 2182), Sections 59 through 67, which become effective January 1, 2012. As a result, the agency may need to consider using both terms "advanced registered nurse practitioner" and "advanced practice registered nurse" if these regulations are adopted prior to January 1, 2012. Various sections, including KAR 10- 2-7, will require updating to reflect changes made by 2011 HB 2182, and history sections should be updated accordingly. The agency also should reflect in its history sections that 2011 HB 2182 amended certain statutory sections twice.

KAR 109-1-1. The Committee suggests the agency update the term “air medical adviser” to “air medical director” in subsection (d) and subsequently in these proposed regulations to reflect the change of “medical adviser” to “medical director” in L. 2011, Ch. 114 (2011 HB 2182), Sec. 82(q). The Committee further suggests the agency combine subsections (dd), (ee), and (ff) into a single subsection on incompetence, dividing the definition within the subsection to reflect the differences. The Committee requests these definitions be placed in alphabetical order.

KAR 109-2-2. In subsection (c), please define the term “political jurisdiction” or use “city,” “county,” or “township” or an appropriate combination. The Committee notes that the related term “political subdivision” has various meanings in statutes, depending on the context.

KAR 109-2-5. In subsection (c), the Committee requests the agency add that equipment must be calibrated, as is needed for equipment to meet other legal requirements. In paragraph (r) (2), the proposed amendment to the rule and regulation refers to electronic signatures. Please tell the Committee whether the agency has checked with the Secretary of State's office to ensure that any electronic signature will comply with the Uniform Electronic Transactions Act (K.S.A. 16-1601 et seq.) and whether the electronic signatures will meet the Act's requirements.

KAR 10-2-10a. In paragraph (a)(3), the Committee recommends the agency remove “for fixed-wing aircraft,” so that the procedures are required for all types of aircraft.

Kansas Dental Board. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning continuing education credit hours and basic cardiac life support certificate required for renewal license of dentist and dental hygienist. After discussion, the Committee had no comments.