

MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on March 10, 2011, in Room 546-S of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Melissa Calderwood, Kansas Legislative Research Department
Iraida Orr, Kansas Legislative Research Department
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Mack Smith, Mortuary Arts Board
Representative Bob Bethell
John Coleman
Mitzi McPatrick, Kansas Advocates for Better Care
Cindy Luxem, Kansas Health Care Association

Others attending:

See attached list.

The Chair opened the floor for Final Action on **SB 138—Pharmacy audit integrity act** by informing the Committee that an agreement had been reached by all parties. A balloon amendment proposing new language was introduced which contained the new language. After explanation of the changes, Senator Kelly moved to adopt the balloon, seconded by Senator Reitz . Motion passed. It was further moved by Senator Kelsey, seconded by Senator Huntington to report SB 138 as a substitute for SB 138 favorably for passage. Motion passed. The Chair thanked all those involved for their hard work.

The hearing on **HB 2083—Relating to pre-financed funeral agreements** was opened. Staff stated that this legislation would require a funeral director in a funeral home that is closing to notify all consumers with pre-financed funeral agreements of the need to transfer their agreements to another funeral home.

Mack Smith, Kansas State Board of Mortuary Arts further added that this would require the funeral director in charge of a funeral home that was closing to notify all consumers of their need to transfer their agreement to another funeral home. This bill would also require that a copy of all such letters be provided to the Mortuary Arts Board (Attachment #1).

Written testimony in favor of **HB 2083** was submitted by Ernest Kutzley, AARP Kansas Advocacy Director (Attachment #2) and Pam Scott, Kansas Funeral Directors Association (Attachment #3). There being no further conferees, the hearing on **HB 2083** was closed.

The Chair called for Final Action on **HB 2083—Relating to pre-financed funeral agreements.** It was moved by Senator Huntington, seconded by Senator Steineger to advance to the consent calendar HB 2083 favorably for passage. Motion carried.

The Chairman then opened the hearing on **HB 2147—Relating to the definition of a home plus residence or facility.** This legislation would increase the maximum number of individuals who could be cared for at a residence or facility and still be considered a “home plus” facility from eight persons to 12 persons.

Representative Bob Bethell spoke in favor of the bill. He stated that the basic reason for this increase was financial. The concept of Homes Plus is to provide services to those in need in smaller, more intimate settings than an institution can provide. This bill is designed to assist with the financial viability of these smaller homes. In 2002 the limit for residents was raised from five to eight (Attachment #4).

John Coleman, registered nurse and owner of two Home Plus facilities, stated that seniors want to age in place and that this bill would allow for the increase care needs of residents without a move to a more restrictive environment. He stated that in this type of setting, personnel are much more familiar with the residents' medical and personal needs. This relationship and knowledge helps the caregivers be proactive

CONTINUATION SHEET

The minutes of the Public Health and Welfare Committee at 1:30 p.m. on March 10, 2011, in Room 546-S of the Capitol.

versus reactive to situations that arise. Kansas statutes give guidelines to the square footage allowed per resident thus safeguarding overcrowding (Attachment #5),

Speaking in opposition to the legislation, Mitzi McFatrach from Kansas Advocates for Better Care, stated that raising the number of residents to 12 greatly alters the type of environment created for residents. She also has concerns regarding staffing, their education and background, and the fact that there is no requirement to have a nurse in the residence. Residential facilities serve persons with Alzheimer's but staff is not required to have dementia care training. The Department on Aging is responsible for conducting annual survey/inspections in all licensed adult care homes and says that over the past several years they have not been able to complete the surveys. The lack of oversight does not ensure the health and safety needs of elders in a home when there is poor performance (Attachment #6).

Appearing neutral on this issue, Cindy Luxem of the Kansas Health Care Association, stated that Home Plus is a state-regulated living environment and there are no staffing requirements. The issue about consistent quality care also concerns them and because Home Plus traditionally does not accept Medicaid, it might serve only well-to-do seniors and Medicaid clients would be relegated to the nursing home. On the other side of the issue, the home plus models would like to have the number increased because it becomes financially impossible with only eight residents. She would like to ask that this bill have more time to be studied and put in the proper safe guard before any changes are made (Attachment #7).

Written testimony was also presented by Joe Ewert, Government Affairs Director of the Kansas Association of Homes and Services for the Aging (Attachment #8)

The next meeting is scheduled for March 14, 2011.

The meeting was adjourned at 2:30 p.m.