

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Landwehr at 1:30 p.m. on February 7, 2011 in Room 784 of the Docking State Office Building.

All members were present except:

Representative J. Steven Alford - excused  
Representative Phil Hermanson - excused

Committee staff present:

Norm Furse, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Dorothy Noblit, Kansas Legislative Research Department  
Jay Hall, Kansas Legislative Research Department  
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Chad Austin, Kansas Hospital Association (Attachment 1)  
Representative Bob Bethell (Attachment 3)  
Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts (Attachment 4)

Others attending:

See attached list.

Chairperson Landwehr asked if there were any bills to be introduced.

Representative Mast made a motion to introduce a bill that would prohibit public funding of human cloning and destructive stem cell research. The motion was seconded by Representative Calloway. The motion carried.

Representative Bethell made a motion to introduce a bill dealing with franchise dentistry in the state of Kansas. The motion was seconded by Representative Mast. The motion carried.

**HB 2082 – Inspection of medical gas piping systems in hospitals.**

Chairperson Landwehr opened the hearing on **HB 2082**.

Chad Austin, Vice President, Governmental Relations, Kansas Hospital Association, presented testimony in support of the bill. (Attachment 1) The Kansas Hospital Association had requested the introduction of the legislation to clarify that hospital maintenance personnel could continue to perform limited maintenance on *existing* medical gas piping systems in Kansas hospitals.

KHA understands the premise behind the requirement that the installation of any new medical gas piping system may only be conducted by individuals licensed under the provisions **K.S.A. 12-1508** and are certified under the appropriate professional qualifications standard or standards of ASSE Series 6000. While it is our understanding the original intent for such requirement focused on the installation of new medical gas piping systems, current statutes may be interpreted to comprise any maintenance on existing medical gas piping systems as well.

Hospitals across the state employ maintenance personnel to care for the hospital building and the equipment within it. These professionals perform routine maintenance in a variety of areas including on the hospital boiler system, HVAC systems, and the medical gas piping systems. Hospital maintenance personnel do not have any interest in installing new medical gas piping systems nor conducting extensive work on them. However, there are certain situations where hospital maintenance personnel are capable of performing routine maintenance on the existing medical gas piping system. This may be especially the case in many of our rural counties that may have limited access to outside contractors. The limited maintenance work that is conducted by hospital maintenance professionals includes repairing a cracked o-ring in an oxygen wall outlet or changing a filter on a medical air compressor or vacuum pump. Further, Kansas hospitals routinely require hospital maintenance personnel to complete an internal competency

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assessment prior to conducting any work on an existing medical gas piping system.

Patient safety is always the highest priority for Kansas hospitals and their employees. The changes suggested do not compromise that goal and KHA respectfully requests the passage of the bill.

Written testimony only in support of the bill was provided by Mike Connell, Plant Operations Manager, Russell Regional Hospital (Attachment 2). Mr. Connell represented both the hospital and the Kansas Healthcare Engineer's Association. The Kansas Healthcare Engineer's Association is an organization of healthcare engineers whose membership exceeds more than 150 individuals from hospitals and healthcare organizations from across the state. The association is an affiliate of the American Society for Healthcare Engineers and an allied organization with the Kansas Hospital Association. The main objectives of the KDEA include the advancement of effective healthcare maintenance procedures and providing professional, educational and personal development of its membership. As the Plant Operations Director over the past 18 years for Russell Regional Hospital and at Promise Regional Medical Center prior to that, he has been closely involved in the responsibilities necessary to operate a medical care facility. He explained that before any individual touches their medical gas piping system, the hospital requires that person to complete a competency assessment. A copy of the assessment form was provided to the committee as part of the testimony.

There were no opposition or neutral testimony submitted to the committee. The Chair gave the committee members the opportunity to ask questions and when all were answered, the hearing was closed.

### **HB 2083 – Relating to prefinanced funeral agreements.**

Chairperson Landwehr opened the hearing on **HB 2083**.

Representative Bob Bethell presented testimony in support of the bill. (Attachment 3) He stated the purpose of the bill is to place guidelines into Statute that provide for common sense actions when the time comes to dissolve a mortuary's business. There have been a few mortuaries that have closed and those individuals that have prepared for the day they will need the services provided by that mortuary have not been notified that the business was closing. Notification would allow the person to select another mortuary to provide the desired services.

Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts, presented testimony in support of the bill. (Attachment 4) The bill would require the funeral director in charge of a funeral home that was closing to notify all consumers with prefinanced funeral agreements of their need to transfer their agreement to another funeral home. The bill would require that a copy of all such letters be provided to the Mortuary Arts Board.

Currently, nothing in existing law covers this situation. The bill comes after a recent situation where a funeral home closed and notice was not given to families with prefinanced funeral agreements – causing unnecessary confusion when death occurred. While you might think everyone in town would be aware when a funeral home closes, often family members live out of town or even out of state and don't become aware that the funeral home has closed until a loved one dies.

Pam Scott, Executive Director, Kansas Funeral Directors Association, presented written testimony only in support of the bill. (Attachment 5) She stated the KDFA believes that the amendments the Kansas State Board of Mortuary Arts is proposing are pro-consumer and should be adopted. A funeral establishment that closes its doors and discontinues doing business in this state should be required to contact individuals that have prearranged funeral agreements in place with them and notify the individuals that they will need to transfer such agreements to another licensed funeral establishment.

The Chair gave committee members the opportunity to ask question and when all had been answered, the

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hearing on the bill was closed.

**HB 2082 – Inspection of medical gas piping systems in hospitals.**

Chairperson Landwehr proceeded to work the bill.

Representative Mast made a motion to pass out HB 2082 and place it on the Consent Calendar. The motion was seconded by Representative Bethell. The motion carried.

**HB 2083 – Relating to prefinanced funeral agreements.**

Chairperson Landwehr proceeded to work the bill.

Representative Bethell made a motion to pass out HB 2083. The motion was seconded by Representative Mast.

There was some discussion concerning the lack of penalty should a funeral home not follow the law. In response it was determined there was an avenue that could be taken by the Kansas State Board of Mortuary Arts such as pulling of a funeral director's license.

Representative Ward requested the bill not be placed on the Consent Calendar.

Representative Bethell made a motion to pass out HB 2083. The motion was seconded by Representative Mast. The motion carried.

The next meeting is scheduled for February 8, 2011.

The meeting was adjourned at 1:56 p.m.