

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 1:45 p.m. on February 17, 2004 in Room 231-N of the Capitol.

All members were present.

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:

Others attending:

Please See Attached List.

Action and Update on Previous Introduction of Legislation

Upon calling the meeting to order, the Chair presented an update on the two pieces of legislation she had introduced and discussed previously in Committee. The first, regulating the sale of soft drinks in schools during lunch and breakfast was discussed when the Committee was reviewing obesity in the United States. She had received some NCSL literature saying Kansas was one of the few states who did not have regulation. However she stated, upon further checking, she found that Kansas is regulated by the US Department of Agriculture so the proposed legislation is already being done in Kansas. Also, in talking to the manufacturers, the Chair found they do not sell the soft drinks at grade schools. Therefore, the Chair concluded that legislation was unnecessary.

The second piece of legislation concerns thimerosal, a mercury-based preservative and vaccine. A motion was made based on the fact that information from the Institute of Medicine was forthcoming, but it was found that only a meeting was held which brought forth new research but no conclusion (ex. Relating to autism and thimerosal.) She stated the bill was debatable and several states have introduced a ban on thimerosal and vaccines, but felt that the Committee does not have enough information to draw a conclusion on it. The Chair then made a motion to withdraw her motion for a bill draft on thimerosal and as a Committee, suggested they continue monitoring this information. Senator Brungardt seconded the motion and the motion carried.

Action on SB366 - cancer registry

The Chair then announced that she would like to work **SB 366** - an act concerning the cancer registry; relating to the definition of health care provider and parties required to report to the registry. The Chair referred the Committee to a balloon being offered as there is no definition of "physician" in the statutes and in order to make this work, the Committee needed to take it back to a "person licensed to practice medicine or surgery." A motion was made by Senator Steineger to amend the bill. It was seconded by Senator Brungardt and the motion passed. A motion was made Senator Brungardt to advance favorably as amended, seconded by Senator Journey, and the motion passed.

Action on SB443 - behavioral science regulatory board relating to disciplinary authority

She then asked the Committee to turn their attention to **SB443** - an act concerning the behavioral science regulatory board; relating to disciplinary authority. Again, the Chair referred the Committee to the balloon that she believes the Executive Director worked on with the Revisor. The Chair then asked Mr. Furse to explain the balloon. His highlights included:

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- the material within the brackets will be deleted and the information on page 1 is current law;
 - balloon changes begins on page 3 with the addition of a comma on line 32;
 - on page 4 are technical updates of the statute:
 - Adding an “a” on line 16 as “b” and “c” will be added on the next page which will redesignate all of the numbered sections from letters to numbers;
 - Throughout this section there are references to the acts that the Board administers and in some cases to specific sections because they are not named acts, so 656301 through 656318, the act that regulates social workers, but not a named act, must be submitted by sections. Since the last time this was amended, two sections have been added to the social workers licensure act and so here they are simply striking 656318 and inserting 656320 to update;
 - The same is true on the next act, which are the masters level of psychologist statutes again adding two sections, one of which is in the sub so the language needed to be spread out a little. Then adding the two sections in 745374 and also 5375 which is in the sub so it needs to be set out.
- This is done in every place in this broad powers of duty section of the board of behavioral sciences to update the parameters;
- and this is true on page 5,
 - All of those references to the various sections are updated by the same language as they are all identical. At the bottom of the page, the language referring to the administrative fine and cost of the hearing is being deleted;
 - on page 6, at the top of the page,
 - Spells out in a little more detail, giving them a little more basis for what this language says, so adding two new subsections setting out what is being struck out on the preceding two pages and inserting some additional language;
 - Sub b, sets out that litany of language relating to the acts that the Board administers and states that the fine not exceed \$1,000 and slightly gives a little more direction to the Board in that it says it has to be done “after notice and an opportunity to be heard” for the licensee;
 - Sub c, consists of the Board’s hearing process, expanding language regarding costs in civil actions, additional costs, and if the Board is the unsuccessful party, the costs will be paid out of the state treasury and witness fees and costs may be taxed according to statutes in the district courts. In comparison to other statutes on the Board is it would limit the amount that the adversely found licensee or register would have to pay the \$200, other health care provider type acts do not have limitations;
 - on page 7 the language is once again expanded for clarification and to be more precise, by inserting language on line 9 and lines 16 and 17, pick out these adjusted references to update the statute references;
 - on page 8, the language introduced talked about the option to censure the practitioner, so again, to be more precise, language has been added (“licensee or registrant in lieu of other disciplinary action.”)

Questions for Mr. Furse came from Ms. Correll including: why not include someone who might be violating their registration and could someone be unlawfully using the title?

As there were no further questions, a motion was made by Senator Journey to amend the balloon. It was seconded by Senator Salmans and the motion passed. A motion was made by Senator Brungardt to pass favorably as amended. It was seconded by Senator Jordan and the motion passed.

Action on SB426 - institutional licenses under the Kansas Healing Arts Act

The next order of business was **SB426** - an act concerning institutional licenses under the Kansas Healing Arts Act. The Chair asked Mr. Furse for his comments on the amendment requested by SRS regarding page 2, line 39 through 42 which would add language to the current law regarding persons who were

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issued the license but would request to have the license reinstated. He stated, this is where SRS proposed adding “in addition, nothing would prohibit the renewal of an existing institutional license originally issued prior to the effective date of the act if the person meets the requirements of sub (d).”

The Chair called upon Ms. Correll, who wondered if there was already a provision for renewal of an institutional license, referring to sub sec. (D), lines 15 through 32, so there would be two different procedures for renewing. The Chair asked for thoughts from Mr. Larry Buening, Executive Director, Kansas Board of Healing Arts, who felt this was not conflicting and not sure if necessary, but stated SRS because there is one individual who has been licensed since 1987 and has been eligible to renew every two years at Parsons, but does not have postgraduate training in the United States, but did have in Viet Nam, so SRS wanted to expand on the bill because of this. The Chair questioned that this makes it more complicated to explain. Senator Salmans offered that this would clarify (possibility of interpretation), especially at a later date if people change positions.

The Chair asked for the will of the Committee. A motion was made by Senator Salmans and seconded by Senator Brungardt to work the bill and pass favorable as unamended and to contact SRS to review the entire paragraph (d) before the bill goes on the floor so they can amend if necessary.

Adjournment

As there was no further business, the meeting was adjourned. The time was 2:36 p.m.

The next meeting is scheduled for Monday, February 23, 2004.