

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Brenda Landwehr at 1:30 P.M. on March 13, 2007 in Room 526-S of the Capitol.

All members were present except:

Jeff Colyer- excused

Jim Ward- excused

Committee staff present:

Jason Thompson, Revisor's Office

Renae Jefferies, Revisor's Office

Melissa Calderwood, Legislative Research

Tatiana Lin, Legislative Research

Patti Magathan, Committee Assistant

Conferees appearing before the committee:

Stephen Moses, Center for Long Term Care, Seattle, WA.

Jerry Slaughter, KS Medical Society

Debra Billingsley, KS State Board of Pharmacy

Others Attending:

See Attached

Stephen Moses of the Center for Long Term Care, Seattle WA. discussed issues related to long-term care. He provided the following handouts: ([Attachment 1 - A Synopsis of his presentation](#)) ([Attachment 2 - List of hyperlinks](#)) ([Attachment 3 - Flint Hills Policy Statement](#)) ([Attachment 4 - His Biography](#))

He said that the largest share of long-term care financing falls on public assistance like Medicaid because Medicaid-financed long term care in Kansas is easy to obtain. Something must be done to attract new sources of long-term care financing into the system to supplement and relieve the fiscal pressure on Medicaid and Medicare. Long-term care in Kansas is hugely expensive and will become far more so as time goes on and the "Baby Boom" generation ages. Solution is to target Medicaid to people most in need, tighten income and asset eligibility rules, recover from recipient's estates, and use the savings to educate the public and incentivize them to either insure privately or use reverse mortgages to fund their care.

The Deficit Reduction Act (D.R.A.) of 2005 requires states to extend the look-back period from 3 to 5 years for uncompensated asset transfers, start any asset transfer penalty at a later date than before, provides a stronger undue hardship rule, and changes the cap on home exemption to \$750,000.

They recommend that you implement these changes and publicize it so people know Long Term Care is a personal responsibility. We also suggest you cap Medicaid's previously unlimited home equity exemption at \$500,000 instead of opting for \$750,000 as the Deficit Reduction Act allows. We also recommend that you immediately discourage the use of annuities to self-impoverish and qualify for Medicaid as mandated by the D.R.A., implement a long-term-care partnership program as authorized by D.R.A., and resist the temptation to utilize D.R.A.'s new authorities regarding expansion of home and community based services unless and until you get the medicaid eligibility system under control.

Following committee questions for Mr. Moses, Chair Landwehr opened hearings on [SB 285 - Billing for anatomic pathology services as grounds for unprofessional conduct by the board of healing arts](#).

**Proponent** Jerry Slaughter of the KS Medical Society said that this bill is not controversial. This bill adds a new section to the Healing Arts Act making it unprofessional conduct for a physician to bill to a patient for certain pathology services unless those services were personally rendered by the physician or unless the services were provided under the physician's direct supervision. A billing practice in other states prompted this bill, although they do not believe this practice is occurring in Kansas. ([Attachment 5](#))

## CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:30 P.M. on March 13, 2007 in Room 526-S of the Capitol.

Chair Landwehr closed the hearings on **SB 285** and asked the committee if there were objections to work the bill today. There were none.

Rep Mast motioned to recommend this bill favorably. Motion seconded by Representative Tietze Motion carried.

Chair Landwehr announced that we would not work **SB 138** (Autism task force) today. She appointed a 3-member sub-committee comprised of Representatives Patton, Rhoades and Storm and asked them to report back next week.

Chair Landwehr then opened the floor to work **Sub for SB 82 - Healing arts school and general corporation; exceptions to the prohibited practice of healing arts.**

Representative Flaharty motioned that we pass this bill favorably and place on the consent calendar. Motion seconded by Representative Holland. Motion carried.

Chair Landwehr said that she had appointed a subcommittee yesterday to address concerns on **HB 2531** - Billing for anatomic pathology services as grounds for unprofessional conduct by the board of healing arts, and asked Representative Garcia to present the sub-committee report.

Representative Garcia related that they added definitions for durable medical equipment and for inter-company transactions. They also made wording changes on page 7, line 19, page 10, line 38 (f), Page 13, line 27, and page 15.

Revisor Renae Jeffries added that these are the same changes discussed yesterday by the Board of Pharmacy. She said that they added definitions and cleaned up the language.

Chair Landwehr asked for discussion regarding the committee report.

Representative Crum suggested that the words "or sales made by charitable organizations" be added at the end of the balloon on page 13. After discussion this was agreed on.

Representative Storm made a motion to adopt the committee report on **HB 2531** with the changes made today. Second made by Representative Garcia. Motion carried.

Representative Mast moved to pass **HB 2531** as amended favorable for passage. Representative Garcia seconded the motion. The motion carried.

Chair Landwehr announced that next week we will hear a presentation on Prepaid Ambulatory Health Plans (P.A.H.P.) which is a new Medicaid mental health issue.

Meeting was adjourned at 3:07 P.M. Next meeting will be March 14<sup>th</sup> at 1:30 P.M.