

**MINUTES**

**JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS**

January 29, 2003  
Room 531N—Statehouse

**Members Present**

Representative Carl Holmes, Chairman  
Senator Karin Brownlee  
Senator U. L. "Rip" Gooch  
Representative Jerry Henry  
Representative Janice Pauls  
Representative L. Candy Ruff  
Representative Sharon Schwartz  
Representative Daniel Williams

**Members Absent**

Senator Stan Clark  
Senator Dwayne Umbarger  
Senator Chris Steineger  
Representative Andrew Howell

**Staff Present**

William G. Wolff, Kansas Legislative Research Department  
Mitch Rice, Revisor of Statutes Office  
Ken Wilke, Revisor of Statutes Office  
Judy Glasgow, Committee Secretary

**Others Present**

Tracy Diel, Kansas Racing and Gaming Commission  
Harry Bossi, Department of Administration  
Larry Buening, Board of Healing Arts  
Faith Loretto, Department of Administration  
Linda DeCoursey, Department of Administration

**Wednesday, January 29, 2003**

The meeting was called to order by Chairman Holmes at 12:05 p.m.

Chairman Holmes called upon Tracy Diel, Executive Director, to speak to the proposed rules and regulations noticed for hearing by the Kansas Racing and Gaming Commission. KAR 112-4-1a, concessionaire licenses; KAR 112-4-1b, racing or wagering equipment or services; KAR 112-9-44, place pick (N) pools; and KAR 112-11-20 greyhound racetrack facility safety standards; specifications; prohibition of chemical use on track surface.

Mr. Diel responded to questions from the Committee members about how deliveries are currently being handled and the reasons for the proposed changes in KAR 112-4-1a. A member suggested that the language as written in KAR 112-11-20 about the number of crates and number of greyhounds was unclear and should be reviewed by the Commission. A member questioned the completeness of the economic impact statement and suggested that, before the public hearing, the economic impact statement be amended to reflect the cost impact on the regulated community.

Staff noted that the history section should be updated since statutes have now been published.

With no further comments or questions, Chairman Holmes thanked Mr. Diel for his presentation before the Committee.

Larry Buening was recognized by Chairman Holmes to address the proposed rules and regulations noticed for hearing by the Board of Healing Arts. KAR 100-22-4, description of affiliation with specialty board; KAR 100-55-5, unprofessional conduct; defined; and KAR 100-55-9, special permits.

In KAR 100-55-9, a Committee member believed that the abbreviation "S.R.T." might not be sufficient for the public to know that it refers to a student and suggested the name tag read Student Respiratory Therapist.

Staff suggested clarification of KAR 100-55-5 under subsection (j) to indicate that the reference is not to Kansas but to another state.

Mr. Buening also addressed the proposed rules and regulations noticed for hearing by the Board of Healing Arts. KAR 100-72-1, fees; KAR 100-72-2, application; KAR 100-72-3, unprofessional conduct: defined; KAR 100-72-4, criteria for approval of programs in naturopathy; KAR 100-72-5, examinations; KAR 100-72-6, professional liability insurance; minimum coverage limits; KAR 100-72-7, registration renewals; continuing education; and KAR 100-75-1 fees.

Concerning KAR 100-72-3, subsection (x), a member questioned the items that would be considered discrimination and suggested the Board use the language in current state law. Further discussion raised the issue of the differences between the regulation of naturopaths and other providers regulated by the Board on this point. Mr. Buening stated he would place KAR 65-28-36 and KAR 65-28-37 side by side and let the Committee know how these regulations differ. It was suggested that in KAR 100-72-3 (d) 3, the wording be changed to state "prescription drugs, used as prescribed." Finally, Committee members asked that NPLEX be spelled out in the regulations.

Staff stated that the reference to session laws should be changed to statute throughout the regulations.

There being no further questions, Chairman Holmes thanked Mr. Buening for his presentation before the Committee.

Linda DeCoursey was recognized by Chairman Holmes to discuss the proposed rules and regulations noticed for hearing by the Kansas State Employee Health Care Commission (Attachment 1). KAR 108-1-4, local unit of government employee health care benefits plan.

Staff suggested that some clarification needed to be made to better identify a "participating employer."

There being no further questions Chairman Holmes thanked Linda DeCoursey for her appearance before the Committee.

### COMMENTS ON PROPOSED RULES AND REGULATIONS

**Kansas Racing and Gaming Commission.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning concessionaire licenses, racing or wagering equipment or services, place pick (N) pools, and greyhound racetrack facility safety standards. After discussion, the Committee expressed the following comments.

KAR 112-11-20. In subsection (g) (10), clarify whether the limitation is to 72 animals or to one animal per crate.

Economic Impact Statement. The statement is incomplete. What revenue will be generated by the persons subject to the regulation. Data should include both by person, if possible, and in the aggregate for all affected parties.

**Board of Healing Arts.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning naturopathy, fees for contact lense distributors, respiratory therapists, and affiliation with specialty boards. After discussion, the Committee expressed the following comments.

KAR 100-55-9. In subsection (a), spell out "S.R.T." to identify Student Respiratory Therapist.

KAR 110-55-5. In subsection (j), clarify that the word "state's" refers to another state, not Kansas.

KAR 100-72-3. In subsection (s), rewrite to ensure that any stated activity with a spouse would not be considered unprofessional conduct. In subsection (x), the listing should follow the Kansas law on discrimination. And, in general, is the provision of this regulation applicable to naturopaths more stringent than those applied to others regulated by the Board of Healing Arts? If so, why? Would it be possible or advisable to standardize what is considered unprofessional conduct across all regulated entities regulated by the Board?

**Kansas State Employee Health Care Commission.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning local units of government employee health care benefit plans. After discussion, the Committee expressed the following comments.

KAR 108-1-4. In subsection (a)(3)(B), clarify the identity of "participating employer."

The next meeting will be February 5, 2003, in Room 527-S. The meeting adjourned at 1:00 p.m.

Prepared by Judy Glasgow and Bill Wolff

Approved by Committee on:

April 1, 2003