

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

November 7, 2005
Room 514-S—Statehouse

Members Present

Representative Carl Holmes, Chairperson
Senator Vicki Schmidt, Vice Chairperson
Senator Donald Betts
Senator Karin Brownlee
Senator Ralph Ostmeyer
Representative Jan Pauls
Representative Scott Schwab
Representative Sharon Schwartz
Representative Josh Svaty
Representative Mark Treaster

Members Absent

Senator Chris Steineger
Representative Lance Kinzer

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Kenneth Wilke, Office of Revisor of Statutes
Diana Lee, Office of Revisor of Statutes
Judy Glasgow, Secretary

Others Present

Betty Rose, Board of Technical Professions
George Barbee, Board of Technical Professions
Melissa A. Wangemann, Secretary of State's Office
Danny J. Vopat, Office of the State Bank Commissioner
Pat Scalia, State Board of Indigents' Defense Services
Terri Roberts, Kansas State Nurses Association
Justin Holstin, Propane Marketers Association
Kathy Sachs, Secretary of State's Office
Deletria Nash, Kansas Insurance Department
Randy Forbes, Kansas Dental Board

Melissa Graham, Kansas Dental Board
Larry Buening, Board of Healing Arts
Mark Stafford, Board of Healing Arts
Ron Seeber, Hein Law Firm
Steve Zink, Kansas Department of Labor
John Yeary, Department of Commerce
Stephen Martino, Kansas Racing and Gaming Commission

Chairperson Holmes called the meeting to order at 9:05 a.m. The Committee recognized Committee member Josh Svaty by singing happy birthday to him in honor of his 26th birthday.

Chairperson Holmes asked for action on the minutes of the October 3, 2005 meeting. *Senator Vicki Schmidt moved that the minutes be approved as presented. The motion was seconded by Representative Josh Svaty. Motion carried.*

The Chairperson introduced George Barbee, to speak to the proposed rules and regulations noticed for hearing by the Kansas State Board of Technical Professions (Attachments 1 and 2). KAR 66-6-6, renewal of licenses and certificates of authorization; KAR 66-8-4, land surveyor examinations; KAR 66-9-4, engineering curriculum approved by the board; KAR 66-10-1, architectural experience of a character satisfactory to the board; KAR 66-10-9, engineering experience of a character that is satisfactory to the board; KAR 66-10-11, surveying experience required of an applicant who is not a graduate of a surveying curriculum approved by the board; KAR 66-10-12, surveying experience of a character satisfactory to the board; KAR 66-10-14, professional engineering, land surveying, and geology experience standards acceptable to the board for reciprocity applicants; and KAR 66-11-5, admission requirements for fundamentals of surveying examination.

Mr. Barbee stated that KAR 66-6-6 was being changed to allow corporate renewals to be split in half. This would allow half of the alphabet to renew in even numbered years and half of the alphabet to renew in odd numbered years. This change would take place in December 2006. Mr. Barbee stated that this would require the renewal of one group for one year rather than biennially. Staff noted that there was no statute or rule that would allow the agency to change the collection amounts and that it would be necessary to introduce legislation in the 2006 Session. After discussion by Committee members and staff of the agency, the Committee recommended that the Kansas State Board of Technical Professions withdraw KAR 66-6-6 and resubmit it after legislation has been passed by the Legislature permitting this fee collection change. *Representative Svaty moved to have a bill prepared for introduction allowing renewal licenses to be issued for one year to accommodate the split of corporate renewals between odd and even years. Senator Brownlee seconded the motion. Motion carried.*

Staff suggested that in KAR 66-9-4(b), a clarification was needed concerning who was performing the evaluation on baccalaureate engineering curriculum outside the United States, Accreditation Board for Engineering and Technology (ABET) or the Board. Mr. Barbee stated that the Board would look at this language again. After responding to general questions from the Committee, the Chairperson thanked Mr. Barbee for his presentation.

Melissa A. Wangemann, Legal Counsel for the Secretary of State's Office, was recognized by the Chairperson to address the proposed rules and regulations noticed for hearing by the Secretary of State. KAR 7-43-1, definitions; KAR 7-43-2, registration requirements; KAR 7-43-3, notarization of electronic signature; KAR 7-43-4, personal appearance requirement; KAR 7-43-5, form of evidence of authenticity of electronic notarial act; and KAR 7-43-6, applicability of statutes.

Ms. Wangemann explained that these were new regulations covering the implementation of registration requirements for an electronic notary. The Committee requested that the Economic Impact Statement show the amount the fee would generate and an estimate of the start up and the education program costs. It was noted that KAR 7-43-2 should include a reference in the history section stating the authority for the additional registration fee being charged. Ms. Wangemann answered questions from the Committee concerning how many e-notaries the Secretary of State's Office was expecting immediately and who would be using those services. She stated that her office expected about 100 applications in the first year and the applications would most likely be corporations. Ms. Wangemann was thanked for her appearance before the Committee.

Chairperson Holmes introduced Pat Scalia, Executive Director of the State Board of Indigents' Defense Services, to explain the proposed rules and regulations noticed for hearing by the Board. KAR 105-4-1, determination of eligibility; and KAR 105-11-1, defendant reimbursement of attorney fees.

Ms. Scalia stated that these rules and regulations have been approved as temporary regulations and therefore are in place. She stated that KAR 105-11-1 came about as the result of a case pending in the Kansas appellate courts challenging the validity of a sentence which includes reimbursement of attorney fees which were assessed based upon the reimbursement table, which is not currently part of the regulation. The new regulation will avoid future similar claims of invalid sentences.

The Committee noted that a date certain was not included in the rules and regulations for the reference to the federal poverty guidelines. Ms. Scalia stated that they were following the practice of the Department of Social and Rehabilitation Services. The Committee suggested that the agency check with SRS to see how it handled the adoption of the most recent guidelines. There being no further questions, Ms. Scalia was thanked for her presentation to the Committee.

Danny J. Vopat, Staff Attorney, State Bank Commissioner, was recognized by the Chairperson to speak to the proposed rules and regulations noticed for hearing by the Commissioner. KAR 75-6-30, application; place of business; KAR 75-6-31, bond requirements; and KAR 75-6-35, net worth requirements.

Mr. Vopat stated that KAR 75-6-30 was changed so that the definition of "place of business" would parallel the statutory language as amended by the 2005 Legislature. In response to a Committee member's question, Mr. Vopat stated that the proposed rules and regulations were posted on the agency's website and that e-mail comments would be accepted. Mr. Vopat was thanked by the Chairperson for his appearance before the Committee.

Chairperson Holmes introduced Stephen Martino, Executive Director of the Kansas Racing and Gaming Commission, to speak to the proposed rules and regulations noticed for hearing by the Kansas Racing and Gaming Commission. KAR 112-4-1a, concessionaire licenses and KAR 112-11-20, greyhound racetrack facility safety standards; specifications; prohibition of chemical use on track surface.

Mr. Martino stated that these were the regulations that had been brought before the Committee earlier and that the agency had incorporated all the changes that the Committee had proposed at that time. After responding to general questions from the Committee, Mr. Martino was thanked by the Chairperson for his appearance before the Committee.

Phyllis Gilmore, Executive Director of the Behavioral Sciences Regulatory Board, and Dr. Richard Maxfield, Board member, were recognized by the Chairperson to address the proposed rules and regulations noticed for hearing by the Board. KAR 102-1-5a, supervised experience and supervisor qualifications and KAR 102-1-12, educational requirements.

Dr. Maxfield gave an overview of the proposed rules and regulations and stated that they were intended to clarify current requirements, define residence requirements, and specify course work which must be completed while in residence. Staff noted that in KAR 102-1-5a on page 3 (4) the numbering of the following paragraphs should be capital "A" and capital "B" rather than "I" and "ii". Dr. Maxfield stated that this would be corrected. There being no further questions, Chairperson Holmes thanked Dr. Maxfield and Ms. Gilmore for the presentation.

Chairperson Holmes recognized Deletria Nash, Staff Attorney, to speak to the proposed rules and regulations noticed for hearing by the Kansas Insurance Department ([Attachment 3](#)). KAR 40-4-41c, utilization review organizations; written procedures; KAR 40-4-41d, utilization review organizations; appeal procedures; and KAR 40-4-41e, utilization review organizations; staff requirements.

Staff suggested that the agency look at KSA 60-206(b) to see if KAR 40-4-41c, paragraph (3) is in compliance with that section. Ms. Nash stated that they would check on this. A question also was raised by staff about KAR 40-4-41d page 1, paragraph (a) and whether or not this paragraph was in conflict with KSA 40-22a13. Ms. Nash stated that the Commissioner and staff would review these to make sure they are not in conflict.

Deletria Nash continued her review of the proposed rules and regulations noticed for hearing by the Kansas Insurance Department. KAR 40-7-5, agents; signatures; powers of attorney; rubber-stamped facsimiles; mechanical devices; KAR 40-7-7, agents; resident procedure for obtaining company certification; KAR 40-7-7a, revoked; KAR 40-7-9, agents; change in the information contained on the most recent application for a license; and KAR 40-7-20a, agents; continuing education; approval of courses; requirements.

Staff noted that in KAR 40-7-5, paragraph (b) that the language needs to be modified to clarify that it is the vending machine and not the accident that must be in airports or the air terminals. A Committee member noted that the term "rubber-stamped" does not appear anywhere in the regulation and that perhaps it should be removed from the title. Ms. Nash said that she would take this recommendation back to the agency. It was noted by a Committee member that KAR 40-7-20a, containing definitions, should be alphabetized since there is a change in one of the definition names. After responding to Committee questions, Ms. Nash was thanked for her presentation before the Committee by Chairperson Holmes.

At the request of Chairperson Holmes, Raney Gilliland, Kansas Legislative Research Department, gave a brief overview of the Committee's role in the rules and regulations process for the newest Committee members.

The Committee was recessed until 1:30 p.m.

Afternoon Session

The Chairperson reconvened the meeting at 1:30 p.m.

Chairperson Holmes recognized Randy Forbes, legal counsel for the Kansas Dental Board, to address the proposed rules and regulations noticed for hearing by the Board. KAR 71-8-1, applicability of other regulations; KAR 71-8-2, registration fee; KAR 71-8-3, renewal of registration; KAR 71-8-4, office address and telephone number; KAR 71-8-5, written procedures; communication facilities; conformity with requirements; driver requirements; consent forms; follow-up treatment; KAR 71-8-6, identification of personnel; notification of changes in written procedures; display of licenses; KAR 71-8-7,

identification of location of services; KAR 71-8-8, information for patients; and KAR 71-8-9, cessation of operations.

Mr. Forbes stated that these regulations are the result of SB 91, passed during the 2005 Legislative Session, covering mobile or portable dental operations. Committee members had several questions of a general nature concerning address location, phone numbers, and the copy of the dental license which must be on display at the mobile operation. Mr. Forbes stated that as far as the license was concerned, a duplicate copy of the license could be obtained from the Board. In response to a question from the Committee, Mr. Forbes stated that the Board estimated that there would be approximately five mobile facilities licensed under these rules and regulations the first year, with total fees of \$2,500.00. It was noted that no economic impact statement was available. Mr. Forbes stated that an economic impact statement had been submitted and that a copy would be provided to the Committee. After answering all questions, Mr. Forbes was thanked for his appearance before the Committee.

Steve Zink, Director of the Division of Industrial Safety and Health, Kansas Department of Labor, was recognized by Chairperson Holmes to speak to the proposed rules and regulations noticed for hearing by the Department (Attachment 4). KAR 49-49-1, boiler inspection and certificate fees; and KAR 49-49-1a, pressure vessel inspection fee.

Mr. Zink stated that KAR 49-49-1 is being amended to increase the fees that are charged to owners of boilers. The regulation has not been amended since 1997 and is being changed to meet the cost of performing services required in accordance with the Boiler Safety Act. After responding to all questions, the Chairperson thanked Mr. Zink for appearing before the Committee.

Chairperson Holmes introduced John Yeary, Deputy Chief Attorney of the Department of Commerce, to explain the proposed rules and regulations noticed for hearing by the Department. KAR 110-9-1, definitions; KAR 110-9-2, special bond project plan; additional documentation; KAR 110-9-3, certain findings; timing; KAR 110-9-4, secretary's review; KAR 110-9-5, due diligence; KAR 110-9-6, major commercial entertainment and tourism area; criteria; KAR 110-9-7, annual report; and KAR 110-9-8, bond payments; subsequent special bond projects.

Committee members noted that the definition of "county" needs to be added in KAR 110-9-1 and also the definition of the term "principal." Staff noted that the history section needs to be updated since several of these statutes were amended in the 2005 Legislative Session. Staff noted also that "secretary" was included in the definition section and that it had a different definition in the agency's statute. The Committee asked for a clarification on KAR 110-9-1, page 2, (n) line 3, "statewide and regional" since the statute used the word "or." In KAR 110-9-3, a Committee member questioned the reason for publishing the findings in the *Kansas Register*. Staff had a concern about the required notice within 60 days of the submission of the information and how this was handled if additional information was needed. Mr. Yeary stated that the 60 days did not begin until all the information had been received. It was suggested that the regulation be clarified concerning this time frame. The Committee recommended that in KAR 100-9-6 page 2, paragraph (4) be deleted. In KAR 110-9-8, the history section needs to be updated to include KSA 74-5005 since this gives the Secretary broad authority. Staff asked Mr. Yeary if audit reports were to be received after 2007. The statutory authority for the Star Bond statute expires in 2007 so new authority would need to be given. After replying to Committee questions concerning these rules and regulations, Mr. Yeary was thanked for his appearance before the Committee.

Chairperson Holmes introduced Larry Buening, Executive Director of the Board of Healing Arts, to address the proposed rules and regulations noticed for hearing by the Board concerning office-based procedures. KAR 100-25-1, definitions; KAR 100-25-2, general requirements; KAR 100-25-3, requirements for office-based surgery and special procedures; KAR 100-25-4, office-based surgery and

special procedures using general anesthesia or a spinal or epidural block, and KAR 100-25-5, standard of care.

Mr. Buening stated that the proposed rules and regulations became temporary rules and regulations on August 22, 2005 and are now in effect. Several changes have been recommended by the work committee that developed the regulations. The Committee suggested that in KAR 100-25-1, page 1 (j) the word "minimally" be removed and in KAR 100-25-2, page 2 (4)(C) the words "or replaced" be added after "sterilized." The Committee also in KAR 100-25-3, page 2 (c) (1), the words "that come in direct contact with patients" be added after "materials." Further, the Committee suggested that in KAR 100-25-4, page 2, (d) after the word "standards" that "are currently being met" be added.

It was suggested by the Committee that in KAR 100-25-2, page 2 (B) the words "and filtration" be added after "temperature control." In KAR 100-25-3, page 2, (5) the Committee questioned the phrase "the presence of nausea or vomiting" and suggested clarifying the intent of the statement. A Committee member suggested that a clarification be made between the office and the surgical location when applying several of the requirements. The Committee recommended that the Board examine KAR 100-25-3, page 5, concerning the internal peer review and that more specific instructions and time frames be specified when filing a reportable incident.

Mr. Buening continued his explanation of proposed rules and regulations noticed for hearing by the Board of Healing Arts. KAR 100-26-1, services rendered to individuals located in this state; KAR 100-26-2, definitions; and KAR 100-26-3, orders for diagnostic professional services and therapeutic professional services.

Mr. Buening stated that these proposed rules and regulations were the result of SB 254 passed by the 2005 Legislative Session. He gave an overview of the changes and the reasons behind them.

Staff suggested that in KAR 100-26-1 that paragraph (a) be rewritten for clarification. Staff stated that in KAR 100-26-2, paragraph (e) would be clearer if the three types of "out of state practitioner" were listed as separate items (1), (2) and (3) and in KAR 100-26-3 (a) the phrase "before providing the professional service" be moved to the end of the sentence for clarification of intent. After answering all questions from Committee members, Mr. Buening was thanked for his presentation.

Chairperson Holmes recognized Mark Stafford, General Counsel of the Board of Healing Arts, to speak to additional proposed rules and regulations noticed for hearing by the Board. KAR 100-28-1, definitions; KAR 100-28-2, limitations on delegation of authority to perform services constituting medicine and surgery; KAR 100-28-3, protocol form contents; KAR 100-28-4, supervision and direction; KAR 100-28-5, prescription orders by advanced registered nurse practitioners; KAR 100-28-6, alternate practice location; and KAR 100-28-7, limitation on the number of supervised professionals.

Mr. Stafford explained that these proposed rules and regulations were the result of KSA 65-28,127 which was amended by the Legislature in 2004. He stated that in KAR 100-28-1, (b) needs to be changed to correct the definition. Committee members expressed a concern about how these regulations will affect service for those people in rural Kansas by overburdening these practitioners with regulations because of a shortage of practitioners.

Chairperson Holmes recognized Patty Brown, Kansas State Board of Nursing, to speak in opposition of these proposed rules and regulations ([Attachment 5](#)). Ms. Brown noted that the Kansas State Board of Nursing had been on the committee that worked to formulate these regulations. She stated that a letter dated April 12, 2005, was sent to the Board of Healing Arts with the issues that were of concern to the Board of Nursing, and as of today these issues have not been addressed. After answering Committee questions, Ms. Brown was thanked for her presentation.

Chairperson Holmes recognized Terri Roberts, Executive Director, Kansas State Nursing Association, to speak in opposition to the rules and regulations noticed for hearing by the Board. Ms. Roberts stated that her organization is in opposition of the 25 percent case review requirement since it is burdensome for the advanced registered nurse practitioners (ARNPs) and also the regulations limit to four supervised ARNPs under a responsible physician.

After a lengthy discussion on the regulations, it was the recommendation of the Committee that the proposed rules and regulations, KAR 100-28-1 through KAR 100-28-7, be withdrawn by the Board of Healing Arts and that a meeting be scheduled with all parties concerned to work through their differences.

The next meeting of the Committee will be held the morning of January 9, 2006, the first day of the 2006 Legislative Session. The meeting was adjourned.

Committee Comments on Proposed Rules and Regulations

State Board of Technical Professions. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning renewal of licenses and certificates of authorization; land surveyor examinations; engineering curriculum approved by the board; architectural experience of a character satisfactory to the board; engineering experience of a character that is satisfactory to the board; surveying experience required of an applicant who is not a graduate of a surveying curriculum approved by the board; surveying experience of a character satisfactory to the board; professional engineering, land surveying, and geology experience standards acceptable to the board for reciprocity applicants; and admission requirements for fundamentals of surveying examination and had the following comments.

K.A.R. 66-6-6. The Committee requests that the agency withdraw this regulation. It appears that there is a need for statutory authority to implement this regulation.

K.A.R. 66-9-4. The Committee requests that the agency clarify the language in (b) so that it is clear who or what entity conducts the evaluation and determines the equivalency standard. The Committee is concerned that there not be an unlawful delegation of authority to the Accreditation Board for Engineering and Technology.

Comment. The Committee voted to introduce legislation to authorize the agency to remedy the statutes to allow the agency to proceed with biennial licensure of corporations and other business entities.

Kansas Secretary of State. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning definitions; registration requirements; notarization of electronic signature; personal appearance requirement; form of evidence of authenticity of electronic notarial act; and applicability of statutes and had the following comments.

K.A.R. 7-43-2. The Committee questions the authority of the agency to approve a course of instruction as provided by this regulation. In addition, the Committee believes that there is no authority to impose a registration fee and suggests that the fee be imposed under the information service fee statute and that the history portion be amended to reflect that change.

K.A.R. 7-43-6. The Committee believes that it may be more appropriate to reference the portion of the general notary act that does not apply to the regulation rather than referencing the entire act.

Comment. The Committee requests that the Economic Impact Statement be revised so that it reflects the actual impact on the public of the imposition of the fee, including anticipated fee fund revenue. The Committee also requests that the agency review the statutory authority used to promulgate these regulations and determine if additional statutory authority is warranted.

Kansas Insurance Department. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning utilization review organizations, written procedures; utilization review organizations, appeal procedures; utilization review organizations, staff requirements; agents, signatures, powers of attorney, rubber-stamped facsimiles, mechanical devices; agents, resident procedure for obtaining company certification; agents, change in the information contained on the most recent application for a license; agents, continuing education, approval of courses, requirements; and revocation and had the following comments.

K.A.R. 40-4-41c. The Committee questions the 72-hour time frame and whether weekends and holidays are accounted for in this calculation. This time frame also appears in K.A.R. 40-4-41d and the Committee has the same concern.

K.A.R. 40-4-41d. The Committee is concerned that the 180-day time frame allowance to initiate the appeals process is in conflict with the external review procedure set forth in KSA 40-22a13, *et seq.*

K.A.R. 40-7-5. The Committee requests that the agency review the title of this regulation and remove language which is no longer spoken to in the regulation. In addition, the Committee requests that the agency review and clarify the language change in subsection (b) that now appears to provide for accident coverage only in airports or air terminals. The Committee is concerned that the change in this portion of the regulation impacts coverage.

K.A.R. 40-7-20a. The Committee requests that the agency alphabetize the definitions included in the regulation. In addition, the Committee requests that the agency correct the statutory reference in (b)(5).

Office of State Bank Commissioner. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning application, place of business; bond requirements; and net worth requirements and had no comment.

Kansas Department of Labor. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning boiler inspection and certificate fees; and pressure vessel inspection fees and had no comment.

Kansas Dental Board. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning applicability of other regulations; registration fee; renewal of registration; office address and telephone number; written procedures, communication facilities, conformity with requirements, driver requirements, consent forms, follow-up treatment; identification of personnel, notification of changes in written procedures, display of

licenses; identification of location of services; information for patients; and cessation of operations and had no comment.

State Board of Indigents' Defense Services. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning determination of eligibility and defendant reimbursement of attorney fees and had the following comment.

K.A.R. 105-4-1. The Committee continues to be concerned with the issue of adoption of the most current federal poverty guidelines by reference. Please review this issue to ensure that there is not an improper delegation of authority.

Racing and Gaming Commission. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning concessionaire licenses and greyhound racetrack facility safety standards, specifications, and prohibition of chemical use on track surface and had no comment.

Kansas State Board of Healing Arts. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning definitions; general requirements; requirements for office-based surgery and special procedures; office-based surgery and special procedures using general anesthesia or a spinal or epidural block; standard of care; services rendered to individuals located in this state; definitions; orders for diagnostic professional services and therapeutic professional services; definitions; limitation on delegation of authority to perform services constituting medicine and surgery; protocol form contents; supervision and direction; prescription orders by advanced registered nurse practitioners; alternate practice location; and limitation of the number of supervised professionals and had the following comments.

K.A.R. 100-25-1. The Committee suggests clarification of the term "remote" in subsection (e)(1). In subsection (l), consider adding "abortion" to the list of those items considered to be surgery.

K.A.R. 100-25-2. In subsection (b)(4)(B), consider the addition of the term "filtration." In subsection (b)(4)(C), consider adding after "sterilized" the phrase "or replaced."

K.A.R. 100-25-3. In (b)(1), consider clarifying the phrase "in the presence of nausea or vomiting." In subsection (c)(1), the Committee requests that the agency not implement the Board's recommendation and that the agency implement a standard for procedures rooms as an alternative. In subsection (e)(3), the Committee is concerned with the internal peer review process and believes that it is not clear as to who or what entity receives the peer review report. The Committee believes that consideration should be given to including a time frame for the reporting of "reportable incidents." After considerable Committee discussion, the Committee believes that (e)(3)(E) should be rephrased.

K.A.R. 100-26-1. In the first section, consider rewording the paragraph so that there are fewer exceptions.

K.A.R. 100-26-2. In subsection (e), consider rewording this definition to clarify the meaning.

K.A.R. 100-26-3. Consider placing the phrase "before providing the professional service" at the end of the paragraph. Clarify the potential situation where an out-of-state practitioner may actually be suspended by the State of Kansas.

Request. With respect to the regulations dealing with advanced registered nurse practitioners, the Committee requests that the agency withdraw this set of regulations and continue to work with the interested parties to resolve the issues raised during the hearing. However, if the Board decides to proceed with the adoption of these regulations, the Joint Committee requests that the following comments be included in the public record.

K.A.R. 100-28-1. Consider excluding registered nurse anesthetists from the definitions contained in this regulation.

K.A.R. 100-28-4. The Committee is concerned with the chart review requirements and suggests that the Board revisit this issue and determine the appropriate review level.

K.A.R. 100-28-5. In subsection (c)(4), consider rewording this subsection to eliminate the language following "or designated physician." Also, rewrite language in (d) and (e) to remedy the directive language to ARNPs.

K.A.R. 100-28-6. The Committee is concerned with the potential impact on the level of service at community mental health centers and at local departments of health. The Committee also is concerned with the impact this regulation may have on services provided in rural Kansas. Has the Board considered the economic impact of this regulation on the rural health care service delivery system?

General Comment. The Committee suggests rephrasing of language where "supervise" or "supervisor" is used.

Note. The Committee notes that there is pending legislation which addresses the issues contained in this set of regulations. What is the Board's position on the professional relationship between the physicians and the ARNPs?

Behavioral Sciences Regulatory Board. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning supervised experience and supervisor qualifications (psychologists) and had the following comment.

K.A.R. 102-1-5a. The Committee requests a correction in subsection (d)(4) where "I" and "ii" should be "(A)" and "(B)."

Kansas Department of Commerce. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning definitions; special bond project plan, additional documentation; certain findings, timing; secretary's review; due diligence; major commercial entertainment and tourism area, criteria; annual report; and bond payments, subsequent special bond projects and had the following comments.

K.A.R. 110-9-1. The Committee requests that the agency review the terms used in this regulation to determine whether they are used in any of the regulations. The Committee requests their removal if the terms are not used. Specifically, review the terms "secretary," "department," and "preapplication." In addition, the Committee

requests the addition of the term "county" to give clarity to this set of regulations. Further, the Committee requests that the agency review the definition of the term "major commercial entertainment and tourism area" to determine whether the area intended to be covered would be both a statewide and a regional destination or whether it was intended to be either or both.

K.A.R. 110-9-2. The Committee is concerned with the requirements of the regulation requiring evidence of financial commitments by prospective project tenants and the proposed specimen bonds. Please review these requirements to determine their necessity.

K.A.R. 110-9-3. The Committee questions the need for the publication in the *Kansas Register* and the process for informing the city of the finding (consider alternatives to mailing). Consider clarification in this regulation of when the 60-day time frame actually begins. Also coordinate this clarification with any extra response time allowed under K.A.R. 110-9-4.

K.A.R. 110-9-5. The term "principal" does not appear to be defined. Consider the addition of the definition of this term.

K.A.R. 110-9-6. The Committee requests the deletion of the regulatory references to previously defined terms. In addition, consider deletion of the marketing plans since this was not a statutory requirement.

K.A.R. 110-9-7. Please reflect the audit language added in the 2005 Legislative Session.

Prepared by Judy Glasgow
Edited by Raney Gilliland and Melissa Calderwood

Approved by Committee on:

January 9, 2006
(date)