

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Vice Chairperson Peggy Mast at 1:30 P.M. on February 25, 2008 in Room 526-S of the Capitol.

All members were present except:

Rep. Kiegerl, excused
Rep. Holland, excused
Rep. Ward, excused
Rep. Hill, excused
Rep. Morrison, excused
Rep. Garcia, excused
Rep. Landwehr, excused

Committee staff present:

Norman Furse, Revisor of Statutes Office
Dianne Rosell, Revisor of Statutes Office
Melissa Calderwood, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Chris Haug, Committee Assistant

Conferees appearing before the committee:

Mary Blubaugh, MSN, RN, Executive Administrator, Kansas State Board of Nursing (KSBN)
Terry Roberts, Executive Director, Kansas State Nurses Association

Others Attending:

See Attached List.

The hearing on **HB2235, Board of Nursing Fees** was opened.

Proponents:

Mary Blubaugh, MSN, RN, Executive Administrator, Kansas State Board on Nursing (KSBN) gave testimony supporting this bill. (Attachment 1) Ms. Blubaugh represented the Board Members of the State Board of Nursing to provide information on the proposed statute changes to raise the cap on fees.

In FY03 the balance of the KSBN fee fund was \$573,464 and by the end of FY09 it is projected to be \$257,886. Ms. Blubaugh stated one of her jobs was to insure nothing gets swept from her budget, as it was in 2005. That amount was \$168,522 and KSBN has requested the amount be returned to the fee fund, but have been unsuccessful in retrieving it. A chart prepared by the Division of Budget, documenting fee fund cash flow, and the estimate for FY03 to FY09 is part of Attachment 1. She explained they are currently capped at almost all fees.

Representative Otto wondered if the statute could be amended to not allow sweeping. He said he would hate to vote a tax that is a back-handed tax. Ms. Blubaugh did not know. She said the Attorney General's office wrote an opinion that it was unconstitutional. Representative Flaharty asked the revisors if any amendments were needed, since the bill was introduced last year. Mr. Furse stated that no amendments were necessary.

Representative Patton asked for a copy of the Attorney General's opinion. Ms. Blubaugh said she would find it for him.

Opponents:

Terry Roberts, R.N., Executive Director of the Kansas State Nurses Association gave her testimony against **HB2235**. (Attachment 2) They are opposing this bill mainly because of the sweeps. Her testimony stated the Kansas State Nurses Association had reviewed the statutory fee caps proposed to be raised in the Kansas Nurse Practice Act with this bill. The past five years history of the Board of Nursing Budget expenditures and year end balances did not support the fee cap increases as proposed.

The rationale for the opposition included: The year-end fee Board of Nursing fee fund balances and carryover have been around \$500,000 or more annually. There was over \$150,000 swept into the State General Fund over a three year period. They anticipate increases in the number of registered nurses who will make

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:30 P.M. on February 25, 2008 in Room 526-S of the Capitol.

application for licensure and renewal. The license renewals are the largest source of revenue for this agency, so this income will continue to rise with the increase.

The hearing on **HB2235** was closed.

The hearing on **HB2702 - Excepted Acts and reciprocity concerning the practice of dentists** was opened.

Proponents:

Betty Wright, Executive Director of the Kansas Dental Board provided testimony in support of this bill. (Attachment 3) Ms. Wright said last year the Dental Board proposed two changes to the dental practices act for this session. The first was **KSA 65-1423** which allowed dental hygienists who are licensed out of state to provide clinical education, "hands-on teaching", at dental organization meetings. Dentists are already allowed to do this. The other revision, **KSA 65-1434** applies to dentists coming over from other states and The Board is asking they have two years of continuing education, which is 30 hours. Currently, they are required to have only one year.

There were no opponents to this bill.

The hearings on **HB2702** were closed.

Vice Chair Mast asked if there was any interest in working previously heard bills. It was suggested to work **HB2672**.

HB2672 - Long-term care units, inspection by department on aging. Dianne Rosell prepared amendments to this bill. Representative Neighbor stated she was the one who asked for the revision to the original balloon and there was one change made this morning to define Kansas Health Policy but she felt everything in the balloon was requested and it met with everyone's satisfaction. Representative Neighbor moved to adopt the balloon. Representative Otto seconded. The motion carried. Vice Chair Mast said we were back on the bill. Representative Neighbor moved we pass **HB2672** favorably out of committee. Representative Storm seconded the motion. The motion carried.

Vice Chair Mast asked if anyone had any objections to working the bills that were heard today. There were no objections.

HB2235- Board of Nursing Fees. Representative Otto stated there was only one opposition, in the hearing. He would like an amendment that says something to the affect that any officials voting for or actively involved with the sweeping of professional fees or funds shall be subject to recovery action by said professional board. Representative Flaharty stated she thought that would put the whole appropriations and ways and means committee in jeopardy. Rep. Otto stated, "for me to support this, it will have to have something with "teeth" in it along these lines".

Vice Chair Mast asked for further discussion on **HB2235**. Representative Neighbor said that she agreed with Representative Otto, we need to stop sweeping funds and taking away from the people who need the funds. Representative Neighbor then made a motion that we move **HB2235** out favorably for passage. Ranking Minority Member Flaharty seconded the motion. Representative Patton stated he thought he would vote, "no". He said, "The nurses are against this and they are the ones that are most interested in these fees. I think from reading the testimony that it doesn't sound like it is really needed this year. So, if it is not really needed this year, I'm going to be opposing it." Representative Otto said, "I will be voting for this."

Representative Flaharty asked about the cap on fees and whether they anticipated charging fees close to the cap at this time. Ms. Blubaugh said, "No, we are currently at \$60.00 and don't anticipate making any changes to this until 2010." Representative Neighbor asked when the last time fees were raised and how long it took to get to the current cap. Ms. Blubaugh said the renewals were last raised in April of 2001, and last year they raised reinstatements. It has been about 7 years since renewals were raised. Representative Storm said looking at the testimony it says we are lower than other states in their caps. It's only nine of the licenses and there's been only one large increase for mental health. So she felt she would need more explanation and justification before she could vote, "yes".

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:30 P.M. on February 25, 2008 in Room 526-S of the Capitol.

Representative Neighbor asked about the fees for the Mental Health Technician programs. She wondered if there were programs we had currently in place or whether we would have to develop them if we had licensure in this area. She then asked, "What makes those jump so much, for example \$220 to \$1,000 and renewal of \$110 to \$400. Can you clarify that?" Ms. Blubaugh said this is a profession that will not be recognized much longer. We have less than 200 in the state. This brings them up to the same level as nurses.

Representative Colyer asked what was an appropriate amount of ending balance for them to have and carry over. He wondered if we were looking at an ending balance of \$800,000 and an annual budget of about 1 and a half million dollars. Ms. Blubaugh said the \$800,000 ending balance is not a true balance if you look at the Fee Fund Cash Flow Estimate prepared by the Department of the Budget you will see the actual ending balance. The \$800,000 had some items that they had encumbered because of an education fund, so it is not a true figure. She said their actual monthly budget is around \$150,000.

Vice Chair Mast said it had been moved and seconded that we pass **HB 2235** favorably out of committee. After the vote, division was requested. There were 6 ayes and 7 nays. The motion failed.

HB2702 - Excepted Acts and reciprocity concerning the practice of dentists. Representative Storm moved that we pass **HB2702** out favorably and try placing it on the consent calendar, if there is time. If not we will place it on general orders. Representative Neighbor seconded. The motion passed.

There was no more business to come before the committee. There will be no meeting on February 26. The

Vice Chair Mast told the committee there was information from Kansas Health Policy Authority, included in the handouts, answering questions from the February 18, 2008 meeting. (Attachment 4)

The meeting was adjourned at 1:57 p.m.