

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Sandy Praeger at 10:00 a.m. on February 16, 2000 in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Lisa Montgomery, Revisor of Statutes  
Hank Avila, Legislative Research Department  
JoAnn Bunten, Committee Secretary

Conferees appearing before the committee:

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board  
Ron Hein, Mental Health Credentialing Coalition  
Camille Nohe, Assistant Attorney General

Others attending: See attached list

**Hearing on SB 397 - Allowing licensed professional counselors to practice without direction if such counselor does not diagnose and treat**

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, testified in support of **SB 397** which she noted could be called a “technical clean up” bill to **HB 2213** that was passed by the 1999 legislature. Under the provisions of **SB 397** a licensed professional counselor whose practice does not include diagnosis and treatment would not be required to be under the direction of another professional as specified in the law. There are currently some licensed professional counselors practicing independently who are not diagnosing and treating mental disorders, such as vocational or educational counselors. (Attachment 1) The Chair noted there needed to be clarification in the bill for those not diagnosing and treating mental disorders, and directed staff to draft language that would allow this exception under rules and regulations before the bill is worked.

Ron Hein, representing the Mental Health Credentialing Coalition, testified in support of **SB 397** (Attachment 2) as well as expressing his support for adding the rules and regulations amendment to the bill.

There were no opponents to **SB 397**.

**Briefing on: SB 399 - Confidentiality requirements for behavioral sciences regulatory board**

Camille Nohe, Assistant Attorney General and general counsel to the Behavioral Sciences Regulatory Board, briefed the Committee on **SB 399** which would prevent disclosure of treatment and confidential communications regarding clients of professionals licensed by BSRB. The bill would identify who may claim the privileges and those persons who would be extended the privilege of confidential communication. The bill also outlines a variety of exceptions to the privilege. (Attachment 3) The Chair directed Ms. Nohe to draw up a chart for the Committee regarding confidential and privileged communications between licensees of the Behavioral Sciences Regulatory Board and their clients, and exemptions to those otherwise protected communications. The Chair noted the bill will be “blessed” for a possible hearing at a later date.

**Action on SB 556 - Who has right to disposition of a decedents remains**

The Chair briefed the Committee on a balloon of the bill showing technical clarifications offered by the Kansas Funeral Directors and Embalmers Association and the State Board of Mortuary Arts. (Attachment 4) Senator Hardenburger made a motion to adopt the amendments, seconded by Senator Langworthy. The motion carried. Senator Hardenburger made a motion the Committee recommend SB 566 as amended favorably for passage, seconded by Senator Steineger. The motion carried.

**Action on SB 557 - Regulation and licensing of crematories**

The Chair briefed the Committee on two balloons of the bill offered by the State Board of Mortuary Arts and the Kansas Funeral Directors and Embalmers Association. Senator Jones made a motion to adopt the amendments, seconded by Senator Becker. After Committee discussion the Chair directed staff to draft a

## CONTINUATION SHEET

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balloon of the bill combining the two amendments. Senator Jones withdrew his motion. The Chair noted that the bill would be considered by the Committee when the balloon of the bill is ready.

### **Approval of Minutes**

Senator Becker made a motion to approve the Committee minutes of February 7, 8, 9 and 10, 2000, seconded by Senator Jones. The motion carried.

### **Adjournment**

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for February 17, 2000.