

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Vice-Chair Peggy Mast at 1:30 P.M. on February 1, 2007 in Room 526-S of the Capitol.

All members were present except:

Don Hill- excused
Tom Holland- excused

Committee staff present:

Norman Furse, Revisor's Office
Melissa Calderwood, Legislative Research
Mary Galligan, Legislative Research
Patti Magathan, Committee Assistant

Conferees appearing before the committee:

Chad Austin - KS Hospital Association
Ron Gaches - on behalf of KS Dental Hygienists
Phyllis Gilmore Executive Director of KS Behavior Sciences Regulatory Board (B.S.R.B.)
Dr. Richard Maxfield - Psychologist in Private Practice and B.S.R.B. Board member
Sky Westerland - KS Chapter of National Association of Social Workers

Others Attending:

See Attached List.

Vice-Chair Mast opened the floor for bill introductions.

Representative Mast motioned to introduce a committee bill related to K.D.H.E. background checks. Motion seconded by Representative Keigerl. Motion carried.

Representative Mast made a motion related to prescription drug usage monitoring. Motion was seconded by Representative Neighbor. Motion passed.

Phyllis Gilmore, Executive Director of KS Behavior Sciences Regulatory Board, asked to have a technical bill to reinstate lost language from the 1998 session, which allows members to treat drug and alcohol treatment without state certification. Motion made by Representative Morrison and seconded by Representative Kiegerl. Motion carried.

Chair Landwehr motioned a resolution stating that the University of Kansas Medical Center would need to involve the legislature before establishing an affiliation with another hospital. Motion seconded by Representative Mast. Motion carried.

Chad Austin representing the Kansas Hospital Association, requested a bill defining a General Hospital. Motion made by Representative Landwehr and seconded by Representative Flaharty. Motion passed.

Ron Gaches, on behalf of the Kansas Dental Hygienists Association, asked for a bill which clarifies appointments to the Kansas Dental Board to rebalance the makeup. Motion made by Representative Storm and seconded by Representative Landwehr. Motion carried.

Chair Landwehr opened the floor for hearings on **HB 2180 - Behavioral sciences regulatory Board's rules and regulations authority concerning impaired licensees.**

Phyllis Gilmore, Executive Director of KS Behavior Sciences Regulatory Board, provided history on this bill. She stated that **HB 2180** adds the authority to the Behavior Sciences Regulatory Board to implement **SB 469** which was passed last year. **SB 469** omitted language to allow the board to deal with licensee infractions in a manner other than disciplinary action. (Attachment 1)

Dr. Richard Maxfield, a member of the B.S.R. Board and a psychiatrist in private practice said that **HB 2180** allows the regulatory board to enter into diversionary agreements with a member whose practice has fallen

CONTINUATION SHEET

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below acceptable standards. A very serious infraction would not be eligible for diversion and the license would be revoked. Minor infractions caused by psychological problems or drug and alcohol abuse can be dealt with using diversionary programs after enactment of this law. (Attachment 2)

Opponent **Sky Westerland**, KS Chapter of National Association of Social Workers (N.A.S.W.), said that the N.A.S.W supports the concept of a mechanism in which to address an impairment issue, but they cannot support the bill with current language. The bill needs to contain elements to provide an impaired provider program, the program must be defined by law, and the language must incorporate the peer component. There can be no opportunity for a dual relationship between the regulatory board and the professional offering the treatment to the licensee. The program must be structured in such a way that licensees can request help through self-referral without involving the Board. There must be consistency to the current law defining impaired provider programs for health care providers. B.S.R.B. authority for addressing impairment problems must occur within the context of regulatory duties and as part of normal disciplinary procedures and agreements. Confidentiality of treatment for impairment must be fully protected. (Attachment 3)

Written opposition was provided by the Kansas Psychological Association. (Attachment 4)

Chair Landwehr closed hearings on **HB 2180** and opened hearings on **HB 2181 - Hours of continuing education required for reinstatement of social work license.**

Proponent **Phyllis Gilmore**, Executive Director of KS Behavior Sciences Regulatory Board, stated that **HB 2181** brings statute in compliance with rules and regulations. (Attachment 5)

Sky Westerland, KS Chapter of National Association of Social Workers stated that the N.A.S.W. is in support of this bill. (Attachment 6)

Chair Landwehr closed hearing on **HB 2181** and opened hearings on **HB 2182 - Temporary permits to practice from the behavioral sciences regulatory board for out-of-state licensees.**

Dr. Richard Maxfield, a member of the B.S.R. Board and a psychiatrist in private practice said that currently practitioners from out of state can practice for a short time, citing the psychiatrists who came into Kansas to evaluate the "BTK" serial killer. This legislation requires that practitioners apply for a 15-day license and agree to comply with Kansas rules and regulations. (Attachment 7)

Chair Landwehr closed hearings on **HB 2182** and polled the committee for objections to working **HB 2181** and **HB 2182**. Committee did not object.

Chair Landwehr opened the floor to work **HB 2181**. Representative Morrison made a motion that the bill be recommended favorably for passage. Motion seconded by Representative Neighbor. Motion carried.

Chair Landwehr opened the floor to work **HB 2182**. Representative Neighbor motioned that the bill be recommended favorably for passage. Motion seconded by Representative Storm. Motion carried.

Representative Mast asked that both **HB 2181** and **HB 2182** be put on consent calendar which was agreed to by the committee.

Revisor Norman Furse explained a proposed bill dealing with pharmaceutical integrity act. Motion made by Chair Landwehr and seconded by Representative Mast. Motion carried.

The next meeting is Monday, February 5 at 1:30 P.M.