

Approved: February 15, 1993  
Date JNV

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Joann Flower at 1:30 p.m. on February 9, 1993 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department  
William Wolff, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chair called the meeting to order, requesting a staff briefing on HB 2118.

Revisor, Mr. Furse, gave a comprehensive explanation of HB2118, noting the bill had been drafted at the suggestion of the Department of Health and Environment. He drew attention to page 2, and changes in the license fee from \$40 to \$100; the deletion of language in lines 33-36; he detailed outdated language; cleanup language; detailed references to the word "premises" (used rather than the term lodging establishment); drew attention to page 3 Sec 3, line 42, and explained the deletion of language "lodging and"; and noted the seacretary shall inspect or cause to be inspected at least once annually every food service establishment in the state.

After the explanation of HB 2118, Rep. Freeborn moved to amend HB2118 on page 2, line 6, by changing the \$40 fee to \$45, and to strike \$100. Motion seconded by Rep. Morrison. Discussion ensued. Questions were asked, i.e., why was the amount of \$100 requested. It was noted more and more often Agencies are requested to increase fees to cover the costs of services provided; the \$100 fee is a statutory maximum fee. The actual fee itself is set by the Agency by rules and regulations. It was noted the lower the maximum fee is, the more often the Agencies have to come before the Legislature to request an increase in the caps. It was noted, costs are exceeding the revenue for the program; fees will not automatically be increased to \$100 right now but the ability to raise fees when costs for providing the services increase will be in place. It was noted small rural business owners suffer real hardships with continued increases in costs; perhaps taking a look at better efficiency in not only this program but others, could help cut costs, then, fee increases wouldn't be necessary as often. If small communities continue to lose business owners, then the communities suffer and the state must step in to help with expanded services.

Vote taken on motion to amend HB2118. Motion carried.

Rep. Neufeld moved to report HB2118 favorable for passage, as amended. Motion seconded by Rep. Mayans. Motion carried.

Representative Freeborn agreed to carry HB2118.

Chair drew attention to HB2073.

Chair directed attention to a fiscal note on HB2073 (Attachment No.1)

It was noted there were numerous changes proposed in the Nurse Practice Act in HB2073. There are also concerns with mental health technicians; subpoena powers; civil fines. It was noted many members had received correspondence regarding concerns from the American Disabilities Act. The Chair noted since there are numerous concerns, and that HB 2073 and HB 2072 are so similar, a Sub Committee would be appointed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S  
Statehouse, at 1:30 p.m. on February 9

Chairperson Flower appointed Rep. Neufeld as Chair, and Rep. Wells, Rep. Sader to a Sub Committee on HB2073, the same Sub Committee as appointed to HB2072.

The Chair drew attention to a fiscal note on HB2072, (Attachment No.2) that was provided to members

Mr. Furse noted, the Committee had requested that he review licensing acts. He will have that information available soon.

It was announced by Rep. Neufeld, the Sub Committee will meet on HB2072 immediately upon adjournment of House Public Health and Welfare Committee today.

Chair adjourned the meeting at 2:00 p.m.  
Next meeting is scheduled for tomorrow 2/10/93 at 1:30 p.m.



STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E  
State Capitol Building  
Topeka, Kansas 66612-1504  
(913) 296-2436  
FAX (913) 296-0231

Joan Finney  
Governor

Gloria M. Timmer  
Director

February 1, 1993

The Honorable Joann Flower, Chairperson  
Committee on Public Health and Welfare  
Statehouse, Room 426-S  
Topeka, Kansas 66612

Dear Representative Flower:

SUBJECT: Fiscal Note for HB 2073 by House Committee on  
Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note  
concerning HB 2073 is respectfully submitted to your committee.

HB 2073 would amend current law regarding disciplinary actions  
against licensees of the Board of Nursing to be parallel with risk  
management laws. Language is also updated so the statutes are  
similar for each category of licensee.

The act would make it a class A misdemeanor for a provider of  
continuing education to licensees of the Board to represent itself  
falsely as having the approval of the Board. Subsequent violations  
of these provisions would be a class E felony. Under current law,  
the initial violation is a class C misdemeanor and subsequent  
violations are a class B misdemeanor.

The bill also includes new language for the Kansas Nurse  
Practice Act regarding the authority of the Board of Nursing.  
Under HB 2073, the Board, its counsel, or employees designated by  
the Board, would be allowed reasonable access to evidence and  
information regarding any person being investigated, may issue  
subpoenas for testimony of witnesses or production of other  
evidence, and examine witnesses. The district court would have the  
authority to issue an order to require someone to appear before the  
Board or revoke or modify the subpoena. Language is also included  
to require that all evidence related to the medical records of a

PHW  
2-9-93  
Attn #1.

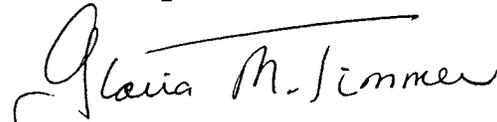
The Honorable Joann Flower, Chairperson  
February 1, 1993  
Page 2

person being investigated or the person's family, and all findings of the Board related to investigations remain confidential.

The final section of the bill contains new language requiring all documents related to a complaint against a licensee to remain confidential. The law allows the documents to be revealed during disciplinary proceedings, to the person who is being investigated, to disciplinary authorities of other jurisdictions, and if action against the licensee is authorized.

HB 2073 has no fiscal effect.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer". The signature is written in dark ink and is positioned above the typed name.

Gloria M. Timmer  
Director of the Budget

cc: Pat Johnson, Nursing

2073.fn

*Appel U*  
*2-9-93*  
*Attn #1*  
*P-9272*

STATE OF KANSAS



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Room 152-E  
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Joan Finney  
Governor

Gloria M. Timmer  
Director

February 3, 1993

The Honorable Joann Flower, Chairperson  
Committee on Public Health and Welfare  
Statehouse, Room 426-S  
Topeka, Kansas 66612

Dear Representative Flower:

SUBJECT: Fiscal Note for HB 2072 by Committee on Public  
Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note  
concerning HB 2072 is respectfully submitted to your committee.

HB 2072 would amend several statutes regarding the Board of  
Nursing. Many of the amendments are technical in nature and are  
intended to clarify language, eliminate sections no longer  
relevant, and address omissions in current law. Language is  
updated so the statutes are similar for each category of licensee.  
The bill also defines certain acts to be unlawful and establishes  
penalties for the violation of statutes related to licensees of the  
Board.

Several of the significant new provisions of HB 2072 include:

1. Stipulations for applicants who repeatedly fail a  
licensure exam administered by the Board of Nursing are  
created. HB 2072 would require someone who fails the  
exam four times to petition the Board before further  
attempts could be made. The Board may require the  
applicant to design a study plan before making more  
attempts.

PH&W  
2-9-93  
Attn #2

2. The bill would change the length of time for which a temporary permit may be issued from 60 days to 90 days, with an option for a further extension to 120 days.
3. A section is added in the bill which would require each licensee to notify the Board of a change in name or address within 30 days of the change and that failure to do so would not constitute a defense in an action against the licensee.
4. The bill adds language for a new category of license and increases several of the maximum fees the Board of Nursing would be able to charge licensees. Inactive licenses would be provided to those who provide information that they are no longer practicing but wish to remain licensed by the Board.
5. Section 12 of HB 2072 directs the Board to employ a disciplinary counsel to investigate matters involving professional incompetency, unprofessional conduct, or other matters which could result in action against a licensee. The Executive Administrator would also be able to employ clerical and other staff, subject to the approval of the Board, to assist the attorney with investigations.

Included in the *FY 1994 Governor's Budget Report*, is a recommendation for the Board of Nursing to contract with a private attorney for 240 hours of legal services at a cost of \$16,800 to supplement the services of the Assistant Attorney General assigned to the agency. The salary of the Assistant Attorney General is financed through appropriations to the Attorney General's Office. The agency indicates that the expenditure for contracted legal services would not be needed if the Board were to hire a full time Attorney. The proposed legislation would increase salary and wage expenditures of the Board of Nursing by \$42,841 for the hiring of an attorney in FY 1994. The bill would also allow the Executive Administrator to employ clerical and other staff necessary to carry out the duties of the counsel, subject to the Board's approval.

If the Board increased its present fees to the maximum allowed by the fee structure in HB 2072, a total of \$328,900 in revenues would be raised. The agency indicates, however, that the Board plans to increase fees only to meet budgetary needs. If the renewal fees for nurses were increased by only \$5, a total of \$108,400 would be gained. The table below illustrates the increase in receipts the Board would realize, if the fees adjusted by the act were increased from their current levels to the maximum authorized by HB 2072.

*PNKW*  
*2-9-93*  
*Attn # 2*  
*Pg 273*

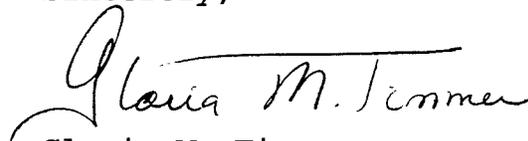
The Honorable Joann Flower, Chairperson  
 February 3, 1993  
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	Present <u>Fee</u>	Proposed <u>Fee</u>	<u># Licensees</u>	<u>Gain</u>
Renewal Fee for RNs and LPNs	\$40	\$60	14,700	\$294,000
Reinstatement Fee	50	70	885	17,700
Verification of license to another state licensing board	25	30	1,480	7,400
School of Nursing Renewal Fee	400*	500	49	4,900
Application for Schools to provide IV therapy training	--	100	49	4,900
Total				<u>\$328,900</u>
20 % to State General Fund				<u>65,780</u>
Net gain to Nursing Fee Fund				\$263,120

\*Present fee is \$800 every two years; proposed fee would be annual.

The net fiscal effect of passage of this act, as introduced, would increase expenditures from the Board of Nursing Fee Fund for FY 1994 by at least \$26,041 above the amounts included in the FY 1994 Governor's Budget Report. The amount assumes additional expenditures of \$42,841 for the hiring of an Attorney and a reduction of \$16,800 for legal contractual services. The latter amount is recommended by the Governor. The fiscal impact on expenditures could be higher, if additional staff were hired. The proposed legislation could increase revenues to the Board of Nursing Fee Fund by up to \$263,120 and to the State General Fund by up to \$65,780 in FY 1994.

Sincerely,

  
 Gloria M. Timmer  
 Director of the Budget

cc: Pat Johnson, Board of Nursing

2072.fn

*PHed*  
*2-9-93*  
*Attn # 2*  
*Page 3 of 3*