

Approved: 3-12-93 Date sh ✓

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 March 11, 1993 in Room 423-S of the Capitol.

All members were present except: Representative Bishop, excused.

Committee staff present:

William Wolff, Legislative Research Department
Norman Furse, Revisor of Statutes
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Mack Smith, Executive Director of Kansas Board of Mortuary Arts.
Pam Scott, Executive Director of Kansas Funeral Directors and Embalmers Association
Tom Hitchcock, Executive Secretary, Kansas Board of Pharmacy

Others attending: See attached list

Chair called the meeting to order, drawing attention to Committee minutes for March 8, 1993, urging members to read them carefully. If there are corrections, call the Committee secretary by 5:00 p.m. Friday, March 12. If there are no corrections, these minutes will be approved as presented.

Chair requested a staff briefing on SB 83.

Mr. Wolff, gave a detailed explanation of SB 83, noted changes proposed, i.e., language change from "administered" to "approved" will now authorize the Board to approve the examination, rather than to administer the examination. He detailed the scoring requirements; amendments made by the Senate Committee, i.e., those persons taking the examination would pay the fee directly to the examining agency and not to the Board.

CHAIR OPENED HEARINGS ON SB 83.

Mack Smith, Executive Director of the Kansas Board of Mortuary Arts offered hand out, (Attachment No. 1). He detailed rationale for requesting SB 83, to allow the Board to accept the National examination prepared and administered by the Conference of Funeral Service Examining Boards, since this exam would better reflect the actual tasks performed by licensees of the Kansas Board of Mortuary Arts. He gave a detailed explanation of the diverse sections of the examination. He drew attention to page 1, lines 38-39 that reflect scoring requirements; page 2, lines 1-2 that would allow the examinee to pay the exam fee directly to the National Conference; page 2, lines 26-27 would allow the Board to select the examination. He urged support.

Pam Scott, Executive Director of Kansas Funeral Directors and Embalmers Association offered hand out, (Attachment No. 2). She voiced support of SB 83 and noted since the Conference of Funeral Service Examining Boards is currently writing the questions for the Kansas examination, it is believed, there will not be a significant difference in the exam questions, however, a greater emphasis will be placed on certain topics that more accurately reflect the nature of the tasks performed currently by embalmers. Acceptance of this national exam would also allow the exam to be taken in a state other than Kansas which would be a welcome convenience.

Questions were asked, i.e., the exam fee is \$160; reciprocity is now granted with every state that meets with the Kansas requirements, which equates to most states.

CHAIR CLOSED HEARINGS ON SB 83.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on March 11, 1993.

Chair requested a staff briefing on SB 312.

Mr. Furse gave a detailed explanation of SB 312. He noted this is an act that will bring the state into conformity with the Federal law. He detailed changes proposed. He noted a scheduled II was added to the language of the bill at the request of the Kansas Board of Pharmacy to add a substance that would conform also with Federal law.

CHAIR OPENED HEARINGS ON SB 312.

Tom Hitchcock, Executive Secretary, Kansas Board of Pharmacy, offered hand out (Attachment No. 3). He noted three changes in K.S.A. 65-4105, and one change in K.S.A. 65-4111, i.e., page 5, lines 28-29, page 6, lines 7-9 and 17-20. He noted all drugs in this statute have no legitimate medical purpose and may not be prescribed nor may they be dispensed to any patient. In K.S.A. 65-4111, page 7, line 36, indicates the legal drug of the Benzodiazepine group. He noted, with these proposed changes, the state law will conform to that of Federal law. He urged support of SB 312.

There were no questions.

CHAIR CLOSED HEARINGS ON SB 312.

Chair asked members if there were any objections to Committee action on SB 312. There were no objections.

COMMITTEE ACTION ON SB 312.

Rep. Sader moved to pass SB 312 favorably out of Committee, seconded by Rep. Scott. No questions. However, there was a discussion in regard to placing SB 312 on the consent calendar. It was the consensus of members to not place SB 312 on the consent calendar because of the complex language and the length of the bill. Vote taken. Motion carried.

Chair inquired, and there were no objections to taking Committee action on SB 83.

COMMITTEE ACTION ON SB 83.

Rep. Wells moved to report SB 83 favorably out of Committee and place it on the consent calendar, seconded by Rep. Mayans. No discussion. Vote taken. Motion carried.

COMMITTEE ACTION ON SB 17.

Chair Flower drew attention to SB 17, and requested Subcommittee Chair, Rep. Samuelson, to give the recommendations of the Subcommittee.

Rep. Samuelson noted, she, Rep. Scott, Rep. Rutledge had looked at the issues raised during the hearings in Committee on SB 17, and the Subcommittee recommends that SB 17 as it is currently written is the best way to administer the bill. It is the understanding of those on the Subcommittee that the health care provider scholarship programs may be looked at in depth. It is the recommendation of the Subcommittee to forward SB 17, and suggest a summer Interim study to focus on scholarship programs. She noted on page 2, lines 3-5 those categories set out had been recommended by a summer of 1992 Interim study since they do give priority to primary health care providers. She stated the Subcommittee recommends SB 17 for passage.

Rep. Samuelson moved to report SB 17 favorable for passage, seconded by Rep. Scott. Discussion held, i.e., the loan forgiveness program suggested by Mr. Ayres was discussed during Subcommittee deliberations, resulting in a suggestion for an Interim study.

Rep. Swall made a substitute motion to amend SB 17, by combining it with an amendment provided, (see Attachment No. 4).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on March 11, 1993.

Mr. Furse, when requested, gave a detailed explanation of the proposed amendment indicated in Attachment No. 4, i.e., to insert several provisions into SB 17 which are similar to those currently in place for the ARNP; the new provisions would relate to a loan program for persons studying to be a social worker. He detailed the amendments proposed in great detail, noting the requirements for eligibility; the granting of such loans be directed to those with the greatest financial need; 50 scholarships would be made available at a cost of \$32500 per, (subject to appropriations); conditions for awarding loans; repayment procedures; administering authority by the Board; an advisory Committee would be appointed to advise the Board of Regents in administering the program. He noted this proposed amendment is parallel language to that in SB 17.

Rep. Sader seconded the substitute motion.

Discussion began, i.e., the scholarship program; the amount of funding required to implement the program would be subject to appropriations; this proposed amendment has not been heard by the Senate Public Health and Welfare Committee; there have been no hearings on the proposed amendatory language. It was the view of some this concept is viable, but would need to be scheduled for hearings. It was noted there could be as many as 300 scholarships awarded within a four year period at \$3500 per, and some members expressed concerns regarding the amount of money it would take to fund a program of this magnitude. There was discussion as to whether or not there would be interest in conducting hearings on this issue. It was noted the Chair could request the Speaker of the House to refer HB 2362 to this Committee for hearings. Attention was drawn to the issue that Secretary Whiteman had indicated in testimony at an earlier hearing, there is a shortage of social workers in the field. It was noted since this issue proposed is subject to appropriations, i.e., if appropriated could be implemented, if not, then a policy statement would have been made by this Committee that there is an effort made to implement a program to have additional social workers in rural areas of the state. There was concern expressed that SB 17 could be lost in conference Committee with an amendment so lengthy, which might jeopardize the nurse practitioner scholarships.

Question called for by Rep. Wagle.

Vote Taken on Rep. Swall and Rep. Sader's substitute Motions to amend SB 17 per balloon. Motion Failed.

Discussion continued. It was suggested that the Chair draft a letter to the Appropriations Committee Chair to request consideration of Rep. Swall's request, i.e., scholarship program for social workers; alternatives suggested by Ted Ayres on the forgiveness loan program; changing the scholarship administration authority.

Chair directed attention to the original motion on the table, by Rep. Samuelson and Rep. Scott, to pass SB 17 out favorably. Vote taken. Motion carried.

Noted: Chair requested Rep. Samuelson to carry SB 17 on the floor of the House. She agreed to do so.

At this point, Chairperson Flower stated she would be happy to go to the Chair of Appropriations Committee and discuss the issue of releasing HB 2362 to this Committee.

CHAIR DREW ATTENTION TO: HB 2526.

Chair noted HB 2526 has been assigned to this Committee. (This legislation reflects a moratorium on construction of new beds.) In an effort to expedite legislation, the Chair announced she would appoint a Subcommittee to work on HB 2526, prior to bringing the bill to the full Committee. Rep. Wells appointed as Chair with Rep. Morrison and Rep. Weiland to also serve.

CHAIR DREW ATTENTION TO: SB 14.

Chair requested Mr. Furse give an explanation of current status of SB 14. He did so.

An amendment had been prepared by request, to reflect suggested amendments made by Committee members, conferees, and clarification of language in SB 14. , see (Attachment No. 5). Mr. Furse, upon request, detailed changes provided in balloon, noting recommended changes by the Department of Health/Environment, i.e., page 4, (2) on line 28; to renumber (3); in (3) after "Professional services render" to add, "and notwithstanding any fee paid by the local health department or indigent health care clinic to a provider in accordance with this paragraph (3)". A provision recommended by the Kansas Medical Society regarding the sunset provision indicated on page 7, lines 11-12, to delete "(A) Prior to July 1, 1995", lines 21-33, to delete subpart "(B)". The final suggestion was to recommend the bill take effect on publication of Kansas register shown on page 9.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on March 11, 1993.

Rep. Sader moved to amend SB 14, to include the recommended changes in the balloon (attachment No. 5) on pages 4 and 9, seconded by Rep. Rutledge. Discussion ensued. Rep. Sader indicated her motion would not include the amendments in respect to the sunset provision, since there had been a suggestion the Governor be contacted about the sunset. It is the desire of some members not to have this issue again vetoed by the Governor.

Vote taken. Motion carried.

Rep. Rutledge moved to pass SB 14 out favorably as amended, seconded by Rep. Goodwin.

Discussion ensued, i.e., it was suggested the Committee might perhaps review the sunset section again prior to 1995.

Vote taken. Motion carried.

Chair adjourned the meeting at 2:47 p.m.

The next meeting is scheduled for March 12, 1993.

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE _____

[illegible]

HARRY W. BEDENE,

MR. FRANK L. BRUNER,
WICHITA

MR. JAMES E. BUTLER,
MANHATTAN

MR. DAREL D. OLLIFF,
PHILLIPSBURG

MR. MATTHEW J. SKRADSKI,
KANSAS CITY

OFFICE STAFF

MACK SMITH,
EXECUTIVE SECRETARY
FRANCIS F. MILLS,
INSPECTOR-INVESTIGATOR
TERRY A. BLAND,
OFFICE SECRETARY

The Kansas

State Board of Mortuary Arts

CREATED AUG. 1, 1907

700 S.W. JACKSON ST., SUITE 904
TOPEKA, KANSAS 66603-3758
(913) 296-3980



HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE: Representative Joann Flowers
S.B. 83

Madam chair and Members of the Committee:

My name is Mack Smith, and I am the Executive Secretary to the Kansas State Board of Mortuary Arts. Thank you for the opportunity to testify today.

S.B. 83 was introduced by the Senate Public Health and Welfare committee at the Mortuary Arts Board's request. The bill would allow the board to accept the national examination prepared and administered by the Conference of Funeral Service Examining Boards as the Kansas licensing examination. The Conference currently writes the state examination administered by the board.

The Mortuary Arts Board would like to switch to the national examination for the following reasons:

- 1) due to curriculum changes at the colleges it is now necessary to change the structure of the examination. Instead of a seven section test (based on 6 sections of science and 1 section of mortuary administration) the national examination consists of two sections:
 - A) Funeral Service Science (including embalming, restorative art, microbiology pathology, chemistry and anatomy), and
 - B) Funeral Service Arts (including sociology, psychology, funeral directing business law, funeral service law, funeral merchandising and accounting).
- 2) the board feels that the national examination better reflects the actual tasks performed by licensees in their profession.

Lines 38-39 on page one (1) of the bill reflect the method that the Conference uses to determine passing of the national examination. An over-all score of 75% is required with a minimum of 70% in either section of the test.

Lines 42-43 on page one (1) and lines 1-2 on page two (2) would allow examinee applicants to pay the examination fee directly to the National Conference.

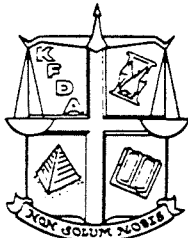
Lines 26-27 on page two (2) of the bill allow the Mortuary Arts board to select the examination--opposed to the questions. The National Conference has the financial resources to put together an examination reflective of current tasks being performed in the field of practice. They have written a "validated" examination that the Mortuary Arts Board feels is the best possible product on the market today. The examination is given in all but 3 states. The passage of this bill would allow Kansas to accept the national examination for applicants applying for an embalmer's license.

Thank you in advance for your support of S.B. 83.

Sincerely,

Mack Smith
Mack Smith, Executive Secretary
Kansas State Board of Mortuary Arts

PHW
3-11-93
Attm #1



AFFILIATED WITH N.F.D.A.

THE KANSAS FUNERAL DIRECTORS AND EMBALMERS ASSOCIATION, INC.

EXECUTIVE OFFICE — 1200 KANSAS AVENUE, P.O. BOX 1904

TOPEKA, KANSAS 66601

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Corporate Secretary
JERRY LARRISON
Pratt

Executive Director
PAMELA SCOTT

Testimony Presented to

House Public Health and Welfare Committee

by the

Kansas Funeral Directors and Embalmers Association

on

Senate Bill No.83

Madam Chairman and members of the committee, my name is Pam Scott and I am Executive Director of the Kansas Funeral Directors and Embalmers Association.

BOARD OF DIRECTORS

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Hutchinson

MARC RYAN
Salina

DALE LAMBERT
Smith Center

BARRY BOGGS
Kinsley

I am here to voice the Kansas Funeral Director and Embalmers Association's support of Senate Bill No. 83. If enacted, Senate Bill No. 83 would allow the Board of Mortuary Arts to accept the national examination which is administered by the Conference of Funeral Service Examining Boards.

Since the Conference of Funeral Service Examining Boards is currently writing the questions for the Kansas exam, we do not believe there will be a significant difference in exam questions. We believe we will see a greater emphasis placed on certain topics that more accurately reflect the nature of the tasks performed by embalmers today. Acceptance of the national examination would also allow the examination to be taken in a state other than Kansas which is a welcome convenience.

We would ask for your support of Senate Bill No. 83.

PHW
3-11-93
Attn #2

Kansas State Board of Pharmacy

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900 JACKSON AVENUE, ROOM 513
TOPEKA, KANSAS 66612-1231
PHONE (913) 296-4056

STATE OF KANSAS



JOAN FINNEY
GOVERNOR

SB 312 TESTIMONY

HOUSE PUBLIC HEALTH & WELFARE COMMITTEE

MARCH 11, 1993

MEMBERS

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HOYT A. KERR, TOPEKA
KATHLEEN M. MAHANNA, HOXIE
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MARGARET YOUNG, WICHITA

EXECUTIVE SECRETARY

TOM C. HITCHCOCK
BOARD ATTORNEY
DANA W. KILLINGER

MADAM CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS TOM HITCHCOCK AND I SERVE AS THE EXECUTIVE SECRETARY FOR THE BOARD OF PHARMACY. I APPEAR BEFORE YOU ON BEHALF OF THE BOARD IN SUPPORT OF SB 312 AS AMENDED.

THIS BILL CONSISTS OF THREE (3) CHANGES IN K.S.A. 65-4105 AND ONE (1) CHANGE IN K.S.A. 65-4111 UNDER THE CONTROLLED SUBSTANCES STATUTES. THE THREE CHEMICALS (OR DRUGS) IN K.S.A. 65-4105 ARE FOUND IN THE BILL ON PAGE 5, LINES 28 AND 29, AND PAGE 6, LINES 7 THROUGH 9 AND 17 THROUGH 20. ALL DRUGS IN THIS STATUTE HAVE NO LEGITIMATE MEDICAL PURPOSE AND MAY NOT BE PRESCRIBED NOR MAY THEY BE DISPENSED TO A PATIENT. THE OTHER DRUG IN K.S.A. 65-4111 IS FOUND ON PAGE 7, LINE 36, AND IS A LEGAL DRUG OF THE BENZODIAZEPINE GROUP. ALL FOUR DRUGS HAVE ALREADY BEEN PLACED IN COMPARABLE FEDERAL SCHEDULING UNDER DEA WHICH MANDATES THAT KANSAS ALSO PLACE THE DRUGS IN THEIR SCHEDULING OR BE IN VIOLATION OF FEDERAL LAW.

THE BOARD OF PHARMACY RESPECTFULLY REQUESTS THE FAVORABLE PASSAGE OUT OF COMMITTEE OF SB 312 AS AMENDED.

THANK YOU.

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PROPOSED AMENDMENTS TO SENATE BILL NO. 17

(As Amended by Senate Committee)

Be amended:

On page 1, in line 17, by striking "This" and inserting in lieu thereof "Sections 1 through 8 of this"; in line 19, before "this" by inserting "sections 1 through 8 of";

On page 5, preceding line 12, by inserting the following:

"Sec. 9. Sections 9 through 17, and amendments thereto, of this act shall be known and may be cited as the social work student educational loan program.

Sec. 10. As used in sections 9 through 17, and amendments thereto, of this act:

(a) "Committee" means the social work loan review committee established under section 9.

(b) "Executive officer" means the executive officer of the state board of regents appointed under K.S.A. 74-3203, and amendments thereto.

(c) "Rural area" means any county in this state which has a population of not more than 20,000 people at the time of application.

(d) "School of social work" means an accredited college or university within the state of Kansas offering a baccalaureate degree in social work.

Sec. 11. (a) There is hereby established the social work student educational loan program. A loan may be awarded to any

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qualified student enrolled in or admitted to a school of social work in a course of instruction leading to licensure as a licensed social worker. The number of new scholarships awarded under the social work student educational loan program in each year shall not exceed 50. The determination of the individuals qualified for such loans shall be made by the executive officer after seeking advice from the committee. Loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need for such loans. To the extent practicable and consistent with the other provisions of this section, consideration shall be given to minority applicants.

(b) Loans awarded under the program shall be awarded for the length of the course of instruction leading to licensure as a licensed social worker in which the student is enrolled in or admitted to unless otherwise terminated before such period of time. Such loans shall provide to the social work student receiving the loan the payment of tuition, fees, books, room and board in an amount not to exceed \$3,500. Subject to appropriations, the amount of each loan shall be established annually by the executive officer.

Sec. 12. (a) An applicant for a loan under the social work student loan program shall provide to the executive officer, on forms supplied by the executive officer, the following information:

- (1) The name and address of the applicant;
- (2) the name and address of the school of nursing which the applicant is enrolled in or to which the applicant has been admitted; and

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(3) any additional information which may be required by the executive officer.

(b) As a condition to awarding a loan under this act, the executive officer and the applicant for a loan shall enter into an agreement which shall require that the loan recipient:

(1) Complete the required course of instruction and attain licensure as a licensed social worker;

(2) commence the full-time practice of social work in a rural area, as specified by rules and regulations of the state board of regents, within six months after registration in accordance with the agreement entered into by the loan recipient for the total amount of time required under the agreement, which shall be for a period of not less than the length of the course of instruction for which the loan assistance was provided;

(3) maintain records and make reports to the executive officer as may be required by the executive officer to document the satisfaction of the obligations under this act; and

(4) upon failure to satisfy an agreement to engage in the full-time practice of social work as specified for the required period of time under any such agreement, repay to the state amounts as provided in section 13.

Sec. 13. Except as provided in section 14, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the social work student loan program, such person shall pay to the executive officer an amount equal to the total amount of money received by such person pursuant to such agreement which was financed by the state of Kansas plus annual interest at a rate of 15%. Installment payments of any

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such amounts may be made in accordance with the provisions of agreements entered into by the loan recipient and in accordance with rules and regulations of the state board of regents, except that such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the executive officer based upon the circumstances of each individual case. Amounts paid under this section to the executive officer shall be deposited in the social work student loan program fund in accordance with section 16.

Sec. 14. (a) An obligation under any agreement entered into under the social work student loan program shall be postponed: (1) During any required period of active military service; (2) during any period of service as a part of volunteers in service to America (VISTA); (3) during any period of service in the peace corps; (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under subsection (c) of section 501 of the internal revenue code of 1986 as in effect on July 1, 1993; (6) during any period of temporary medical disability during which the person obligated is unable because of such medical disability to practice social work; or (7) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a degree in social work which is higher than that attained formerly by the person obligated. Except for clause (6) of this subsection (a), an obligation under any agreement entered into under the social work student loan program shall not

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be postponed more than five years from the time the obligation was to have been commenced under any such agreement. An obligation under any agreement under the program shall be postponed under clause (6) of this subsection (a) during the period of time the medical disability exists.

(b) An obligation under any agreement under the program shall be satisfied: (1) If the obligation in accordance with an agreement under the program has been completed; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to satisfy the obligation; (4) if the person obligated fails to satisfy the requirements for graduation from the school of social work after making the best effort possible to do so; or (5) if the person obligated fails to satisfy all requirements for a permanent license to be a social worker in Kansas or has been denied a license after applying for a license and making the best effort possible to obtain such license.

Sec. 15. The state board of regents, after consultation with the committee, may adopt rules and regulations establishing minimum terms, conditions and obligations which shall be incorporated into the provisions of any agreement entered into between the state of Kansas and the recipient of a loan under the social work student loan program. The terms, conditions and obligations shall be consistent with the provisions of law relating to the social work student loan program. The terms, conditions and obligations so established shall include, but not be limited to, the terms of eligibility for financial assistance under the program, the amount of financial assistance to be

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offered, the length of employment required as a condition to the receipt of such financial assistance, the circumstances under which such employment obligation may be discharged or forgiven, the amount of money required to be repaid because of failure to satisfy the obligations under an agreement and the method of repayment and such other additional provisions as may be necessary to carry out the provisions of the program. The state board of regents, after consultation with the committee, shall adopt rules and regulations establishing criteria for evaluating the financial need of applicants for loans and may adopt such other rules and regulations as may be necessary to administer the program.

Sec. 16. There is hereby created in the state treasury the social work student loan program fund. The executive officer shall remit all moneys received under the social work student loan program to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury, and such amount shall be credited to the social work student loan program fund. All expenditures from the social work student loan program fund shall be for loans awarded under the social work student loan program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

2 Sec. 17. (a) There is hereby created the social work student loan review committee which shall consist of the following members appointed by the governor: One member representing

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Kansas hospitals; one member representing Kansas licensed social workers; one member representing social work education programs other than at a college or university under the control and supervision of the state board of regents; and the chief executive officer of a college or university under the control and supervision of the state board of regents which college or university has a school of social work.

(b) The members of the social work review committee appointed by the governor shall be appointed for three-year terms and until their successors are appointed and qualified. Upon the vacancy of a position on the committee appointed by the governor, the governor shall appoint a person of like qualifications to fill such position. If a vacancy occurs prior to the expiration of a term, the governor shall appoint a person of like qualifications to fill such position for the unexpired term.

(c) The review committee shall elect annually from among its members a chairperson. The committee shall meet on the call of the chairperson or upon the request of a majority of the members of the committee. A majority of the members of the committee shall constitute a quorum.

(d) The review committee shall provide oversight of the social work student loan program and shall be advisory to the executive officer and the state board of regents in the administration of such program. The committee shall exercise such other powers and duties as may be specified by law.

(e) The executive officer and other office staff of the state board of regents shall provide staff assistance to the review committee.

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(f) The members of the review committee who are not state officers or employees and who are attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. Amounts paid under this subsection (f) shall be from appropriations to the state board of regents upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or a person designated by the executive officer.";

On page 5, in line 12, by striking "9" and inserting in lieu thereof "18";

On page 1, in the title, in line 9, by inserting before "establishing" the following: "concerning education loan programs;"; in line 14, by inserting after "fund" the following: "; creating the social work student educational loan program";

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SENATE BILL No. 14

By Joint Committee on Health Care Decisions for the 1990's

1-11

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Attm # 5

AN ACT concerning health care providers; relating to charitable health care providers; amending K.S.A. 65-2809 and K.S.A. 1992 Supp. 75-6102, 75-6115, and 75-6117 and ~~75-6120~~ and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-2809 is hereby amended to read as follows: 65-2809. (a) The license shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license is renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-2852 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the expiration date of the license.

(b) Except as otherwise provided in this section, the board shall require every licensee in the active practice of the healing arts within the state to submit evidence of satisfactory completion of a program of continuing education required by the board. The requirements for continuing education for licensees of each branch of the healing arts shall be established by the members of such branch on the board. The board shall adopt rules and regulations prescribing the requirements established by the members of each branch of the healing arts for each program of continuing education as soon as possible after the effective date of this act. In establishing such requirements the members of the branch shall consider any programs of continuing education currently being offered to such licensees. If, immediately prior to the effective date of this act, any branch of the healing arts is requiring continuing education or annual post-graduate education as a condition to renewal of a license, the requirement as a condition for the renewal of the license shall continue notwithstanding any other provision of this section.

(c) The board, prior to renewal of a license, shall require the licensee, if in the active practice of the healing arts within the state,

employment during their former employment with the governmental entity.

(e) "Community service work" means public or community service performed by a person (1) as a result of a contract of diversion entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663, and amendments thereto.

(f) "Charitable health care provider" means a person licensed by the state board of healing arts as an exempt licensee or a health care provider as the term "health care provider" is defined under K.S.A. 65-4921, and amendments thereto, who has entered into an agreement with:

(1) The secretary of health and environment under K.S.A. 1990 1992 Supp. 75-6120, and amendments thereto, who, pursuant to such agreement, *gratuitously* renders professional services to a person who has provided information which would reasonably lead the health care provider to make the good faith assumption that such person meets the definition of medically indigent person as defined by this section and who renders such professional services *gratuitously or to a person receiving medical assistance from the programs operated by the department of social and rehabilitation services*, and who is considered an employee of the state of Kansas under K.S.A. 1990 1992 Supp. 75-6120, and amendments thereto; or

(2) a local health department that is part of the pilot programs established under K.S.A. 1991 Supp. 65-226 and amendments thereto or indigent health care clinic who, pursuant to such agreement, *which* renders professional service services to medically indigent persons or persons receiving medical assistance from the programs operated by the department of social and rehabilitation services gratuitously or for a fee paid by the local health department or indigent health care clinic to such provider and who is considered an employee of the state of Kansas under K.S.A. 1992 Supp. 75-6120 and amendments thereto. Professional services rendered shall be considered gratuitous notwithstanding fees based on income eligibility guidelines charged by a local health department or indigent health care clinic.

(g) "Medically indigent person" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent

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(2) the secretary of health and environment and who, pursuant to such agreement, gratuitously renders professional services in conducting children's immunization programs administered by the secretary; or

(3)

by a provider under this paragraph (3)

and notwithstanding any fee paid by the local health department or indigent health care clinic to a provider in accordance with this paragraph (3)

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payment of a final judgment shall be made from the fund if there has been a determination of any appeal taken from the judgment or, if no appeal is taken, if the time for appeal has expired. Payment of a compromise or settlement shall be subject to approval by the state finance council as provided in K.S.A. 75-6106 and amendments thereto. Payment of a final judgment shall be made from the fund if there has been a determination of any appeal taken from the judgment or, if no appeal is taken, if the time for appeal has expired. No payment shall be made from the fund to satisfy a compromise, settlement or final judgment when there exists insurance coverage obtained therefor, except that ~~prior~~ (A) Prior to July 1, 1995, payment shall be made from the fund to satisfy a compromise settlement or final judgment for claims against the state or an employee of the state in any actions or proceedings arising from rendering or failure to render professional services by (A) (i) a charitable health care provider as defined by K.S.A. 75-6102 and amendments thereto, (B) (ii) a local health department as defined by K.S.A. 65-241 and amendments thereto or an employee thereof, or (C) (iii) an ~~approved~~ indigent health care clinic as defined by K.S.A. 75-6115 and amendments thereto, or an employee thereof, even if there exists insurance coverage obtained therefor; and (B) on and after July 1, 1995, payment shall be made from the fund to satisfy a compromise, settlement or final judgment for claims against the state or an employee of the state in any actions or proceedings arising from rendering or failure to render professional services by (i) a charitable health care provider as defined by K.S.A. 75-6102 and amendments thereto, (ii) a local health department as defined by K.S.A. 65-241 and amendments thereto or an employee thereof, or (iii) an indigent health care clinic as defined by K.S.A. 75-6115 and amendments thereto, or an employee thereof, even if there exists insurance coverage obtained therefor, but only if the act giving rise to the claim against the state or an employee of the state occurred prior to July 1, 1995.

(c) Upon certification by the attorney general to the director of accounts and reports that the unencumbered balance in the tort claims fund is insufficient to pay an amount for which the fund is liable, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the tort claims fund.

(d) The legislature shall review annually claims against and expenditures from the tort claims fund arising from the rendering of failure to render professional services by a charitable health care provider as defined by K.S.A. 75-6102 and amendments thereto and

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- (1) Recommends deletion in lines 11 and 12 of "(A) Prior to July 1, 1995," and
- (2) Recommends deletion of subpart (B) commencing line 21 and ending line 33.

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2 Sec. 7 6. This act shall take effect and be in force from and after
its publication in the [statute book]

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