

Approved: Al Ramirez 1-27-93  
Date

## MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Chairperson Alfred Ramirez at 1:30 p.m. on January 21, 1993 in Room 531-N of the Capitol.

All members were present except: Senator Gooch - Excused

Committee staff : Julian Efird, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Fred Carman, Revisor of Statutes  
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Dr. Robert Harder, Secretary, SRS  
Katharine C. Rathbun, M.D., M.P.H.  
Alan Reeves, Intern to Senator Oleen  
Jerry Slaughter, Executive Director, Kansas Medical Society

Others attending: See attached list

Chairman Ramirez called the meeting to order. At the request of President Burke, the Chairman submitted a bill to be introduced dealing with standing committees; the Economic Development would now become the Commerce committee.

Senator Vidricksen moved the introduction of the bill with a second by Senator Reynolds. The motion carried.

Chairman Ramirez stated the hearing today was on **SB 5**. He called on Dr. Harder to begin the testimony.

Dr. Harder distributed copies of his testimony. (Attachment 1) He stated that the Department has been without the services of a health officer for about a year and a half. Dr. Harder has been the acting director. He stated that this is not a satisfactory way to operate the Department of Health and Environment. The Department has conducted interviews and had several candidates for the position. One tope candidate did say that he was interested in the job, but was concerned about the rapid turnover of the positions in the department. The concern with this problem led to the introduction of SB 5. Basically what this bill does is to provide that the state health officer be a physician. The physician would hold a valid license to practice medicine and surgery, and have experience or educational training, or both, in the field of public health. This individual's most recent job was supervising a county staff of some 650 people. The Kansas Department of Health and Environment is somewhere around 800 to 850. Dr. Harder ended his testimony by stating he hoped the committee would give the bill favorable consideration.

In response to a question from one of the members of the committee, Dr. Harder said that they might have to go higher than \$109,000; somewhere in the area of \$115,000 to \$125,000.

A comment with regard to the provisions of the bill was that with the four-year term limit and with the provision that the person can go back to the former job, that makes it better to recruit.

Dr. Harder replied to a question of a committee member by stating the salary of the Wichita public health officer is approximately \$118,000.

Another response by Dr. Harder to a question posed by a committee member was that if a person was found to be inept, that person could be terminated by cause.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION, Room 531-N Statehouse, at 1:30 p.m. on January 21, 1993.

Dr. Harder stated that the important thing is that as a department they have to re-establish themselves as taking seriously the health of the public. They are not going to get the quality of the person they are seeking for the position unless there is some kind of provision for job security. The word gets around. In interviewing seven or eight people, half of the number from out of state knew what had been happening in the Kansas Department of Health and Environment.

The Chairman called on Katharine C. Rathbun, M.D., M.P.H., Director/Health Officer, Topeka Shawnee County Health Agency. Dr. Rathbun distributed copies of her testimony and began by stating that there are only two public health physicians in Kansas - Dr. Jecha in Wichita and herself. The two major problems with filling the position of Director of Health are salary and tenure. She commented that primary care physicians are literally contacted everyday about jobs that pay \$150,000 or more, but \$120,000 is essentially what has to be offered. (Attachment 2)

With regard to tenure, the turnover among physicians at the Kansas Department of Health and Environment has prompted physicians to call their colleagues around the country and ask what is going on in Kansas. Some type of guarantee is going to have to be given to attract qualified physicians to the state. If the Director of Health position is seen as regularized and seen as acceptable, it will be possible to recruit additional people at the lower level because they are not going to be worried about who they are going to be working for or whether they are going to find that their boss has been fired.

Dr. Rathbun stated that she was very much in support of the bill, but one part disturbs her. She urged consideration of the word and experience in line 22 of the bill instead of the word or so they would have both the education and experience. Dr. Rathbun answered several questions regarding the qualifications of any person who would be qualified to seek this position.

Chairman Ramirez thanked Dr. Rathbun and called upon the next conferee.

Alan Reeves, intern for Senator Lana Oleen, was present to read Senator Oleen's testimony. Chairman Ramirez stated that Senator Oleen was the co-chairperson of the interim committee that made the recommendations contained in SB 5. During the interim committee's study of Proposal No. 10, it came to the committee's attention that the Department of Health and Environment did not have the position of Director of Health filled. The members of the committee felt that measures should be taken to ensure a more stable and competitive position. The Senator also encouraged that qualification be part of the position description. (Attachment 3)

Jerry Slaughter, Executive Director, Kansas Medical Society, spoke as a proponent of the bill. Mr. Slaughter's testimony (Attachment 4) addressed the subject of job security and the reluctance of qualified physicians to fill the role without such security. With the exception of one physician who is assigned here from the Centers for Disease Control, the Division has been without any physicians for about two years. SB 5 represents a major step in that direction. Mr. Slaughter commented that if this position is filled, other positions can be filled in the department.

One of the committee members asked Dr. Harder if he could comment on the possibility of this person that would be hired working in another capacity. Dr. Harder responded that they did talk to the person that was at the top of the list of candidates. Dr. Harder said that he should begin by saying that when he came aboard, one of the first items of business was to get himself out of the business of being the active Director of Health. He stated that what the committee member was alluding to was that when the two interviewing committees met and talked with the candidates the salary that they had to offer the particular candidate they had in mind was simply not high enough. Dr. Dismuke, Chairman of the Department of Preventive Medicine at the Kansas University Medical Center, said that they were really interested in more interaction between the Medical Center and the Department. This would be one way to expand the base in terms of preventive medicine and also to expand the base in terms of general practitioners. Dr. Dismuke felt that there was a real opportunity for the residence students to come in to the State Department of Health and also from there to go into the various county departments. He viewed this as a unique opportunity to tie together with the Department. He was not in any position at the moment to say what could be done and took the matter up with Dr. Clawson, who is his supervisor at the Medical Center. It was discussed in December and both doctors Clawson and Dismuke were in agreement that this was a good idea. Both were very supportive and felt it would be a good advantage to the medical school and especially an advantage to the students because of the opportunity for some practical experience they could not give them in any other setting. They said they would be very much interested in a joint appointment. This would not be a fifty-fifty appointment. What they talked about was more in terms of five to ten percent. They would see it more as a lecture shift. It would not be that the individual would go once a week to the Medical Center. What they would do would indicate that the person would be available to work with the students at a Topeka location if the students were wanting that kind of placement. Additionally, they would expect the individual to come to the medical center and provide lectures possibly

## CONTINUATION SHEET

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three, four, or five times a semester. The lectures would pertain to current topics as related to public health.

The Governor added more money and it is now around \$116,000, but the Department will probably have to go to \$120,000 and over. Dr. Harder thought it would be safe to say that the Medical Center would probably be willing to go somewhere in the range of \$5,000 to \$10,000.

There is a grant currently pending from the Kansas Health Foundation to actually formulate an MPH program so that the students that want to get advanced training, which they have not had the opportunity to get in the past, would be able to acquire. They would actually be getting money to start that kind of formal training.

Dr. Harder stated that it is really a coming together of a number of ideas that will have a payoff in terms of good interaction between the medical center and the department, and more importantly a payoff in terms of these individuals more likely to go ahead and get the Masters Degree in Public Health and be available to work in the local communities.

Dr. Harder stated that the individual the Department is looking at has an M.D. and also a Masters Degree in Public Health.

Eliminating line 38 to the end of the bill was discussed. Some members do not think this part of the bill is necessary.

Julian Efird, staff member, said the language is found in several other agencies where you have professional long-term employees in the classified service. When a vacancy occurs, this particular level does not tend to want to accept an unclassified position and lose the status and seniority of the classified position. This is particularly true in the Department of Revenue. The protection of the prior existing job to return to is what is sought. Just because it is used in other agencies does not mean it has to be used in this circumstance.

Chairman Ramirez commented that this could be discussed when the committee gets ready to work the bill. He stated that this concluded the hearing on SB 5. He also reminded the members of the committee to contact the committee secretary if they were not going to be present at committee. He went through the agenda for the week of January 25 and stated the January 14 minutes would be approved Monday.

The meeting was adjourned.

The next meeting is scheduled for January 25, 1993.

GUEST LIST

GUEST LIST

COMMITTEE: Senate  
Gov. Org. Committee

DATE: 1-21-93

[illegible]



Department of Health and Environment

[REDACTED], Secretary

Robert C. Harder

Reply to:

Testimony presented to

Senate Governmental Organization Committee

by

The Kansas Department of Health and Environment

Senate Bill 5

KSA 75-5603 is amended to state that the Director of the Division of Health of the Kansas Department of Health and Environment shall be a physician, hold a valid license to practice medicine and surgery, and have experience or educational training, or both, in the field of public health. The only position requirement in current law is that the director is to have experience and educational training in the field of community health.

The statute is further amended to state that the director shall serve for a term of four years. New language is also added that states in the case of a vacancy, the Secretary shall appoint a successor to fill the vacancy for the unexpired term. The director's annual salary will fixed by the Secretary and approved by the Governor. Currently, the salary is approved by the State Finance Council.

Other amendatory language is cleanup in nature.

For FY 1994, \$116,915 (salary and benefits) is recommended in the Governor's Budget for the Director of Health's position. However, other monies may have to be obtained in order to recruit an experienced candidate.

The agency strongly supports this proposal since the language that sets a term for the director will assist in the recruitment of a qualified candidate. With this change, candidates can be assured that the position will be viable for at least four years and not subject to political forces.

Testimony presented by: Robert C. Harder  
Secretary of Health and Environment  
January 21, 1993

*G.O. Comm.*  
*Attachment 1*

*1/21/93*



# Topeka-Shawnee County

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Topeka, Kansas 66606  
Phone 913-233-8961



Katharine C. Rathbun, M.D., M.P.H.  
Director/Health Officer, Topeka-Shawnee County

Testimony on Senate Bill 5 - Director of Division of Health

Special Committee on Governmental Organization

21 January 1993

I am very much in favor of this bill. Kansas has been without a state Health Officer for a year and a half. For years the people of this state were served by a minimum of eight well qualified public health physicians, four at the Kansas Department of Health and Environment, and at least one at each of the major local health departments. Today there are only two, myself in Topeka and Dr. Jecha in Wichita. Largely because of this lack of physicians and other public health professionals, Kansas has gone from having one of the best and most respected public health systems in the country to having one of the most deficient.

Both the present and the former Secretaries of Health and Environment have tried to fill the position of Director of Health without success. There are two major stumbling blocks: salary and job tenure. Primary care physicians are contacted literally every day about jobs that pay \$150,000 and more. Kansas has a shortage of physicians in every primary care specialty including Preventive Medicine/Public Health. If we do not offer the candidates what they are worth, they will go elsewhere. This bill would allow the Secretary to make a reasonable salary offer.

The problem of job tenure is more difficult. Frankly the turnover among physicians at KDHE under three administrations has given Kansas a reputation in the public health community that is hard to overcome. Public health physicians generally accept that cabinet level appointments such as Secretary of Health and Environment are discretionary. The prestige and authority of the position balance the uncertainty. The Director of Health should have a term of office or a contract. In order to serve the people of this state, the chief public health physician has got to be able to make difficult decisions using his or her best medical judgement.

*Y.O. Comm.  
Attachment 2  
1/21/93*



LANA OLEEN  
SENATOR, 22ND DISTRICT  
RILEY AND GEARY COUNTIES



TOPEKA

SENATE CHAMBER

LEGISLATIVE HOTLINE  
1-800-432-3924

COMMITTEE ASSIGNMENTS

CHAIRMAN: GOVERNMENTAL ORGANIZATION  
LEGISLATIVE EDUCATIONAL PLANNING  
VICE-CHAIRMAN: CONFIRMATIONS  
LABOR, INDUSTRY, SMALL BUS.  
MEMBER: ASSESSMENT AND TAXATION  
ECONOMIC DEVELOPMENT  
JUDICIARY  
ARTS/CULTURAL RESOURCES  
COMMISSIONS: KANSAS SENTENCING  
WASTE REDUCTION AND RECYCLING  
DACOWITS—U.S. DEPT. OF DEFENSE

January 21, 1993

TESTIMONY ON SENATE BILL 5

Chairman Ramirez & Members of the Governmental Organization Committee

I appreciate the opportunity to appear before you today in support of SB 5 which was submitted by the 1992 Interim Special Committee on Governmental Organization.

In the Committee's study of Proposed No. 10, it came to our attention that the Department of Health & Environment did not have the position of Director of Health filled, even though there had been significant efforts to do so. Since that position has direct contact and should provide technical assistance to our local health agencies, our Committee members felt that measures should be taken to ensure a more competitive and stable position. I would also encourage that qualification be a part of the position description. The issue of the Senate Confirmations process should be decided by your Committee.

Thanks for your consideration of the merits reflected in Senate Bill 5.

Senator Lana Oleen

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G.O. Comm.

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TOPEKA, KANSAS 66612  
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Attachment 3  
1/21/93

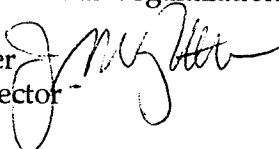


## KANSAS MEDICAL SOCIETY

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January 20, 1993

TO: Senate Governmental Organizational Committee

FROM: Jerry Slaughter   
Executive Director

SUBJECT: SB 5; Relating to the KDHE Director of Health

Mr. Chairman and members of the committee, we are pleased to appear in support of SB 5, which was introduced by the interim committee. SB 5 would provide that the State Director of Health would be appointed for a term of four years. This represents a significant change in policy for this unclassified position, but one that we feel is essential if we are going to attract qualified applicants now and in the future.

One of the difficulties we have in attracting qualified physicians to fill this role is that potential applicants are very reluctant to make a career change when there is absolutely no job security under the current arrangement. This is especially true if we have a vacancy occur during the middle of a Governor's term of office. Under such a circumstance the Secretary of Health and Environment could only assure a potential applicant that they would have a job for two years, and that simply puts us in a non-competitive position in attracting qualified physicians.

In order for the Department of Health and Environment to re-establish itself as a leader in public health, it is essential that we first attract a qualified physician to head the Division of Health. With the exception of one physician who is assigned here from the Centers for Disease Control, our Division has been without any physicians on staff since the last Director of Health left, two years ago. This situation must be reversed as soon as possible, and we believe SB 5 will represent a major step in the right direction. We appreciate the opportunity to offer these comments, and urge your support of this measure.

JS:ns

*G.O. Comm.  
Attachment 4  
1/21/92*