

Approved: 2-11-93
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on February 2, 1993 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Norman Furse, Revisor of Statutes
William Wolff, Legislative Research Department
Jo Ann Buntin, Committee Secretary

Conferees appearing before the committee:

Robert C. Harder, Secretary, Kansas Department of Health and Environment
Mary Ann Gabel, Executive Director, Behavioral Sciences Regulatory Board

Others attending: See attached list

The Chair asked for consideration of the minutes of January 26, 27 and 28, 1993. Senator Walker made a motion to approve the minutes, seconded by Senator Papay. No discussion followed. The motion carried.

The Chair asked for Committee bill requests.

Dr. Harder, Secretary, KDHE, requested introduction of legislation requiring the reporting of persons infected with AIDS, (Attachment 1) and the second request amended K.S.A. 72-5209 that related to children enrolling or enrolled for the first time in a preschool or day-care program present certification of immunization. (Attachment 2). Senator Langworthy made a motion the Committee introduce the bills requested by Dr. Harder, second by Senator Walker. No discussion followed. The motion carried.

Mary Ann Gabel, Executive Director, BSRB, requested introduction of legislation to increase the statutory limitation on mandatory examinations for licensure as psychologists and registration as marriage and family therapists. (Attachment 3) Senator Langworthy made a motion the Committee introduce the legislation requested, seconded by Senator Hardenburger. No discussion followed. The motion carried.

Confirmation hearing on Robert C. Harder, Secretary, Kansas Department of Health and Environment, to serve at the pleasure of the Governor.

The Chair introduced Dr. Harder who briefed the Committee on his background and personal goals for the Department of Health and Environment. Committee discussion related to erosion of professional staff, consolidation of public health services, interaction with federal and state agencies, personnel matters, and low-level waste compact with other states. Dr. Harder closed the hearing by stating he would work in cooperation with other agencies and support legislation that would be beneficial to the citizens of the state.

The meeting was adjourned at 11:00 A.M.

The next meeting is scheduled for February 3, 1993.

GUEST LIST

COMMITTEE: SENATE PUBLIC HEALTH AND WELFARE

DATE: 2-2-93

[illegible]

Bureau: Disease Control
October 19, 1992

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BILL BRIEF

TITLE: Change in Reporting of HIV Infection

Note: Because of the potentially controversial nature of the following proposed statutory changes, the AIDS Section of the Bureau of Disease Control has begun a series of meetings with representatives of various HIV/AIDS groups from throughout the state. The purpose of these meetings is to gather input to refine the following proposal and to develop a coalition which would approach the Kansas Legislature and request these changes. Those who will be involved in this process will include the Kansas Medical Society, the Kansas AIDS Networking Project, the Care Coordination Committee of KDHE, and individual physicians who provide care for persons with HIV infection and AIDS.

I. Purpose

Including patient names with reports of cases of HIV infection will allow KDHE to:

- 1) conduct more thorough partner notification and post-exposure contact tracing than is possible when a name is unavailable;
- 2) monitor the progression of cases from HIV-positive to AIDS to ensure a more accurate accounting of AIDS cases and to link patients to medical and social services;
- 3) eliminate duplicate case reports in order to obtain data that better reflects the course of the HIV epidemic in Kansas; and
- 4) apply for federal HIV surveillance funding only available to those states requiring by-name reporting of HIV infection.

The AIDS Section submitted an issue paper for a federally-funded HIV surveillance position starting with SFY 1994.

II. Bill Summary

Amend current statutes to require that reporting of HIV infection include the patient's name and locating information.

Senate PHG (u)
attachment #1
2-2-93

Include language allowing for KDHE to designate no more than 5 sites to provide anonymous testing.

III. Legislative History

During the 1990 legislative session, HIV reporting (which passed that session) was proposed in its existing form, without patient names. No serious discussion by the Kansas Legislature of by-name reporting has occurred to date.

IV. Impact on Other Agencies of KDHE Bureaus

These proposed changes impact only the Bureau of Disease Control.

V. Fiscal Impact

Although these proposed changes do not carry a fiscal impact, serious thought should be given to requesting that the State provide funding for case management for persons with HIV infection and AIDS.

PROPOSED BILL NO. _____

By

AN ACT amending K.S.A. 72-5209 requiring preschool students to be immunized, making certain immunization records accessible to health care providers, and repealing existing sections.

Be it enacted by the legislature of the State of Kansas

Section 1. K.S.A. 72-5209 is amended to read as follows: K.S.A. 72-5209 (a) Subject to the provisions of subsection (c), in each school year, every pupil enrolling or enrolled in any school for the first time in this state, and each child enrolling or enrolled for the first time in a preschool or day-care program operated by a school, and such other pupils as may be designated by the secretary, prior to admission to and attendance in school, shall present to the appropriate school board certification from a physician or local health department that the pupil has received, or is in the process of receiving and will have completed within 90 days after admission to school, such tests and inoculations as are deemed necessary by the secretary by such means as are approved by the secretary.

(b) As an alternative to the certification required under subsection (a), a pupil shall present:

(1) Certification from a licensed physician stating the physical condition of the child to be such that the tests or inoculations would seriously endanger the life or health of the child, or

(2) a written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations, or

(3) a written statement signed by one parent or guardian that such tests or inoculations are in the process of being received and will be completed within 90 days after admission to school.

(c) Every pupil enrolling or enrolled in any school in this state who has not complied with the requirements of subsections (a) or (b) of this section, shall present evidence of compliance with either of such subsections to the school board upon admission to the school.

(d) Prior to the commencement of each school year, the school board of every school affected by this action shall give to all known pupils who are enrolled or who will be enrolling in the school, or as designated by the secretary, a copy of this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

(e) If a pupil transfers from one school to another, the school board of the school from which the pupil transfers shall forward with the pupil's transcript, upon request of the parent or guardian of the pupil therefor, the certification or statement showing evidence of compliance with the requirements of this act to the school board of the school to which the pupil transfers.

Senate PHPCW
Attachment #2
2-2-93

New Section 2. Information and records pertaining to the immunization status of persons against childhood diseases as required by section one or by K.S.A. 65-508, or 65-519 and amendments thereto may be disclosed and exchanged without a parent or guardian's written release authorizing such disclosure, to the following, who need to know such information to assure compliance with state statutes or to achieve age appropriate immunization status for children:

(a) Employees of public agencies, departments or political subdivisions;

(b) Health records staff of schools as defined in K.S.A. 72-5208 and child care facilities, including, but not limited to, facilities licensed by the secretary of health and environment;

(c) Persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency including, but not limited to, operators of day care facilities, group homes, residential care facilities and adoptive or foster homes.

(d) Health care professionals.

Section 3. K.S.A. 72-5709 is hereby repealed.

Section 4. This act shall become effective upon its publication in the register.

MAF I GABEL, MPA, Executive Director
BOAI ERS:
Public ...
JOHN S. HOMLISH, Ph.D.
RONALD D. REINERT
JOSEPH N. ROBB, Chairman

Psychology Rep.
DONALD J. FORT, Ph.D., Vice-Chairman
GERALD K. GENTRY, Ph.D.

Social Work Rep.
(Vacant)
THELMA JOHNSON SIMMONS, MSW

STATE OF KANSAS



LICENSED PROFE^s S:
Psychologists
Social Workers

REGISTERED PROFESSIONALS:
Masters Level Psychologists
Professional Counselors
Marriage and
Family Therapists
Alcohol and Other
Drug Abuse
Counselors

BEHAVIORAL SCIENCES REGULATORY BOARD

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Topeka, KS 66612-1263—913/296-3240 FAX 913/296-6729

TESTIMONY BEFORE THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

BILL REQUEST

TUESDAY, FEBRUARY 2, 1993

CHAIRPERSON PRAEGER, VICE-CHAIRPERSON LANGWORTHY, AND COMMITTEE MEMBERS:

X
I am Mary Ann Gabel, Executive Director of the Behavioral Sciences Regulatory Board. Thank you for providing me an opportunity to appear before you today on behalf of the board to request the committee's introduction of legislation to increase the statutory limitation on mandatory examinations for licensure as psychologists and registration as marriage and family therapists.

The board's request is based on the upcoming increases in the cost to purchase the national psychology examination and the national marriage and family therapy examination.

PSYCHOLOGY LICENSURE EXAMINATION

K.S.A. 74-5310(a) sets out an examination requirement of all applicants for psychology licensure in the State of Kansas. The examination that is used in Kansas, as well as in each of the states, is owned by the Association of State and Provincial Psychology Boards and is administered through Professional Examination Service (PES) twice a year in April and October. The current cost to the board to purchase the examination is \$135. Licensees are assessed \$175, 20% of which, or \$35, is deposited directly to the state general fund. The remaining \$5 is used by the board for administrative costs.

Effective with the October 1993 psychology examination, the board's cost to purchase the examination will be increased to \$250. The current statutory limitation of \$250 will not allow the board to collect from its psychology licensure applicants the mandatory 20% deposit to the state general fund or permit reimbursement of the board's administrative costs. The current limitation, in fact, will require the board fee fund to subsidize psychology applicants, which does not appear to the board to be appropriate in light of the fact that the fee fund balances are derived from fees assessed to each of the board's credentialed professional groups. Legislation to increase the statutory limitation to \$350 for the psychology examination will enable the board to amend its rule and regulation on psychology fees to reflect the cost increase.

Senate P. H&W
Attachment #3
2-2-93

A copy of SB 781, which was introduced during the 1992 Session at the board's request and for the purpose of increasing the statutory limitation on the psychology examination fee is attached for your information. The only changes in the introduction of similar legislation this session, aside from updating the statutory reference, would be in the effective date. The board requests that the legislation include an enactment date of publication in the Kansas Register.

MARRIAGE AND FAMILY THERAPISTS' REGISTRATION EXAMINATION

K.S.A. 65-6404(a)(4) sets out an examination requirement of all applicants, other than grandfathering applicants, for marriage and family therapy registration in the State of Kansas. The examination that will be used in Kansas, as well as in those states that credential marriage and family therapists, is owned by the American Association for Marriage and Family Therapy and is also administered through PES. The cost to the board to purchase the examination, effective July 1, 1993, will be increased from \$155 to \$195. The current statutory limitation of \$150, pursuant to K.S.A. 65-6411 (a)(2), does not cover the existing examination cost plus any administrative costs and the mandatory 20% direct deposit to the state general fund, let alone the impending increase. The board requests the statutory limitation be amended to \$275, with an enactment date of publication in the Kansas Register.

A copy of the proposed legislation is attached for your consideration.

The board respectfully requests your favorable action on these requests. I will be happy to answer any questions you may have.

Attachments

PROPOSED LEGISLATION TO AMEND K.S.A. 65-6411

AN ACT concerning examinations for registration as marriage and family therapists; amending K.S.A. 65-6411 and repealing the existing section.

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

Section 1. K.S.A. 65-6411 is hereby amended to read as follows:

65-6411. Fees. (a) The board shall fix by rules and regulations and shall collect the following fees:

- (1) For application for registration, not to exceed \$150;
- (2) for examination, not to exceed ~~\$150~~ \$275;
- (3) for renewal of a registration, not to exceed \$150;
- (4) for reinstatement of a registration, not to exceed \$150;
- (5) for replacement of a registration, not to exceed \$20; and
- (6) for late charges, not to exceed \$5 for each 30 days of delay beyond the date the renewal application was to be made.

(b) Fees paid to the board are not refundable.

Section 2. K.S.A. 65-6411 is hereby repealed.

Section 3. This act shall take effect and be in force from and after its publication in the Kansas register.

SENATE BILL No. 781

By Committee on Ways and Means

3-31

8 AN ACT concerning examinations for applicants for licensure as psy-
9 chologists; amending K.S.A. 1991 Supp. 74-5311 and repealing
10 the existing section.
11

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

13 Section 1. K.S.A. 1991 Supp. 74-5311 is hereby amended to read
14 as follows: 74-5311. Examinations for applicants under this act shall
15 be held by the board from time to time but not less than once each
16 year. The board shall adopt rules and regulations governing the
17 subject, scope, and form of the examinations or shall contract with
18 a national testing service to provide an examination approved by the
19 board. The board shall prescribe an initial examination fee not to
20 exceed ~~\$250~~ \$350. If an applicant fails the first examination, such
21 applicant may be admitted to any subsequent examination upon
22 payment of an additional fee prescribed by the board not to exceed
23 ~~\$250~~ \$350. The examination fees prescribed by the board under this
24 section shall be fixed by rules and regulations of the board.

25 Sec. 2. K.S.A. 1991 Supp. 74-5311 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after
27 its publication in the statute book.

Request an amendment to Line 27 to read:

27 its publication in the Kansas register.

Changes needed in lines 9, 13, and 25 to remove "1991 Supp."