

Approved: February 1, 1994  
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 January 26, 1994 in Room 423-S of the Capitol.

All members were present except: Rep. Elaine Wells, excused.

### Committee staff present:

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

### Conferees appearing before the committee:

Joseph F. Kroll, Director, Bureau of Adult and Child Care,  
Department of Health and Environment

Others attending: See attached list

Chairperson Flower called the meeting to order and inquired if there was anyone present that wished to request the introduction of bills. There were none.

Chair requested a staff briefing on **HB 2580**.

Dr. Wolff gave a comprehensive explanation of **HB 2580**, noting the amendment proposed is language to be added to K.S.A. 65-431, licensing and inspection and regulation of hospital statutes. The Department of Health and Environment is the regulating agency. He detailed new language, and the proposed changes. He drew attention to the recommendation of striking the two standards, and gave a detailed explanation. He answered questions, i.e., patient's rights; definition of "comfort" of a patient, rationale on the use of the word "comfort".

It was noted the Joint Commission of Accreditation on Hospitals is in place to authorize and direct hospitals, health facilities to meet the health, safety, comfort of patients.

It was noted the Committee on Rules and Regulations had recommended to staff to draft language for the proposed changes in **HB 2580** in concert with other language being used.

### HEARINGS OPENED ON **HB 2580**.

Joseph F. Kroll, Director, Bureau of Adult and Child Care, Kansas Department of Health and Environment offered hand-out (Attachment No. 1). He stated **HB 2580** would accomplish two objectives if enacted. The first involves the deletion of the term "standards" to lend consistency to other statutory language regarding promulgation of enforcement provisions by administrative agencies. The second objective is for clarification of the Department's authority to develop such rules and regulations related to "the health, safety, hygiene, welfare, and comfort of individuals treated in medical care facilities." Mr. Kroll urged for favorable consideration. He answered numerous questions, i.e., the language used was to capture the general approach to the welfare of the patient.

A lengthy discussion ensued regarding patient's rights.

Mr. Kroll stated the Department would not object to more specific language in defining the patient's rights. He noted the language used is consistent with language being used in the Nursing Home Care statutes.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S  
Statehouse, at 1:30 p.m. on January 26, 1994.

Attention was drawn to a fiscal note on HB 2580 made available to members. (See Attachment No.2). It was noted there would be no fiscal impact.

There were no other conferees giving testimony on HB 2580.

HEARING CLOSED ON HB 2580.

Chair drew attention to HB 2604 that had been discussed at an earlier date. She requested Mr. Furse to comment on concerns expressed on the appearance of language "office of" in line 9 of HB 2604. Mr. Furse indicated those words were incorrectly placed in the title and he noted, if Committee wishes to enhance HB 2604, it would be necessary to amend by striking "office of" in line 9.

Rep. Sader moved to amend HB 2604 by striking "office of" in line 9, and to pass HB 2604 out favorably as amended, seconded by Rep. Freeborn. No discussion. Motion carried.

Chair requested Rep. Freeborn to carry HB 2604 on the floor for House debate. She agreed to do so.

Chair noted hearings had just been conducted on HB 2580 and inquired if there were any objections to working the bill. There were no objections.

DISCUSSION BEGAN ON HB 2580.

Discussion ensued in regarding amendments to adopt language that more clearly defines patient's rights. Mr. Furse was requested to help with suggested language where most appropriate.

Rep. Sader then moved to amend HB 2580 to include the words, "patient's rights" on line 23 before the word "welfare". Motion seconded by Goodwin. No further discussion. Motion carried.

On the bill as a whole, Rep. Sader moved to pass HB 2580 out favorably as amended, seconded by Rep. Freeborn. No discussion. Motion carried.

Chair requested Rep. Henry to carry HB 2580 on the floor for House debate. He agreed to do so.

Chair adjourned the meeting at 2:03 p.m.

The next meeting is scheduled for January 27, 1994.

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE \_\_\_\_\_

DATE Jan 26, 1994

[illegible]

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

TESTIMONY PRESENTED TO  
THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE  
BY  
THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

HOUSE BILL 2580

Introduction

Since the late 1940s, KDHE has been authorized to license medical care facilities in Kansas under the provisions of K.S.A. 65-425 et seq. Medical care facilities are generally defined as hospitals, ambulatory surgical centers, and recuperation centers. There are approximately 160 such facilities in the state. KDHE has adopted administrative regulations 28-34-1 through 28-34-94a related to these facilities.

Issues

HB 2580 would accomplish two objectives if enacted. First, the term "standards" following "rules and regulations" in line 15 is deleted. This deletion lends consistency to other statutory language regarding promulgation of enforcement provisions by administrative agencies.

The second objective of the bill is the clarification of KDHE's authority to develop such rules and regulations related to the protection of "the health, safety, hygiene, welfare, and comfort of individuals treated in medical care facilities."

During the summer of 1993, KDHE proposed a series of amendments to the hospital regulations. During presentation to the Joint Committee on Administrative Rules and Regulations, brief committee discussion questioned KDHE's authority to adopt a Patient Rights regulation. KDHE's position was that sufficient authority was found in K.S.A. 65-425 et seq. (including K.S.A. 65-431), to promulgate and adopt the regulations. However, the new language in HB 2580 does clarify the licensing agency's authority to adopt necessary rules and regulations.

Conclusion

The Department appreciates the Committee's desire to enhance the statutory language of K.S.A. 65-431. We recommend favorable committee action of House 2580 and thank you for the confidence you would bestow upon the Department with the bill's enactment.

Presented by: Joseph F. Kroll, Director  
Bureau of Adult and Child Care  
Kansas Department of Health and Environment  
January 26, 1994

*PHK*  
*1-26-94*  
*attm #1*

STATE OF KANSAS



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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

January 24, 1994

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

Dear Representative Flower:

SUBJECT: Fiscal Note for HB 2580 by Joint Committee on Rules  
and Regulations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2580 is respectfully submitted to your committee.

HB 2580 would provide the Department of Health and Environment with enhanced authority to establish requirements with respect to medical care facilities through the adoption of rules and regulations. Medical facilities are defined under KSA 65-425 as hospitals, ambulatory surgical centers, and recuperation centers.

The passage of HB 2580 would have no fiscal impact on the Department of Health and Environment.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer".

Gloria M. Timmer  
Director of the Budget

cc: Laura Epler - Health and Environment

PHW  
1-26-94  
Attn #2