

Approved: February 22, 1994  
Date FM

## 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 15, 1994 in Room 423-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Stan Teasley, Executive Director Kansas Commission of Veteran's Affairs  
Ralph Snyder, State Adjutant of the Kansas American Legion  
Daryl Bencken, Veterans of Foreign War offered written testimony from  
John Hill, Department Treasurer of Disabled American Veterans,  
Dr. Elizabeth Saadi, Director/Office of Health Care Information, Center for Health/Environmental Statistics

Others attending: See attached list

Chair called the meeting to order drawing attention to Committee minutes for February 9. If there are suggested corrections, please notify the secretary by 5:00 p.m. on February 16, otherwise these minutes will be considered approved as presented.

Chair requested a briefing on **SB 392**.

Dr. Wolff gave a comprehensive explanation of **SB 392**, noting language directs the Secretary to fix and charge fees for persons seeking certified copies of certain documents. The substance of **SB 392** would direct the Secretary to not authorize a charge for those certificates, if the person making the application for the certificate produced correspondence from the Veteran's Administration, or the Kansas Commission on Veterans Affairs which indicated that the person is making the application for those copies was doing so to obtain veteran's benefits. This is a one-time exemption. For subsequent (or second requests) a charge would be assessed.

HEARING BEGAN ON **SB 392**.

Mr. Stan Teasley, Executive Director of Veteran's Affairs, (Attachment No. 1) offered background information regarding K.S.A. 65-2418, i.e., prior to 1983 those statutes provided for free documents for veterans and their dependents under the circumstances detailed by Dr. Wolff. He drew attention to a letter from former Secretary of Health and Environment, Barbara J. Sabol, stating the intent of the Department was to provide this free service by rule and regulation. He detailed modified changes made by the Legislature in 1983, which after a review by the Attorney General's Office state the unconstitutionality of these exemptions. He detailed the laborious procedure and hardships caused by delays in veterans receiving deserved benefits in a timely fashion. He drew attention to the fiscal note prepared March 22, 1993, and detailed his objections to statistics in that document. Considering that the state of Kansas provided this service to Kansas Veterans in the past, that the expressed legislative intent of the change made in 1983 was to continue this service through rule and regulation and not to eliminate the free service, that the service would have a positive benefit to the claims process by avoiding unnecessary delays, he encouraged favorable passage of **SB 392**.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S  
Statehouse, at 1:30 p.m. on February 15, 1994.

### **SB 392 continued.**

Ralph Snyder, State Assistant Adjutant of the Kansas American Legion offered hand-out (Attachment No.2). He gave background information and noted the American Legion did not object to the removal of the provision from the statute in 1983 because they were led to believe the service would be reinstated by rule and regulation. They are aware that Kansas is the only state which does not provide this service to veterans, and the only state that does not reciprocate such services with other states. He stated, whether an individual receives funds from the Veteran's Association or a state funded agency makes no difference since both are tax dollars. He urged support for **SB 392**.

Mr. Daryl Bencken, Veterans of Foreign Wars stated concurrence with the testimony of Mr. Teasley and Mr. Snyder, then drew attention to written testimony from Mr. John A. Hill, Treasurer of Disabled American Veterans, Department of Kansas. (See Attachment No. 3).

Dr. Elizabeth Saadi, Director, Office of Health Care Information, Center of Health/Environmental Statistics offered hand-out (see Attachment No. 4). She stated, their Department takes no position on **SB 392**. She noted estimated figures for copies of a death certificate for those person applying for veteran's benefits would be approximately 5,000, therefore making the negative fiscal impact on the general fund approximately \$50,000. This estimate is based on 1993 figures. She noted, should **SB 392** be passed it could set a precedent for issuing free copies.

Numerous questions were asked of the conferees.

Discussion began on **SB 392**. Mr. Furse indicated to the Chair, i.e., that **SB 392** is 1993 carry-over legislation that had amended sections in that year. He then distributed an amendment that would reflect the changes the Legislature had made, see (Attachment No.5). He gave a detailed explanation, noting, last year it was current, this year it would need to reflect the amended change made by the 1993 legislature.

After a short discussion, Chair stated that motions were in order.

Rep. Sader moved to amend **SB 392** per balloon document detailed by Mr. Furse and pass out of Committee favorably as amended. Motion seconded by Rep. Morrison. No discussion. Motion carried.

Rep. O'Connor agreed to carry **SB 392** on the floor for debate.

### DISCUSSION BEGAN ON **HB 2787**.

Chair requested staff to bring members up to date regarding **HB 2787**. Mr.. Furse noted it was requested by the Board of Healing Arts, making changes to the physical therapist and physical therapist assistant statutes. He gave a detailed explanation of the proposed language.

It was noted, questions were raised during the hearing on **HB 2787**. Mr. Furse had prepared a balloon with language to address questions asked by members, see (Attachment No. 6). He explained the balloon. Discussion ensued, and Mr. Furse answered questions, i.e., language provided wouldn't prohibit an individual who is an RN to take the LPN examination, nor would address that situation. Whether or not the Board would allow it, Mr. Furse wasn't sure. Other questions that had been raiser earlier were, i.e., restricting certification to residents of Kansas, and dealing with work experience in rural areas. Discussion continued. It was noted that a Kansas residency requirement had in earlier years been eliminated for qualification in applying for certification in all of the acts. It was noted there could be some legal problems in requiring a Kansas residence for those applying.

Rep. Scott made a motion to accept the language in balloon indicated in Attachment No. 6, to amend **HB 2787**, i.e., to add on page 2, line 4, after board, "which is appropriate for the certification or registration of the applicant", and again that same language on line 6 after board. To further amend on page 2, after line 22, insert new sec. (d), "All registrations or certificates issued prior to July 1, 1994, shall be and continue in full force and effect and be eligible for renewal and reinstatement under K.S.A. 65-2910 and amendments thereto." The motion to amend was seconded by Rep. Rutledge. No discussion. Motion carried.

Rep. Samuelson moved to pass **HB 2787** favorable as amended out of Committee, seconded by Rep. Rutledge. No discussion. Motion carried.

Chair requested that Rep. Rutledge carry **HB 2787** on the floor for debate in the House. He agreed to do so.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S  
Statehouse, at 1:30 p.m. on February 15, 1994.

### **HB 2600**

Chair requested staff to explain **HB 2600**. Mr. Furse did so, noting fee changes indicated on page 2. He detailed those changes noting it is a maximum amount, a fee not to be required to be set, but would allow the Board to affix the amount they view appropriate. There were numerous questions.

Tom Hitchcock answered questions, i.e., changing the number of 12 different nonprescription drug products. It was determined for inspection purposes, this number of 12 is best as it appears in line 22, on page 2. Further discussion regarding the amount of revenue kept as a carry-over by the Board. It was noted by Mr. Hitchcock, the Appropriations Committee suggests that a certain percentage of the overall Board's budget should be maintained as a carry over to be accessible if needed.

Mr. Bob Williams, when asked, stated the Board of Directors of the Kansas Pharmacists Association does support **HB 2600**.

Rep. Sader moved to report **HB 2600** favorable for passage out of Committee, seconded by Rep. Bruns. No discussion. Motion carried.

Rep. Sader agreed to carry **HB 2600** on the floor of the House for debate.

### **HB 2601**

Chair requested a staff briefing. Mr. Furse explained **HB 2601**, noting it relates to out of state pharmacies, filling and refilling prescriptions. A requested change appears on page 2, line 7, noting language would require a pharmacist to record on the prescription the name of the requesting pharmacy or pharmacist and the date of the request.

Rep. Neufeld offered an amendment, see ( Attachment No. 7). He noted there were concerns expressed earlier regarding the definition of "isolated transaction". The amendment he provided would amend **HB 2601** on page 5 after line 15, by adding the language, "In determining whether the prescriptions being mailed into the state of Kansas by a nonresident pharmacy are isolated transactions, the board shall consider whether the pharmacy has promoted its services in this state and whether the pharmacy has a contract with any employer of organization or provide pharmacy services to employees or other beneficiaries in this state."

Rep. Neufeld then moved to amend **HB 2601** per language he had detailed in Attachment NO.7. Motion seconded by Rep. Samuelson.

Question called for by Rep. Scott. Vote taken, motion carried.

Rep. Neufeld moved to further amend **HB 2601** by changing the date to the Kansas register on page 5, last line, and also to amend on page 5, line 8, change "may" to "shall". Motion seconded by Rep. Wells. No discussion. Motion carried.

On the bill as a whole, Rep. Scott moved to pass **HB 2601** favorably as amended, seconded by Rep. Neufeld. No further discussion. Motion carried.

Rep. Neufeld agreed to carry **HB 2601** on the floor of the House for debate.

### **HB 2602**

Mr. Furse, when asked, drew attention to a balloon that had been prepared that reflected the changes proposed by the Kansas Medical Society and the Kansas Nurses Association, see (Attachment No. 8) He gave a detailed explanation.

Rep. Rutledge moved to amend **HB 2602** by adding language that addresses reimbursement for travel expenses to Board members attending meetings, per amendment outlined by Mr. Furse in Attachment No. 8. He also requested that the minutes indicate that the legislative intent of the Committee with the addition of balloon amendment, is not to address the liability issue, but to keep **HB 2602** and statute from prohibiting a nurse from complying with a doctor's delegation.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S  
Statehouse, at 1:30 p.m. on February 15, 1994.

At this point it was suggested these suggested proposals by Rep. Rutledge be separated, discussed and voted on separately. Rep. Rutledge agreed to withdraw his motion.

Rep. Rutledge moved to amend **HB 2602** by adopting the balloon (attachment No.8) that reflects language of Kansas State Nurses Association on page 1 regarding "supervision", and language indicated in (h) on Page 2, by the Kansas Medical Society, and further to amend by adding language regarding travel expenses for the Board, per Mr. Furse' discretion.

Discussion ensued. It was again suggested all these issues be discussed and voted upon separately. Motions withdrawn by Rep. Rutledge.

Discussion continued. Rep. Rutledge moved to amend **HB 2602** (attachment No. 8), on page 2, by adding language indicated in (h) and (i), i.e., language proposed by Kansas Medical Society. Motion seconded by Rep. Neufeld. Discussion continued.

Mr. Furse was requested to clarify the language provided. He explained this is a clear policy change since what is currently in the Healing Arts Act would be modified by Sub (f) on page 2, which is a flat prohibition, stating that on and after July 1, 1995, no licensed practical nurse shall perform intravenous fluid therapy unless qualified to perform intravenous fluid therapy under this section and rules and regulations adopted by the Board.

At this point a communique was read from the Kansas Nurses Association regarding the statute which defines "professional competence", means that if a physician delegates to a person who the physician knows that person is not qualified by training or experience, that is in direct conflict with unprofessional conduct. It was noted this is an important policy change, i.e., a sweeping policy change. Concerns were expressed regarding the rural areas where there is a shortage of RNs to perform certain procedures. It was noted by the Chair, this legislation has been in the works for three years. There are still questions and concerns, but it would be sad to scrap the bill. The Chair requested that discussion be limited to the amendments on the table. Discussion was then directed to the language in the Healing Arts Act, i.e., a doctor delegating certain procedures to certain persons that were trained or qualified to perform certain procedures. Discussion continued.

Question called for by Rep Wells. Vote taken, and motion carried.

Rep. Neufeld moved to amend **HB 2602** on page 1, per language in balloon (attachment No. 8) proposed by the Kansas Nurses Association. Discussion ensued. Mr. Furse again was requested to detail language.

Vote taken and motion carried.

Rep. Goodwin made a motion to further amend **HB 2602** on page 2, line 1 to change "may" to "shall". Rep. Samuelson seconded. Discussions continued.

At this point, Rep. Goodwin and Rep. Samuelson both withdrew their motions.

Rep. Samuelson moved to amend **HB 2602** on page 2, line 10, to place a (,) between the words "condition" and "limit", and to add on page 2, line 17, after "annually", language (as Mr. Furse deems appropriate) that would allow compensation for travel expenses for Board members attending the board meetings. Motion seconded by Rep. Neufeld. No discussion. Vote taken and motion carried.

**HB 2602** as a whole.

Rep. Wells moved to pass **HB 2602** out favorably as amended, seconded by Rep. Rutledge. No discussion. Motion carried.

Rep. Wells will carry **HB 2602** on the floor for debate.

A fiscal note on **HB 2602** is recorded as (Attachment No. 9) this date.

Chair adjourned the meeting at 3:12 p.m.

The next meeting is scheduled for February 16, 1994.

## VISITOR REGISTER

## HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE Feb. 15, 94

NAME	ORGANIZATION	ADDRESS
Joe Furjanic	KCA	Topeka
Tom Hitchcock	Bd. of Pharmacy	"
Ed Ginley	Stanton Co. Hospital	Johnson
Danielle Noe	HIAA	Topeka
Rich Gutaric	Health Midwest	KC
LINAA Lubensky	KS Home Care Ass	Lawrence
Stacy Empson	KHA	Topeka
KEITH R LANDIS	CHRISTIAN SCIENCE and ON PUBLICATION FOR KS	Topeka
Michelle Peterson	KS Gov Consulting	Topeka
Mary Ellen Conlee	St Francis Reg. Med. Center	Wichita
Thomas Jefferson	2 <sup>nd</sup> Continental Congress	Philadelphia
Steve Dore	Wichita Mosy	Wichita
Pat Johnson	Board of Nursing	Topeka
Roberta Kellogg	Bd of Nsg	Topeka
Conda Byrum	KSNA	Topeka
Dona Baba		Wichita
Lon Saadi	KDHE	
STAN Teasley	KCUA	Topeka
Franky Scott	KCUA	Topeka
Ralph Snyder	Am Legion	Topeka
MAURIE BERNER	Ks VFW	Topeka
STUE KEARNEY	KPTA	TOPEKA
Kew Davis	KPTA	Mission, KS

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

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# **KANSAS**

## **COMMISSION ON VETERANS' AFFAIRS**

# **KANSAS**

### **TESTIMONY BY STAN TEASLEY, EXECUTIVE DIRECTOR KANSAS COMMISSION ON VETERANS AFFAIRS ON SENATE BILL 392 BEFORE HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE FEBRUARY 15, 1994**

Madam Chairman and Members of the Committee, I would like to express my appreciation for the opportunity to testify as a proponent of Senate Bill 392, which would provide for a free copy of needed vital statistical documents from the Kansas Department of Health and Environment for Veterans and their dependents who require said documents in applying for benefits from the United States Department of Veterans Affairs. My name is Stan Teasley and I am the Executive Director of the Kansas Commission on Veterans Affairs.

It is important to note that prior to 1983, K.S.A. 65-2418 provided for free documents for Veterans and their dependents under the aforementioned circumstances. The 1983 Legislature eliminated the language from this statute, not with the intent of discontinuing the service, but to allow for such exemptions by rule and regulation. In fact, the legislation in 1983 that made this change was a very lengthy bill, which contained a number of modifications to a variety of statutes pertaining to the Kansas Department of Health and Environment. This legislation was never represented with the intent of eliminating this important service. The Commission and the Veteran Organizations did not oppose this change as we were assured by the Secretary of Health and Environment at the time, Ms. Barbara J. Sabol, of the Department's intent to provide for this free service by rule and regulation.

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2-15-94  
Attn #1*

During 1983, the Department of Health and Environment attempted to accomplish this objective by submitting a rule and regulation with the appropriate exemption language. However, the Attorney General's Office after reviewing the submitted rule and regulation issued an opinion stating that the, "statute which purports to authorize the promulgation of this rule and regulation is unconstitutional." Consequently, for this provision to be reinstated, as was the original intent of the Legislature at that time, it is necessary that an exemption clause be included in K.S.A. 65-2418 by legislation. A copy of a letter from Ms. Sabol written in January of 1986 has been provided to Members of the Committee for their review, which outlines some history on this matter.

According to the National Association of State Director of Veterans Affairs, Kansas represents the only State in the United States, which does not provide free copies of needed documents for Veterans seeking USDVA benefits. Consequently, Kansas also represents the only State in the Nation that is unable to participate in a reciprocity agreement among states to provide free copies of needed documents to Veterans seeking USDVA benefits who reside in one state, but their records are maintained in Kansas. Our Kansas Veterans, whose records are located in another state, receives the benefits of this reciprocity agreement, but Kansas is unable to provide the same service. Many of our agency's clients are seeking pension benefits, which in essence represents a income maintenance program. To be eligible for such pensions, an individual must have quite modest financial means and possess a permanent and total disability. Although the \$10 current charge for documents from Health and Environment may not represent a great deal of resources to the vast

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*Attn #1-2*  
*39295*



**Stan Teasley's Testimony**  
**Senate Bill 392**  
**Page Three**

majority of their clientele, to many of our clients \$10 does constitute a sizeable percentage of their available resources, due to their circumstances. Requiring these individuals to pay the \$10 charge, in many cases, delays the process as they must make the arrangements to obtain the necessary funds to purchase these needed documents. A delay in benefits from the U.S. Department of Veterans Affairs results in a hardship for many of our clients, and is depriving the State of Kansas from the economic and social benefits of Kansas citizens receiving their deserved benefits in a timely fashion.

Lastly, I wish to take issue with the fiscal note prepared for this bill on the 22nd of March, 1993. This fiscal note estimates that a reduction in State General Fund receipts would occur based upon a projected 5,000 free copies being provided each fiscal year at a loss of revenue of \$7.00 per copy. Since the completion of this fiscal note, the charge for the first certified copy of a document has been increased to \$10.00 per copy, which would increase their estimated fiscal note to \$50,000. The prepared fiscal note states in the last sentence of the last paragraph that, "the Department's estimate of requests is based on the actual number of death certificate copies requested in FY 1992 to obtain benefits from the Veterans Administration." This simply is not an accurate statement. An official from Vital Statistics indicated to me that the 5,000 estimate was based upon the number of death certificates received by the Department during FY 1992 that were identified as Veterans. To state that the number of Veterans who happen to die during a given fiscal year would also represent an accurate estimate of the number of requests for birth, death, marriage, and divorce documents to obtain USDVA benefits does not appear to be based upon very sound reasoning or logic. In fairness to the Kansas Department of

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*Attn #1-3*  
*pg 375*

Stan Teasley's Testimony]  
Senate Bill 392  
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Health and Environment it is very difficult to estimate how many free documents would be given during a given fiscal year, and it would appear that some misinterpretation has occurred of information provided to the Division of Budget by Vital Statistics. However, based upon discussions with agency staff, I personally have concluded that the number of requests for free documents should be below 1,000 per year, which would place the fiscal note on this bill at less than \$10,000. Senate Bill 392 requires that a person who is requesting a free document must exhibit correspondence from the United States Veterans Administration or the Kansas Commission on Veterans Affairs which indicates that the documents are necessary to apply for benefits. Therefore, this Committee can be assured that our agency will do our part in ensuring that requests for free documents will be based upon legitimate need to keep the loss of revenue to a minimum.

Considering that the State of Kansas provided this service to our Kansas Veterans in the past, that the expressed legislative intent of the change in 1983 was to continue this service through rule and regulation and not to eliminate the free service, that this service would have a positive benefit to the claims process by the avoidance of unnecessary delays, that this service would assist Kansas citizens whom are seeking benefit that have limited financial resources, and the fact that Kansas is the only State to not provide free documents in this circumstance, I would encourage the passage of this legislation. This is a small service that Kansas can provide to its' Veterans who served this country with dedication and have in many cases paid a tremendous sacrifice.

Thank you for this opportunity, and I would be happy to answer any questions.

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Attn #1-7  
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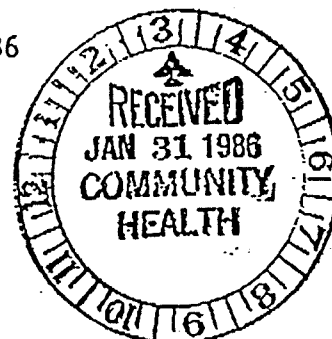
## DEPARTMENT OF HEALTH AND ENVIRONMENT

State of Kansas . . . John Carlin, Governor

Barbara J. Sabol, Secretary

Forbes Field  
Topeka, Kansas 66620  
913-852-9360

January 29, 1986



Mr. Stan Teasley  
Executive Director  
Kansas Veterans Commission  
512 West 6th  
Topeka, Kansas 66603

Dear Mr. Teasley:

As you know, at one time the Department of Health and Environment provided a free birth certificate to the United States Veterans Administration or the Kansas Veterans Commission in order to assist veterans in obtaining benefits; therefore, it would pose no administrative difficulties for us to return to this procedure.

Should such legislation be developed, you should consider modeling it after the repealed 1980 K.S.A. 65-2418 which provided that only one free copy may be issued upon presentation of correspondence from the United States Veterans Administration or the Kansas Veterans Commission indicating that such person is applying for benefits from the United States Veterans Administration and that such person needs the requested information to obtain such benefits. For a second or subsequent certified copy of a certificate the usual fee would be charged.

In 1983 the Department attempted to provide the United States Veterans Administration or the Kansas Veterans Commission with a free copy by regulation, however, in the Attorney General's opinion the "statute which purports to authorize the promulgation of this rule and regulation is unconstitutional."

Apparently if this benefit is to be reinstated it must be through legislation. If necessary, KDHE staff are available to meet with you and/or your staff.

Sincerely,

Barbara J. Sabol  
Secretary

BJS:mrh

cc: Dr. Lorne A. Phillips

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2-15-94  
Attn #15  
Pg 575

HOUSE HEALTH AND PUBLIC WELFARE COMMITTEE  
TESTIMONY BY RALPH SNYDER  
ASSISTANT STATE ADJUTANT, KS AMERICAN LEGION  
IN SUPPORT OF SB 392

On behalf of the more than 90,000 members of the Kansas American Legion, American Legion Auxiliary and Sons of The American Legion, I wish to express my sincere appreciation for the opportunity to address your committee today in favor of Senate Bill 392. My name is Ralph Snyder and I am the State Assistant Adjutant of The Kansas American Legion.

Prior to 1983 Kansas, like all other states, provided veterans and their surviving dependents who were filing for earned VA benefits certified copies of birth, marriage and death certificates at no charge. As I understand it, this service pre-dated the formation of the Kansas Veterans Commission in 1950 (now known as the Kansas Commission on Veterans Affairs). The KVC was established in lieu of a World War II veterans' bonus to provide veterans and their families a state agency to assist them in obtaining earned VA benefits.

During the establishment of the KVC, 'no cost' documentation was discussed by the Legislature as an integral part of the overall veterans "package". In 1983 The American Legion did not object to the removal of this provision from the Kansas Statutes because we were led to believe this service would be reinstated by rule and regulation.

Mr. Dale Renaud, a Past National Commander of The American Legion, a former President of the National Association of State Directors of Veterans Affairs, and currently a Special Assistant to Secretary Jesse Brown of the Department of Veterans Affairs, informed our organization that Kansas is the only state which does not provide

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*2-15-94*  
*Attn #2*

this service to veterans. Further that Kansas is the only state that does not reciprocate such services with other states.

Lines 22 through 32 of SB 392 are very specific in that only one copy will be furnished per person, and only after that person provides proof they are applying for VA benefits. It must be understood and emphasized that not every veteran applies for VA benefits. **Only** those seeking compensation for active duty service connected injuries and those applying for a VA pension because they are among Kansas' most needy citizens will use this service.

Whether an individual receives funds from the VA or a State funded agency makes no difference; those funds are tax dollars. If the State of Kansas can assist its eligible citizens to obtain federal benefits at what we consider a minimal investment, then Kansas is better off because our federal tax dollars are flowing back into Kansas while at the same time lessening the drain on State tax dollars.

The American Legion urges your support of SB 392. Again I thank you for the opportunity to address you today.

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2-15-94  
Attn # 2-2  
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# DISABLED AMERICAN VETERANS



# DEPARTMENT OF KANSAS

*Mr. Daryl Bencken,  
Veterans of Foreign Wars  
gave out this written testimony  
from Mr. Hill* February 14, 1994

Kansas House of Representatives  
Committee on Public Works and Welfare  
State Capitol Building  
Topeka, Kansas 66612

RE: Senate Bill 392

Dear Chairperson Flowers,

The DAV wishes to be on record in favor of Senate Bill 392, which will provide documents, without fee, from the Kansas Department of Vital Statistics to veterans, when needed, to establish a claim for benefits.

Birth, death certificates and divorce decrees are required by the Department of Veterans Affairs to establish claims for veteran's benefits. All states provide one free copy of such documentation for this purpose, except Kansas. Most states also provide such service to residents of other states on a reciprocal basis, but again, not Kansas.

This small service is of real value to Kansas veterans. It will help to establish benefits that are federally funded, not state funded. The cost will be more than offset by the increase in federal funds returned to our state.

Your favorable consideration is requested.

Sincerely Yours,

*John A. Hill*  
John A. Hill  
Dept Treasurer

4721 NE Indian Creek Road  
Topeka, Ks 66617-1545  
913-286-1981

*PX/KW  
2-15-94  
Attn #3*

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

Testimony presented to

House Public Health and Welfare Committee

by

The Kansas Department of Health and Environment

Prior to 1983 K.S.A. 65-2418 authorized the family of a veteran one free copy of a death certificate. In 1983, the legislature voted to strike the provision.

S.B. 392 would require the Office of Vital Statistics to provide a free copy anytime evidence was produced that indicated the person was applying for veteran's benefits. We estimate the number of requests for such copies would be approximately 5,000; therefore, the negative impact of this bill on the general fund would be approximately \$50,000. This estimate was made based on deaths occurring in 1993 in which the death certificate indicated the deceased was a veteran--the actual figure was 5,092.

It should be noted that passage of S.B. 392 could set a precedent for issuing free copies. H.B. 2155 introduced during the 1993 legislative session would have required free copies be provided to judges for use in court cases; however, this bill was killed.

We might note, however, that in an informal telephone survey conducted recently by Office of Vital Statistics staff we found that all 20 states contacted provided a free copy for VA benefits.

Since this bill has no direct impact on the Department of Health and Environment, the Department takes no position on the bill.

Testimony presented by: Dr. Elizabeth Saadi

Director

Office of Health Care Information

Center for Health and Environmental Statistics

February 15, 1994

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2-15-94  
Attn # 4

Recommends that Senate Bill No. 392

"AN ACT concerning vital statistics records; exempting certain persons from certain fees; amending K.S.A. 65-2418 and repealing the existing section."

Be amended:

On page 1, by striking all of lines 13 through 43;

On page 2, by striking all of lines 1 through 15 and inserting:

"Section 1. K.S.A. 1993 Supp. 65-2418 is hereby amended to read as follows: 65-2418. (a) Except as otherwise provided in this section, the secretary shall fix and charge the fees, if any, to be paid for certified copies of certificates or for search of the files or records when no certified copy is made. Fees for certified copies of certificates shall be fixed by rules and regulations of the secretary ~~of health and environment~~ except that the fee for the first copy of a birth or death certificate shall include a \$3 surcharge and the fee for each additional copy of the same birth or death certificate requested at the same time shall include a \$1 surcharge. The secretary shall not charge any fee for a certified copy of a certificate or for a search of the files or records if the certificate or search is requested by a person who exhibits correspondence from the United States veterans administration or the Kansas commission on veterans' affairs which indicates that the person is applying for benefits from the United States veterans administration and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate or search of the files requested by the person, the usual fee shall be charged. The secretary ~~of--health--and~~

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2-15-94  
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environment may provide by rules and regulations for exemptions from such fees.

(b) Subject to K.S.A. 65-2420 and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.

(c) (1) The ~~secretary of health and environment~~ shall remit all moneys received by or for the secretary from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of any such remittance, other than remittances for fees for birth certificates, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the state general fund.

(2) Upon receipt of any such remittance of a fee for a birth certificate, \$3 of each such fee for the first copy of a birth certificate and \$1 of each such fee for each additional copy of the same birth certificate requested at the same time shall be remitted to the state treasurer who shall deposit the entire amount of each such remittance in the state treasury and credit it to the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. Upon receipt of any such remittance of a fee for a death certificate, \$3 of each such fee for the first copy of a death certificate and \$1 of each such fee for each additional copy of the same death certificate requested at the same time shall be remitted to the state treasurer who shall deposit annually the entire amount of each such remittance in the state treasury and credit it to the district coroners fund created by K.S.A. 1993 Supp. 22a-245 and amendments thereto. The balance of the money received for a fee for a birth certificate shall be remitted to the state treasurer who shall deposit the entire amount of each such remittance in the state treasury and the same shall be

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2-15-94  
attm #5-2  
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credited to the state general fund.";

Also on page 2, in line 16, after "K.S.A.", by inserting "1993 Supp.";

In the title, in line 9, after "K.S.A.", by inserting "1993 Supp.";

And the bill be passed as amended.

\_\_\_\_\_  
Chairperson

PHW  
2-15-94  
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Attn #6

1 (1) The applicant is of legal age;  
2 (2) the applicant has successfully completed the academic re-  
3 quirements of an educational program in physical therapy approved  
4 by the board;

5 (3) the applicant has passed an examination required by the  
6 board to test the applicant's knowledge of the basic and clinical  
7 sciences relating to physical therapy theory and practice; and

8 (4) the applicant has paid to the board all applicable fees es-  
9 tablished under K.S.A. 65-2911 and amendments thereto.

10 (d) (c) The board shall adopt rules and regulations establishing  
11 the criteria which a school shall satisfy in order to be approved by  
12 the board for purposes of subsections subsection (b) and (e). The  
13 board may send a questionnaire developed by the board to any school  
14 for which the board does not have sufficient information to determine  
15 whether the school meets the requirements of the board for approval  
16 and rules and regulations adopted under this section. The question-  
17 naire providing the necessary information shall be completed and  
18 returned to the board in order for the school to be considered for  
19 approval. The board may contract with investigative agencies, com-  
20 missions or consultants to assist the board in obtaining information  
21 about schools. In entering such contracts the authority to approve  
22 schools shall remain solely with the board.

which is appropriate for the certification or  
registration of the applicant

23 Sec. 2. K.S.A. 65-2913 is hereby amended to read as follows:  
24 65-2913. (a) Any person who, in any manner, represents oneself as  
25 a physical therapist, or who uses in connection with such person's  
26 name the words or letters physical therapist, physiotherapist, reg-  
27 istered physical therapist, P.T., Ph. T. or R.P.T., or any other  
28 letters, words, abbreviations or insignia, indicating or implying that  
29 such person is a physical therapist, without a valid existing certificate  
30 of registration as a physical therapist issued to such person pursuant  
31 to under the provisions of this act, shall be guilty of a class B  
32 nonperson misdemeanor.

33 (b) Any person who successfully meets the requirements of  
34 subsection (c) of K.S.A. 65-2906 and amendments thereto shall  
35 be known as and designated a physical therapist assistant and  
36 may designate or describe oneself as a physical therapist as-  
37 sistant, certified physical therapist assistant, P.T.A., C.P.T.A.,  
38 or P.T. Asst. in any manner, represents oneself as a physical ther-  
39 apist assistant, or who uses in connection with such person's name  
40 the words or letters physical therapist assistant, certified physical  
41 therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other  
42 letters, words, abbreviations or insignia, indicating or implying that  
43 such person is a physical therapist assistant, without a valid existing

(d) All registrations or certificates  
issued prior to July 1, 1994, shall be and  
continue in full force and effect and be  
eligible for renewal and reinstatement under  
K.S.A. 65-2910 and amendments thereto.

PH & W  
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Attn #6

1 state in which the nonresident pharmacy is located fails to resolve  
 2 the violation complained of within a reasonable time, not less than  
 3 180 days from the date that the complaint is filed, disciplinary pro-  
 4 ceedings may be initiated by the board. The board also may initiate  
 5 disciplinary actions against a nonresident pharmacy if the regulatory  
 6 or licensing agency of the state in which the nonresident pharmacy  
 7 is located lacks or fails to exercise jurisdiction.

8 (g) *The board may adopt rules and regulations that make ex-*  
 9 *ceptions to the requirement of registration by a nonresident phar-*  
 10 *macy when the out-of-state pharmacy supplies lawful refills to a*  
 11 *patient from a prescription that was originally filled and delivered*  
 12 *to a patient within the state in which the nonresident pharmacy is*  
 13 *located, or when the prescriptions being mailed into the state of*  
 14 *Kansas by a nonresident pharmacy occurs only in isolated trans-*  
 15 *actions.*

16 (g) (h) It is unlawful for any nonresident pharmacy which is not  
 17 registered under this act to advertise its services in this state, or  
 18 for any person who is a resident of this state to advertise the phar-  
 19 macy services of a nonresident pharmacy which has not registered  
 20 with the board, with the knowledge that the advertisement will or  
 21 is likely to induce members of the public in this state to use the  
 22 pharmacy to fill prescriptions. A violation of this section is a class  
 23 C misdemeanor.

24 (h) (i) Upon request of the board, the attorney general may bring  
 25 an action in a court of competent jurisdiction for injunctive relief to  
 26 restrain a violation of the provisions of this section or any rules and  
 27 regulations adopted by the board under authority of this section.  
 28 The remedy provided under this subsection shall be in addition to  
 29 any other remedy provided under this section or under the pharmacy  
 30 act of the state of Kansas.

31 (i) (j) The board may adopt rules and regulations as necessary  
 32 and as are consistent with this section to carry out the provisions  
 33 of this section.

34 (j) (k) The executive secretary of the board shall remit all moneys  
 35 received from fees under this section to the state treasurer at least  
 36 monthly. Upon receipt of each such remittance, the state treasurer  
 37 shall deposit such moneys in the manner specified under K.S.A. 74-  
 38 1609 and amendments thereto.

39 (k) (l) This section shall be part of and supplemental to the  
 40 pharmacy act of the state of Kansas.

41 Sec. 3. K.S.A. 65-1656 and 65-1657 are hereby repealed.

42 Sec. 4. This act shall take effect and be in force from and after  
 43 its publication in the statute book.

"shall"

In determining whether the prescriptions being mailed into the state of Kansas by a nonresident pharmacy are isolated transactions, the board shall consider whether the pharmacy has promoted its services in this state and whether the pharmacy has a contract with any employer or organization to provide pharmacy services to employees or other beneficiaries in this state.

— last line

Penfield

PAW  
2-15-94  
Attn #7

PAW  
2-15-94  
Attn #7

## HOUSE BILL No. 2602

By Committee on Public Health and Welfare

1-12

8 AN ACT concerning qualifications of licensed practical nurses to  
9 administer intravenous fluid therapy; establishing an advisory  
10 committee.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this section:

14 (1) "Provider" means a person who is approved by the board to  
15 administer an examination and to offer an intravenous fluid therapy  
16 course which has been approved by the board.

17 (2) "Person" means an individual, organization, agency, institu-  
18 tion or other legal entity.

19 (3) "Examination" means an intravenous fluid therapy compe-  
20 tency examination approved by the board.

21 (b) A licensed practical nurse may perform a limited scope of  
22 intravenous fluid therapy, as defined by rules and regulations of the  
23 board, under the supervision of a registered professional nurse.

24 (c) A licensed practical nurse may perform an expanded scope of  
25 intravenous fluid therapy, as defined by rules and regulations of the  
26 board, under the supervision of a registered professional nurse, if  
27 the licensed practical nurse:

28 (1) Has had one year of clinical experience and successfully com-  
29 pletes an intravenous fluid therapy course given by an approved  
30 provider and passes an intravenous fluid therapy examination ad-  
31 ministered by an approved provider;

32 (2) has had one year of clinical experience, has performed intra-  
33 venous fluid therapy prior to the effective date of this act and has  
34 successfully passed an examination; or

35 (3) has had one year of clinical experience, has successfully com-  
36 pleted an intravenous fluid therapy course not given by an approved  
37 provider and has passed an intravenous fluid therapy examination  
38 not administered by an approved provider or approved by the board  
39 and, upon application to the board for review and approval of such  
course and examination, has had the board determine that such  
course and examination meets or exceeds the standards required  
42 under this act for an approved course and approved examination  
43 administered by a provider.

### KSNA

(4) "Supervision" means provision of guidance by a qualified nurse for the accomplishment of a nursing task or activity with initial direction of the task or activity and periodic inspection of the actual act of accomplishing the task or activity.

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Attn #8*

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PHW  
2-15-94  
Attn #8-2  
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(d) The board may adopt rules and regulations:

(1) Which define the limited and expanded scope of practice of intravenous fluid therapy which may be performed by a licensed practical nurse under the supervision of a registered professional nurse;

(2) which restricts specific intravenous fluid therapy practices;

(3) which prescribe standards for an intravenous fluid therapy course and examination required of an approved provider;

(4) which govern provider record requirements;

(5) which prescribe the procedure to approve, condition limit and withdraw approval as a provider; and

(6) which further implement the provisions of this section.

(e) An advisory committee of not less than two board members and five nonboard members shall be established by the board to advise and assist the board in implementing this section as determined by the board. The advisory committee shall meet at least annually.

(f) On and after July 1, 1995, no licensed practical nurse shall perform intravenous fluid therapy unless qualified to perform intravenous fluid therapy under this section and rules and regulations adopted by the board.

(g) Nothing in this section shall be construed to prohibit the performance of intravenous fluid therapy by a registered professional nurse.

~~(h)~~ This section shall be part of and supplemental to the Kansas nurse practice act.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

KMS

(h) Nothing in this section shall be construed to prohibit performance of intravenous fluid therapy by a licensed practical nurse when performed under the order of a person licensed to practice medicine and surgery.

(i)

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2-15-94  
Attn #8  
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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 2602 by House Committee on  
Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2602 is respectfully submitted to your committee.

HB 2602 would allow licensed practical nurses who have been properly trained and evaluated to perform intravenous (IV) fluid therapy above the basic level taught in practical nursing coursework and under the supervision of a registered professional nurse. Depending on the level of experience and training by the licensed practical nurse, the bill allows the nurse either limited or expanded scopes of IV fluid therapy.

The bill specifies that the Board of Nursing would develop rules and regulations that would:

1. Define the limited and expanded scopes of practice of therapy that could be performed by a licensed practical nurse under the supervision of a registered professional nurse;
2. Restrict specific IV fluid therapy practices;

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2-15-94  
attm #9

3. Prescribe standards for a therapy training course and an examination required of an approved provider;
4. Govern provider record requirements;
5. Prescribe the procedures to approve, limit conditions and withdraw approval of a provider; and
6. Further implement the provisions of this legislation.

With passage of HB 2602, an advisory committee would be formed to include two members of the Board of Nursing and five nonboard members. The advisory committee would meet on an annual basis to update rules and regulations and to advise and assist the Board in implementing the new law. HB 2602 provides that, after July 1, 1995, no licensed practical nurse would be allowed to perform IV fluid therapy unless the nurse is found to be qualified under the provisions of this bill and rules and regulations established by the Board of Nursing. The act is effective upon publication in the *Kansas Register*.

Estimated State Fiscal Impact				
	FY 1994 SGF	FY 1994 All Funds	FY 1995 SGF	FY 1995 All Funds
Revenue	--	--	--	--
Expenditure	--	--	--	\$18,516
FTE Pos.	--	--	--	0.5

The Board of Nursing states that travel and subsistence costs for advisory committee members could result in costs to the Board of \$650 a meeting. The Board also indicates that the administrative duties required by the bill would require one half-time Administrative Officer I position to review and approve IV therapy courses, including programs not located in Kansas. The agency explains that this additional workload could not be absorbed by the current staff. The costs for the position and other operating expenses are estimated at \$17,866 in FY 1995 and would be ongoing. Including the advisory committee costs, the total fiscal impact to the agency's fee fund is \$18,516 above the amounts included in the *FY 1995 Governor's Budget Report*. No estimates for revenues are included in the fiscal impact, as the bill makes no provisions for fees to be assessed to LPNs or nursing schools.

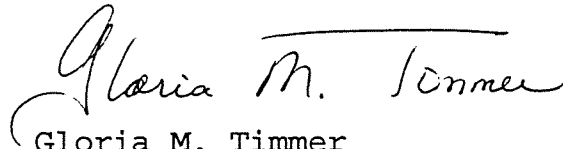
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The Honorable Joann Flower, Chairperson  
January 24, 1994  
Page 3

According to the Board, there are currently ten therapy courses being taught, but this is estimated to go up to 50, which would all require review and approval by the Board. Review of these courses would be ongoing. Also, some LPNs could request credit for attending courses out-of-state.

Sincerely,



Gloria M. Timmer  
Director of the Budget

cc: Pat Johnson - Board of Nursing

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2-15-94  
Attn #9-3  
~~pg 3 of 3~~