

Approved: March 15, 1994
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Joann Flower at 1:30 p.m. on March 10, 1994 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department
William Wolff, Legislative Research Department
Norman Furse, Revisor of Statutes
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Melva R. Ball, Licensed Dietitian, Ks. Dietetic Association
Cathy Rooney, Director, Health Occupations Credentialing Program
Bureau of Adult/Child Care, Department of Health/Environment

Others attending: See attached list

Noted: Committee meeting began approximately at 2:25 p.m. due to a late working session in the House.

Chairperson Flower called the meeting to order and welcomed all those visiting. Chair requested a staff briefing on **SB 555**. Mr. Furse drew attention to technical changes to current law, amendments made by the Senate Committee. He gave a detailed explanation of all these changes. He also noted, the Secretary of Health/Environment would be authorized to adopt rules and regulations regarding continuing education requirements for reinstatement of licensure. 65-5911 would be amended to remove the maximum period of time (two years) a license could be revoked and to permit a person whose license was revoked to apply for reinstatement by submitting an application, pay the required fees, and filling specified continuing education requirements. Also a late renewal fee would be fixed by the Secretary by rules and regulations.

HEARINGS BEGAN ON **SB 555**.

Melva R. Ball, spoke in behalf of the Kansas Dietetic Association. She offered hand-out (Attachment No.1). She issued the following mission statement: the association's structure and programs empower members to influence the nutrition, health, and well-being of Kansans. She encourage support for **SB 555**, which amends current licensure law for dietitians. She noted procedural changes that clarify reinstatement for a licensee who has allowed his/her license to lapse. She drew attention to a technical amendment in Section 3, so as to make K.S.A. 65-5912 consistent with the scope of practice set out in 65-5903. She noted there would be no fiscal impact in 1994. She urged support.

Ms. Ball answered questions, i.e., Ms. Ball deferred to Ms. Rooney to answer questions regarding fiscal impact beyond the year 1995 Ms. Rooney answered questions, noting that in 1996 there would probably only be about 2 people asking for reinstatement., perhaps 8 in 1997. The reinstatement fees is \$100, the re-licensure fee is \$135. The continuing education is something the dietitian should keep up with regardless, if the license lapsed, the dietitian would then be practicing without a license, so they would be out of compliance.

Cathy Rooney, Director, Health Occupations Credentialing Program, Department of Health and Environment offered hand-out. (Attachment No.2) She stated the Department of Health/Environment is the licensing authority for dietitians. To date there are over 700 licensed dietitians in the state. She highlighted amended statute, i.e., 65-5909 by establishing a late renewal period and a process for a lapsed license to be reinstated; 65-5911 by removing the requirement that within two years from revocation a person with a revoked license must apply for reinstatement; 65-5912 by restricting persons who are exempted from the licensing act from using the title "dietitian" as well as the title "licensed dietitian"; 65-5913 by allowing a late renewal fee to be among the fee categories that the department can collect from an applicant. She stated the support of the Department of Health and Environment and requested favorable consideration of the Committee in regard **SB 555**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on March 9, 1994.

Ms. Rooney answered numerous questions, i.e., continuing education availability, 15 hours of continuing education are required every two years; an employer with an employed dietitian with a lapsed license would be required to put a licensed dietitian in that work-place; there is a National examination on professional competency. She detailed the process of informing the dietitian of the licensure renewal dates.

HEARING CLOSED ON SB 555.

Chair asked members if there was any objection to Committee discussion and possible action on HB 555. There were no objections.

Discussion began.

For the purposes of discussion, Rep. Bruns moved to amend SB 555 with some discussion with Mr. Furse on advice with the wording, to add language on line 28, i.e., "lapsed licensees will have 6 months to reinstate their license without penalty". Motion seconded by Rep. Scott.

Discussion began regarding the feasibility of adding this language. Some members were concerned those with a lapsed license, would be out of work through inability to reinstate license due to illness, or other circumstances. Some members satisfied the 30 days allowed is fair enough. It was brought out that the dietitians themselves have supported the current language in SB 555, perhaps even they would not wish to have such a longer extension. This law isn't going after a person who is just a couple of days late with reinstatement. Ms. Ball made the comment that the Department of Health/Environment is very fair in sending out the letters 60 days before reinstatement is due. Dietitians who are serious about continuing their profession should keep up with their continuing education and most do.

At this point Mr. Furse read sub (b). on page 1, to clarify the process of reinstatement.

Vote taken, motion failed.

SB 555 as a whole, Rep. Samuelson moved to report SB 555 favorable for passage, seconded by Rep. Wells. Motion carried.

Rep. Morrison agreed to carry SB 555 for debate in the House.

Ms. Correll asked to make a statement in regard to a question posed at an earlier meeting in regard to SB 715. A question was asked what the result is when a drug is placed under controlled substance schedule for Kansas law, and not under federal law. During the meeting, it was noted by the Director of Kansas Board of Pharmacy, there would be little effect except to alert physicians and pharmacies this drug has potential for abuse. She noted there are many different procedures that must be followed in this particular instance, i.e., different record keeping requirements, different inventory requirements, different storage requirements for controlled substances than there are for prescription only drugs not regarded as controlled substances. This means, she stated, that the manufacturer, detail people, distributors, the pharmacists, must follow these different, more complex laws in Kansas than in other states who do not have this law. Also, a physician cannot obtain a sample, since controlled substances cannot be sampled, only prescription-only drugs samples can be obtained. So, there is a significance difference, more than sending a message there is a potential for drug abuse.

Chairperson Flower announced the Sub-Committee on SB 120 would meet in this room on adjournment of the regular Committee meeting today.

Rep. Samuelson announced there will be a Sub Committee meeting on the Child Care bill, SB 615 in the East Lounge at 5:00 p.m.

Chair adjourned the meeting at 2:55 p.m.

The next meeting is scheduled for March 14, 1994.

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 10, 94

[illegible]

Testimony re: SB 555
Presented by Melva R. Ball, R.D.,L.D.
on behalf of the Kansas Dietetic Association

Representative Flower and members of the House Public Health and Welfare Committee:

I am Melva Ball, a licensed dietitian in the State of Kansas. I am representing the Kansas Dietetic Association as Chairman of the Legislation/Public Policy Task Force.

The Kansas Dietetic Association, with over 600 members, has the following mission statement: the association's structure and programs empower members to influence the nutrition, health, and well-being of Kansans.

I would like to encourage you to support SB 555 which amends the current licensure law for licensed dietitians. SB 555 contains procedural changes to clarify reinstatement for a licensee who allows his/her license to lapse.

SB 555 also has a technical amendment in Section 3 so as to make K.S.A. 65-5912 consistent with the scope of practice set out in K.S.A. 65-5903.

There would be no fiscal impact in FY 94.

This bill passed the Senate forty to zero. There has been no opposition to this bill. These are minor procedural changes; I am asking for your support of this bill.

I would be glad to answer any questions.

PHW
3-10-94
attm. #1

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

TESTIMONY PRESENTED TO

THE HOUSE PUBLIC HEALTH & WELFARE COMMITTEE

BY

THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

SENATE BILL 555

In 1988, the Dietitian Licensing Act (KSA 65-5901 through 65-5913) was enacted. The Kansas Department of Health and Environment began issuing licenses March 1, 1991. Approximately 700 persons are licensed as dietitians.

Section 1 of the bill amends KSA 65-5909 by establishing a late renewal period and a process for a lapsed license to be reinstated. These two procedures are in accordance with the other licensure programs that the agency and other Kansas licensing boards administer.

Section 2 amends KSA 65-5911 by removing the requirement that within two years from revocation a person with a revoked license must apply for reinstatement. The rationale for the time frame is unknown and it is preferable not to set a time frame on when someone can apply for reinstatement of a revoked license. In addition, the bill specifies that a person must submit a reinstatement application, reinstatement fee, and renewal fee when requesting reinstatement of a revoked license.

Section 3 amends KSA 65-5912 by restricting persons who are exempted from the licensing act from using the title "dietitian" as well as the title "licensed dietitian." Currently, by restricting only the use of the term "licensed dietitian," this statute contradicts KSA 65-5903, which states that only licensed persons may use the title "dietitian" or "licensed dietitian" and any combination of these titles with other titles. This amendment allows the Department to enforce the inappropriate use of the title "dietitian" as well as the title "licensed dietitian" when it involves persons who are exempted from licensure pursuant to KSA 65-5912. There have been three such cases where the Department was unable to pursue enforcement action and the person was exempted from having to be licensed (per KSA 65-5912), was not licensed but was advertising themselves as a "dietitian."

Section 4 amends KSA 65-5913 by allowing a late renewal fee to be among the fee categories that the department can collect from an applicant.

The Department respectfully requests SB 555, as amended, be favorably reported out of committee.

Presented by: Cathy Rooney, Director, Health Occupations Credentialing Program
Bureau of Adult and Child Care
Kansas Department of Health and Environment
Date: March 10, 1994

PH&W
3-10-94
Attm # 2