

Approved: February 4, 2008

Date

## MINUTES OF THE HOUSE GOVERNMENT EFFICIENCY AND TECHNOLOGY COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 3:39 P.M. on January 31, 2008, in Room 526-S of the Capitol.

All members were present except Representatives Johnson, Kelley, Tafanelli, Frownfelter, and Ruiz, all of whom were excused.

### Committee staff present:

Mary Galligan, Kansas Legislative Research Department  
Jennifer Thierer, Kansas Legislative Research Department  
Renaë Jefferies, Office of Revisor of Statutes  
Gary Deeter, Committee Assistant

### Conferees appearing before the committee:

Barb Hinton, Legislative Post Auditor

### Others attending:

See attached list.

Barb Hinton, Legislative Post Auditor, briefed the Committee on the work of Legislative Post Audit (Attachment 1). Using recent audits of the Board of Cosmetology, the Board of Nursing, and the Board of Healing Arts, she listed general audit findings as illustrations of Post Audit's work: inappropriate issuing of licenses to practice, lack of timeliness in screening complaints, failure to investigate or follow-up on violations, inconsistent disciplinary actions, and inadequate monitoring or enforcement. Answering a question, she said that an audit is a point-in-time description focusing on specific functions of a board. She replied that Post Audit policy is to revisit the audited board a year later, alerting the legislature if serious problems have not been corrected. A member expressed interest in assuring that the legislature provide adequate support for Post Audit. Ms. Hinton said that, with present staff, thorough follow-up of audits would leave no time for new audits.

Ms. Hinton reviewed the audit of the Board of Cosmetology, saying the Board did not do inspections in a timely manner and often ignored deficiencies (Attachment 2). The Board reported violations, but had no effective process for handling findings nor any consistent follow-up procedures.

Regarding the Board of Nursing, Ms. Hinton said the last audit found several deficiencies—delays in issuing licenses, lack of systematic process for handling information, inconsistent oversight for licensees—primarily because of staff losses (Attachment 3). Answering a question, Ms. Hinton said an inter-board pool of investigators could be formed if effective cross-training were established; such a pool would make most sense in the healing-arts area.

Ms. Hinton commented on the audit of the Board of Healing Arts conducted in October 2006 (Attachment 4). She said the audit revealed significant weaknesses for intake and screening of complaints, observing that until June 2005, individual allegations of sub-standard care were investigated; however, the Board changed its policy, delaying an investigation until three complaints regarding an individual were received within three

## CONTINUATION SHEET

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years, which established a “historical pattern” of allegations. She noted that only one staff member was assigned to screen complaints, and she observed that, although most complaints were reviewed within Board guidelines, some cases were left open an excessive length of time. She identified one area—where expert testimony was recommended—that resulted in serious lapses in oversight. She explained that best practices include a progressive list of sanctions, an approach considered unnecessary by the Board, which prefers to take remedial rather than punitive action.

Answering a question, Larry Buening, Executive Director, Board of Healing Arts, replied that present staff totals 39. Replying to a question of finding common ground among boards and agencies from which to create an administrative solution, Ms. Hinton commented that smaller boards and agencies find it difficult to obtain professional staff for checks and balances and that perhaps something like a universal case-filing matrix could provide some tools for monitoring, but developing policies for compliance would be difficult; a better solution would be to establish best practices for each board or agency.

The minutes for January 29 and 30 were approved. (Motion, Representative Swenson; second, Representative McLachlan)

The meeting was adjourned at 4:29 p.m. The next meeting is scheduled for Monday, February 4, 2008.