

## MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Brenda Landwehr at 1:30 P.M. on March 7, 2007 in Room 526-S of the Capitol.

All members were present except:

Mike Kiegerl- excused

Peggy Mast- excused

Committee staff present:

Jason Thompson, Revisor's Office

Rena Jefferies, Revisor's Office

Melissa Calderwood, Legislative Research

Mary Galligan, Legislative Research

Patti Magathan, Committee Assistant

Conferees appearing before the committee:

Mark Stafford, General Counsel, Board of Healing Arts

Dr. Carl Cleveland, President, Cleveland Chiropractic College

Senator Dennis Wilson

Representative Pat George

Kyle Kessler, Deputy Secretary Kansas Department Health and Environment

Dr. Michael Wasmer, KS Coalition for Autism Legislation

Dr. Carol Garrison, Children's Mercy Hospital

Jim Leiker, Capper foundation/Easter Seals

Andy Schlapp, Director Governmental Relations, County Manager's Office, Sedgwick County

Linda Sloan, Parent

Ed Rucker - Disability Rights Center

Mary Blubaugh - Kansas State Board of Nursing

Chad Austin - KS Hospital Association

Susan Bumsted - KS State Nursing Association

Diane Glynn - KS State Board of Nursing

Carolyn Middendorf - KS State Nursing Association

Others Attending:

See Attached List.

Chair Landwehr opened hearings on **SB 82** - Healing arts school and general corporation; exceptions to the prohibited practice of healing arts.

Proponent **Mark Stafford**, General Counsel of the Board of Healing Arts, said that this bill allows the Cleveland chiropractic College to relocate to Kansas. The Board has worked with representatives of the college for several months to resolve barriers to relocation found within the Kansas healing arts act. A potential legal issue that this bill attempts to resolve is the limitation of "corporate practice doctrine." This bill would exempt a healing arts school that meets criteria set out in the statute from prohibition on the practice of the healing arts by a general corporation. (Attachment 1)

Proponent **Dr. Carl S. Cleveland**, President Cleveland Chiropractic College, explained that the college is seeking to relocate its administrative offices, educational facilities and on-campus student clinical training center from its current site in the Southtown neighborhood of Kansas City, Missouri to a new facility in Overland Park, Kansas. Cleveland Chiropractic College requests your support of Substitute for SB 82, which would exempt the student clinical training center operated by the College from the "corporate practice of medicine doctrine." (Attachment 2)

Chair Landwehr closed hearings on **SB 82** and opened hearings on **SB 138** - Autism task force.

**Senator Dennis Wilson**, proponent, explained that incidence of autism is on the rise, but early intervention can drastically curbe the effects of this disorder. One way that we as legislators can help is to pass this bill to set up a task force made up of professionals in the area of autism, parents of autism children, and legislators who have an interest and knowledge in this area. (Attachment 3)

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**Kyle Kessler**, Deputy Secretary, Social and Rehabilitative Services (S.R.S.), said that S.R.S. has set many goals to address the significant growth of autism cases and the existing gaps in services for this population. For many years, we have proposed as a part of our budget an autism waiver that would provide early intervention services to autism spectrum disorder. We have established a multi-disciplinary group to complete work on the waiver. Five other states have established an Autism Task Forces with representatives from the respective human services agencies. S.R.S. supports **SB 138** with suggested amendments to include S.R.S, Kansas Department of Health and Environment, and the Department of Education as ex-officio members. (Attachment 4 & 5)

**Michael Wasmer**, proponent, member of the Governor's commission on autism, cofounder of the KS Coalition for Autism Legislation, and parent of a child with autism, provided statistical information on the increasing incidence of the spectrum of disorders that fall into autism. Challenges include inconsistent delivery of services across the State and meeting the expense of appropriate therapy. He said that a state registry is needed so that children who have not yet entered public schools can be counted and an accurate budget be constructed.

Mr. Wasmer also informed the committee that despite cost-benefit studies demonstrating tremendous cost savings over the lifetime of an individual with autism if an early diagnosis and appropriate therapy is received, health insurance companies generally do not provide coverage for these services. His daughter was diagnosed with autism at the age of 2 years old, and received intensive in home treatment. She is now a very happy second grader, who struggles in certain social situations, but she is making steady gains, excelling in a regular education classroom. He said he has personally witnessed the value of early diagnosis and intensive intervention for a child with autism and the passage of **SB 138** would allow Kansas to take a more proactive role in combating the crisis of autism. (Attachment 6)

**Dr. Carol B. Garrison**, proponent, said that she is a Neurodevelopmental Pediatrician with Board Certification in Pediatrics, Neurodevelopmental Disabilities, and also in Developmental Behavioral Pediatrics. She evaluates children for developmental disabilities at Children's Mercy Hospitals and Clinics. She has been a member of the Governor's Commission on Autism. Through yearly updates, the Commission advises and makes recommendations to the Governor. The task force has a limited scope. **SB 138** allows action beyond the scope of the Governor's Commission.

Autism is a neurologic developmental disorder. It is a medical condition. The nature of the primary treatments for individuals with autism is consistent with the concept of "rewiring" the neuronal networks of the brain. The primary treatments for these individuals are outside of the traditional medical model, establishing a false dichotomy. Is it medical or is it educational? Children and their families are caught in the middle, and remain under served. (Attachment 7)

Proponent **Jim Leiker**, President and CEO of the Capper Foundation Easter Seals, said that Easter Seals is the leading non-profit provider of services for individuals with autism, development disabilities, physical and mental disabilities, and other special needs. They are excited for the individuals and families in Kansas since **SB 138** will establish the Kansas Autism Task Force. We were pleased that the Senate amended the bill to add a membership position to Capper Foundation Easter Seals and to an Insurance representative. Autism is an epidemic of our time and we support SB 138 with one amendment to include more parents of children with autism. (Attachments 8 & 9)

Representative **Jene Vickery** said that he is supportive of **SB 138**. He said that better treatment means better lives for individuals. We need to focus on what we can do.

Proponent Representative **Pat George** said that he has been a member of the ad hoc committee and has met with autism professionals over the past three months. **SB 138** represents their findings. (Attachment 10)

Proponent **Andy Schlapp** spoke as a representative of Sedgwick county Manager's Office, but added that he has personal experience having served on the Sedgwick County's Community Developmental Disability organization, is a member of the Kansas Autism Society, and is a parent of a child with autism.

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Services for children with autism have always been hard to find and are frequently inadequate. Services have not kept pace with the increased incidence of disease. Sedgwick County wants to make sure that the issue of autism remains about direct services and not about who, what group, or which agency needs to be in charge. The Task Force should be a short term task focused on producing needed legislation. He also recommends that one occupational therapist and one speech pathologist serve on the Task Force.

(Attachment 11)

**Linda Sloan**, parent of a child with autism and a proponent, said that she and her husband founded the Capitol Area Autism /Asperger Resource Center out of frustration in trying to find appropriate services for their son. She stressed that Autism is a “spectrum” disease. Children diagnosed with an autism spectrum disorder range from extremely debilitating to very high functioning level of disorder. **SB 138** is a move in the right direction and she hopes that funding will be directed to the consumer and not lost in research projects and studies. She requested that the bill be amended to include more parents, that the autism registry be deleted, and that the Capper Foundation Easter Seals be named the provider of a statewide resource hotline. (Attachment 12)

**Eric Rucker** of the Disability Rights Center of Kansas spoke as a proponent, saying that **SB 138** creates a much needed Autism Task Force. According to a study done by the London School of Economics, the cost of life long care for a child with autism can be reduced by 2/3 with early diagnosis and intervention. This bill is a needed and useful act that moves our state along the road of providing proper and appropriate services to some of our most vulnerable citizens. (Attachment 13)

Written neutral testimony was provided by InterHab, the Resource network for Kansans with Disabilities. (Attachment 14)

Chair Landwehr closed hearings on **SB 138** and opened the hearings on **SB 104 - Membership of board of nursing.**

Proponent **Mary Blubaugh**, Executive Administrator of the Kansas State Board of Nursing, explained that the Board is currently comprised of 11 members who include six Registered Nurses, two Licensed Practical Nurses, one Licensed mental Health Technician (L.M.H.T.), and two public members. The Board is requesting that the L.M.H.T. position be deleted and replaced with another public member position. L.M.H.T is a declining profession and the Board position has been vacant for 26 of the past 68 months. The position is currently vacant. (Attachment 15)

**Susan Bumsted**, Kansas State Nursing Association testified as a proponent of this bill, saying that it has been increasingly difficult to fill the L.M.H.T. position and would support removing the position. She does however, advocate that the position be filled by another Registered Nurse instead of by a public member. She explained that the Board has also been challenged to maintain public members over the past three years. (Attachment 16)

Representative Landwehr closed hearings on **SB 104** and opened hearings on **SB 105 - Renewal of authorizations to practice for persons regulated by the board of nursing.**

**Diane Glynn, J.D., R.N. Practice Specialists, representing the Kansas State Board of Nursing,** testified as a proponent. She explained that the Board is recommending 3 language changes to current statute.

Current statute requires that the Board of Nursing mail an application for renewal at least 60 days prior to the expiration date of the license. In practice, applications are being mailed 90 days in advance of the expiration. In 2001 the Board initiated on-line renewals, and the percentage renewing on line has risen to 40.6% in 2004, 61% in 2005 and 67% in 2006. The board would like to change the language in the bill from “mail an application” to “send a notice.”

Another language change which is requested would treat all licensees renewing for the first time after licensure by examination in the same manner.

The final requested language change would require a licensee to notify the board of Nursing within 30 days following conviction of any felony or conviction of a misdemeanor as specified by the board.

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Currently reporting is done at license renewal, initial application, and reinstatements. ([Attachment 17](#))

**Carolyn Middendorf**, of the Kansas State Nurses Association, spoke as a proponent. She said that the proposed changes to the Nurse Practice Act have been discussed for a couple of years and the State Nursing Association supports these changes. ([Attachment 18](#))

Chair Landwehr closed the hearings on **SB 105** and opened hearings on **SB 106 - Deletion of exemption from nurse practices act for graduates of nursing schools.**

Proponent **Mary Blubaugh**, Executive Administrator of the Kansas State Board of Nursing, testified as a proponent saying that this bill would eliminate the practice of nursing by graduates pending the results of the first licensure examination. The 120 day waiting period stems from procedures that have been streamlined greatly in recent times, is no longer required and is an unnecessary risk to public safety. Based on an 86.02% pass rates for professional nursing in 2006, 14% of graduate professional nurses may have practiced for up to 120 days without the minimum knowledge and skills to be licensed in Kansas. ([Attachment 19](#))

Proponent **Chad Austin** of the Kansas Hospital Association said that they support **SB 106**. He said that studies have shown that the sooner the nursing graduate takes the licensing examination the higher the pass rate. Promoting graduates to take the exam earlier has been piloted in Kansas with good results. **SB106** would eliminate the "Graduate Nurse" status and make it easier for employers to put qualified new nurses to work. ([Attachment 20](#))

Written testimony in support of **SB 106** was provided by **Martha Butler**, Nursing Program Director at Southwestern College in Winfield ([Attachment 21](#)) and **Geraldine Tyrell**, President of Bethel College Chapter of Kansas Association of Nursing Students. ([Attachment 22](#))

Written testimony in opposition to **SB 106** was provided by **Janice Jones**, Nurse Educator with Butler Community College. ([Attachment 23](#))

Chair Landwehr closed hearings on SB 106 and announced that because of time constraints we would be unable to hear **SB 107** today. The meeting was adjourned at 3:17 P.M. Next meeting will be March 8, 2007 at 1:30 P.M.