

## MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Vice-Chairperson Deena Horst at 9:00 a.m. on January 22, 2009, in Room 711 of the Docking State Office Building.

All members were present except:

Representative Clay Aurand- excused  
Representative Melvin Neufeld- excused  
Representative Marti Crow - excused

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Dale Dennis, Kansas State Department of Education  
Janet Henning, Committee Assistant

Conferees appearing before the committee:

Dr. Michael Wasmer, Kansas Autism Task Force  
Bob Vancrum, Blue Valley School District #229  
Donna Whiteman, Kansas Association of School Boards  
Christine Tuck, President, Kansas School Nurses Organization  
Cindy Galemore, Kansas School Nurses Organization  
Sarah Tidwell, Kansas State Nurses Association  
Dan Morin, Kansas Medical Society  
Tom Krebs, Kansas Association of School Boards (written testimony only)

Representative Brookens made the motion to approve the minutes of January 15, 2009 and January 20, 2009 as sent via e-mail. Representative Winn seconded the motion. Vice-Chairperson Horst asked that the blogspot address furnished by the Kansas Teacher of the Year team be included in the minutes of January 20, 2009. The motion carried.

Vice-Chairperson Horst inquired of Committee members if there were any introduction of bills. None were reported.

### **HB 2002 - School finance; military children, determination of enrollment** (continued)

Tom Krebs, Kansas Association of School Boards, provided written testimony as a proponent for **HB 2002**. The Kansas Association of School Boards believes all districts that can show significant enrollment growth should have the opportunity to use a second count date, which would reflect additional educational expenses a district would find necessary to absorb. (Attachment 1)

Vice-Chairperson Horst closed the hearing on **HB 2002**.

### **Kansas Autism Task Force Report**

Dr. Michael Wasmer, Kansas Autism Task Force, spoke to Committee members and summarized the final report of the Kansas Autism Task Force. Dr. Wasmer advised the Task Force found the current barriers to individuals with autism and their families in Kansas include:

- The tiny-K network which provides the front line for early identification and intervention in Kansas is not adequately funded and provides no allowance for the high cost of early intervention.
- The qualified personnel who are available are concentrated in the urban areas and not accessible to vast portions or rural Kansas.
- Current funding for the newly created Autism Waiver is limited to fewer than 50 children. The current waiting list contains more than 3 times the current number served.
- The only source local school districts have for covering the expense of these high cost services

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is Catastrophic Aid funding through the Kansas Department of Education.

- Currently, the Kansas Insurance Department has no authority to require non-discriminatory coverage for Kansans with autism spectrum disorders.
- Most Kansas families of individuals with autism eventually will need to look to the Developmental Disability system for services. The current waiting list for service is 3,152 and growing each year, as appropriations have failed to keep pace with the need. In addition, the inadequacy of reimbursement rates to cover the cost to recruit and retain direct support workers of acceptable quality has further rendered this system a broken resource.

Dr. Wasmer advised that two of the final recommendations led to draft legislation that was submitted for consideration by the Legislative Educational Planning Committee (LEPC). Both were endorsed by the LEPC and introduced as **SB 10** and **SB 12**.

**SB10**, the Autism Services Scholarship Act, would pay tuition and fees for five students (approximately \$50,000/year) who are getting their bachelors or masters degree in Psychology, Applied Behavior Sciences, Speech, and Language Pathology, Occupational Therapy or Social Work with training in autism who commit to working in programs for individuals with autism in areas identified as underserved by the state board of education and the secretary of SRS.

**SB 12**, the Accessing Autism Services Act (Kate's Law), would require that private health insurance companies cover the diagnostic evaluation and treatment for autism spectrum disorders for fully funded policyholders in Kansas. (Attachments 2 and 3)

A question and answer session followed the presentation.

### **HB 2008 - School medication aide act; certain persons authorized to administer epinephrine.**

Sharon Wenger, Principal Analyst, Kansas Legislative Research Department, gave an overview of **HB 2008** to Committee members from the final report of the Legislative Educational Planning Committee (LEPC). (Attachment 4)

Bob Vancrum, Blue Valley School District #229, spoke to Committee members in support of **HB 2008** and stated the bill is intended to protect both students suffering from severe allergies and support the school nurses who want to deliver the best nursing care to prevent sudden death. (Attachment 5)

Donna Whiteman, Assistant Executive Director/Legal Services, Kansas Association of School Boards, spoke to Committee members in opposition of **HB 2008**. She advised this bill creates a new class of school employees and will increase costs due to the bill's broad language. She also advised that in a year where the 295 school districts across the state will be making tough decisions including reductions in teachers and other staff, additional costs and fees should not be imposed nor should a new class of employees be created and required in school districts. (Attachment 6)

Christine Tuck, President, Kansas School Nurses Organization (KSNO) and Health Services Director, Seaman USD #345, spoke to Committee members in opposition of **HB 2008**. Ms. Tuck advised that school nurses believe **HB 2008** is not needed due to existing delegation regulations (KAR 60-16-101 thru 60-15-104) that allows for delegation of physician prescribed medications and has been implemented for many years by the Kansas State Board of Nursing. These regulations are periodically reviewed, with the most current revision completed in December, 2008. KSNO believes that what this act is trying to establish already exists in Kansas.

Ms. Tuck advised that KSNO believes that **HB2008** would create another layer of bureaucracy which would involve increased administration costs and oversight at the state level, a very important factor to consider during these tough economic times for both state government as well as school districts.

Ms. Tuck also advised a recent survey conducted by KSNO President requesting input from other state

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affiliate Presidents, with only 9 states responding in the affirmative in relation to standing orders, and only one specifically stating that the administration was not limited to a registered nurse (Nebraska) demonstrates there is still no concensus across the nation regarding this issue. (Attachments 7 and 8)

Cindy Galemore, Professional Standards Chair, Kansas State Nurses Organization, and Director of Health Services for Olathe District Schools, spoke to Committee members in opposition of the Medication Aide Act (amendment to K.S.A. 2008 Supp. 65-1124), the first portion of **HB 2008**.

Ms. Galemore told Committee members she was in support of the suggested amendment to 65-2872 section (t) which would provide the permissive language, without being mandatory, for districts that want to implement standing orders working under a physician and carried out by a professional registered nurse, consisted with the national standard.

Ms. Galemore also advised she opposed to the suggested section(s) of 65-2872 regarding school medication aides and that KSNO would be willing to implement a tracking record similar to Massachusetts to track beginning data on school epinephrine use in the state of Kansas.

Ms. Galemore told Committee members she was in support of the suggested amendment to 65-2872 section (t) and believed that in order to bring the consensus needed to pass this amendment, it would be necessary to allow time for dialogue with both the Kansas Board of Healing Arts and Board of Pharmacy. (Attachment 9)

Sarah Tidwell, Kansas State Nurses Association (KSNA), addressed the Committee members in opposition of **HB 2008**. Ms. Tidwell advised that KSNA is opposed to establishing the category of a school medication aide that could administer epinephrine. Another concern with the bill is the term "medication" being defined as epinephrine. Mr. Tidwell stated although KSNA believes the responsibility for any category of nursing aide should be with the Board of Nursing, their organization cannot support adding additional responsibility and program expense to the Board at this time. Adding this category would require additional staff or add responsibility to the current staff, neither of which could be supported. (Attachment 10)

Dan Morin, Director of Government Affairs, Kansas Medical Society, addressed Committee members as neutral of HB 2008. Mr. Morin advised their organization, at first, did not oppose the request voiced when the topic was addressed by the interim LEPC meeting. However, their organization does have some concerns and would encourage further discussion on the interim recommendation for a bill to establish "school medication aides (a person who has satisfactorily completed training in the use of epinephrine and could include school nurses or others) to administer epinephrine to students having an anaphylactic reaction in cases whether or not the student has been diagnosed with anaphylaxis.

Mr. Morin told Committee members of one recommendation or addition to any bill addressing the use of Epi-pens for non-patient specific emergency situations. He advised Ohio Revised Code 3313.718 addresses the use of Epi-pens at a school setting or event and mandates in statute that whenever an auto-injector is used, a school employee shall immediately request assistance from an emergency medical provider (e.g., call 911).

Mr. Morin advised their organization is in conceptual support of allowing school nurses the ability to store an appropriate amount of epinephrine and administer epinephrine in the rare emergency cases where Epi-pens have not previously been prescribed to students with a history of serious allergic reactions known as anaphylaxis. However, they are unsure of how its provisions will work in practice. (Attachment 11)

A question and answer session followed the presentations.

Vice-Chairperson Horst advised she would recommend to Chairman Aurand that a sub-committee be appointed regarding this matter.

The next meeting is scheduled for January 27, 2009. The meeting was adjourned at 10:45 a.m.