

Approved: March 27, 2012

## MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on March 13, 2012, in Room 546-S of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes  
Rena Jefferies, Office of the Revisor of Statutes  
Iraida Orr, Legislative Research Department  
Melissa Calderwood, Legislative Research Department  
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Mitzi McFatrigh, Kansas Advocates for Better Care  
Maren Turner, AARP  
George and Louise O'Brien  
David Scott  
Debra Zehr, Leading Age Kansas  
Barbara Braa

Others attending:

See attached list.

The Chair opened the meeting by introducing Mr. Wendell Potter. Mr. Potter is a former public relations executive for a large insurance firm and is against the Brownback Medicaid plan. He stated is that the state is moving rapidly toward KanCare without the evidence of adequate high level care, tracking records, or in-depth studies of the developmentally disabled community. He also inquired as to why Blue Cross/Blue Shield chose not to apply. He advises caution for the state, administrators and lawmakers as they move forward. The Chair thanked Mr. Potter for his remarks.

The Chair opened the informational hearing on nurse staffing levels at nursing homes by calling on Mitzi McFatrigh, Kansas Advocates for Better Care (Attachment #1). Ms. McFatrigh stated that the current Kansas Minimum standard set for nursing care per adult is 1.85 average hours in 24 hours with a weekly average of 2.0 hours per adult per day. Nursing staff is defined as registered nurses, licensed practical nurses, certified nurse aides, certified medication aides and paid nutrition assistants. The level of acuity for adults in nursing homes has continually risen over that same period, with no corresponding increase in the minimum standard for care hours.

Maren Turner, AARP Kansas, said that the Nursing Home Reform Act requires that nursing homes provide, at a minimum, eight hours of registered nurse (RN) coverage and 24 hours of licensed practical nurse (LPN) coverage per day. In addition, the law requires nursing homes to provide the scope of care and services (including sufficient qualified staff) to ensure that each resident can attain or maintain his or her "highest practicable physical, mental and psychosocial well-being". The goal of minimal staffing

## CONTINUATION SHEET

The minutes of the Public Health and Welfare Committee at 1:30 p.m. on March 13, 2012 in Room 546-S of the Capitol.

requirements should be to increase the thresholds to at least the levels determined necessary to protect from or prevent illness, injury, death and to maintain functioning levels (Attachment #2 and #3)

George and Louise O'Brien shared with the committee their unfortunate experience with a nursing home involving one of their parents (Attachment #4).

David Scott, a licensed adult care home administrator, stated that nursing homes are frequently at a disadvantage in the free market competition for staff. Innovative thinking will be necessary to recruit and retain the staff qualified to meet the medical, physical, and psychological needs of the residents of the States nursing homes in the future (Attachment #5).

Barbara Braa spoke to the committee on a personal note regarding the care her mother received in a nursing home (Attachment #6).

Representing LeadingAge Kansas, Debra Zehr, said that her organization recognizes the call for significant increases in the minimum staffing levels required for nursing homes; however, they all hope that solutions to address the serious challenges in adequate funding and workforce are given equal attention (Attachment #7).

Written testimony only was presented by Margaret Farley, Kansas Association for Justice (Attachment #8).

There being no further discussion, the chair opened **SB 327—prescription monitoring and SB 328—electronic prescription** for final action. After further discussion by the Committee, it was *moved by Senator Brungardt to accept the balloon amendment for SB 328 and to place the contents of SB 328 as amended into SB 327 and create substitute for SB 327. Seconded by Senator Reitz. Motion passed. It was further moved by Senator Brungardt to pass substitute for SB 327 as recommended, seconded by Senator Reitz. Motion passed.*

The committee then moved their attention to **HB 2660—licensure of maternity centers and child care facilities** for final action. Senator Kelly presented balloon amendments to strike the word “comfort” from the language and reinstate on page nine the original language regarding a high school education and adding language giving the secretary of Health and Environment the authority to authorize exemptions in extraordinary circumstances.

The Chair announced that due to time restraints, final action on **HB 2660** would be continued at the next meeting.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for March 14, 2012



