

MINUTES OF THE SPECIAL STUDY COMMITTEE ON SOCIAL AND REHABILITATIVE
INSTITUTIONS

Held in Room 254-E, at the Statehouse at 12:30 p.m., on January 29, 1980.

Members present were:

Senator Robert Talkington, Chairman
Representative Joe Hoagland, Vice Chairman
Senator Mike Johnston
Representative Phil Martin
Representative David Heinemann

Staff present were:

Fred Carman, Revisor's Office
Emalene Correll, Legislative Research Department
Marlin Rein, Legislative Research Department
Ray Hauke, Legislative Research Department
Robert A. Coldsnow, Legislative Counsel

Conferees appearing before the committee were:

Senator Wint Winter

The Chairman opened the meeting by stating an attorney representing a former state institution patient had requested permission to bring in a court reporter for open meeting sessions of the committee. The Chairman noted the use of recording devices or court reporters could not be restricted and he had no objection to their use as long as it did not interfere with the committee's function and purpose. He expressed concern, though, that persons appearing before the committee feel free to give it any information they wish, and the presence of a court reporter might keep people from appearing or make them hesitant to give pertinent information. To his knowledge, no court reporters were present at this meeting, but the Chairman pointed out that, since the committee was subject to the open meetings law, it may have to establish rules of the committee which would be within the law.

Representative Hoagland pointed out that, if the committee was going to make rules concerning the use of court reporters at its meetings, it should do so before a court reporter appears. He noted they should definitely be excluded from executive sessions, but he expressed his doubts that the legislature could prohibit them from taking verbatim testimony unless there were so many present the committee could not operate. Representative Hoagland felt the committee's main concern should be whether or not the presence of court reporters would keep people from testifying.

Mr. Carman pointed out differences between court reporters versus the use of recording devices and suggested that people might be less apprehensive about appearing if recording devices were used instead of court reporters.

Representative Heinemann reminded the committee that inhibited persons could be made aware of the possibility of closed sessions if that person has additional pertinent information.

No action on the recording device/court reporter discussion was taken.

Senator Winter, within whose senatorial district a state institution is located, appeared before the committee and stated he did not consider himself to be a prime source of information which would be helpful. He had read the initial report of investigation of Osawatomie State Hospital given him by the Attorney General which reflected certain instances which he felt could not be tolerated at state institutions. He noted an occurrence involving a former state employee there had been reported by the management to the proper officials, and the employee had been discharged and prosecuted. Senator Winter felt, in this case, the present system of dealing with such situations worked and management acted in the appropriate fashion. He said the occurrences that take place in state institutions which meet with disapproval reflect the society and community in which the institution is located, that if alcohol and drugs are problems in the community, the same problems will appear in the institution. Senator Winter did not think there was any way of keeping contraband items out of institutions that are not run under maximum security.

Senator Winter gave an additional example of an incident in which a parent of an adult female patient at a state hospital complained that a male employee made improper advances to her daughter. The incident was investigated and the employee discharged for improper conduct. Senator Winter noted this was another case in which the management system had worked.

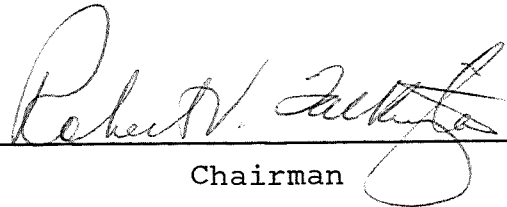
The Chairman gave a reminder of the charge to the committee, that it needs to know of these incidents for background information only. He asked Senator Winter if he had received complaints from people who can furnish information to the committee concerning the management and structure of state institutions. Senator Winter replied that he had received complaints from disgruntled state employees who feel they have not been treated fairly by their supervisors. Upon investigation of these complaints, the Senator stated he has not, to date, found where management acted unfairly. He was asked if he would be willing to furnish names of persons or other information the committee should check into in order to schedule people to appear. Senator Winter replied that he would do so.

Representative Martin asked Senator Winter if, in his communications with employees, he felt there was any reluctance of employees to come forward and talk freely and what could he recommend that would be helpful to the committee in communicating with those people where there would be no reaction. Senator Winter replied that some people do fear to speak and that, as chairman of a former committee studying complaints regarding the reformatory at Hutchinson, a notice had been placed in the newspaper that the committee would meet off-grounds with people who wanted confidentiality.

Representative Hoagland asked Senator Winter whether he felt instances of patient abuse were related to management structure of institutions and if Kansas experienced more of these instances than occurred nationally. Senator Winter replied that, although he had no statistics on patient abuse, he had received few complaints of patient abuse, and more complaints were brought to him by management than by the families of patients.

Representative Hoagland suggested that the news media be contacted statewide to encourage them to publicize the functions and meetings of this committee and ask interested persons to appear. Representative Martin pointed out the release to the media should not imply that this publicity be done in any mandatory way. The Chairman stated that requests to appear and all matters relating to this study be funneled through the office of the Legislative Counsel.

The meeting adjourned at 1:15 p.m.


Chairman

ATTENDANCE SHEET

JAN. 29, 1980

<u>NAME</u>	<u>REPRESENTING</u>	<u>TOWN</u>
Charles V. Hamm -	S.R.S.	Topeka
Paul Klotz -	ACMHC K	Topeka -
Ethel May Miller -	Kansas ARC	Topeka
J. J. [unclear]	Dept. of Hum.	Topeka
Pat Hill		Emporia
Steve Hrack	The Way College of Emporia	Emporia
Hannah L. Jamney	"	"
Liz Leich	Press	
Cindy Schwartz	"	
Diana M. Row	Registered Nurse	Emporia
Pat Mc Kinley	Mental Health Assn in Kansas	Topeka
Betty Stowers	✓	✓
Michael D. McCormick	The W.C. of E.	Emporia
Don [unclear]	TK	IA
Harv [unclear]	TK	[unclear]
Cindy Soucie	The Way College of Emporia	Emporia
Kathleen Carey	" " " "	Emporia
Samuel Bailey	" " "	" "
Monty Walker		Emporia
Clis Walker	on tour with The Way college of Emporia	Emporia
Michael A. PRATHM	" "	Emporia
SENATOR Reilly		
DR. ROBERT HARDER		