

MINUTES OF THE SPECIAL STUDY COMMITTEE ON SOCIAL AND REHABILITATIVE
INSTITUTIONS

Held in Room 254-E of the Statehouse, at 12:30 p.m., on March 31, 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
Ray Hauke, Legislative Research Department
Emalene Correll, Legislative Research Department
Robert A. Coldsnow, Legislative Counsel

The Chairman called the meeting to order and reviewed items discussed at previous meetings.

Representative Hoagland clarified his remarks of March 26 with respect to a recommendation as to a specific individual being named the superintendent for the Youth Center at Atchison. He said the recommendation was made on the assumption the person had never been a full-time employee at Atchison. Since this assumption was incorrect, Representative Hoagland stated he concurs with other members of the committee in that the position should be filled with someone from outside of the facility.

It was the decision of the committee for staff to outline all suggestions for recommendations in its report and vote on them before the final draft of the report to the Legislative Coordinating Council.

Accessibility of criminal records for hiring purposes was discussed. It was pointed out these records are available to SRS through requests to the KBI. Representative Heinemann felt SRS, as the hiring authority, should have the right to examine expunged records also when applicants who will be working with juveniles and children are considered for employment. It was noted legislation regarding accessibility of criminal and expunged records was pending in the legislature. Staff was requested to prepare a list and copies of the expungement statutes and cover this suggestion as a recommendation in the committee report.

With respect to the location of Youth Rehabilitation Centers, the possibility of legislation being passed which would authorize a nine-member commission to monitor SRS for one and one-half years was mentioned. Representative Martin thought this commission or an interim committee would be able to give the YRC matter an in-depth study which would be more conclusive than what this committee has had time to consider. The Chairman noted that even if there is another study that group would consider the recommendation of this committee that a change in the YRC program take place over a period of time. Representative Hoagland pointed out the committee needed to make a decision on the YRC's since decisions on other recommendations depended on what became of this program.

The Chairman said a change in the program was long overdue. SRS should be trying to address this problem based on physical facilities, personnel, and program. Whether the final decisions were left to an on-going committee, to the Secretary, Governor, or the legislature, he felt the committee's opinion should be expressed in its report. Staff was requested to start preparation of a recommendation with the options of creating new facilities or changing an existing mental hospital into a youth center. A decision will be made when this is reviewed.

Recommendations for the institutions as a whole were discussed. Representative Martin said the report should reflect the intention and desire of the committee that SRS, from the Secretary down to the bottom of the ladder, proceed in the future with a positive rather than a defensive attitude toward its program, operation, and communication. He pointed out many times situations within the system have reached the crisis point before they are corrected. He also felt the Department's management philosophy should be such that authority must be delegated within the system, and this should be monitored in the future. The Secretary has assumed more responsibility than is humanly possible for one individual to handle. The Chairman pointed out the recommendation of delegating authority and training people in management must be made as strong as possible.

Representative Martin also felt the time has come for a complete analysis of the function of the hospitals to determine if the best interests of the patients and residents are being served and are cost effective. It was noted the SRS is to be reviewed under the sunset law next year by the Post Audit Committee. Representative Heinemann suggested recommendations for matters of scrutiny be given to the Post Audit Committee to be accomplished during its review of SRS. Senator Johnston said SRS has already undergone more studies and scrutiny than any other state agency and always in a crisis situation. Under these conditions, he did not see how the Department could operate any other way than defensively. He questioned if other committees could accomplish any more than this one has. He felt on-going reviews should be done for all state agencies as a matter of practice rather than as the result of a crisis.

Representative Heinemann said that studies rarely result in anything being done. He felt a recommendation made in the Governor's Task Force Report of an ombudsman for SRS was valid. He noted the ombudsman for the Department of Corrections had been very beneficial. Having one person receiving complaints provides a mechanism to determine if problems are individual or a trend. An ombudsman would be able to deal with problems before they become crises. He also thought an ombudsman would be helpful in hearing complaints from judges and prosecutors.

Representative Martin said recommendations from various sources had been made every year concerning juvenile programs. He has never seen SRS respond to suggestions for program development. He felt the division manager should come forward with creative ideas for the legislature's review. The point was made that some ideas get eliminated through the budgetary process, and the legislature never sees them.

Physicians' positions and salaries at state institutions were discussed. Representative Martin said because of low salaries, foreign doctors have been employed which sometimes results in communication problems. He suggested the committee report reflect a recommendation that the Depart-

ment of SRS, the legislature, and the Governor consider appropriate adjustments in the salary level so a breakdown in treatment will not occur. Representative Hoagland noted a similar situation had existed in Colorado where the problem had been alleviated by providing a scholarship program to grant a tuition break to medical school graduates who serve a period of time in state institutions. He suggested the Kansas medical tuition scholarship program covering rural area service could be amended to include institutional service in all institutions in the state. The point was made that the state cannot compete with the private sector in salaries paid to institutional physicians.

Recommendations regarding the Rainbow Mental Health Facility were discussed. Legislation which would make the facility a state hospital was mentioned. Representative Hoagland favored the proposal and expressed his concern that Johnson County, under Rainbow's present system, will not place juveniles there. It was noted the legislation would not affect the Osawatomie catchment area. The point was made the state is already picking up the costs for Rainbow. It was the consensus of opinion the committee report should reflect support for this legislation.

Representative Hoagland expressed concern with the lack of after-care programs once a juvenile is released from an institution. The local case workers do not have the time or money to give this priority. He noted Osawatomie had a program of after-care concern for YRC youths with a follow-up at the end of one year. He felt, with present funds, the Secretary could provide a method of gathering information regarding what happens to a juvenile once he is released. This should apply only to juveniles and miscreants and not to mentally ill patients. The Chairman said a uniform policy similar to the after-care program for YRC youths at Osawatomie adopted by the Department to be used throughout the institutions would be helpful. The policy could include a stipulation that notices be sent back to the local community when a youth is released. This suggestion was questioned by staff since patients are making complaints now objecting to medical records being released to their local communities. Representative Hoagland thought the local case workers should be involved in after-care if it could be funded, but follow-up data could be obtained with present funding. Senator Johnston thought mental hospital patients should be included in the after-care program also. He cited the testimony given by the Neosho County attorney regarding the difficulty of keeping patients stabilized and on medication once they are released.

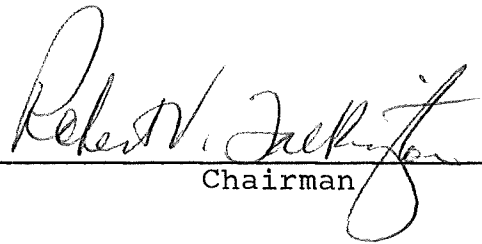
Representative Martin suggested a recommendation be made that legislation be enacted to grant authority to the courts to commit people to appropriate hospitals when they have been diagnosed as mentally retarded rather than mentally ill. SRS has said there is no need for this legislation as the Department could handle these situations. In his opinion, it has not done so which poses potential liability for the state. Representative Hoagland opposed the suggestion, stating judges should not be given the discretion of placements because they tend to overload one institution which affects program. He suggested the committee recommend that placement of mentally retarded patients in mental hospitals should be discouraged unless their primary diagnosis is mental illness. Repre-

sentative Martin agreed provided SRS comes up with a plan to provide temporary accommodations for retarded patients waiting to be transferred.

The draft of the bill separating the Topeka and Atchison youth centers was brought up for clarification. The intent of the committee was the Youth Center at Atchison would be on the same level and would have the same statutory power as the Youth Center at Topeka.

The meeting scheduled for April 1, 1980, was cancelled.

The meeting adjourned at 1:30 p.m.


Chairman

ATTENDANCE SHEET

3-31-80

NAME

Cameron

Sackman

Stearns

Sowers

McKinney

Klotz

Rabe Straw