

MINUTES OF THE SPECIAL STUDY COMMITTEE ON SOCIAL AND REHABILITATIVE
INSTITUTIONS

Held in Room 522-S at the Statehouse, at 8:30 a.m., on April 9, 1980.

Members present were:

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

Staff present were:

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

The Chairman opened the meeting for discussion of the draft of the committee report to the Legislative Coordinating Council which members had reviewed prior to the meeting. There were several suggested changes accepted by the committee: language was changed to remove reference to a subcommittee; the full-time figure of 7800 SRS employees was felt to be more appropriate; and the figures 200 to 300 were deleted because of lack of verification of the number of beds needed.

There was discussion on another suggested change regarding the medical scholarship program. Mrs. Correll noted the medically underserved areas, psychiatrically, were Larned and Osawatomie State Hospitals. If the program was to include all institutions, an amendment to the statute was needed. She noted the number of foreign doctors at institutions would not be reflected in figures determining underserved areas, and, because of the proximity of the Menninger Foundation to Topeka State Hospital, this area will never be underserved. The Chairman noted the complaints received regarding foreign doctors concerned communication, and communication can be a problem with which any citizen can have difficulty. He felt there was a need to encourage medical students to go to institutions, and all institutions should be declared underserved areas.

Senator Johnston suggested a statutory change be made to provide that state institutions be included in the type I commitment areas. The Chairman noted all may want to go to Topeka. Senator Johnston said Topeka would not have to take them if there were no positions available. Mrs. Correll said the whole state was underserved as to psychiatrists except the northeast part of the state. There was discussion concerning whether the statute covered the correctional institutions as well as hospitals.

Senator Johnston moved that K.S.A.1979 Supp. 76-375 be amended so all state institutions will be determined to be underserved areas and doctors coming back to Kansas, after serving their residencies, could serve in such institutions for type I or type II commitments. Representative Heinemann seconded the motion.

In discussion, Representative Martin questioned how the Topeka situation could be addressed since Menninger's makes it easier to cover this area. He felt some incentive should be provided to encourage doctors to go to

rural areas. Senator Johnston noted that, under the present system, participants in type I areas cannot come to Topeka, and his motion would allow a doctor to go any place. He felt there would be more doctors than slots available in Topeka. A problem of maintaining continuity in Topeka was noted.

The vote was taken on the motion, and it carried. The Chairman felt the language in the report reflected the provisions of the motion.

Senator Johnston pointed out K.S.A. 1979 Supp. 76-375 was amended in the Senate April 8. The amendment changed the date in the first paragraph from September 1 to December 31.

The committee agreed with a suggestion of Representative Martin that the report include a statement that the Secretary, or appropriate authorities, initiate recruitment efforts with medical centers and other appropriate places.

Mr. Coldsnow stated the report would be changed to carry through the recommendations of Senator Johnston's motion to make it clear provisions cover all institutions under SRS and not just the hospitals.

With respect to a recommendation for an ombudsman for SRS, Representative Hoagland requested through Mrs. Correll that the committee be told he does not favor the ombudsman concept at this time but recommended it be considered during an interim study. Representative Heinemann stated he firmly believes an ombudsman would help solve the problems at institutions. A copy of recommendations made by Mr. Barton, ombudsman for the Department of Corrections, was furnished members. Representative Heinemann felt action, not recommendations, should be taken on the ombudsman proposal which had been made in the report of the Governor's Task Force on SRS. The ombudsman should be separate from SRS and should have jurisdiction over the entire SRS system. However, initially, the ombudsman could serve just the institutions, and the position might be funded from current position vacancy funds in SRS. He noted Mr. Barton does not have jurisdiction over inmates at Larned. Mr. Carman pointed out statutory changes would have to be made in order to establish an independent ombudsman for SRS. Representative Heinemann said there was language in 1979 HB 2281 which might be helpful. Mrs. Correll pointed out two concerns that an ombudsman might affect adversely: SRS clients receiving federal assistance who file appeals have to do so within 30 days; and, cases of fraud being prosecuted by attorneys. Representative Heinemann stated the ombudsman would not be involved in those cases since his service would be limited to SRS institutions. He moved that the committee recommend an ombudsman be employed, initially, for SRS institutions and that legislation be drafted to implement the recommendation. It was noted that "particularly" in the first sentence of the report concerning the recommendation for an ombudsman would have to be deleted. It was clarified that the ombudsman would serve both patients or clients as well as employees. Representative Martin seconded the motion, and it carried. The appointing authority for the ombudsman was discussed. It was the consensus of opinion the report be amended to recommend the ombudsman be appointed by the Legislative Coordinating Council.

As the result of a suggestion by Representative Martin, it was the opinion of the committee that the report should acknowledge SB677 which, if passed, will establish a commission to review SRS, and recommend that the commission monitor the Governor's Task Force recommendations as well as those of this committee.

It was clarified for staff that the bill draft for expunged records will not include provisions to obtain arrest records that do not result in convictions.

The Chairman stated the bill drafts on expunged records, the separation of YCAT and YCAA, the ombudsman proposal, and medical scholarship service will be introduced through the Senate Ways and Means Committee this session.

The Chairman requested members to review all committee minutes before the veto session in late April. A letter will be sent to members asking for corrections and additions to be returned by a certain date. If no suggestions are made, the minutes will be considered as approved.

Staff was instructed to distribute the revised committee report to members for their approval before it is submitted to the LCC. When the committee members have approved the final draft, the Chairman is authorized to submit the report to the Legislative Coordinating Council.

Senator Johnston suggested the report acknowledge the Secretary's cooperation during the committee's study. It was pointed out, if this was done, everyone who participated would have to be included.

The Chairman commended members for their assistance and attendance. He and members of the committee extended to the members of the various legislative staff offices who have staffed this committee a sincere vote of thanks and gratitude and commended staff for all of the help and extended hours of work given to the committee. Members of the committee also commended the Chairman for the excellent manner in which he had conducted the affairs of the committee.

The meeting was adjourned at 9:00 a.m.

Robert V. Talkington, Chairman