

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin Littlejohn at \_\_\_\_\_  
Chairperson

1:30 AM/p.m. on February 16, 1983 in room 423-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Research Department  
Bill Wolff, Research Department  
Bruce Hurd, Revisor's Office  
Sue Hill, Secretary to Committee

Conferees appearing before the committee:

Representative Rochelle Chronister, Introducing HB 2026.  
Dr. Robert Harder, Secy. of Social Rehabilitation Services (SRS).  
Dr. Joseph G. Hollowell, Division of Health and Environment  
Sister Judith Sutera, Kansas Association of Home Health Agencies  
Ms. Marilyn Bradt, Ks. for Improvement of Nursing Homes.

Visitor's register, see (Attachment No. 1.)

Chairman called meeting to order.

Chairman read a memo dated February 16, 1983, from Rep. Sandy Duncan requesting a bill be drafter to restrict sale of smokeless tobacco to any person under 18 years of age. Chairman read Statute K.S.A. 79.3321 and asked wishes of the committee on this request.

Rep. Friedeman moved that we have a draft made and introduce a committee bill to prohibit the sale of smokeless tobacco to persons under the age of 18 years. Discussion followed, and Rep. Cribbs offered a substitute motion to ask this bill be drafted to have language read 16 years of age, rather than 18 years of age. Rep. Helgerson seconded this motion. Voice vote taken on the substitute motion and motion failed. Vote then taken on original motion for prohibiting sale of smokeless tobacco to persons under the age of 18 years, and this motion carried.

Chairman requested Staff Revisor to draft bill as stated.

Chairman read balloon copy of HB 2096. (See Attachment No. 2.) Discussion on this balloon copy.

Rep. Buehler made a motion to accept amendment as drafted in balloon. Seconded by Rep. Walker, Motion carried. See Attachment No.2.

Motion by Rep. Friedeman moved to pass out HB 2096 favorably for passage as amended. Seconded by Rep. Hassler, motion carried.

Hearings on HB 2026 and HB 2027 follow:--

Rep. Rochelle Chronister distributed her printed statement on concerns on these bills. (See Attachment No. 3.) Rep. Chronister has no problems with HB 2026. She spoke then on HB 2027, calling to attention of committee two main objectives. One, to enable people to live in their own homes as long as possible. Two, to make the services offered less expensive than adult care homes, (nursing home care). The need for this service is a direct out-growth of the program of pre-admission screening of medicaid-eligible people who are about to enter a nursing home. She urges the "foster care" for elderly adults. See attachment No. 3. for further detail.

Rep. Chronister answered many questions from committee on this bill.

Dr. Robert Harder gave to committee his printed statement, see (Attach-

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S Statehouse, at 1:30 a/m/p.m. on February 16, 1983

Hearings on HB 2026 and HB 2027 continue:--

ment No. 4.) HB 2026, basically is language clarification. Page 1, line 25, also Page 2, line 77. Definition reading adult care home does not mean adult family home, and reading adult care home throughout.

HB 2027, Dr. Harder distributed a printed statement on his Department's views on this bill. (See Attachment No. 5.) The purpose of this bill establishes authority for the SRS to register homes to be used as adult family homes. Will allow some of the elderly to be in a home-like setting that are certified by state agencies, therefore protecting these elderly adults. There is a maximum of 2 beds per home.

Dr. Harder recommended approval of this bill.

Dr. Joseph G. Hollowell distributed to committee his printed testimony on HB 2026 and HB 2027. (See Attachment No. 6.) His agency recommends that the committee report both bills favorably for passage.

Dr. Hollowell introduced Dick Morrissey from the Health and Environment department and Mr. Morrissey fielded questions from committee in regard to the 24 hour care of adults, commenting he feels this definition will become more important as time goes on, and more of these 2 bed-adult care home's come into being.

Sister Judith Sutera of the Ks. Association Home Health Agencies spoke to the concern that this home care bill should be very carefully monitored. Placement of adults, wellness monitoring, funding, etc. Sister Sutera answered questions from committee, and said she had no specific suggestions on how monitoring could be handled, but feels a great need for it to be done. She feels more resources will be needed in order to do all that will be needed done in this adult care home situation.

Ms. Marilyn Bradt of the Kansans for Improvement of Nursing Homes made a brief comment saying that a continuing, on-going regular, thorough evaluation that assures good care is being provided every individual. A program to carefully monitor this adult care home program is vital.

Hearings on HB 2026 and HB 2027 concluded today, until committee meeting scheduled for February 17, 1983, at 1:30 p.m.

Meeting adjourned at 3:00 p.m.

Note:----

(Copy of memo from Rep. Duncan is included with these minutes as Attachment No. 7.)



HOUSE BILL No. 2096 362

By Committee on Public Health and Welfare

(By request)

1-25

Attachment No. 2.

0018 AN ACT concerning domestic relations; relating to child custody  
0019 investigations; amending K.S.A. 1982 Supp. 60-1615 and re-  
0020 pealing the existing section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1982 Supp. 60-1615 is hereby amended to  
0023 read as follows: 60-1615. (a) *Investigation and report.* In con-  
0024 tested custody proceedings, the court may order an investigation  
0025 and report concerning custodial arrangements for the child. The  
0026 investigation and report may be made by court services officers;  
0027 ~~the department of social and rehabilitation services~~ or any con-  
0028 senting person or agency employed by the court for that purpose.

0029 (b) *Consultation.* In preparing the report concerning a child,  
0030 the investigator may consult any person who may have informa-  
0031 tion about the child and the potential custodial arrangements.  
0032 Upon order of the court, the investigator may refer the child to  
0033 professional personnel for diagnosis. The investigator may con-  
0034 sult with and obtain information from medical, psychiatric or  
0035 other expert persons who have served the child in the past  
0036 without obtaining the consent of the parent or the child's custo-  
0037 dian. If the requirements of subsection (c) are fulfilled, the  
0038 investigator's report may be received in evidence at the hearing.

0039 (c) *Use of report and investigator's testimony.* The court shall  
0040 make the investigator's report available prior to the hearing to  
0041 counsel or to any party not represented by counsel. Any party to  
0042 the proceeding may call the investigator and any person whom  
0043 the investigator has consulted for cross-examination. In consid-  
0044 eration of the mental health or best interests of the child, the court  
0045 may approve a stipulation that the interview records not be

The court may use the department of social and rehabilitation services to make the investigation and report if no other source is available for that purpose. The costs for making the investigation and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.



TOPEKA

HOUSE OF  
REPRESENTATIVES

ROCHELLE CHRONISTER  
ASSISTANT MAJORITY LEADER  
REPRESENTATIVE NINTH DISTRICT  
WILSON-WOODSON COUNTIES  
LIBERTY AND NEOSHO TOWNSHIPS  
IN COFFEY COUNTY  
ROUTE 2-BOX 321A  
NEODESHA, KANSAS 66757

COMMITTEE ASSIGNMENTS  
VICE CHAIRMAN - COMMUNICATION, COMPUTERS,  
AND TECHNOLOGY  
MEMBER - CALENDAR AND PRINTING  
WAYS AND MEANS

House Bill 2027 which is before you today, adds another option to a continuing list of services that Kansas is providing to her elderly citizens in order to give them as much freedom of choice as possible when determining how and where they will spend the final years of their lives.

People's choice is clearly to live in their own homes for as long as possible. We have extended their ability to do that in years past through congregate and home-delivered meals, home-maker chore services, visits from home health nurses and aides and adult day care, to name a few. All of these programs have two main objectives.

- 1). To enable people to live in their own homes as long as possible.
- 2). To make the services offered less expensive than adult care homes (nursing home care).

The first reason obviously improves our citizens freedom of choice, while the second reason saves the state money.

One of the pieces which has been missing in this list of services has been a home-like setting for adults who by reason of age, illness, disease, physical or mental infirmity are unable to live independently but are basically capable of managing their own affairs. All of you have relatives or know the type of older person we are talking about. They do not need the professional nursing care provided in a nursing home, but they do need someone to see that nothing happens to them - - that they don't slip and fall in the bathtub, that they have nourishing meals, that they have help available when it is needed; but are left to function in a home-like manner when it is not needed.

(Attachment  
No. 3.)

HB 2027

The need for this service is a direct out-growth of the program of pre-admission screening of medicaid-eligible people who are about to enter nursing homes. Too many times our elderly are sent to a nursing home, not because they need nursing care, but because friends and family are afraid that something will happen to them if they continue to live alone.

This type of foster care works well with children and can be a great help for semi-independent adults. SRS probably has fewer problems and complaints with family foster care for children than the majority of its programs - this provides a similar type of regulated, but not over-regulated program for adults in need of care.

You may very well hear all sorts of suggestions of possible "horror stories" that could happen. I would remind you that this Committee will hear many "horror stories" of actual happenings in nursing homes which is a highly regulated industry. Regulation does not stop abuse - only caring individuals being chosen as care-providers can do that. SRS has a history of being able to find those care-providers for children and I believe they can find the same type of people to help our elderly citizens.

Caseworkers will have access to these homes and will be charged to visit/ investigate on a regular basis, not only if irregularities are reported.

I believe this bill will help fulfill Kansan's goal of providing the best compromise living situation we can offer to our people who are no longer capable of independent living, but who would appreciate a home-like atmosphere instead of the more structured life-style of nursing homes.

I urge your support for this bill.

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

House Bill No. 2026

1. Short Title of Bill:

An Act concerning adult care homes; affecting definitions of the various classifications thereof; amending K.S.A. 1982 Supp. 39-923 and repealing the existing section.

2. Purpose of Bill:

To clarify existing legislation as it relates to licensing of adult care homes.

3. Why the Bill:

To clarify existing legislation as it relates to licensing of adult care homes.

4. Background of the Bill:

During the past year there was some confusion as to the responsibility of licensing certain types of adult care homes which required supervision.

5. SRS Recommendations:

SRS recommends support of the bill.

Office of the Secretary  
February 8, 1983

(attachment  
no. 4.)

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

House Bill No.2027

1. Short Title of Bill:

An Act concerning adult family homes as therein defined; relating to registration thereof with the secretary of social and rehabilitation services.

2. Purpose of Bill:

Establishes authority for SRS to register homes to be used as adult family homes.

3. Why the Bill:

Simplify the current licensing procedure which requires full licensure from Health and Environment, and to clearly distinguish between adult family homes and adult care homes.

4. Background of the Bill:

Approximately 15 months ago SRS began to develop adult family homes to fill in one of the gaps between living independently and living in an adult care home. An Attorney General's opinion indicated that the adult family home fell into the category of a boarding home in the adult care home statutes and must be licensed by Health and Environment. After hearing testimony, the SRS Review Commission recommended the introduction of this bill to simplify the procedure and to clarify that adult family homes were non-medical in nature.

5. SRS Recommendations:

Recommend approval of the bill.

Office of the Secretary  
February 8, 1983

(attachment  
no. 5.)



TESTIMONY ON HOUSE BILLS NO. 2026 AND 2027

PRESENTED FEBRUARY 16, 1983

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

House Bill No. 2027 creates a program within SRS to register one or two bed adult family homes with the intent of providing a community-based residential program for adults similar to the foster home program for children. House Bill No. 2026 amends the definition of one and two bed adult care homes to clarify that such facilities require an adult care home license only if they provide nursing care. Three or four bed adult family homes would continue to require a license as an adult care home.

These bills will promote the development of a needed service in the continuum of care for elderly and disabled persons providing an alternative for adults who require a supportive residential environment, but who do not require the intensive nursing services of an adult care home. They are consistent with the basic principle of providing care in the least restrictive environment possible.

DEPARTMENT'S POSITION:

The Department of Health and Environment participated in the development of this proposal with SRS and the SRS Review Commission and recommends that the committee report House Bill No. 2026 and House Bill No. 2027 favorably for passage.

Presented by: Barbara J. Sabol, Secretary  
Department of Health and Environment

(Attachment  
No. 6.)

STATE OF KANSAS ● HOUSE OF REPRESENTATIVES

J. SANTFORD "SANDY" DUNCAN  
Representative Eighty-eighth District, Sedgwick County  
2355 So. Hillside, Wichita, Kansas 67211

---

**memorandum**

February 15, 1983

TO: Representative Marvin Littlejohn  
FROM: Representative Sandy Duncan  
RE: KSA 79-3321

A constituent recently brought to my attention that while the above referenced statute prohibits the sale of cigarettes to minors, it is silent on smokeless tobacco. It seems inconsistent that we would permit the sale of any kind of tobacco product to a minor. Since the deadline for bill requests has passed and since this matter might be addressed in a more appropriate way by your committee, I would request a committee bill to rectify this situation.

Thanks for your consideration of this request.



mts

(Attachment  
No. 7.)