

Approved 2-24-83  
Date 22

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 21, 1983 in room 423-S of the Capitol.

All members were present except: Rep. Friedeman, excused  
Rep. Reinhardt, excused  
Rep. Spaniol, absent

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:

Rep. Edgar Moore, Sponsor of HB 2108  
Nancy Zielke, Department on Aging  
Carl Schmitthenner, of Ks. Dental Association  
Dr. Robert Lacy, D.D.S., Topeka, Kansas  
Dick Hummel, Kansas Health Care Association  
Marilyn Bradt, Kansans for Improvement of Nursing Homes  
Jim Clark, of County & District Attorney's Association  
Rep. Harold Guldner, requesting HB 2337

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

Chairman called meeting to order.

Hearings on HB 2108 began:

A letter from Thomas C. Krauss, D.D.S. of Phillipsburg, Kansas was distributed to committee. See (Attachment No. 2.).

Chairman introduced Rep. Moore as one of the sponsors of HB 2108. Mr. Moore stated his support of the bill, feels it can be done at very little expense, and will be of great help in identification of people wearing dentures. Will solve mix up and loss of dentures at nursing homes and hospitals. Mr. Moore explained the bill and then asked other conferees offer their comments.

Ms. Nancy Zielke, Dept. on Aging presented her remarks to committee, saying that misplaced and or lost dentures causes great trauma to older citizens, and this trauma could be avoided if the bill is passed. The elements of emotional, physical, economic stress, due to lost or mis-placing, or mix-up of patients dentures can be eliminated with the passage of this bill. The Department on Aging urges favorable passage of this bill. (See Attachment No. 3.), for details of Ms. Zielke's comments.

Mr. Carl Schmitthenner spoke in support of this bill in its current form. Mr. Schmitthenner answered several questions from committee, i.e., on line 0026, pg. 1, the exact location of markings, also as to description of an Odontologist, and etc.

Chairman noted that Mr. Jim Clark of County and District Attorney's Association had a second committee meeting to appear to at this same time, but requested Chairman note his support of HB 2108 to the committee. So noted.

Dick Hummel of Ks. Health Care Association complimented sponsors of this important bill. Those persons he represents are in favor of the bill. There is need of this action since there is a great problem in nursing homes and hospital situations with loss and mix-up of dentures.

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 21, 1983

Hearings continue on HB 2108:

Marilyn Bradt of the Kansans for Improvement of Nursing Homes commented they have a large number of cases where there have been complaints on loss and mix-up of dentures. This loss to a patient is one of the most de-humanizing things that can happen, and perhaps even worse to have someone elses dentures given to you in error. She supports this bill.

Dr. Robert Lacy, D.D.S., spoke to committee as having heard of these problems many times regarding dentures. Feels it is a bill that should have been passed long ago. Costs will be in an estimated range of \$1.00 to \$10.00. In answer to questions from committee, he stated that partial dental appliances could also be marked in this manner.

Dr. Lacy answered several questions from committee in regard to name, and or security number on dentures, materials used in dentures relating to how they could be marked, etc. Further stated that a bill requiring dentists to routinely do this procedure is the best way, since voluntary practice of it has not produced bery good results. Many dentists do not do this procedure because of cutting costs and saving time, etc.

Dr. Lacy when asked about the amendment suggestion in Dr. Krauss's letter, i.e., that the last sentence in Sec. 1 (a) be omitted because it essentially defeats the purpose of the bill by allowing those who don't see the need for identification a generous way out, said he is in agreement with Dr. Krauss in that statement.

Chairman asked wishes of committee on continued hearings on this bill. There were conferees scheduled that could not appear today because of inclimate weather in the Western part of the state. Committee felt further testimony not warranted. -- Hearings on HB 2108 concluded--.

Hearings on HB 2337 (See Attachment No. 4.), copy of CRH2237m2.

Rep. Guldner commented that one of the counties that he represents would like to have their Hospital board also be the board for the Home for the Aged. Take full authority as a board, and the state statutes presently do not allow this. He had some suggested changes in the bill before committee. On page 1, line 34, before "a", by inserting "board of commissioners or board of trustees for the home"; in line 44, after "operation", by inserting, "management and control". Rep. Guldner answered many questions from committee. Staff offered in-put as well.

Dick Hummel of Ks. Health Care Association spoke to HB 2337 in support of the bill. Stated there are about 12 County homes that will be directly affected by this. ---Hearings on HB 2337 concluded.---

Chairman directed committee's attention to draft 3 RS 1073, the bill being drafted relating to tobacco; prohibiting the purchase and sale of smokeless tobacco to persons under 18 years of age; amending K.S.A.79-3321 and repealing the existing section. (See Attachment No.5.)  
Motion made by Rep. Green to introduce this proposal and have it revert back to this committee. Motion seconded by Rep. Wagnon, motion carried.

Chairman noted no further bill requests will come before the committee as of this date.

Chairman adjourned meeting at 2:40 p.m.

Date: 2-21-83

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

PLEASE PRINT

NAME	ORGANIZATION	ADDRESS
Rebecca Kupper	Ks. Hospital Assoc.	Topeka
Sandra Johnson	KTWU Channel 11	"
Mary Wolc	KTWU Channel 11	"
Ben Bauman	KTWU Channel 11	"
Shirley Kempel	MB Swimmers	Buckley KS
Phil [unclear]	" "	" "
Dick [unclear]	Ks Heartline Assoc	Topeka
Carl Schmittbauer	Ks Dental Assn	Topeka
DeLacy DDS	K I & H	Topeka
Marilyn Bradt	KINH	Lawrence
Barb Reibert	KWPCaucus	Topeka
Karen Mallin		Reino, Ks
Lynelle King	Ks State Nurses' Assn	Topeka
Michele Hinds	Legislative Intern	Topeka
KETHY R. LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	TOPEKA
Marcia Spon		El Dorado
Kathy MARTIN		"
James Spon		El Dorado
Nancy Zielke	KDOA	Topeka

(attachment no 1.)

Thomas C. Krauss, D. D. S.

252 F STREET

PHILLIPSBURG, KANSAS 67661

TELEPHONE (913) 543-2123

February 20, 1983

Representative Marvin Littlejohn  
Chairman, Public Health and Welfare Com.  
Kansas House of Representatives

RE: House Bill 2108

Dear Sir:

I would like to write in support of House Bill 2108  
for the following reasons:

1. For the past ten or more years I have identified removable dental prostheses receiving excellent patient acceptance without exception.
2. This service is easily provided with little added expense.
3. There is a continuing problem in care facilities for our senior citizens in identification of lost or unknown ownership of unmarked prosthetic devices. Frequently the problem is solved now with a less than esthetic approach.
4. As a Forensic Odontologist, may I assure you that such markings would assist immeasurably in the identification of flood, fire, homicide and mass disaster victims.

Might I suggest that in line 0021, the words "in the non-metallic portion" be inserted between the word prosthesis and fabricated. On occasion, an all metal prosthetic device is fabricated.

The sentence beginning in line 0026 "The exact location . ." should be changed to: "The method used to apply or implant the markings shall be determined by the dentist or dental laboratory fabricating the prosthesis placing it in the most lingually posterior position possible." Experience in forensic dental identification demonstrates the most lingual posterior position has the highest survival in fire, etc.

The last sentence in Section 1 (a) should be omitted

(Attachment  
no. 2.)

because it essentially defeats the purpose of the bill by allowing those who don't see the need for identification a generous way out.

I am including a pamphlet provided by the American Dental Association concerning this matter. Based on my education and experience, it is my opinion that House Bill 2108 is in the public's best interest both individually and collectively.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas C. Krauss, D.D.S.", written in a cursive style.

Thomas C. Krauss, D.D.S.



TESTIMONY ON H.B. 2108  
IDENTIFICATION MARKS ON DENTURES  
PUBLIC HEALTH AND WELFARE COMMITTEE  
FEBRUARY 21, 1983

Bill Brief: House Bill 2108 would require that dentures have im-  
planted, when the prosthesis is fabricated, the name or social  
security number of the person for whom the dental plate was  
intended.

Bill Provisions:

The bill provides for the following:

1. Requires that all fabricated dental prosthesis to be marked with the name and/or social security number, or both of the patient.
2. Requires that identification markings be permanent, legible, and cosmetically acceptable.
3. Allows the dentist or dental laboratory fabricating the prosthesis to determine the exact location of the markings and the method to be used in the implantment.
4. Requires that dental prosthesis be fabricated prior to this bill, be marked at the time of subsequent rebasing or duplication.

Testimony: The Kansas Department on Aging being an advocate for Older Kansans supports H.B. 2108, as an effective method to better protect older persons, especially those residing in institutional settings. Of the 306,263 older persons over the age of 65, 20,769 or 6.8% are instituionalized Kansans living in either intermediate or skilled nursing home facilities.

It is these individuals plus those persons being hospitalized that are most susceptible to having their dental prosthesis either misplaced or lost. The person losing their dentures, not only faces the fiscal distress in having the dental plate replaced, but also suffer from physical and emotional stress in having to repeat the impression procedures along with having to readjust to the new replacement set. Such trauma is not needed and in most cases avoidable, if proper identification marks would be made.

Additionally there hae been recited cases where patients in nursing homes were wearing someone else's plate. It is a traumatic, emotional situation for such individuals, to find out they are wearing someone else's teeth.

The non-institutionalized elderly, living in their own homes, would also benefit from having proper markings on their dental plates. Elderly persons in hospitals for short-term illness, frequently experience their dentures being misplaced during surgery or therapy. Additionally having legible markings would assist physicians and Kansas law officials to properly identify persons who are found unconscious, having no other personal identification in their possession.

*Attachment No. 3*

The Veterans Administration already requires their laboratories to put proper identification of the patient's dentures and partials when fabricated. This has assisted hospitals and the nursing home personnel when cleaning the dental plates to replace it properly and when misplaced or when lost, for the plate to be easily identified and returned to the proper patient.

If proper identification is placed in dental prosthesis, there is not excuse for dental plates or dentures to be lost, misplaced or for somebody else to be wearing them. Such a provision would eliminate potential emotional, physical and economic distress to older persons, the most likely candidates to have a type of dental prosthesis.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your committee on Public Health and Welfare

Recommends that House Bill No. 2337

"AN ACT relating to homes for the aged; concerning the operation thereof; amending K.S.A. 19-2110 and repealing the existing section."

Be amended:

On page 1, in line 34, before "a", by inserting "board of commissioners or board of trustees for the home"; in line 44, after "operation", by inserting ", management and control";

And the bill be passed as amended.

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Chairperson

(Attachment  
no. 4.)



## HOUSE BILL NO. \_\_\_\_\_

By Committee on Public Health and Welfare

AN ACT relating to tobacco; prohibiting the purchase and sale of smokeless tobacco to person under 18 years of age; amending K.S.A. 79-3321 and repealing the existing section.

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

Section 1. K.S.A. 79-3321 is hereby amended to read as follows: 79-3321. It shall be unlawful for any person: (a) To possess, except as otherwise specifically provided by this act, more than ~~two-hundred-(200)~~ 200 cigarettes without the required tax indicia being affixed as herein provided.

(b) To mutilate or attach to any individual package of cigarettes any stamp that has in any manner been mutilated or that has been heretofore attached to a different individual package of cigarettes or to have in possession any stamps so mutilated.

(c) To prevent the director or any officer or agent authorized by law, to make a full inspection for the purpose of this act, of any place of business and all premises connected thereto where cigarettes are or may be manufactured, sold, distributed, or given away.

(d) To use any artful device or deceptive practice to conceal any violation of this act or to mislead the said director or officer or agent authorized by law in the enforcement of this act.

(e) Who is a dealer to fail to produce on demand of the said director or any officer or agent authorized by law any records or invoices required to be kept by said person.

(f) Knowingly to make, use, or present to said director or agent thereof any falsified invoice or falsely state the nature or quantity of the goods therein invoiced.

*Attachment  
no. 5.*

(g) Who is a dealer to fail or refuse to keep and preserve for the time and in the manner required herein all the records required by this act to be kept and preserved.

(h) To wholesale cigarettes to any person, other than a duly licensed manufacturer's salesman, retail dealer or wholesaler.

(i) To have in ~~his--or--her~~ the person's possession any evidence of tax indicia provided for herein not purchased from the director.

(j) To fail or refuse to permit the director or any officer or agent authorized by law to inspect a carrier transporting cigarettes.

(k) To vend small cigars, or any products so wrapped as to be confused with cigarettes, from a machine vending cigarettes, nor shall a vending machine be so built to vend cigars or products that may be confused with cigarettes, be attached to a cigarette vending machine.

(l) To sell cigarettes or smokeless tobacco to any person under ~~eighteen-(18)~~ 18 years of age.

(m) For any person under ~~eighteen-(18)~~ 18 years of age to purchase cigarettes or smokeless tobacco.

(n) To sell cigarettes to a retailer or at retail that do not bear Kansas tax indicia or upon which the Kansas cigarette tax has not been paid.

(o) To sell cigarettes without having a license for such sale as provided herein.

(p) To sell cigarette vending machines without having a license as provided herein for sale of vending machines.

Sec. 2. K.S.A. 79-3321 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.