

Approved January 31, 1983
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Jan Meyers at
Chairperson

10 a.m. ~~xxxx~~ on January 27, 1983 in room 526-S of the Capitol.

All members were present except:

Senators Morris and Vidricksen, both excused

Committee staff present:

Emalene Correll, Norman Furse, and Bill Wolff

Conferees appearing before the committee:

- Senator Robert Harder, Secretary, SRS
- Sylvia Hougland, Secretary, Department on Aging
- Marilyn Bradt, KINH
- Sister Judith Sutera, Kansas Association of Home Health Agencies
- Stewart Entz, Kansas Association of Homes for the Aging
- Dick Hummel, Kansas Health Care Association
- Keith Landis, Christian Science Committee on Publication for Kansas

Others present: see attached list

Senator Meyers questioned Keith Landis, Christian Science Committee on Publication for Kansas, as to the necessity for the change in wording indicated in his amendment for SB 26. He replied that he would talk to Nurses Association and Board of Nursing and respond later.

SB 32 - Secretary of SRS authorized to charge fees for screening and evaluation services

Senator Johnston explained that SB 32 and SB 33 were introduced at the request of the Social and Rehabilitation Services Review Commission.

Dr. Robert Harder, Secretary, SRS, testified in support of SB 32. Dr. Harder said this bill has the potential for having a very positive effect in trying to get together our total medical system, and open the door to the possibility of being able to review individuals not eligible for Title 19. He said they could work with them at an earlier date, and this gives them the possibility of diverting people. The money for screening is not in the SRS budget, and additional funding would be required. The fees would cover cost of screening, but fund limitation changes would be needed.

Sylvia Hougland, Secretary, Department on Aging, testified in favor of SB 32. Ms. Hougland said that the earlier the screening occurs, the greater the chance of diversion and cost containment.

Senator Francisco asked if this program wasn't designed to eliminate some people. Ms. Hougland said she felt it was designed to get people at the appropriate level of care.

Marilyn Bradt, KINH, testified in favor of SB 32. Ms. Bradt said that not all residents of nursing homes would need to be there if their needs could be met in a less restrictive setting. Careful evaluation of the needs of the individual and the availability of community services is an essential first step in the effort to divert from nursing home care those persons who could safely remain in their homes or a more homelike facility. (Attachment #1).

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 SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 526-S, Statehouse, at 10 a.m. ~~p.m.~~ on January 27, 1983.

Sister Judith Sutera, Kansas Association of Home Health Agencies, testified in support of SB 32. She said that most agencies which do screening are members of this organization. KAHAA agrees with Dr. Harder's comments, and sees no problem in the implementation of this bill.

Stewart Entz, Kansas Association of Homes for the Aging, testified in support of SB 32. Mr. Entz said that Lines 30 and 31 are not really necessary in the bill.

Senator Francisco asked if adult day care homes and adult family homes would still be included if those lines were deleted.

Dr. Harder said the screening effort is all geared to the medical side of the program, and what they're talking about relates to the medical aspect of the program.

Norman Furse, Revisor of Statutes Office, said it wouldn't make any difference. The bill would include every service available.

SB 33 - Provision of services for protection of persons from abuse or neglect

Dr. Robert Harder testified in support of SB 33. Dr. Harder said this bill relates to two bills coming from the House. The question is that of authority to certify or license adult family homes. The Attorney General made a ruling that the licensing would be under the Department of Health and Environment. The bills on the House side would make it possible for SRS to recruit families to take care of one or two adults in family foster homes. This bill extends authority relating to the reporting of adult abuse or neglect and investigations thereof.

Senator Meyers asked Sylvia Hougland if she supported the bill, and Ms. Hougland said that she did.

Dick Hummel, Kansas Health Care Association, testified in support of SB 33, and suggested certain amendments concerning requirements of adult family homes. Dr. Harder said the requirements for an institution should not prevail in a family home.

Keith Landis requested that SB 33 be amended by adding a paragraph after Line 63, and distributed copies of the proposed amendment to the committee members. (Attachment #2).

Senator Meyers concluded the hearing on SB 33, and asked Dr. Harder to discuss the pre-screening program.

Dr. Harder said the pre-screening program was a way of ensuring the maximum number of people being able to stay in a community setting. There are many people who are mentally retarded in nursing homes, and this was developed as a corrective action plan. Now, the matter of retarded people in nursing homes has been mostly resolved by placement in an ICF-MR. The next job was to take care of people with a diagnosis of mental illness. Dr. Harder said there are 17 nursing homes for the mentally ill, and SRS is working with state hospitals and mental health centers to get that program better situated. The mentally ill individual between 21 and 65 is not covered at all by federal financial participation in a state institution or ICF-MI facility, and a definite decision is needed for them. SRS is trying to move these people into the community, but they do not have any lead money to provide to local communities to solve the problem for this age group. SRS is cooperating with the gerontology center to determine what level of care the individual needs. In their program, if there is not medical reason for a person to be in a nursing home, they should not be. SRS is trying to get things in order to lessen the possibility of federal non-compliance.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room m526-S, Statehouse, at 10 a.m./~~xxx~~ on January 27, 1983.

Senator Francisco expressed concern about Alzheimer's disease, and wondered if these people currently in nursing homes, with screening, would be more appropriately placed in ICF-MI's.

Sylvia Houglund said that one concern was whether Alzheimer's disease is a psychological or physiological disease.

Senator Meyers asked if this is a change because of compliance with federal rules, or are people better served in a different kind of home. Dr. Harder said it is better to have separate programs for mentally ill, mentally retarded, and elderly, but also it involves compliance.

Senator Meyers announced that the committee would meet the next morning at 9:45 a.m. instead of 10 a.m.

Senator Hayden moved that the minutes of January 26, 1983, be approved. Senator Francisco seconded the motion and it carried.

The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE
DATE 1-27-83

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Sister Judith Sutera	Ks. Assoc. of Home Health Agencies
Sister Rose	Catholic Church Office for Service to Young
Marilyn Bradt	Kansas for Improvement of Nursing Homes
Sylvia Klieford	KDOA
Dick Hummel	Ks. Home Care Assn
Russ Hildebrand	Ks. Health Care HSS
Stu Entz	K A M. A.
Nickie Stein	Ks. St. Nurses' Assn.
Gay Covell	SOD School Dist.
KATH R LADDIS	CHRISTIAN SCIENCE CONGREGATION ON PUBLICATION FOR CHANGE
Carney Jackson	San. John Region
Nancy Zielke	KDOA
Aileen Whitefill	SRS
Ruby Judge	SRS
Charles Ham	SRS
Ken Schatermeyer	Ks. Pharmacists' Assoc.
Gary Robbins	Ks. Opt Assn
Joe Hollowell	KDH+E
B.J. Sabo	KDH+E
John Peterson	Ks. Assn. of Professional Psychologists
Fred Purvis	Cherokee Co. Appraisers
Charles Sevelle	Pratt Co. Ellwood, Ks

SB-32 1-27-83 #1



Kansans for Improvement of Nursing Homes, Inc.

927 1/2 MASSACHUSETTS ST. #1 LAWRENCE, KANSAS 66044 842-3088 — Area Code 913

January 27, 1983

TESTIMONY BY KANSANS FOR IMPROVEMENT OF NURSING HOMES TO THE SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE RE SENATE BILL 32.

The primary concern of Kansans for Improvement of Nursing Homes is, of course, the care provided in a nursing home setting. Nevertheless, our membership agrees that not all current or potential residents of nursing homes would need to be there if their needs could be met in a less restrictive setting.

Careful evaluation of the needs of the individual and the availability of community services which would meet those needs is certainly an essential first step in the effort to divert from nursing home care those persons who could safely remain in their own homes or in a facility more homelike and less structures than a nursing home. It is a step already put in place for Medicaid eligible persons by the SRS pre-admission screening program.

KINH believes that this screening tool now used by SRS for evaluation and referral of Medicaid eligible persons should also be made available for a modest fee, for persons who are not Medicaid eligible.

KINH supports SB 32.

Atch. 1

Christian Science Committee on Publication For Kansas

820 Quincy Suite K
Topeka, Kansas 66612

Office Phone
913/233-7483

To: Senate Committee on Public Health and Welfare

Re: SB 33

It is requested that Senate Bill 33 be amended by adding after line 0063:

"No person shall be considered to be abused or neglected for the sole reason he relies upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment."

K.S.A. 39-936 states: "No resident who relies in good faith upon spiritual means or prayer for healing shall, if such resident objects thereto, be required to undergo medical care or treatment."

The addition of the requested wording to Senate Bill 33 will simply support that provision by making clear that a person relying on spiritual means through prayer alone for treatment shall not, for that reason alone, be considered to be abused or neglected.

It is possible that other circumstances might be present in a situation which would justify a complaint of abuse or neglect. It is not our intent to prevent a report or investigation of such a case.

The present bill would also extend protection to residents of adult family homes if such homes are established.

Your favorable consideration of this request will be appreciated.

Atch. 2