

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./~~p.m.~~ on March 3, 1983 in room 526-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Emalene Correll, Legislative Research  
Norman Furse, Revisor of Statutes office  
Bill Wolff, Legislative Research

Conferees appearing before the committee:

Jerry Slaughter, Kansas Medical Society  
Dr. Lois Scibetta, Kansas State Board of Nursing  
Lynelle King, Kansas State Nurses' Association  
Cynthia Barrett, Kansas Dental Board  
Dr. Joseph Hollowell, Department of Health and Environment  
Peggy Giesen, RN, Wichita-Sedgwick County Health Department  
Nancy Wynn, RN, Wyandotte County Health Department  
Elizabeth E. Taylor, Kansas Association for the Education of Young  
Children, Inc.  
Dr. James Mastin, Pastor, North Woodlawn Baptist Church, Derby, Kansas

Others present: see attached list

SB 285 - creating a state health care commission

Jerry Slaughter, Kansas Medical Society, distributed testimony to the committee stating that KMS does not oppose the concept contained in SB 285, but suggests changes prior to enactment of the bill. (Attachment #1).

SB 362 - Board of Nursing regulation of practice of nursing and practice of mental health technology

Dr. Lois Scibetta, Kansas State Board of Nursing, testified in support of SB 362, and distributed copies of her testimony stating that this bill updates the Nurse Practice Act and the Licensed Mental Health Technicians Act. (Attachment #2). She also distributed copies of a balloon showing proposed amendments and said that KSNB recommends favorable passage of SB 362, with the suggested changes. (Attachment #3).

Lynelle Hughes, Kansas State Nurses Association, said that they have no problem with SB 362.

SB 363 - licensure of dentists and dental hygienists; limitations of advertising

Cynthia Barrett, Secretary-Treasurer of the Kansas Dental Board, testified in support of SB 363, and distributed testimony outlining the purpose of the amendments proposed by the Dental Board. (Attachment #4).

SB 343 - family day care homes, injunctions authorized to prevent unlawful operation

Dr. Joseph Hollowell, DH&E, thinks this is an issue the legislature should address. He stated that this is a proposal to relax constraints on

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S, Statehouse, at 10 a.m. ~~p.m.~~ on March 3, 1983

registration, and also adds authority to enjoin the provider from caring for a child without a license or legal recognition.

Peggy Giesen, RN, Wichita-Sedgwick County Health Department, distributed copies of her testimony stating their objection to the increased number of children allowed, and that increasing the child/provider ratio is a step backward in the care of Kansas children. (Attachment #5).

Nancy Wynn, RN, Wyandotte County Health Department, testified that she did not agree with the proposed increase in the number of children in day care homes, and that these changes would weaken the child care law.

Elizabeth Taylor, Kansas Association for the Edducation of Young Children, Inc., submitted testimony stating that KAEYC strongly opposes the increase in the number of children in registered family day care homes. (#6)

Senator Meyers asked why DH&E requested this bill if there hasn't been a pressing need for it. Dr. Hollowell replied that it needs to be discussed, and there are a number of communities where child care is neither licensed nor registered.

SB 364 - child care licensure

Elizabeth Taylor, KAEYC, testified that they generally support the intent of this bill, but do have concerns about the bill, and distributed testimony outlining sections of the bill about which they were concerned. (Attachment #7).

Peggy Giesen, Wichita-Sedgwick County Health Department, stated that she feels this bill does not improve child care standards and questioned the need for it. She distributed testimony outlining objections and suggested changes. (Attachment #8).

Dr. James Mastin, pastor, North Woodlawn Baptist Church, Derby, Kansas, testified in opposition to SB 364, and distributed testimony urging the committee to endorse an amendment exempting church schools, pre-schools, and day care schools from this bill, and outlining reasons for his objections to SB 364. (Attachment #9).

Senator Meyers appointed Senator Ehrlich and Senator Chaney to a sub-committee to study and review testimony on SB 364, and report back to the committee.

Senator Morris moved that the minutes of February 28 (10 a.m.), February 28 (noon), March 1, and March 2, 1983, be approved. Senator Vidricksen seconded the motion and it carried.

Senator Meyers announced that the committee would meet at noon and continue hearing SB 364, and discuss SB 87 and SB 285.

The meeting was adjourned.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-3-83 - 10 a.m.

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Patti Haskney

Nancy Wynn, R.N.

Michele Hinos

Lynelle King

Peggy Dixon

KEITH R LANDIS

Dr. Lois R. Scibetta

Marian Robinson

Theresa Brandon

Penny Fry

Donovan Lee

Bruce Koby

Michael V. Martin

Ann R. Austin

JAMES MASTIN

David R. Mills (Lopela)

Marilyn Wiess

Jack Mauck

J. M. Howell

Cathy Behan

Elizabeth E. Taylor

Nickie Stein

CYNTHIA BARRETT

Ruth Hoover

Public Assistance Coalition

Kansas City-Wynn Co. Health Dept

Legislative Intern

K State Nurses' Assn.

Wichita Sedg. Co. Health Dept.

CHRISTIAN SCIENCE COMMITTEE  
ON PUBLICATION FOR KANSAS

KSBN- 503 Kansas Ave

SRS

SRS

SRS

Student

SRS

Interested citizen

Kansas Assoc of Christian Schools

North Woodlawn Baptist Church

The Church at 316 W. Grant

The Church at 316 W. Grant

A.C. Children of Children Home

K D H & E

ATP

Ks. Assn for the Ed. of Young Children

Ks. St. Nurses' Assn.

Ks. DENTAL BOARD

Ks Council for Children & Youth

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

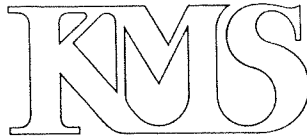
DATE 3/3/83 10 AM

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Carl Schmittkeuer  
Gary Robbins  
Larry Luthohan  
Barb Kemert  
Janice HARTENBURGER  
Richard H. Shirley

Kansas Dental Association  
Ks. Optometric CIBSN  
Kan. Optometric Assn  
Ks WPC  
Dept of Health & Human Services  
Dept. of Health & Human Services



# Kansas Medical Society

*Incorporated 1859*

February 28, 1983

TO: Senate Public and Welfare Committee

FROM: Jerry Slaughter  
Director of Governmental Affairs

SUBJECT: SB 285; Concerning a State Health Care Commission

The Kansas Medical Society does not oppose the concept contained in SB 285. It may be beneficial to have some form of statewide commission or panel study the problem of rising health costs, and suggest solutions that are workable in Kansas.

However, we would like to suggest a few changes prior to enactment of SB 285. First, we would recommend that the commission be authorized to work for only one year at a time, thus requiring legislative review annually. The commission should be able to meet and present a fairly comprehensive report in about one year. Currently, section three of the bill authorizes the commission to meet until the beginning of the 1987 legislative session. We believe that annual authorization is preferable to the four year authorization contained in the bill.

We would also like to recommend that section one of the bill be clarified concerning the charge to the commission. Subsections two, three, four, five and six are either too broad, or completely unrelated to the problem of rising health care costs. As an alternative, we would recommend deleting in section one (a) everything after the word Kansas in line twenty-four.

- PRESIDENT  
*Kermit G. Wedel, M.D.*  
*Minneapolis*
- PRESIDENT-ELECT  
*Jimmie A. Gleason, M.D.*  
*Topeka*
- FIRST VICE-PRESIDENT  
*F. Calvin Bigler, M.D.*  
*Garden City*
- SECOND VICE-PRESIDENT  
*Clair C. Conard, M.D.*  
*Dodge City*
- SECRETARY  
*K. William Brauer, Jr., M.D.*  
*Wichita*
- TREASURER  
*William K. Walker, M.D.*  
*Sedan*
- AMA DELEGATE  
*Clair C. Conard, M.D.*  
*Dodge City*
- AMA DELEGATE  
*Alex Scott, M.D.*  
*Junction City*
- EXECUTIVE DIRECTOR  
*Steven D. Carter*
- EXECUTIVE ASSISTANT  
*Gary Caruthers*
- EXECUTIVE ASSISTANT  
*Val Braun*

*Atch. 2*

Finally, should you decide to report SB 285 favorably, you may want to give consideration to including a couple of legislators of the eleven member commission. Since recommendations of the commission will ultimately require legislative review, it would seem appropriate to insure some legislative input into its deliberations. A suggestion might be to include the chairpersons of both Public Health and Welfare Committees.

One final point to consider: due to the complex nature of the health costs problem, it is important to make sure that such a commission structured in a manner to encourage innovative investigation, analysis of the problem and open debate and discussion. The commission should not be so formal as to discourage good interaction between all interested parties and the commission; yet it needs a certain amount of formal structure to guarantee that it stays on its specific mission. If the structure of the commission could be made truly investigative, and not burdened with partisan problems, it will have a much better chance of arriving at constructive solutions to a very difficult problem.

We appreciate the opportunity to submit these comments. Thank you.



10am 3.383 #2



# KANSAS STATE BOARD OF NURSING

BOX 1098, 503 KANSAS AVENUE, SUITE 330  
TOPEKA, KANSAS 66601

Telephone 913/296-4929

TO: The Honorable Jan Meyers, Chairman, and Members of the Senate  
Public Health and Welfare Committee

FROM: Dr. Lois Rich Scibetta, Executive Administrator

RE: Senate Bill 362

DATE: March 1, 1983

Thank you Madam Chairman, members of the Committee, my name is Dr. Lois Rich Scibetta and I am the Executive Administrator of the State Board of Nursing. I am here today speaking in support of Senate Bill 362 with minor changes.

The Bill updates the Nurse Practice Act by removing "good moral character," as a condition for licensure, as was suggested by Legislative Post Audit in the Sunset Report.

The Bill also updates the Licensed Mental Health Technicians Act and changes the annual registration to biennial. I would like to offer the following balloon prepared by the Revisor's office. The changes in dates are suggested in order to prepare for the changes suggested. We would not have adequate time to prepare, have new licenses printed, etc. by September, 1983. All licenses for MHT's will be issued at the same time.

The fees as suggested are acceptable as maximums. Twenty Four Dollars will be the charge for a two year license. Would the Committee consider raising this to Thirty Dollars, line 0357, which would give the Board more lee-way as a statutory maximum. The Board would suggest this.

With the Balloon suggested, regarding change in dates and the renewal fee, the Board of Nursing supports the favorable passage of Senate Bill 362.

Thank you for your attention. I will be happy to answer any questions which the Committee may have.

Atch. 2

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0304 as a mental health technician for at least one year within the  
 0305 five-year period immediately preceding the date of his or her  
 0306 application. The board shall accept as evidence thereof the veri-  
 0307 fied written statements of three professional nurses, physicians or  
 0308 psychologists, licensed to practice in the state of Kansas, who  
 0309 have personal knowledge concerning the applicant's satisfactory  
 0310 service as a mental health technologist in Kansas during such  
 0311 prior period of time; or

0312 (3) to an applicant who has been duly licensed by examina-  
 0313 tion under the laws of another state, territory or foreign country if,  
 0314 in the opinion of the board, the requirements for licensure in such  
 0315 other jurisdiction equal or exceed the qualifications required to  
 0316 practice as a mental health technician in this state.

0317 Sec. 6. K.S.A. 65-4205 is hereby amended to read as follows:  
 0318 65-4205. On or before the first day of September of each year  
 0319 September 1, 1983, and on or before such date every two years  
 0320 thereafter, the board shall mail an application for renewal of  
 0321 license to all licensed mental health technicians. Every mental  
 0322 health technician desiring to renew his a license shall file with the  
 0323 board, on or before the 31st day of December 31 of such year, file  
 0324 with the board his a renewal application together with the pre-  
 0325 scribed renewal fee. Commencing with calendar year 1985, the  
 0326 board shall require every licensee in the active practice of mental  
 0327 health technology within the state to submit with the renewal  
 0328 application evidence of satisfactory completion of a program of  
 0329 continuing education required by the board. The board by duly  
 0330 adopted rules and regulations shall establish the requirements for  
 0331 such program of continuing education. Upon receipt of such  
 0332 application and fee and, commencing with renewal applications  
 0333 received during calendar year 1985 and each calendar year  
 0334 thereafter, upon receipt of the evidence of satisfactory completion  
 0335 of the required program of continuing education, the board shall  
 0336 verify the accuracy of the application and grant a renewal license  
 0337 which shall be effective for the succeeding next two calendar year  
 0338 years, and such renewal license shall render the holder thereof a  
 0339 practitioner of mental health technology for the period stated.  
 0340 Any licensee who shall fail fails to secure a renewal license

On or before September 1, 1984, and on or before such date every two years thereafter, the board shall mail an application for renewal of license to all licensed mental health technicians.

1986

1986

Atch. 3



0341 within the time specified herein may secure a renewal of such  
 0342 lapsed license by making verified application therefor on a form  
 0343 ~~to be prescribed~~ *prescribed* by the board together with the pre-  
 0344 scribed reinstatement fee *and, during calendar year 1985 and*  
 0345 *thereafter, evidence of satisfactory completion of the required*  
 0346 *program of continuing education.* Such application shall furnish  
 0347 satisfactory evidence as required by the board that ~~he~~ *the appli-*  
 0348 *cant* is presently competent and qualified to perform the respon-  
 0349 sibilities of a mental health technician, with the board to be the  
 0350 sole judge of the adequacy of the evidence so presented.

1986

0351 Sec. 7. K.S.A. 65-4208 is hereby amended to read as follows:  
 0352 65-4208. (a) The board shall collect in advance the fees provided  
 0353 for in this act, the amount of which shall be fixed by the board *by*  
 0354 *rules and regulations*, but not to exceed:

0355	Application for license . . . . .	\$25.00	\$50
0357	Application for renewal of license . . . . .	12.00	<del>24</del>
0359	Application for reinstatement . . . . .	18.00	36
0361	Certified copy of license . . . . .	6.00	12

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0363 (b) *The fees established under this section on June 30, 1983,*  
 0364 *shall continue in effect until different fees are fixed by rules and*  
 0365 *regulations in accordance with subsection (a) of this section.*

0366 Sec. 8. K.S.A. 65-4209 is hereby amended to read as follows:  
 0367 65-4209. The board, ~~by an affirmative vote of at least two-thirds~~  
 0368 ~~(2/3) of the membership of the board~~ shall have the power to  
 0369 withhold, deny, revoke, or suspend any license to practice as a  
 0370 mental health technician issued or applied for in accordance with  
 0371 the provisions of this act or otherwise to discipline a licensee  
 0372 upon proof that the licensee:

- 0373 (a) Is guilty of fraud or deceit in procuring or attempting to
- 0374 procure such license;
- 0375 (b) is habitually intemperate or is addicted to the use of habit
- 0376 forming drugs;
- 0377 (c) is mentally incompetent;
- 0378 (d) is incompetent or grossly negligent in carrying out the
- 0379 functions of a mental health technician; or
- 0380 (e) has been convicted of a felony or of any misdemeanor
- 0381 involving moral turpitude, in which event the record of the
- 0382 conviction shall be conclusive evidence of such conviction. The
- 0383 board may inquire into the circumstances surrounding the com-

ROGE, D.D.S.  
PRES  
2107 E. 12th  
WINFIELD, KANSAS 67156  
TELEPHONE NO. (316) 221-7230

STATE OF KANSAS



3-3-83  
14  
BUSINESS OFFICE  
KANSAS DENT.  
4301 HUNTOON, SUITE 100  
TOPEKA, KANSAS 66604  
TELEPHONE NO. (913) 273-0780

AUBREY A. GENTRY, D.D.S.  
VICE PRESIDENT  
1428 S. 32ND STREET  
KANSAS CITY, KANSAS 66106  
TELEPHONE NO. (913) 677-1509

MARIANNE SPANO  
OFFICE SECRETARY

BOARD OF DENTAL EXAMINERS

CYNTHIA G. BARRETT, R.D.H.  
SECRETARY-TREASURER  
3115 W. 20TH  
TOPEKA, KANSAS 66604  
TELEPHONE NO. (913) 357-6693

March 3, 1983

BOARD ATTORNEY  
H. PHILIP ELWOOD  
215 E. 8TH  
TOPEKA, KANSAS 66603  
TELEPHONE NO. (913) 233-0593

Madam Chairman and Members of the Committee:

NORMAN G. GIEBLER, D.D.S.  
BOARD MEMBER  
3003 HALL  
HAYS, KANSAS 67601  
TELEPHONE NO. (913) 625-3117

My name is Cynthia Barrett, I am the Secretary-Treasurer of the Kansas Dental Board and I am speaking in support of Senate Bill 363.

ROBERT L. STEPHENS  
BOARD MEMBER  
2701 W. 6TH  
LAWRENCE, KANSAS 66044  
TELEPHONE NO. (913) 841-4500

Two years ago the Board addressed the issue of approving dental schools and the statute was brought in line with the Gumbhir vs. Board of Pharmacy Court decision. The proposed amendment to KSA 65-1426 would allow the graduate of a foreign dental school not approved by the Board to qualify for licensure by the successful completion of a refresher or remedial course of instruction in an approved school.

The intent of the proposed amendments to KSA 65-1428 and 65-1429 is to update the examination and licensure procedures. The language has been modified to encompass all examinations given by the Board and those conducted by national and regional organizations. Further, it would allow the Board the authority to require the completion of additional training after two failures of the clinical examination.

The proposed amendment to KSA 65-1431 clarifies the criteria for retired and medically disabled status of licensure. The requirements are subdivided and the obligation that the practitioner be licensed for twenty five years in Kansas has been deleted.

KSA 65-1434 has been rewritten to allow the Board to consider for licensure a dentist or dental hygienist licensed in another state based on the applicant's qualifications rather than on a reciprocal agreement between states. The qualifications are specifically defined within the proposed amendment for both dentists and dental hygienists.

The proposed amendment to KSA 65-1436 substantially modifies and expands the authority of the Board relating to disciplinary actions. Also the amendment is rewritten to more clearly separate and set out the numerous grounds upon which action can be taken with respect to a license.

In the existing statute, there are restrictions on advertising by dentists which are unconstitutional and unenforceable. The proposed amendment to KSA 65-1437 deletes obsolete language and brings the current statute into compliance with recent Court decisions.

Atch. F

TESTIMONY REGARDING

SENATE BILL NO. 343

by

PEGGY GIESEN, R.N.  
Wichita-Sedgwick County Health Department

Senator Meyers and honorable members of this Public Health and Welfare Committee, I am Peggy Giesen, R.N., Chief of Field Services at the Wichita-Sedgwick County Health Department. I have been in public health for 14 years. As a staff nurse I have inspected child care homes for licensure recommendations and at this time I supervise the coordinator of the child care licensure program. Wichita-Sedgwick County Health Department has always participated actively in the licensure program and has had a specialized unit in operation since 1970. There are 673 child care facilities in Sedgwick County. We do appreciate this opportunity to provide comments on this bill.

It is our understanding that this bill is dealing with registered homes, yet there is no reference to this fact. Our objection is to the increased number of children allowed. Our county has over 300 registered homes and we frequently have complaints from neighbors and parents of children in care that there is over-enrollment, children unattended, infants not cared for properly, and unsafe equipment. When more than six children are cared for, the home must be inspected to assure compliance with life safety codes. Will this inspection be provided by the State Fire Marshall?

Sedgwick County has a large number of vacancies in child care and there appears to be no need to increase the number of children cared for by these homes.

Increasing the child/provider ratio in registered homes is a step backward in the care of Kansas children when this State has been a leader in child care standards since 1919.



Kansas Association for the Education  
of Young Children, Inc.

TESTIMONY ON S.B. 343

KAEYC strongly opposes the increase in the number of children in registered family day care homes from six children to eight children.

Under the recently revised rules and regulations, if a family day care home licenses rather than registers only, it can care for up to 10 children. This provides the avenue for a family day care home to provide for care for more than six children while it also safeguards the children through the administration of monitoring as provided in the licensing act. Although not clear when looking at S.B. 343 alone, this bill speaks of the registered family day care home and not the licensed family day care home. S.B. 343 would allow a registered, and thus not monitored at all unless the department had received a complaint, facility to increase its number of children by 1/2 of the difference between the number of children allowed under registration and the number allowed under licensing where monitoring is allowed. To have eith children in a facility that is governed by no regulations for additional adult supervision, no regulations affecting the social well-being of the children, health requirements, etc. is not safeguarding those children in out-of-home care.

Almost all states currently allow for up to six children in registered or unlicensed care. We strongly oppose this section of S.B. 343.

Thank you for the opportunity to present our testimony.

Sincerely,

*Elizabeth E. Taylor*

Elizabeth E. Taylor





Kansas Association for the Education  
of Young Children, Inc.  
TESTIMONY ON S.B. 364

March 3, 1983

Dear Committee Members:

Thank you for the opportunity to present the concerns of the Kansas Association for the Education of Young Children on S.B. 364.

KAIEYC is a part of a national organization made up of persons interested in quality child care including parents, university professors, child care facility owners, operators and teachers. Membership in Kansas exceeds 800.

Although we are generally concerned with the safeguarding of all children who have to be away from home, we speak today with special interest in respect to child day care. We do this for two reasons:

- 1) The vulnerability of the preschool-aged child - they are the most defenseless of any category of persons in the American society with respect to rights, entitlements and even survival;
- 2) Day care as a social institution for the upbringing of children is of more recent development, primarily since World War II when mothers went to work in great numbers and a new type of child care service was a community necessity and the safeguarding, through regulation, a sociological imperative.

It is important to recognize that child care is here to stay; it won't go away through wishful thinking of public policy formulators who may, understandably, feel that they have too many problems already. Likewise, the challenge of safeguarding will not be less present by ritualistically thinking that the woman's place is in the home.

The situation in reality is this:

Today, this very morning, across America there are over one million preschool-aged children (under six years of age) whose mothers work gainfully away from home. This averages 20,000 across Kansas. Based on present statistical findings, social researchers predict that by 1990, only 7 years away, the mothers of 75% of preschool-aged children will be employed. It is thus important to make sound social policy in the direction of recognizing current public problems.

✓ For these reasons we generally support the intent of S.B. 364 in revising the child care laws of 1919.

✓ We do have some concerns about individual sections of the bill as follows:



\* Section 2, subsection (b)(4) exempts licensing for a facility operated by an accredited school. I think the intent here is to exempt accredited school programs from licensing. But a facility operated by a school, particularly a private or religious school, could include a pre-school program that is considered by the school to be a part of the regular school operation. We strongly urge clean-up language to protect this exemption from misuse. A suggestion might be the addition after the words "does not provide overnight lodging" of the words "With the exception of pre-school programs operated in conjunction with the school".

\* Section 3, subsection (e) provides for license renewal once every 3 years rather than once every year. We support the current yearly renewal, but may not be strongly opposed to the three year renewal provision only if monitoring and inspection were maintained at least yearly. Another concern with the 3-year renewal provision is the impact of the lump fee at the beginning of each 3-year period. In the long run the financial burden would be the same on the director of the facility, but the aggregate sum would pose a burden on some of the facilities, especially the smaller operations. When the facilities pay at the yearly renewal period, the burden seems not to be so great.

\* Section 15 deals with offering to place a child. In line 238 the term "dispose of" a child carries with it very negative connotations. Many years ago to "dispose of" a child was used as a catch-all term meaning the placing of a child in an out-of-home situation. Today to use the term "dispose of" a child may mean something completely different. Therefore, we would urge the replacing of the term "dispose of" with the term "place".

- \* Section 16 poses two technical questions:
- subsection (b) may need the insertion of "or authorized representative" after "the secretary" so as to keep in line with language used in other sections;
  - subsection (c) the same technicality plus the question of what agencies fall under this provision. Does it include local health departments and S.R.S?

\* Section 17 We are very pleased to see that a penalty has been assessed for violations and/or misrepresentation.

\* Section 19 We wonder if the allowance for a violator to offer voluntarily to withdraw his license to operate with agreement from the secretary in order that he would be spared any further prosecution might not be feasible and reasonable in saving the state money through lowering the number of prosecutions while still maintaining the safeguarding since the secretary would have to agree to the voluntary withdrawal. This protects the interests of the people, and thus the children, in the more serious offenses while protecting the tax payers dollars in the less serious offenses.



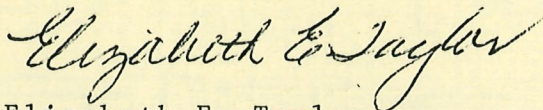
\* Section 20 We are very pleased with the inclusion of this section but in subsection (a) the intent is that a person living at the residence who is related to the operator of the facility shall not have been subject of the 4 subsections. As lines 281 & 282 read, however, no person shall reside in that facility if having been the subject of those 4 subdivisions. The technical problem here stems from the fact that in some boarding homes there reside children who have, for example, been found delinquent because of charges stemming from such a crime as listed in the four subdivisions. Therefore, necessarily there may reside persons in some facilities whom fall under this provision. A suggested clean-up measure might be to change the word "if in that facility resides a person" to "adult".

\* Section 21 It is my understanding that in addition to adult care homes under the adult care home licensure act there are also adult care facilities which are licensed by SRS. If so, we would like to see these added to the prohibition of licensing under the child care licensing act.

Thank you for the opportunity to present our concerns and for your patience in detailing the above sections.

If I can be of further assistance to you on matters concerning child care, please feel free to contact me.

Sincerely,



Elizabeth E. Taylor  
Legislative Consultant - KAEYC



TESTIMONY REGARDING

SENATE BILL No. 364

by

PEGGY GIESEN, R.N.

WICHITA-SEDGWICK COUNTY HEALTH DEPARTMENT

Senator Meyers and honorable members of this Public Health and Welfare Committee, I am Peggy Giesen, R.N., Chief of Field Services at the Wichita-Sedgwick County Health Department. I have been in public health for 14 years. As a staff nurse I have inspected child care homes for licensure recommendations and at this time I supervise the coordinator of the child care licensure program. Wichita-Sedgwick County Health Department has always participated actively in the licensure program and has had a specialized unit in operation since 1970. There are 673 child care facilities in Sedgwick County. We do appreciate this opportunity to provide comments on this bill.

Line 38 and 39, page 1. Clarify the term "Day care referral agency". Suggest deleting the words "receiving, caring for and".

Line 63, page 1. Suggest removing the word "near". "On the premises" is a clear statement and not subjective.

Line 92, page 3. This allows licensing for three years. We prefer annual licensing to maintain provider awareness of standards for quality child care.

Line 96, page 3. We are concerned about granting a provisional license when an applicant is unable to meet requirements. Requirements should be based on safety, health and the social well-being of children in care. If these cannot be met, a license should not be issued.

Line 144, page 3 and Line 198, page 6. Social well-being should be included as an essential part of care for children if, in fact, we are speaking of inclusion of group activities, quiet play, outdoor play and other activities promoting developmental growth.

Atch. 8

testimony Regarding Senate Bill No. 364  
by Peggy Giesen, R.N.  
Wichita-Sedgwick County Health Department

Line 245, page 7. Include "or an authorized representative of the secretary" if this work is to be continued by most local health departments as the delegated agency. We have concerns about the once-a-year inspection visit. In the present law, inspection visits are required at least once every 6 months. We do this in Sedgwick County and many problems are identified. Some are minor, involving short supply of toys, or inadequate diets but some are of major significance involving unvented stoves, unsafe play equipment and over-enrollment.

Line 249, page 7. We would like to suggest that local health departments be specifically identified within the term of governmental agencies.

Line 286 and 287 and 300, page 8. We would suggest that item (4) and item (8) be deleted altogether. Infectious and contagious diseases are covered under other State regulations.

Line 303, page 8. We would also like to include Adult Family Homes and Adult Boarding Homes.

We feel this Bill does not improve current child care standards; therefore, is there a need to change existing statutes?

DR. JAMES MASTIN  
NORTH WOODLAWN BAPTIST church  
Denby, Kansas

BILL  
364

COMMENTS

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A LARGE NUMBER OF churches in KANSAS OPERATE church-schools AS PART of their ministry.

WE ARE CONCERNED THAT BILL 364 includes these church ministries.

we strongly URGE this committee TO ENDORSE AN AMENDMENT EXEMPTING church schools, pre-schools & DAY CARES FROM this Bill.

REASONS:

1. WE FIND the Bill to be discriminatory in that it EXEMPTS 2/3 of the school SECTION in KANSAS leaving 1/3 to be licensed. IT EXEMPTS public schools & ACCREDITED PRIVATE schools - DOES NOT EXEMPT NON-ACCREDITED (AS A CONVICTION) church schools.

2. MANY churches by CONVICTION CANNOT accept a license for their school ministry.

Atch. 9

JAMES MARTIN  
BILL 364

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### REASONS:

A. GOD is the head of our church  
ACCORDING TO EPHESIANS 1:22  
"... GAVE Him TO BE HEAD OVER ALL  
THINGS TO THE church."

TO BE LICENSED IS TO PUT A GREATER  
POWER OVER GOD.

B. The responsibility of care &  
EDUCATION of children belongs  
TO THE PARENTS.

3. Licensing a church ministry VIOLATES  
THE BILL OF RIGHTS RESPECTING THE  
ESTABLISHMENT OF RELIGION.

THE SUNDAY SERVICES & SUNDAY SCHOOL  
ARE GUARANTEED FREEDOM & HENCE  
NOT LICENSED.

THEREFORE, THE "MONDAY" SCHOOL SHOULD  
ENJOY THE SAME FREEDOM FROM  
STATE CONTROL.

JAMES MARTIN

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BILL 364

The Monday through Friday segment of our church ministry is simply AN EXTENSION of our Sunday Ministry.

4. Church members have a MANDATE from God to EDUCATE their children in the "NURTURE AND ADMONITION of the Lord," AND TO NOT DO SO IS A SIN.

IF WE CANNOT TAKE A LICENSE, we JEOPARDIZE OUR VERY EXISTENCE AND TO NOT EXIST IS A SIN TO OUR PEOPLE

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PLEASE PARDON THE HAND WRITTEN COPY.  
THANK YOU FOR YOUR TIME & I SINCERELY HOPE YOU WILL CONSIDER AN AMENDMENT EXEMPTING church schools, pre-schools & DAY CARE FROM BILL 364 RESTRICTIONS.