

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

Noon ~~8:30 a.m.~~ on March 3, 1983 in room 526-S of the Capitol.

All members were present except:

Senator Gordon, excused

Committee staff present:

Emalene Correll, Legislative Research Department  
Norman Furse, Revisor of Statutes office

Conferees appearing before the committee:

David R. Mills, Topeka Christian Academy  
Jack L. Snavely, Alliance of Christian Children's Homes  
Dr. Robert Harder, SRS

Others present: see attached list

SB 364 - Child care licensure

David R. Mills, Principal of Topeka Christian Academy, distributed testimony outlining his objections to SB 364, and urged that the amendment exempting private church operated schools be added, or the bill forgotten. (Attachment #1).

Jack L. Snavely, President, Alliance of Christian Children's Homes, testified in opposition to SB 364, and submitted testimony outlining sections of the bill which were objectionable. ACCH asked that SB 364 be reported unfavorably. (Attachment #2).

Senator Ehrlich and Senator Chaney, sub-committee on SB 364 reported to the full committee. Senator Ehrlich moved that SB 364 and SB 343 be recommended for an interim committee study. Senator Chaney seconded the motion and it carried.

SB 87 - Hospital Cost Containment Act

Senator Meyers asked for suggestions and comments from the committee on both bills.

Senator Vidricksen moved that SB 87 be reported unfavorably. Senator Bogina seconded the motion.

Senator Meyers asked Dr. Robert Harder, SRS, to comment. Dr. Harder said he has some concern about continued studies, and also about not doing anything. They have had 100% cooperation with most of the provider groups. They are trying to control movement of people going into the medicaid program, and direct welfare clients away from in-patient care. They have instituted a much more intensive utilization review effort in hospitals. Dr. Harder stated that if a group is going to study the problem, it should be a legislative body. The feasibility of a regulatory body should be studied, if a study commission is the choice of the committee.

Senator Morris called for the question on Senator Vidricksen's motion that SB 87 be reported unfavorably. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-, Statehouse, at Noon ~~XXXXXX~~ on March 3, 1983

SB 285 - Creating a State Health Care Commission

Senator Ehrlich moved that SB 285 be tabled. Senator Chaney seconded the motion.

Senator Johnston offered a substitute motion that SB 285 be amended by providing for an 11 member group, comprised of 6 legislative members, 2 majority members of the House and Senate, a minority member of each party, and 5 lay persons appointed by the Governor. Senator Morris seconded the motion and it carried.

Senator Morris moved that No. 5, lines 33-36, on page 1, be deleted. Senator Ehrlich seconded the motion and it carried.

Senator Francisco moved that lines 71-78 be deleted. Senator Francisco withdrew the motion.

Senator Francisco made a conceptual motion that neither federal funds nor state funds be outlawed. The committee was in general agreement.

Senator Johnston moved that lines 64 and 65 be stricken and language inserted to say that the commission would elect its own chairperson and vice-chairperson. Senator Ehrlich seconded the motion and it carried.

Senator Hayden made a conceptual motion that Section (b) contain language that includes subpoena power with authorization by the coordinating council. Senator Francisco seconded the motion and it carried.

Senator Chaney moved that this group report back to the 1984 session of the legislature. Senator Bogina seconded the motion. The motion failed.

Senator Johnston moved that the word "later" in line 99 be changed to "earlier". Senator Vidricksen seconded the motion and it carried.

Jerry Slaughter remarked that most of Section 1 has nothing to do with health care costs.

Senator Chaney moved that lines 24 through 38 in Section 1, be stricken. Senator Ehrlich seconded the motion. The motion failed.

The meeting was adjourned.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-3-83 - noon

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Cynthia Barrett

Ks. Dental Board

Ken Schafermeyer

KS Pharmacists Assoc.

Carl C. Schmitthemer Jr.

Kansas Dental Assoc. Topeka

SPROUD E. KEAM

As. Assn. OSTEOPATHIC MED

JERRY SLAUGHTER

KS MEDICAL SOCIETY

Lynelle King

Ks State Nurses' Assn.

Dr. Lai Rich Scibetta

KSBN 503 Kansas Ave

Dr. Newell Feeley State Legislative Committee

AARP

A. C. Burroughs

Michael V. Martin

The Church at 316 W. Grant

Audrey Kennedy

HSANEK Topeka

Guillermo Barreto-Vega

HSANEK Topeka

Mary Fischman

Off. of Budget

Sylvia Hougard

Secy, Ks. Dept on Aging

Rhett McMurray - 4806 W. 112th St  
Leawood, KS 66211

U.S. Pub Health Service

Richard H. Shirley

Dept. Health & Human Services

Janice L. Hansenburger

Dept - Health & Human Services

KEITH R LANDIS

CHRISTIAN SCIENCE COMMITTEE  
ON PUBLICATION FOR KANSAS

Nadine Burch

U.E. Health Systems

Nickie Stein

KS St. Nurses' Assn.

Mildred Schroeder

KDDA

Rebecca Kupper

Ks. Hospital Assoc.

Frank Chase

Stomach Vair Med  
Conf

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE \_\_\_\_\_

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

*Donald A. Wilson*

*Ks. Hosp Assoc.*

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Public Health and Welfare

Recommends that Senate Bill No. 87

"AN ACT enacting the Kansas hospital cost containment act; establishing the Kansas hospital commission and the advisory committee on hospital costs; providing for a uniform system of financial reporting for hospitals and review and regulation of hospital budgets and changes in hospital rates and charges."

Be not passed.

\_\_\_\_\_Chairperson

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Public Health and Welfare

Recommends that Senate Bill No. 285

"AN ACT creating a state health care commission; providing powers, duties and functions; providing for funding and expiration of the commission."

Be amended:

On page 1, in line 21, by striking "an independent" and inserting in lieu thereof "a"; in line 33, by striking all after the semicolon; by striking all of lines 34 and 35; in line 36, by striking all before "and" where it first appears in said line; also in line 36, by striking "(6)" and inserting in lieu thereof "(5)"; in line 39, by striking all after "(b)"; by striking all of lines 40 to 45, inclusive;

On page 2, by striking all of lines 46 and 47; in line 48, by striking "(c)"; also in line 48, by striking all after "members"; by striking all of lines 49 to 63, inclusive, and inserting in lieu thereof the following: "appointed as follows: (1) Five members appointed by the governor; (2) two members appointed by the president of the senate from among the members of the senate; (3) two members appointed by the speaker of the house of representatives from among the members of the house of representatives; (4) one member appointed by the minority leader of the senate from among the members of the senate; and (5) one member appointed by the minority leader of the house of representatives from among the members of the house of representatives."

(c) The members of the commission shall be appointed for terms which shall expire upon the date of expiration of this act under section 4. Upon the vacancy of a position on the commission, the person appointing the member whose position is

vacant, or the successor to the position of the person appointing such member, shall appoint a person to fill such vacancy.";

Also on page 2, in line 64, by striking all after "(d)"; by striking all of lines 65 to 70, inclusive; in line 71, by striking all before "The" and inserting in lieu thereof the following: "The commission shall elect a chairperson and vice-chairperson from among its members. The first meeting of the commission shall be upon call of the first person appointed by the governor. Thereafter, the commission shall meet on the call of the chairperson or on the request of six members of the commission. Six members of the commission shall constitute a quorum."; in line 74, by striking all after "body" and inserting in lieu thereof "or governmental"; in lines 75 and 76, by striking "or agencies or from any other public or private corporation or person,"; in line 77, by inserting before "the" the following: ", but not limited to,"; also in line 77, by striking all after "studies"; by striking all of lines 78 to 82, inclusive;

On page 3, in line 83, by striking all before the period and inserting in lieu thereof the following: "and the development of plans"; in line 84, by striking all after "(e)"; by striking all of lines 85 to 93, inclusive, and inserting in lieu thereof the following: "The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the commission and authorized by the legislative coordinating council."; following line 93, by inserting the following:

"Sec. 2. The members of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto upon vouchers approved by the chairperson of the commission or a person designated by the chairperson.";



Also on page 3, in line 94, by striking "2" and inserting in lieu thereof "3"; in line 97, by striking "3" and inserting in lieu thereof "4"; in line 98, by striking "1986" and inserting in lieu thereof "1985"; in line 99, by striking "later" and inserting in lieu thereof "earlier"; in line 101, by striking "4" and inserting in lieu thereof "5";

On page 1, in the title, line 17, by inserting after "providing" the following: "for the"; in line 18, by striking "powers,"; also in line 18, by inserting after "functions" the following: "thereof"; also in line 18, by striking "funding and";

And the bill be passed as amended.

\_\_\_\_\_Chairperson



David R. Mills - assistant minister of the Church at 316 W. Grant  
and principal of Topeka Christian Academy  
Regarding Senate Bill #364

Chairperson Meyers and honorable committee members, it is my pleasure to address you this morning concerning a matter of mutual interest.

Section 2 of Senate Bill 364 does not presently exclude from its regulations private church-operated schools which fulfill compulsory school attendance requirements. Without exclusion of church-operated schools, I am concerned that the provisions of this bill would establish the framework for regulating church-operated schools and thus violate the constitutional guarantee that no law shall prohibit the free exercise of religion.

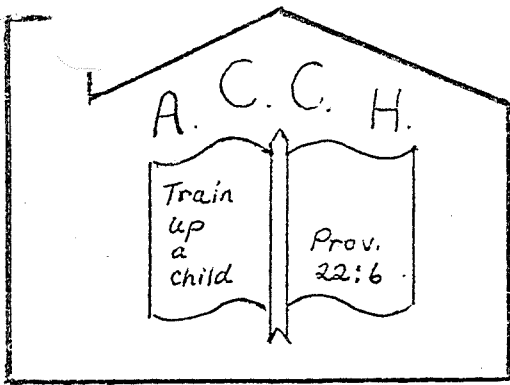
If private church-operated schools are not excluded, I am opposed to the following:

- Sec.6.(a)(3) which empowers the secretary to adopt regulations and standards which define "capable" and "qualified" personnel in a church ministry.
- Sec.16.(a) which empowers a representative of the secretary to have access to the premises and records of a church ministry for the purpose of inspecting and licensing that ministry.
- Sec. 17 which provides that a pastor or minister of the gospel be found guilty of a misdemeanor for fulfilling his ministry, and which would close a church ministry until the pastor or church recognize and comply with state regulation of that ministry.

I understand that an amendment has been proposed which would exempt from the provisions of this bill private church-operated schools which fulfill state compulsory education requirements. If a change of child care laws is needed, and if this bill is to replace those laws, such an amendment is needed so that the bill does not prohibit the free exercise of religion. I urge that the amendment be added to the exclusions of Section 2, or that the entire bill be forgotten.

On behalf of the Church at 316 West Grant and Topeka Christian Academy, I thank you for your attention and consideration.

*Atch b. 1*



ALLIANCE OF CHRISTIAN CHILDREN'S HOMES  
ROUTE # 1  
PERRY, KANSAS 66073

Mr. Jack L. Snavelly, President  
Phone 913-597-5822

TESTIMONY BEFORE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE  
CONCERNING SB 364  
MARCH 3, 1983

Chairman and Committee Members:

I want to testify against SB 364 and would like to ask a few questions about the bill.

I am also the co-ordinator of the Alpha Christian Children's Home and have been since 1972. We at the Alpha Home have saved the state over \$2,000,000 in tax money during the past ten years in child care, figuring the cost bases of approximately \$3,000 per child it cost us per year, and the state spending approximately \$25,000 per child per year. This is what I would call competition with the state agency. We do not receive, nor do we ask for any kind of state aid. We do not need it, we are only interested in the child and his or her needs, not the money. We find that being in competition with the state agency has some disadvantages, such as, if we have a complaint, we have no recourse but to go to the very ones that are regulating us with their rules and regulation which they make up and do not have to follow themselves. We have to submit to their appointed fair hearing officer. Now if I had that kind of power there would be no problems with the competition.

Also in SB 364, Sec 6, I would like to know what the term "social well-being" means. I certainly agree with promoting the life, safety, and health of a child, but what is meant by, "social well-being"?

I also have a problem with Sec 5, line 0116-118, which requires a parent or guardian of a child to be involved with the policy formulation of a child placed at a facility. To start with the parent has usually always exhausted all their means to help the child before we were contacted for a placement of that child. Evidently whatever they were doing was not right or there would be no need for placement. Some parents could care-less about the child and just want to be left alone to do their thing, whatever it is! We try, if and when a parent comes to visit their child, to counsel with the parents and give them a progress report about their child and encourage them to be apart of the treatment plan. However some parents only respond to their child during holidays, and forget about them the rest of the year. If a parent can not fulfill that responsibility, how can they be competent to or be required to make policy?

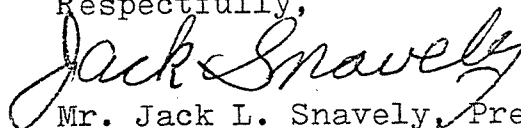
If the parent does not take this responsibility, where does that leave the facility? The state agency does what they want with the child, if the state wants to send the child for counselling and the parent objects, that is to bad, the child gets the counselling. If there were a disagreement between the parent and facility about what is best for the child, what happens to the child and his best interest? I know how the state would handle it.

Sec 13, line 223 I believe we are in inflation, but a raise of 600% on a fee is startling, considering the foster care is not paying any fee. It looks to me like the state is charging me \$25 for saving them \$200,000 a year in tax money. \$25 will almost buy a pair of shoes for a child these days, not that we can not afford \$30, but it seems to me a raise of 100% would be sufficient. We would not mind paying \$10 each year.

Sec 15 I have a problem with the word inducement in line 238. Does this word mean monetary inducement? It raises a real question because we do not advertize in the newspapers, etc, and I would like to see the amendment in writing to ascertain if this point is made clear. (I have heard there has been an amendment, which I have not seen yet, which could explain my question.) To me sec 15 could mean that a person or a minister refering a child to our facility could be guilty of a class C misdemeanor. We get referals from churches, ministers, and even from some of the parents that we have helped with their children. I do not believe the state would penalize either of those stated for trying to seek help for the children of the State of Kansas or any other state.

In conclusion, we ask you to carefully concider this bill and that SB 364 not be reported favorably.

Respectfully,



Mr. Jack L. Snavely, President  
Alliance of Christian Children's Home