

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. ~~xxx~~ on March 4, 1983 in room 526-S of the Capitol.

All members were present ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

Others present: see attached list

Senator Meyers asked for discussion and action on all bills still in committee.

SB 245 - Practice of Optometry, contact lenses

Senator Ehrlich moved that SB 245 be reported unfavorably. Senator Hayden seconded the motion.

Senator Bogina made a substitute motion that SB 245 be tabled. Senator Chaney seconded the motion. The motion failed.

Senator Johnston made a substitute motion to strike everything in the bill but Section 4. Senator Chaney seconded the motion. The motion failed.

The question on Senator Ehrlich's motion to report SB 245 unfavorably was called for. The motion carried.

Senator Meyers announced that the hearing on SB 366 would not be held Monday, March 7. Instead there would be discussion and action on bills in committee.

SB 11 - Amendment to act for obtaining a guardian or conservator, or both

Emalene Correll, Legislative Research Department, explained the recommendations of the sub-committee. Copies of an amendment concerning limitations on power of guardian to place a ward in a facility of institution were distributed. (Attachment #1).

Norman Furse, Revisor of Statutes office, explained a technical change having to do with the death of a conservator and appointment of a successor, and distributed copies of the amendment. (Attachment #2).

Senator Francisco moved that the two amendments to SB 11 be adopted. Senator Morris seconded the motion and it carried.

Senator Ehrlich moved that the amendment to SB 11 proposed by the Christian Science Committee on Publication for Kansas be adopted. Senator Francisco seconded the motion and it carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10 a.m. ~~pm~~ on March 4, 1983

Senator Ehrlich moved that the sub-committee amendments to SB 11 be adopted. Senator Vidricksen seconded the motion and it carried.

Senator Johnston moved that SB 11 be reported favorably, as amended. Senator Francisco seconded the motion and it carried.

SB 363 - Licensure of dentists and dental hygienists; limitation of advertising

Senator Francisco suggested that Norman Furse prepare a balloon showing the changes made by the sub-committee, and present it to the committee on Monday, March 7.

SB 285 - Creating a state health care commission

Norman Furse distributed copies of a balloon showing changes and recommendations made by the committee on pages 1, 2, and 3 of the bill. (Attachment #3).

Senator Francisco moved that the year "1986" in line 98, page 3, be changed to "1985". Senator Hayden seconded the motion and it carried.

Senator Johnston moved that SB 285 be reported favorably, as amended. Senator Ehrlich seconded the motion and it carried.

Senator Vidricksen moved that the minutes of March 3, 1983, be approved. Senator Francisco seconded the motion and it carried.

The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-4-83

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

LARRY LUTTJOHANN

Ks OPTOMETRIC Assn.

Gary Robbins

Ks Optometric Assn

Nickie Stein

Ks St. Nurses' Assn.

Ron Todd

Ks. INS. Dept.

Rick Myrick

Opticians Assoc of Kansas

GAYNE OWENS

Opticians Assoc of Kansas

Marilyn Brant

KINH

Dr. Michael Goy

Self

Charles Merry

Duffene Optical Co.

Mr. J. J. J.

Duffe Optical

Glanne Mullin

KPHA

Ethel May Miller

Ks. Assn. in Health Services

Patti Hackney

Public Assistance Coalition

Ken Scholten

Ks. Insurance Council on Health

Dorothy Okeson

CHRISTIAN SCIENCE COMMITTEE

KEITH R. LAUDIS

Publications For Kansas

Lynette L.

State Health Dept.

Rebecca Kupper

K. # 10

Jan Strubley

KAPS

Martha Gulhaug

KACEH

Michael Beckner

KACEH

Bob Storey

Marco Optics?

Michael Schroeder

KDOA

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE
DATE 3-4-83

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

~~John Peterson~~

~~AMS~~

John Peterson

Ks Optician Assn

Ruth Groves

KCCy - BAWK

Carol Schmitthauer

Ks Dental Assn.

Bill Dean

Merrell Doo

Ron Gaches

KACI

CHUCK MALLORY

HARRY'S IBA

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Public Health and Welfare

Recommends that Senate Bill No. 245

"AN ACT relating to optometry; concerning contact lenses; amending K.S.A. 65-1501a, 65-1502 and 65-1504b and repealing the existing sections."

Be not passed.

_____Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Public Health and Welfare

Recommends that Senate Bill No. 11

"AN ACT concerning the act for obtaining a guardian or conservator, or both; amending K.S.A. 59-3002, 59-3006, 59-3007, 59-3008, 59-3009, 59-3010, 59-3011, 59-3013, 59-3014, 59-3015, 59-3016, 59-3018, 59-3023, 59-3026, 59-3027, 59-3028 and 77-201 and K.S.A. 1982 Supp. 38-1505, 59-3012 and 59-3029 and repealing the existing sections; and also repealing K.S.A. 59-3033."

Be amended:

On page 1, in line 27, by striking "this act" and inserting in lieu thereof: "the act for obtaining a guardian or conservator, or both"; in line 39, after the period, by inserting the following: "A person shall not be considered to be disabled or to lack capacity to meet the essential requirements for physical health or safety for the sole reason such person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such person is a member or adherent.";

On page 2, in line 52, by striking "of competent jurisdiction"; by striking all of lines 54 and 55 and inserting in lieu thereof the following: "possessed of some or all of the powers and duties set out in K.S.A. 59-3018 and amendments thereto. "Guardian" does not mean natural guardian unless specified."; in lines 65 and 66, by striking "a person who has been" and inserting in lieu thereof "an individual or a corporation"; in lines 66 and 67, by striking "a court of competent jurisdiction" and inserting in lieu thereof "the court"; in line 68, by striking "to exercise such powers and perform"; by striking all of line 69 and inserting in lieu thereof the following: "possessed of some or all of the powers

and duties set out in K.S.A. 59-3019 and amendments thereto."; in line 74, by striking "an application" and inserting in lieu thereof "a petition"; in line 78, by striking "an application" and inserting in lieu thereof "a petition";

On page 3, following line 88, by inserting the following:

"Sec. 2. K.S.A. 59-3003 is hereby amended to read as follows: 59-3003. ~~Unless a guardian has been appointed for the~~ minor; A natural guardian, ~~or either of them,~~ shall have the right to the custody of ~~his or her~~ the natural guardian's minor child and the right to exercise control over the person of ~~his or her~~ the natural guardian's minor child as provided by law. ~~Unless a guardian or conservator,~~ unless a guardian has been appointed for the minor; The natural guardian of such minor has the right and duty, for the benefit of the minor, to manage, mortgage, sell or otherwise dispose of all the personal estate vested in such minor when the total of such estate does not exceed ~~four thousand dollars -- (\$4,000)~~ \$5,000 in value. unless a guardian or conservator has been appointed for the minor.";

And by renumbering sections 2 to 13, inclusive, as sections 3 to 14, respectively;

Also on page 3, in line 93, by striking all after "(1)"; by striking all of line 94; in line 95, by striking "(2)"; in line 99, by striking "(3)" and inserting in lieu thereof "(2)"; in line 112, by striking "application" and inserting in lieu thereof "petition"; in line 113, by striking "or guardian, or both,"; also in line 113, by striking "applicant" and inserting in lieu thereof "petitioner"; in lines 113 and 114, by striking "application" and inserting in lieu thereof "petition"; in line 116, by striking "applicant" and inserting in lieu thereof "petitioner";

On page 4, in line 120, by striking "or guardian, or both"; in line 122, by striking "or guardian, or both,"; in line 123, by striking "or guardian, or both"; in line 125, by striking "application" and inserting in lieu thereof "petition"; in line 127, by striking "application" and inserting in lieu thereof "petition"; in line 129, by inserting before "it" the following:

"the petitioner has knowingly and voluntarily requested the appointment and"; in line 130, by striking "applicant" and inserting in lieu thereof "petitioner"; in lines 130 and 131, by striking "or guardian, or both,"; also in line 131, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 134, by striking "or guardianship, or both,"; also in line 134, by striking "application" and inserting in lieu thereof "petition"; in line 135, by striking all after the period; by striking all of lines 136 and 137; in lines 140 and 141, by striking "application" and inserting in lieu thereof "petition"; in line 143, by striking "application" and inserting in lieu thereof "petition"; in line 145, by striking "application" and inserting in lieu thereof "petition"; in line 148, by striking "application" and inserting in lieu thereof "petition"; in line 150, by striking "applicant's" and inserting in lieu thereof "petitioner's"; in lines 153 and 154, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 156, by striking all after "the";

On page 5, in line 157, by striking all before "and" and inserting in lieu thereof "petitioner"; also in line 157, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 162, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 165, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 167, by striking "application" and inserting in lieu thereof "petition"; in line 178, by striking "application" and inserting in lieu thereof "petition"; in line 179, by striking "application" and inserting in lieu thereof "petition"; in line 184, by striking "application" and inserting in lieu thereof "petition"; in line 185, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 189, by striking "application" and inserting in lieu thereof "petition"; in lines 192 and 193, by striking "applicant" and inserting in lieu thereof "petitioner";

On page 6, in line 196, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 197, by striking "applicant" and inserting in lieu thereof "petitioner"; in line

202, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 204, by striking "application" and inserting in lieu thereof "petition"; in line 223, by striking "application" and inserting in lieu thereof "petition";

On page 7, in line 232, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 234, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 235, by striking "applicant" and inserting in lieu thereof "petitioner"; in lines 240 and 241, by striking "applicant" and inserting in lieu thereof "petitioner"; in line 248, by striking "application" and inserting in lieu thereof "petition"; in line 254, by striking "application" and inserting in lieu thereof "petition"; in line 256, by striking "application" and inserting in lieu thereof "petition"; in line 261, by inserting after the period the following: "The court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or proposed conservatee at the hearing would be injurious to such person's welfare. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or proposed conservatee requests in writing to the court or to such person's attorney that such person be present at the hearing then such person's presence cannot be waived.";

On page 8, in line 289, by inserting before "mental" the following: "an institution within the department of social and rehabilitation services,"; in line 291, by striking "A state psychiatric hospital" and inserting in lieu thereof "An institution within the department of social and rehabilitation services"; in line 299, by inserting before "examination" the following: "independent evaluation and"; in line 303, by striking all after the period; by striking all of line 304;

On page 9, by striking all of line 305; in line 308, by striking "application" and inserting in lieu thereof "petition"; in lines 308 and 309, by striking "application" and inserting in lieu thereof "petition"; in line 313, by striking "application" and inserting in lieu thereof "petition"; in line 315, by

striking "application" and inserting in lieu thereof "petition"; in line 321, by striking "application" and inserting in lieu thereof "petition"; in line 327, by striking "application" and inserting in lieu thereof "petition";

On page 10, in line 349, by striking "applicant" and inserting in lieu thereof "petitioner";

On page 11, in lines 333 to 384, by striking "application" and inserting in lieu thereof "petition"; in line 390, by striking "an application" and inserting in lieu thereof "a petition"; in line 402, by striking "commission or a";

On page 12, in line 434, by striking all after "before"; in line 437, by striking "a commission or"; by striking all of lines 433 to 444, inclusive; in line 448, by striking "applicant" and inserting in lieu thereof "petitioner";

On page 13, in line 472, by striking ", commission"; in line 476, by striking ", commission"; in line 478, by inserting before "appoint" the following: "make a finding as to what extent the disabled person is able to, and should be permitted to, make decisions which affect that person and the court shall specifically set forth such findings of fact in the court's order and pursuant to K.S.A. 59-3014 and amendments thereto shall"; also in line 478, by striking "persons,"; by striking all of line 479; in line 480, by striking all before the period and inserting in lieu thereof the following: "individuals or corporations as guardian or conservator, or both, of such disabled person"; in line 481, by striking ", commission";

On page 14, in line 495, by striking all after "(b)"; by striking all of lines 496 to 499, inclusive; in line 500, by striking all before "court" and inserting in lieu thereof "The"; in line 502, by inserting before the period the following: ", and the court shall give particular attention in making such appointment to all cases in which the proposed guardian or conservator, or both, other than a corporation, is serving as guardian or conservator, or both, for 15 or more wards or conservatees, or both"; in line 510, by inserting before "Upon" the following: "If the court, pursuant to K.S.A. 59-3013 and

amendments thereto, has made a finding that a disabled person is able to and should be permitted to make some decisions which affect the person, a guardian shall be appointed and "Letters of Limited Guardianship" shall specify which of the powers and duties of a guardian shall be assigned to the limited guardian. If the court, pursuant to K.S.A. 59-3013 and amendments thereto, has made a finding that a disabled person is unable to, and should not be permitted to, make any decisions which will affect the person of the disabled person, or if the ward is a minor, a guardian shall be appointed and the guardian shall be possessed of all the powers and duties of a guardian as set out in K.S.A. 59-3018 and amendments thereto."; in line 512, by inserting before "If" the following: "If the court, pursuant to K.S.A. 59-3013 and amendments thereto has made a finding that a disabled person is able to and should be permitted to make some decisions which affect the person's property, a limited conservator shall be appointed and the "Letters of Limited Conservatorship" shall specify which of the powers and duties of a conservator shall be assigned to the limited conservator. If the court, pursuant to K.S.A. 59-3013 and amendments thereto, has made a finding that the disabled person is unable to make any decisions which affect the property of the disabled person, or the ward is a minor, a conservator shall be possessed of all powers and duties of a conservator as set out in K.S.A. 59-3019 and amendments thereto."; in line 521, by striking all after the period; by striking all of lines 522 and 523; and following line 523, by inserting the following:

"(e) If the guardian dies, resigns or is removed, the court, after notice to the ward as the court directs, shall appoint a successor selected in accordance with this section unless the guardianship is terminated or a guardian is serving on a standby basis under subsection (c) of section 21. If a guardian is serving on a standby basis under subsection (c) of section 21, the court shall appoint a successor selected in accordance with this section upon the conclusion of the proceedings under K.S.A. 59-3029 and amendments thereto. If the

conservator dies, resigns or is removed, the court, after notice to the conservatee as the court directs, shall appoint a successor selected in accordance with this section unless the conservatorship is terminated.";

On page 15, in line 541, by striking "application" and inserting in lieu thereof "petition"; in line 545, by striking "application" and inserting in lieu thereof "petition";

On page 16, in line 568, by striking "application" and inserting in lieu thereof "petition"; in line 583, by striking "application" and inserting in lieu thereof "petition"; by striking all of lines 586 to 600, inclusive;

On page 17, by striking all of lines 601 to 637, inclusive;

On page 18, by striking all of lines 638 to 674, inclusive;

On page 19, by striking all of lines 675 to 709, inclusive; and inserting in lieu thereof the following:

"Sec. 14. K.S.A. 59-3018 is hereby amended to read as follows: 59-3018. ~~A guardian shall be subject to the control and direction of the court at all times and in all things. He or she shall have charge of the person of the ward and unless otherwise limited by law shall have the right, if permission is granted by the court appointing the guardian, after hearing and notice thereof to the conservator, if any, and to such other persons and in such manner as the court shall direct, to establish the residence of his or her ward either within or without the state.~~ (a) A guardian shall be subject to the control and direction of the court at all times and in all things. It is the general duty of an individual or corporation appointed to serve as a guardian to carry out diligently and in good faith the specific duties and powers assigned by the court. In carrying out these duties and powers, the guardian shall assure that personal, civil and human rights of the ward or minor whom the guardian services are protected.

(b) The guardian of a minor shall be entitled to the custody and control of the ward and shall provide for the ward's education, support and maintenance.

(c) A limited guardian shall have only such of the general

duties and powers herein set out as shall be specifically set forth in the dispositional order pursuant to K.S.A. 59-3013 and amendments thereto and as shall also be specifically set forth in "Letters of Limited Guardianship" pursuant to K.S.A. 59-3014 and amendments thereto.

(d) A guardian shall have all of the general duties and powers as set out herein and as also set out in the dispositional order and in the letters of guardianship.

(e) The general powers and duties of a guardian shall be to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance and to file an annual accounting. The powers and duties shall include, but not be limited to, the following:

(1) Assuring that the ward resides in the best and least restrictive setting reasonably available;

(2) assuring that the ward receives medical care or non-medical remedial care and other services that are needed;

(3) promoting and protecting the care, comfort, safety, health and welfare of the ward;

(4) providing required consents on behalf of the ward;

(5) exercising all powers and discharging all duties necessary or proper to implement the provisions of this section.

(f) A guardian of a ward is not obligated by virtue of the guardian's appointment to use the guardian's own financial resources for the support of the ward.

(g) A guardian shall not have the power: (1) To place a ward in a facility or institution unless such placement has been approved for that person by the court. A ward may voluntarily admit oneself to such a facility or institution.

(2) To consent, on behalf of a ward, to sterilization, psychosurgery, removal of a bodily organ, or amputation of a limb unless the procedure is first approved by order of the court or is necessary, in an emergency situation, to preserve the life or prevent serious impairment of the physical health of the ward.

(3) To consent on behalf of the ward to the withholding of life-saving medical procedures, except in accordance with

provisions of K.S.A. 65-28.101 to 65-28.109, inclusive, and amendments thereto.

(4) To consent on behalf of a ward to the performance of any experimental biomedical or behavioral procedure or to participation in any biomedical or behavioral experiment unless:

(A) It is intended to preserve the life or prevent serious impairment of the physical health of the ward; or

(B) it is intended to assist the ward to develop or regain that person's abilities and has been approved for that person by the court.

(5) To prohibit the marriage or divorce of a ward.

(6) To consent on behalf of a ward to the termination of the ward's parental rights.

(h) The guardian shall at least annually file a report concerning the personal status of the ward as provided by K.S.A. 59-3022 and amendments thereto.";

On page 20, in line 742, by striking "application" and inserting in lieu thereof "petition"; in line 744, by striking "application" and inserting in lieu thereof "petition";

On page 21, in line 751, by striking "application" and inserting in lieu thereof "petition"; in line 755, by striking "an application" and inserting in lieu thereof "a petition"; in line 756, by striking "application" and inserting in lieu thereof "petition"; in line 758, by striking "an application" and inserting in lieu thereof "a petition"; in line 765, by striking "application" and inserting in lieu thereof "petition";

On page 22, in line 791, by striking "guardian or"; in line 794, by striking "guardianship or"; in line 795, by striking "ward or"; in line 796, by striking "ward or"; in line 798, by striking "application" and inserting in lieu thereof "petition"; also in line 798, by striking "ward or"; in line 799, by striking "ward or"; in line 800, by striking "guardianship or"; in line 815, by striking "Except where expressly waived by the court, every" and inserting in lieu thereof "Every"; in line 816, by inserting before "a" the following: "on a form prescribed for this purpose by rule of the supreme court"; in line 817, by

inserting before "At" the following: "The supreme court may require by rule that other matters relating to conservatorship be contained in the report."; in line 822, by striking "an application" and inserting in lieu thereof "a petition";

On page 23, in line 823, by inserting after the period the following: "The contents of the final account shall be prescribed by rule of the supreme court on a form prescribed for this purpose by rule of the supreme court."; also on page 23, in line 856, by striking "an application" and inserting in lieu thereof "a petition";

On page 24, in line 872, by striking "apply to" and inserting in lieu thereof "petition"; in line 875, by striking "application" and inserting in lieu thereof "petition"; in lines 880 to 881, by striking "an application" and inserting in lieu thereof "a petition";

On page 25, in line 903, by striking "an application" and inserting in lieu thereof "a petition"; in line 905, by striking "an application" and inserting in lieu thereof "petition"; in line 911, by inserting before "shall" the following: ", other than an individual designated because of the temporary absence of a guardian,"; also in line 911, by striking all after "submit"; in line 912, by inserting before "report" the following: "a"; also in line 912, by striking ", or both,";

On page 31, in line 1120, by striking "of competent jurisdiction"; by striking all of lines 1122 and 1123 and by inserting in lieu thereof the following: "possessed of some or all of the powers and duties set out in K.S.A. 59-3018 and amendments thereto. "Guardian" does not mean natural guardian unless specified."; in lines 1133 and 1134, by striking "a person who has been" and inserting in lieu thereof "an individual or a corporation"; in lines 1134 and 1135, by striking "a court of competent jurisdiction" and inserting in lieu thereof "the court"; in line 1136, by striking "to exercise such powers and perform"; in line 1137, by striking all before the period and inserting in lieu thereof the following: "possessed of some or all of the powers and duties set out in K.S.A. 59-3019 and

amendments thereto"; in line 1142, by striking "an application" and inserting in lieu thereof "a petition"; in line 1146, by striking "an application" and inserting in lieu thereof "a petition";

On page 33, following line 1209, by inserting the following:

"Sec. 26. K.S.A. 59-3017 is hereby amended to read as follows: 59-3017. The venue of any case may be transferred at any time after the appointment of a guardian or conservator, when it is for the best interest of such ward or conservatee, to the county in which the ward or conservatee is or becomes a resident. Upon the filing of ~~an application~~ a petition by any person interested in such ward or conservatee or in ~~his or her~~ the estate of such ward or conservatee, the court shall fix the time and place for the hearing ~~thereof~~, notice of which shall be given to such persons and in such manner as the court shall direct. Upon proof that a transfer of venue is for the best interests of such ward or conservatee or ~~his or her~~ the estate of the ward or conservatee, and upon the settlement and allowance of the accounts of the conservator to and including the time of such hearing, the court, after making and retaining a true copy of the essential files, not previously recorded, shall transmit the original file to the court to which venue is transferred where all subsequent proceedings shall be had.

Sec. 27. K.S.A. 59-3030 is hereby amended to read as follows: 59-3030. The court may on its own motion and shall upon the ~~application~~ petition of the conservator or any person interested in the conservatee or the conservatee's estate fix the time and place for the hearing of any account, notice of which shall be given to such persons and in such manner as the court shall direct. Whenever any funds have been received from the veterans' administration, notice by mail shall be given to the regional office having charge thereof.

Sec. 28. K.S.A. 59-3032 is hereby amended to read as follows: 59-3032. In each proceeding the court shall allow and order paid to any individual or institution as a part of the costs thereof a reasonable fee and expenses for any professional

services ordered performed by the court pursuant to this act other than those performed by any individual or institution under the jurisdiction of the department of social and rehabilitation services, but including the fee of counsel for the proposed ward or proposed conservatee or ward or conservatee when counsel is appointed by the court. Other costs and fees shall be allowed and paid as are allowed by law for similar services in other cases. The costs shall be taxed to the estate of the proposed ward or proposed conservatee or ward or conservatee, to those bound by law to support ~~him--or--her--or~~ the proposed ward or proposed conservatee or ward or conservatee, to the county of the residence of the proposed ward or proposed conservatee or ward or conservatee or to the petitioner as the court having venue shall direct. Any district court receiving a statement of costs from another district court shall ~~forthwith~~ approve the same for payment out of the general fund of its county except that it may refuse to approve the same for payment only on the grounds that the proposed ward or proposed conservatee or ward or conservatee is not a resident of its county. In such case it shall transmit the statement of costs to the department of social and rehabilitation services which shall determine the question of residence and certify its findings to each district court. If the claim for costs is not paid within ~~thirty--(30)~~ 30 days after such certification, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county. The findings made by the department of social and rehabilitation services as to the residence of the proposed ward or proposed conservatee or ward or conservatee shall be applicable only to the assessment of costs. Any county of residence which pays from its general fund court costs to the district court of another county may recover the same in any court of competent jurisdiction from the estate of the proposed ward or proposed conservatee or ward or conservatee or from those bound by law to support ~~him--or--her~~ the proposed ward or proposed conservatee or ward or conservatee, unless the court ~~shall--find~~ finds that the proceedings in which such costs were incurred were

instituted without probable cause and not in good faith.";

Also on page 33, in line 1210, by striking "25" and inserting in lieu thereof "29"; also in line 1210, by inserting before "59-3006" the following: "59-3003, 59-3005, "; in line 1211, by inserting before "59-3018" the following: "59-3017, "; in line 1212, by inserting before "59-3033" the following: "59-3030, 59-3032, "; in line 1213, by striking "27" and inserting in lieu thereof "30";

On page 1, in the title, line 19, by inserting before "59-3006" the following: "59-3003," in line 21, by inserting "59-3018" the following: "59-3017, "; also in line 21, by inserting after "59-3028" the following: ", 59-3030, 59-3032"; in line 21, by inserting before "59-3033" the following: "59-3005 and";

And the bill be passed as amended.

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

Limitations on Power of Guardian to Place Ward

See lines 670 et seq. and paragraph (G) (1) amendments on that page. It is more consistent with the subcommittee intent to write paragraph (G) (1) as follows:

"(G) A guardian shall not have the power: (1) To place a ward in a facility or institution unless such placement has been approved for that person by the court. A ward may voluntarily admit oneself to such a facility or institution."

Delete definition of guardian ad litem.

Atch 1

Conservator Death Problem

Problem: K.S.A. 59-3008, lines 135 to 137, inclusive, and K.S.A. 59-3014, lines 521 to 523, inclusive, both speak of the death of a conservator and the appointment of a successor in slightly different terms. They need to be reconciled.

Possible Solution:

1. These lines could be deleted in both sections and new language placed in the act relating to the death of guardians and conservators generally.

2. Add to K.S.A. 59-3014 the following: "If the guardian dies, resigns or is removed, the court, after notice to the ward as the court directs, shall appoint a successor selected in accordance with this section unless the guardianship is terminated or a guardian is serving on a standby basis under subsection (c) of section 21. If a guardian is serving on a standby basis under subsection (c) of section 21, the court shall appoint a successor selected in accordance with this section upon the conclusion of the proceedings under K.S.A. 59-3029. If the conservator dies, resigns or is removed, the court, after notice to the conservatee as the court directs, shall appoint a successor selected in accordance with this section unless the conservatorship is terminated.

3. Technical change: add in line 911, before shall, the following: ", other than an individual designated because of the temporary absence of a guardian,"; in line 911, by striking "an application or"; in line 912, by striking ", or both,".

SENATE BILL No. 285

By Committee on Public Health and Welfare

2-15

0017 AN ACT creating a state health care commission; providing
0018 ~~powers, duties and functions; providing for funding and expi-~~
0019 ~~ration of the commission.~~

for the
thereof

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. (a) There is hereby created ~~an independent~~ state
0022 health care commission which is hereby directed to review,
0023 evaluate and develop appropriate recommendations to address
0024 the high cost of health care in Kansas. This shall include a study
0025 of: (1) The medical necessity of health care services rendered to
0026 citizens of this state; (2) the quality of the health care services
0027 rendered in this state; (3) the reasonableness of the charges made
0028 for the rendering of such health care services either individually,
0029 collectively, or both; (4) the efficacy of existing laws and admin-
0030 istrative implementation in providing public assurances that
0031 health care providers licensed or certified to render professional
0032 services in Kansas are adequately qualified and reasonably com-
0033 petent; ~~(5) the need to implement statutory cost control measures~~
0034 ~~with respect to the sale and purchase of prescription drugs and~~
0035 ~~the purchase of medical equipment and supplies by health care~~
0036 ~~providers or patients; and (6) such other elements, systems and~~
0037 ~~procedures of the Kansas health care delivery system as the~~
0038 ~~commission deems necessary.~~

a

(5)

0039 (b) ~~The jurisdiction and powers of the commission shall spe-~~
0040 ~~cifically include authority to obtain any relevant information~~
0041 ~~regarding the charges made and services performed by any per-~~
0042 ~~son engaged directly or indirectly in the delivery of health care~~
0043 ~~services in this state. The commission is also empowered to~~
0044 ~~require the submission of reports and information which among~~
0045 ~~other things is or may be relevant to establishing community~~

Atch. 3

0046 guidelines designed to generate less costly delivery of adequate
0047 health care services.

0048 ~~(e) The commission shall be comprised of 11 members in-~~
0049 ~~cluding the secretary of health and environment, the commis-~~
0050 ~~sioner of insurance, the secretary of social and rehabilitation~~
0051 ~~services and eight people appointed by the governor. Four of the~~
0052 ~~appointed members shall have no connection with the manage-~~
0053 ~~ment or policies of any health care facility or related institutions~~
0054 ~~and at least two of the four shall represent consumer interests.~~
0055 ~~One member shall represent health insurers, one shall represent~~
0056 ~~both nonprofit service corporations and nonprofit hospital, med-~~
0057 ~~ical, surgical plans, one shall represent the state hospital associa-~~
0058 ~~tion and one shall represent the state medical society. Of the~~
0059 ~~initial appointees, two shall be appointed for four years, two for~~
0060 ~~three years, two for two years and two for one year. Thereafter, all~~
0061 ~~appointments shall be for terms of four years and no member~~
0062 ~~shall be eligible for appointment to more than two consecutive~~
0063 ~~terms.~~

0064 ~~(d) The governor shall appoint a chairperson and vice chair-~~
0065 ~~person. Meetings shall be held as frequently as the commission's~~
0066 ~~duties require. Six members shall constitute a quorum, but a~~
0067 ~~vacancy in the commission membership does not impair its~~
0068 ~~power to act. Action of the commission shall be effective as~~
0069 ~~determined by a simple majority of six members. Members may~~
0070 ~~receive compensation and reimbursement for expenses as pro-~~
0071 ~~vided for in the commission budget. The commission may apply~~
0072 ~~for, receive and accept grants, gifts, payments and other funds,~~
0073 ~~advances, appropriations, properties or services from the United~~
0074 ~~States, the state of Kansas or any other governmental body,~~
0075 ~~agency or agencies or from any other public or private corpora-~~
0076 ~~tion or person, and enter into agreements with respect thereto~~
0077 ~~including the undertaking of studies, plans, demonstrations or~~
0078 ~~projects. The commission shall annually prepare and submit a~~
0079 ~~budget for the performance of its functions under this act to the~~
0080 ~~governor for approval. Upon approval, the commission shall~~
0081 ~~equitably assess the cost of the approved budget on health care~~
0082 ~~facilities, physicians and other health care providers licensed to~~

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 appoint such member, shall appoint a person to fill such vacancy.

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.

or governmental

, but not limited to,

0083 ~~render services in this state.~~

0084 (e) ~~The commission shall employ a staff, and may, irrespec-~~
0085 ~~tive of the provisions of K.S.A. 75-3738 to 75-3744, inclusive, and~~
0086 ~~amendments thereto, enter into contracts with individuals or~~
0087 ~~firms to perform any and all duties prescribed by the commission~~
0088 ~~incident to carrying out the requirements of this act. The com-~~
0089 ~~mission may appoint advisory committees composed of inter-~~
0090 ~~ested groups including representatives of consumers, health care~~
0091 ~~providers and insurance carriers and shall coordinate its activities~~
0092 ~~with other state or federal agencies to avoid a duplication of~~
0093 ~~effort.~~

0094 ~~Sec. 2.~~ The commission shall annually make a report to the
0095 governor and the legislature reviewing its activities, future pro-
0096 grams and recommendations for legislation.

0097 ~~Sec. 3.~~ The provisions of this act shall expire as of the date
0098 the commission tenders its final report or on December 31, 1986,
0099 whichever is later, unless extended by a specific act of the
0100 legislature.

0101 ~~Sec. 4.~~ This act shall take effect and be in force from and after
0102 its publication in the statute book.

and the development of plans

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.

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.

3.

4.

earlier

5.