

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 21, 1983 in room 526-S of the Capitol.

All members were present except:

Senator Roitz, excused

Committee staff present:

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

Conferees appearing before the committee:

Rep. Edgar Moore
Carl Schmitthenner, Kansas Dental Association
Dick Hummel, Kansas Health Care Association
Jim Clark, Kansas County-District Attorneys Association
Marilyn Bradt, KINH
Nancy Zielke, Department on Aging
Charles Hamm, General Counsel, SRS
Marjorie Van Buren, Judicial Administrator, Topeka
Judge Verle Swenson, Alma, Kansas

Others present: see attached list

Senator Meyers called the meeting to order and asked Rep. Edgar Moore to comment on HB 2108.

HB 2108 - relating to dentures; requiring identifying marks thereon

Rep. Moore stated that this bill requires that dentures have either the name or social security number of the person for whom they were made, and this bill was suggested by one of the district judges in Johnson County. Rep. Moore declared that when this bill was introduced there were three states that had this legislation, and since then two more have adopted it. It is an inexpensive process and can be easily done, and all of the dentists with whom he has talked are very much in favor of this legislation.

Senator Francisco asked if this process of identification couldn't be done without legislation. Rep. Moore replied that if people would do it, that would be fine, but it would be much more effective to have a law requiring that it be done.

Carl Schmitthenner, Kansas Dental Association, testified in support of HB 2108 and said that KDA has been involved in this "Operation Ident" for a number of years. Mr. Schmitthenner passed around a booklet entitled "Operation Ident" for the committee to see.

Senator Morris asked whether this would add \$10 to the cost of the dentures. Mr. Schmitthenner replied that the cost depends upon the process and appliance involved, and would range from \$3 to \$10.

There was discussion as to the different processes used in marking dentures.

Dick Hummel, Kansas Health Care Association, testified in support of HB 2108, and said that identification of dentures is a continuing problem in nursing homes.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 526-S, Statehouse, at 10 a.m./~~p.m.~~ on March 21, 1983.

Jim Clark, Kansas County-District Attorneys Association, testified in support of HB 2108, and said that they are concerned with identification of bodies and this bill would be of great help to them. A lot of money is spent in trying to identify bodies, and the most accurate means of identification is by the teeth.

Marilyn Bradt, KINH, testified in support of HB 2108, and said the possibility of a \$10 cost should be based against the need for this bill, which is considerable. Dentures are frequently lost in nursing homes, and also in hospitals. Ms. Bradt stated that losing dentures can have a very dehumanizing effect on a person, and the cost of replacement is far greater than the \$10 for the identification.

Nancy Zielke, Department on Aging, testified in support of HB 2108, and distributed testimony stating that this legislation would eliminate potential emotional, physical, and economic distress to older persons. (Attachment #1).

Senator Ehrlich requested that Carl Schmitthenner find out about the Veteran's Program for identification of dentures.

HB 2092 - illegal acquisition and disposition of welfare assistance

Charles Hamm, General Counsel, SRS, testified in support of HB 2092, and stated that SRS had requested introduction of this bill. He distributed testimony stating that prosecution of cases of welfare fraud would be much faster if the state law contained the same or similar language to the federal law, and that this bill brings the state law in line with the federal law and authorizes the prosecution in a state court. (Attachment #2).

HB 2099 - removes SRS from adoption procedures under 59-2278

Charles Hamm testified in support of HB 2099, and distributed a balloon showing a proposed amendment on page 2, line 51, along with written testimony stating that SRS has assessed and prepared reports on approximately 500 non-agency adoptions a year, and the staff conducting such services has decreased due to budget constraints. Such services could be purchased from individual licensed social workers or private agencies and free existing staff for other duties. (Attachment #3). Mr. Hamm said there are 1500 licensed social workers in Kansas.

Marjorie Van Buren, Judicial Administrator, Topeka, testified against HB 2099 and distributed letters from Judge Donald Allegrucci, Pittsburg, Kansas, and Judge Verle Swenson, Alma, Kansas, stating their opposition to this bill. (Attachment #4 and #5). Ms. Van Buren stated that her concern is the availability of people to do these reports. She said that social workers are not readily available and the courts do not have the staff to do this.

Judge Verle Swenson, Legislative Chairman for the District Magistrate Judges Association, Alma, Kansas, testified in opposition to HB 2099, and distributed testimony outlining their objections to the bill, and stating that removal of SRS services would not be in the best interest of the prospective adoptive child. They oppose the amendment to HB 2099, and ask that the bill be killed. (Attachment #6).

Senator Gordon moved that the minutes of March 18, 1983, be approved. Senator Vidricksen seconded the motion and it carried.

The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE
DATE 3-21-83

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

| (PLEASE PRINT) NAME AND ADDRESS | ORGANIZATION |
|------------------------------------|--|
| <i>Ann Solomons</i> | <i>Interns</i> |
| <i>Marilyn Bradt</i> | <i>KINH</i> |
| <i>Nancy Zielke</i> | <i>KDOA</i> |
| <i>Mark Sharvett</i> | <i>-</i> |
| <i>Donna Robinson</i> | <i>Intern / High School</i> |
| <i>Weldon Moore</i> | <i>Legislature</i> |
| <i>Pat Kelly</i> | <i>JUPI</i> |
| <i>Jimmie Clark</i> | <i>KCOAA</i> |
| <i>VERLE L. SWENSON</i> | <i>DISTRICT JUDGE (MAGISTRATE) ASSN.</i> |
| <i>Marjorie Van Buren</i> | <i>Judicial Administrator (Supr. Ct.)</i> |
| <i>Peter Rinn</i> | <i>SRS</i> |
| <i>Charles V. Hambr</i> | <i>SRS - state off. Bldg.</i> |
| <i>Carl Schmittkneer</i> | <i>Ks Dental Assn.</i> |
| <i>DICK HUMMEL</i> | <i>Ks HEALTH CARE ASSN</i> |
| <i>Dr. Leri R. Schell</i> | <i>Ks ST Bd of Nursing</i> |
| <i>KEITH R LANDIS</i> | <i>CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS</i> |
| <i>B. Vogrin</i> | <i>AP</i> |
| <i>H. RIEHM</i> | <i>Ks. ASSN of OBSTETRIC ASSN</i> |
| <i>Joan Workman</i> | <i>Ks St. Lib.</i> |
| <i>Steph B. Stupka</i> | |
| <i>Jeff Hill</i> | |

3-21-83 #1

KANSAS DEPARTMENT ON AGING
TESTIMONY ON H.B. 2108
IDENTIFICATION MARKS ON DENTURES
SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
March 21, 1983

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

Bill Provisions:

The bill provides for the following:

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

Testimony:

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

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

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

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

Rec. 1

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

If proper identification is placed in dental prosthesis, there is no excuse for dental plates or dentures to be lost, misplaced or for somebody else to be wearing them. Such a provision would eliminate potential emotional, physical and economic distress to older persons, the most likely candidates to have a type of dental prosthesis.

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

House Bill No. 2092

1. Short Title of the Bill:

Illegal acquisition and disposition of welfare assistance; amending K.S.A. 39-717.

2. Problem:

K.S.A. 39-717 prohibits a welfare recipient from illegally disposing of assistance benefits such as food stamps and durable medical equipment.

The District Court in Junction City, Kansas has ruled that the person receiving the illegally disposed of assistance (in this instance a liquor store clerk exchanging liquor for food stamps) may not be prosecuted under this statute even if such person knows that the sale or transfer is in violation of the law.

While the welfare recipient can be prosecuted under K.S.A. 39-717, the participant in the illegal disposition of assistance cannot be prosecuted under K.S.A. 39-717.

3. Background of the Bill:

Most of our assistance programs are funded in part through federal programs. The federal law makes it a crime to acquire or possess welfare benefits, including food stamps, unless the possession is authorized by program rules, etc. (Title VII U.S. Code, section 2024(b)). The case in Junction City could have been referred to the United States District Attorney for prosecution under the federal law, but this is time consuming and it is not always feasible to attempt federal prosecution because of geography. It is much more convenient for our department to refer the case to a local prosecutor in each of the 105 counties, and experience shows that prosecution would be much faster if the state law contained the same or similar language to the federal law.

4. Rationale for Support of Legislation:

The amendment in House Bill 2092 brings the state law in line with the federal law and authorizes the prosecution in a state court of the receiver of the goods.

March 21, 1983

Plc. 2

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

House Bill No. 2099

1. Short Title of Bill:

An act concerning adoption; relating to procedures therefor; amending K.S.A. 1982 Supp. 59-2278 and repealing the existing section.

2. Problem:

Revision of K.S.A. 1982 Supp. 59-2278 to remove the requirement that the Secretary of SRS be notified of all adoption petitions filed in Kansas courts and make recommendations to the court on all such adoptions, and instead require that the petitioners purchase the assessment from a person licensed to practice social work in Kansas.

3. Background of the Bill:

Kansas courts have utilized the expertise and flexibility of SRS social service staff to assess and prepare reports for the court on approximately 500 non-agency adoptions a year, another 250 private agency adoptions are also processed through SRS. SRS staff conducting such services has decreased due to budget constraints, making it necessary to find alternate sources in the community to provide such services.

4. Rationale for Support of Legislation:

It cost SRS approximately 6,000 social service hours to conduct such assessments annually. It is believed that such services could be purchased from individual licensed social workers or private agencies by the family wishing to adopt. This would free existing staff for other duties, such as assessing adoptive families wishing to adopt children for whom SRS has service responsibility.

Office of the Secretary
March 10, 1983

HOUSE BILL No. 2099

By Committee on Public Health and Welfare

(By request)

1-25

0018 AN ACT concerning adoption; relating to procedures therefor;
0019 amending K.S.A. 1982 Supp. 59-2278 and repealing the exist-
0020 ing section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1982 Supp. 59-2278 is hereby amended to
0023 read as follows: 59-2278. (a) The written consents to adoption
0024 which are required by K.S.A. 59-2102 and amendments thereto
0025 shall be filed with the petition for adoption. Upon the filing of
0026 the petition the court shall fix the time and place for the hearing
0027 thereon. The time fixed for the hearing may be any time not more
0028 than 60 days from the date the petition is filed if (1) consents and
0029 waivers of notice of each living parent are filed, (2) ~~no notice to~~
0030 ~~the secretary of social and rehabilitation services is required;~~ (3)
0031 the court does not ~~request an investigation by the secretary of~~
0032 ~~social and rehabilitation services require the petitioner to obtain~~
0033 ~~an assessment by a person licensed to practice social work in~~
0034 ~~Kansas to determine the advisability of the adoption and~~ (4) (3)
0035 there are no interested parties other than the petitioner and the
0036 consenting parties. In all other cases, the time fixed by the court
0037 shall be not less than 30 days or more than 60 days from the date
0038 of the filing of the petition. The time fixed for the hearing may be
0039 extended by the court for cause.

0040 (b) Notice of the hearing shall be given to all interested
0041 parties; ~~including the secretary of social and rehabilitation ser-~~
0042 ~~vices in those cases where the petitioner is not a stepparent.~~
0043 Pending the hearing the court may make an appropriate order for
0044 the care and custody of the child.

0045 (c) Promptly upon the filing of the petition by a petitioner

0046 who is not a stepparent, ~~the court shall, and if the petitioner is a~~
0047 ~~stepparent the court may, send to the secretary of social and~~
0048 ~~rehabilitation services a copy of the petition and of the consents.~~
0049 ~~Upon receiving such copy, the secretary of social and rehabilita-~~
0050 ~~tion services, without cost to the natural parents or to require the~~
0051 ~~petitioner, shall make an investigation to obtain an assessment of~~
0052 ~~the advisability of the adoption and, a report the secretary's~~
0053 ~~findings and recommendations which is to be submitted to the~~
0054 ~~court not less than 10 days before the hearing on the petition. In~~
0055 ~~making the investigation assessment, the secretary of social and~~
0056 ~~rehabilitation services licensed social worker is authorized to~~
0057 ~~observe the child and to contact the agency or individuals con-~~
0058 ~~senting to the adoption and obtain any voluntarily given genetic~~
0059 ~~information about the child. This information shall be made a~~
0060 ~~part of the report to the court. If requested by the court, the~~
0061 ~~secretary may inquire whether the consents to the adoption were~~
0062 ~~freely and voluntarily made. The secretary's~~ *The licensed social*
0063 *worker's* report to the court shall include the results of investiga-
0064 tion of the adopting parents, their home and their ability to care
0065 for the child.

0066 (d) Upon the hearing of the petition, the court shall consider
0067 ~~the report of the secretary of social and rehabilitation services,~~
0068 ~~together with all other evidence offered by any interested party. If~~
0069 ~~the court is of the opinion that the adoption should be made, it~~
0070 ~~shall make a final order of adoption and shall deliver the child to~~
0071 ~~the petitioner, if that has not already been done. In any event, the~~
0072 ~~costs of the adoption proceedings, other than those caused by the~~
0073 ~~secretary of social and rehabilitation services, shall be paid by the~~
0074 petitioner.

0075 Sec. 2. K.S.A. 1982 Supp. 59-2278 is hereby repealed.

0076 Sec. 3. This act shall take effect and be in force from and after
0077 its publication in the statute book.

by a court designated social worker licensed
to practice social work in Kansas

#4

DISTRICT COURT
ELEVENTH JUDICIAL DISTRICT

DIVISION ONE, JUDICIAL CENTER

P. O. BOX 1348

PITTSBURG, KANSAS 66762

CHAMBERS OF
DONALD L. ALLEGRUCCI
JUDGE

March 15, 1983

Honorable Jan Meyers
Chairman, Senate Public
Health and Welfare Committee
State Capitol
Topeka, Kansas 66612

Dear Senator Meyers:

The Executive Committee of the District Judges' Association has requested that I make you aware of the Association's position on HB 2099. The Executive Committee, upon recommendation of the Legislative Coordinating Committee of the District Judges' Association, unanimously adopted a resolution opposing the passage of HB 2099. The basic concern of the Association in regard to HB 2099 is that most judicial districts do not have licensed social workers available to make the investigation relative to adoptions. Further, SRS is best equipped and qualified to make such an investigation and report to the Court.

The District Judges' Association feels that SRS should continue to be available to the Courts to make this type of an investigation, and at the minimum, remain an alternative to having a licensed social worker make the investigation.

I thank you for your consideration in this matter, and please feel free to contact me if you have any questions as to the position of the Association on HB 2099.

Very truly yours,



Donald L. Allegrucci, Judge
Eleventh Judicial District, Div. I

DLA/rh

Rec'd. 4



KANSAS DISTRICT MAGISTRATE JUDGES ASSOCIATION

William E. Thompson

PRESIDENT

Chambers
913
527-2424

REPUBLIC COUNTY COURTHOUSE
BELLEVILLE, KANSAS
66935

Home
913
527-5610



March 11, 1983

Hon. Jan Meyers
Kansas State Senator
Statehouse, Room 128-S
Topeka, Kansas 66612

Dear Senator Meyers:

As spokesman for the Kansas District Magistrate Judges Association, I wish to advise you that our organization has gone on record as opposing the removal of the State Department of Social and Rehabilitation as an investigating agency in adoption cases, as set forth in House Bill 2099.

Your attention and consideration to our opposition to this bill is appreciated very much.

Sincerely,

Verle L. Swenson
Legislative Committee Chairman

VLS:dm

Feb. 5

DATE : MARCH 21, 1983

TO : SENATE COMMITTEE, PUBLIC HEALTH AND WELFARE
 SENATOR JAN MEYERS, CHAIRPERSON

FROM : DISTRICT MAGISTRATE JUDGES ASSOCIATION
 OF KANSAS

SUBJECT : HOUSE BILL NO. 2099
 OPPOSITION TO REMOVAL OF THE SOCIAL AND
 REHABILITATION SERVICES AS AGENCY TO
 MAKE INVESTIGATIONS IN ADOPTION CASES
 FILED IN THE DISTRICT COURT.

PRESENTATION MADE BY : VERLE L. SWENSON,
 LEGISLATIVE COMMITTEE CHAIRMAN FOR THE
 DISTRICT MAGISTRATE JUDGES ASSOCIATION.

COMMENTS AND CONCLUSIONS

1. THE CURRENT LAW BEING CONSIDERED FOR CHANGE, IN ITSELF, RELEASED S.R.S. FROM MAKING REPORTS IN MOST STEPPARENT ADOPTIONS. TO TAKE ANOTHER STEP TO TAKE S.R.S. OUT OF THE REPORTING RESPONSIBILITIES TO THE COURT WOULD NOT BE IN THE BEST INTEREST OF THE CHILD WHO IS AFTER ALL OUR PRIMARY CONCERN.
2. ANY SAVINGS OF FUNDS BY S.R.S. WOULD APPEAR TO BE SLIGHT UNLESS IT CAN BE SHOWN WHERE A DECREASE IN PERSONAL IN AREA OFFICES CAN BE MADE BY ELIMINATION OF THIS FUNCTION.
3. IF S.R.S. FEELS A FEE FOR THESE REPORTS ARE NECESSARY THEN LEGISLATION SHOULD BE PASSED TO MAKE THE FEE A PART OF THE COST AND COLLECTED THROUGH THE COURT. (PERSONALLY, I BELIEVE LEGISLATION OF THIS NATURE WOULD NOT BE OPPOSED BY THE DISTRICT MAGISTRATE JUDGES ASSOCIATION.)
4. THE PETITIONERS, BEING THE ONES WHO ARE BEING INVESTIGATED, SHOULD NOT BE THE ONES TO HIRE THE INVESTIGATOR. THIS COULD BE CAUSE FOR CONCERN ABOUT A SLANTED VIEW TO THE REPORT FROM THE EMPLOYEE/EMPLOYER ASPECT OF THE SITUATION.

Atch. 6

5. S.R.S. IS THE PROPER AGENCY TO CONDUCT THESE INVESTIGATIONS AS THEY ARE DETACHED FROM THE PARTIES INVOLVED IN THE ADOPTION PROCEEDINGS.
6. THE ADDITIONAL COST FOR THE PROSPECTIVE PARENTS TO HIRE A LICENSED SOCIAL WORKER IS AN UNKNOWN AND UNDOUBTEDLY WOULD VARY TREMENDOUSLY, DEPENDING ON WHERE THE PROSPECTIVE PARENTS RESIDED.
7. AVAILABILITY OF LICENSED SOCIAL WORKERS ARE A REAL CONCERN TO THE COURTS, ESPECIALLY IN SMALL AND OUTLYING DISTRICTS.

IN SUMMARY, IT IS THE CONCLUSION OF THE DISTRICT MAGISTRATE JUDGES ASSOCIATION OF KANSAS, AND THIS CONCLUSION IS SUPPORTED BY THE KANSAS DISTRICT JUDGES ASSOCIATION, THAT REMOVAL OF THE SOCIAL AND REHABILITATION SERVICES AS AN INVESTIGATIVE AGENCY FOR THE COURT IN ADOPTION CASES WOULD NOT BE IN THE BEST INTEREST OF THE PROSPECTIVE ADOPTIVE CHILD. WE OPPOSE THE AMMENDMENT // HOUSE BILL NO. 2099 IN ITS PRESENT FORM AND ASK THAT THE BILL BE KILLED.

THANK YOU FOR YOUR CONSIDERATION OF OUR POSITION.