

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by Senator Paul Hess at \_\_\_\_\_  
Chairperson

11:00 a.m./p.m./on March 17, 1983, 19\_\_ in room 123-S of the Capitol.

All members were present except:

Senators Doyen and Harder

Committee staff present:

Research Department: Marlin Rein, Sherry Brown, Mary Galligan, Ray Hauke  
Carolyn Rampey, Chris Stanfield, Bill Gillmore  
Revisor's Office: Norman Furse, Avis Swartzman  
Committee Office: Doris Fager

Conferees appearing before the committee:

Dr. Robert Harder, Secretary, Department of Social and Rehabilitation Services

SB 41 and SB 284 - Subcommittee Report Discussion

Senator Gaines said the concensus from his subcommittee is that the committee must give some direction concerning these two measures. He said there is a serious problem, including violations in the State Board of Healing Arts concerning drugs. He said there could be a "bandaid" approach. Basic insurance coverage could be increased from \$100,000 to \$250,000, with a \$1 million cap on the fund. However, it is difficult to get the excess coverage. He said it had been hoped that there could be peer review on the part of doctors, but that cannot occur. It must be in the name of Government because of federal trade laws.

Senator Gaines said another approach would be to have someone with legal training appointed by the Board of Healing Arts to/some investigating within the medical profession. do

Senator Talkington suggested this may be something that should be studied by a special committee composed of House and Senate members to look at solving problems within the Board of Healing Arts and the medical malpractice insurance which have developed since the last time it was studied.

Senator Steineger suggested passing SB 41 so that there would be some reporting and SB 284 to apply the surcharge. Senator Bogina added that it is a problem which must be studied in depth. Senator Hess indicated that the subcommittee felt the Board of Healing Arts could do a much better job of policing its own people, and it may be necessary to take major steps in that area. The Insurance Commissioner's office reported that there are about 50 suits pending which are serious (\$200,000 to \$300,000) and 15 suits are very serious (\$1 million). The average payout is \$150,000 on the 53 claims already paid, and there is less than \$10 million in the fund at the present time.

No action was taken on either of these measures.

SB 135 - Appropriations FY 1984, SRS Institutions  
SB 153 - Appropriations FY 1983, SRS Institutions

Senator Bogina presented the subcommittee report, with systemwide recommendations being noted first. There was a brief discussion concerning these recommendations.

Section 2 - Youth Center at Topeka

There were no questions following Senator Bogina's presentation of this aection.

Section 3 - Youth Center at Beloit

No questions were asked following the subcommittee report on this section.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

SB 135 - Continued

SB 153 - Continued

SB 135 - Section 4, Youth Center at Atchison

Senator Bogina presented the subcommittee report, and committee members were given opportunity to question him.

SB 153, Section , Kansas Neurological Institute

Senator Bogina presented the subcommittee report on this section. There were questions about Executive Order Number 82-82, mentioned in recommendation No. 1 of the report. Senator Bogina noted that this will be an ongoing thing. He explained that there had been shift differentials at some hospitals, but this order spread it to other areas. It was noted that the Governor's budget had some technical errors in it, and this was one of them. When asked if there would be a Governor's budget amendment, Senator Bogina said he wasn't aware of any.

SB 135, Section 5 - Kansas Neurological Institute

Following Senator Bogina's presentation of the subcommittee report on this section, there were questions from committee members concerning clarification of Subcommittee Recommendation No. 3.

SB 153, Section - Larned State Hospital

There were no questions following Senator Bogina's presentation of the subcommittee report on this section.

SB 135, Section 6 - Larned State Hospital

Senator Bogina presented the subcommittee report on Section 6. There were questions concerning recommendation No. 5. Senator Bogina noted that beds were eliminated at Rainbow last year as of July 1. Wyandotte and Johnson Counties have not replaced those beds; and elimination without replacement causes problems. He said the subcommittee feels there is no alternative to No. 5 at this time. He added that 80% of the people referred to the agency are indigent.

When asked where the additional funds were to come from, Senator Bogina said from State General Funds, and there are no other savings. The total increase in SB 135 would be \$717,000 in State General Fund.

Senator Gaines asked if the new Secretary of Corrections is looking at the facility in terms of placing 50 honorees there. Senator Bogina answered that the Joint Committee on State Building Construction had recommended that he look at all state hospitals for use by the Department of Corrections.

SB 153, Section 10 - Osawatomie State Hospital

No questions were asked following the subcommittee report on this section.

SB 135, Section 7 - Osawatomie State Hospital

Following Senator Bogina's presentation of the subcommittee report on this section, there was extended discussion concerning Recommendation No. 7. Senator Bogina said there was discussion about reducing beds to the 80% level, which is what some judges felt was the level of indigent patients. He said this probably would not be cost effective unless beds were reduced by 50%. He stressed that Osawatomie serves areas from Osawatomie to the southeast corner of the state and Larned serves the western part of the state. Judges feel both should remain open because of the areas served by those hospitals.

Senator Steineger said District Court judges in the western part of the state wondered what they were to do with certain people in the Department of Corrections if the Governor's recommendation to close drug abuse programs at Larned was carried out. They indicated it would be necessary to change the sentencing statutes.

SB 135 - Continued

SB 153 - Continued

To reduce the beds at Osawatomie, it would be necessary to reduce the number to 25 total beds, according to Senator Bogina. This would reduce expenditures by \$220,000 at that hospital and \$120,000 at Larned.

Dr. Harder said he has no disagreement with the analysis of beds not being immediately available. He added that his department has systematically tried to move those programs off state hospital campuses. He indicated that his department realizes there are not beds strategically located at the present time to offset those at Osawatomie and Larned.

There followed an extensive discussion concerning the "drink tax" distribution under 1982 legislation. Senator Hess questioned why the amount distributed to local units of government had not been used to make beds available. Dr. Harder said that state priorities are not always community priorities. Senator Bogina said that the state's share of that tax is what is now being used to keep beds open in the state hospitals. Dr. Harder commented that it is not feasible to send the money to local communities and ask the state agency to develop a plan. He said he has no vested interest in holding the money from the drink tax, but he does have interest in developing a state-wide plan.

It was suggested that Alcohol Treatment money should not have to be taken away from communities--just the park and recreation money. One idea was to place a two or three year sunset on that money.

SB 153, Section - Rainbow Mental Health Facility

There were no questions following Senator Bogina's presentation of the subcommittee report on this section.

SB 135, Section 8 - Rainbow Mental Health Facility

There was no discussion following Senator Bogina's presentation of the subcommittee report on this section.

SB 135, Section 9 - Parsons State Hospital and Training Center

Following Senator Bogina's subcommittee report on this section, committee members were given opportunity to question him.

SB 153, Section - Norton State Hospital

There were no questions following Senator Bogina's presentation of the subcommittee report on this section.

SB 135, Section 10, Norton State Hospital

There was no discussion following the subcommittee report on this section.

SB 135, Section 11 - Mental Health and Retardation Services

Following the subcommittee's report on this section, there was discussion concerning Recommendation No. 3, which increases state funding for community mental health and mental retardation by \$900,000. Senator Hess stressed that money is not available to increase the budget by that amount. Senator Gaines noted that the distribution formula of the liquor tax could be changed.

SB 135 - Continued

SB 153 - Continued

SB 135, Section 12 - Topeka State Hospital

There were no questions following Senator Bogina's presentation of the subcommittee report on this section.

SB 135, Section 13 - Winfield State Hospital and Training Center

There were no questions following Senator Bogina's presentation of the subcommittee report on this section.

The Chairman announced that there would be committee discussion concerning the items presented at this meeting at the 11:00 a.m. meeting on March 18. The meeting was then adjourned.