

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin Littlejohn at \_\_\_\_\_  
Chairperson

1:50 / 4:40 p.m. on February 22, 1984 in room 423-S of the Capitol.

All members were present except:  
Rep. Phil Kline, excused

Committee staff present:  
Emalene Correll, Research  
Norm Furse, Revisor  
Sue Hill, Secy. to Committee

Conferees appearing before the committee:  
Barbara Sabol, Secretary of Health and Environment  
Dick Morrissey, Department of Health and Environment  
Dr. Joseph Hollowell, Department of Health and Environment  
Dick Hummel, Kansas Health Care Association  
Stu Entz, Ks. Association Homes for Aging  
Rep. Joan Wagnon  
Elizabeth Taylor, Ks. Association for Education of Young Children  
January Scott, Ks. Committee for Prevention of Child Abuse  
Rep. Elaine Hassler

Visitor's register (Attachment No. 1.) (2 pages.)

Chairman called meeting to order calling to attention a comprehensive hand-out from Kansas Department of Human Resources. (See Attachment No. 2.) for details. This attachment is composed of 6 parts.

Hearings began on HB 3000.

Secretary Barbara Sabol distributed hand-out to committee, (see Attachment No. 3.) for details. She spoke to the need for HB 3000, strengths and urged for favorable passage of this bill. In her remarks Ms. Sabol talked about the civil penalty system as an important component of a comprehensive nursing home enforcement system. We are obviously concerned here with the life-death situations that can and do arise in nursing home facilities. We are trying to deal here with infractions. She then answered questions from Staff and committee, i.e., class I violations, amount of fine, etc. Dick Morrissey, answered questions from committee following Secy. Sabol's remarks, and went through with committee, step by step the flow chart, (see Attachment No. 4.) for details, so that they might know procedures taken when sanctions must be taken when infractions are committed. He answered questions from committee as well, i.e., yes, it does cost their department time for these inspections, and no, the inspector does not have the authority to issue the citation. He then followed through the flow chart, (Attachment No. 4.) for what is being proposed in HB 3000. More questions, yes, the appeal may be made, but it is after the fine of \$500.00 is paid. They must pay that at the outset, and then appeal. If their appeal is in favor of the Nursing Home, then the \$500.00 must be refunded plus interest. Some further discussion on technical language in the bill.

Dick Hummel distributed printed testimony, (see Attachment No. 5.) for details. They, (The Kansas Health Care Association), hopes for violations being categorized, then they would know specifics to comply with. He stated they are not in conflict with this bill but have submitted an amendment to make the objective more rationale. Asked that on line 66 after the word "requested", insert the following, - "and the assessment shall be effective on the first day following the date designated in the notice for the correction of the violation." He then answered lengthy questioning from committee, i.e., procedure taking place when the home refuses to sign exit interview form, and yes, he has instructed administrative personnel of Home Health Care facilities to not sign if they feel it is

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.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 a/m./p.m. on February 22, 19 84

Hearings continue on HB 3000.

unfair in regard to the infractions.

Mr. Stu Entz, Ks. Assoc. for Homes for Aging feels the purpose of the bill is to administer a quick fine, and then go back to the same old procedures. His Association feels that the fine is only an addition to present deficiencies. Says they sympathize with the urgent need to deal immediately with life threatening situations, but feels HB 3000 is really only allowing a fast fine, and then talk about infractions later. He then answered questions from committee, i.e., no we are not suggesting that no fine be imposed, but feel that it is of no real help in dealing with immediate problems. A problem we feel, he said, and it must be clarified, is when we will receive classification?

May it be noted here that (Attachment No. 6.) is printed testimony from Ms. Marilyn Bradt of Ks. for Improvement of Nursing Homes, Inc. She was unable to present testimony in person on HB 3000.

Hearings closed on HB 3000.

Hearings began on HB 2919.

Rep. Wagon spoke to HB 2919, and her interest in Child Day Care for many years, and that she has dealt with many women who request child care. She gave hand-out to committee, (see Attachment No. 7.), for details on the Safety Evaluation Form for Registration of Family Day Care Homes.) Rep. Wagon noted that on lines 33 and 34 of HB 2919, "The secretary shall conduct visits each year to homes which shall be selected by random sample." A monitoring of these homes she said is something needed, and this bill will serve to this need, along with other specifics shown on copy of the bill.

Secretary Sabol, Department of Health and Environment then spoke to HB 2919. She spoke from printed testimony, (see Attachment No. 8.), for details, saying the role of the state in this area is to set standards, identify names of those providing the care, investigate complaints relating to violation of the standards, and if necessary revoke or fail to renew certificates. Their Department supports the additional right-of-access that is proposed in HB 2919 and the requirement for random monitoring visits to assess compliance of standards. She then answered questions, i.e., the cost of registration is only \$5.00 as they do not wish for it to be a dis-incentive; yes we have refused to issue licenses; have revoked some already licensed if there are incidences taking place that are below our standards; etc.

Elizabeth Taylor, Ks. Assoc. for Education of Young Children stated, their Assoc. represents child care providers, so they are extremely interested in HB 2919. She cited some specific cases in where a registered home, who goes by a self-check list and at present not regularly inspected, can send in the list, but if there are problems but no complaints have not been received by H. & E., then many times it is too late for the safety of the children in those facilities. Some damage may have already been done. They are concerned for the safety of the children, and feel monitoring will help to eliminate some overcrowding, safety, etc. She also brought to committee a statement of Sister Anna Totta from Atchison who urges support of HB 2919.

Dr. Joseph Hollowell had committee note that SRS is called in to make checks when there are complaints regarding abuse of children.

Ms. January Scott, Ks. Committee for Prevention of Child abuse asked for favorable passage of HB 2919.

Rep. Hassler spoke to HB 2919 for the Chairman of the State Day Care Committee and would like to go on record as hoping for more control of the registered child care homes and supports this bill.

Hearings closed on HB 2919.

Meeting adjourned.



Date: 2-22-84

GUEST REGISTER  
HOUSE  
PUBLIC HEALTH AND WELFARE

Please Print

NAME	ORGANIZATION	ADDRESS
Diane Bottorff	KSNA	Topeka
Jo Hollowell	KDHE	"
KATH LAMDIS	CHRISTIAN SUFFERING COMMITTEE ON PUBLICATION FOR KANSAS	"
Gary Petz	KDOA	"
Fern Dolezal		Ellsworth, Ks
Marilyn Cooper		Ellsworth, Ks.

attn #1  
2-22-1984





KANSAS DEPARTMENT OF  
**H** Human Resources **R**



1430 S. Topeka Avenue  
Topeka, Kansas 66612-1877  
913-232-7828 Voice/TTY  
567-0828 Kans-A-N



kansas advisory committee on  
employment of the hand-capped

February 21, 1984

*Attn # 2*  
*2-22-84*

TO: Chairperson Littlejohn  
Members  
House Public Health &  
Welfare Committee

FROM: John Kelly  
Senior Consultant, KACEH

SUBJECT: Applicable Statute Analysis/Comparison to House Bills 2715 and  
2893

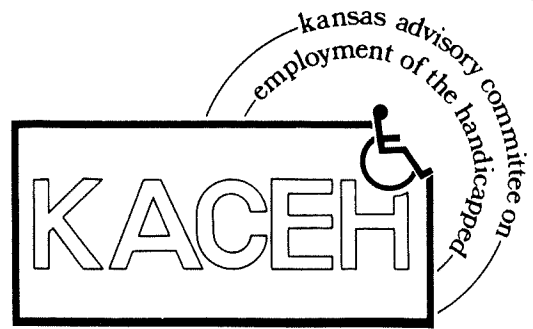
The enclosures provided should give you information and answers to your questions concerning the need for amending present statutes concerning persons who are deaf, hearing impaired and speech impaired.

- 1) Two enclosures dated January, 1984 entitled "Analysis of the Kansas Act Concerning the Appointment of Interpreters for Deaf, Mute and Other than English Speaking Persons" (reproduced in HB 2715 and 2893) and the Proposed New Statute "Appointment of Interpreters for Deaf, Hearing Impaired and Speech Impaired Individuals for Administrative Legislative and Judicial Proceedings" (reproduced in HB 2715) concern an analysis of the present statutes K.S.A. 75-4351 et seq. and the creation of a new statute, respectively.
- 2) The two other enclosures dated February, 1984 "Comparison Between K.S.A. 74-7274, 75-5391 through 75-5397 and House Bill No. 2893 and the "Comparison Between K.S.A. 75-4251 et seq. and House Bill No. 2715" were initiated after our conversation that additional information might be helpful in arriving at a decision concerning the two house bills before the committee, HB 2715 and HB 2893.

Should you require further information, please feel free to contact me at your convenience.

JFK:mg

*Attn - # 2*  
*2-22-1984*



February 8, 1984

TO: Chairperson Littlejohn and  
Members of the House Committee  
on Public Health and Welfare

FROM: John Kelly  
Senior Consultant, KACEH

SUBJECT: House Bill 2715

Enclosed please find two documents

- 1) Proposed new statute (used by SRS legal to develop HB 2715)
- 2) Analysis of the present statutes K.S.A. 75-4351 to 75-4355.

The analysis of the present statutes "Appointment of Interpreters for Deaf, Mute and other than English Speaking Persons" should provide committee members with the rationale used to justify the requested proposed new statute and give clarity for its needed creation.

KACEH appreciates this opportunity to put before you information of a vital nature to our deaf, hearing impaired and speech impaired citizens.

JFK:mg

Enclosure

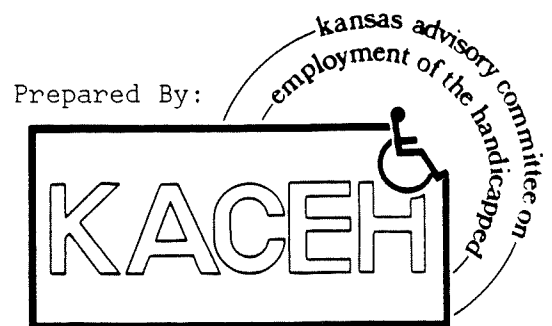
cc: Jerry Shelor, Secretary, DHR  
Larry Wolgast, Assistant Secretary, DHR  
Michael Lechner, Executive Secretary, KACEH



ANALYSIS OF THE  
KANSAS ACT CONCERNING THE APPOINTMENT OF INTERPRETERS FOR  
DEAF, MUTE AND OTHER THAN  
ENGLISH SPEAKING PERSONS  
K.S.A. 75-4351 to 75-4355

Prepared for:  
Kansas Commission For  
The Hearing Impaired

January, 1984



I. INTERPRETERS FOR DEAF, MUTE AND OTHER THAN ENGLISH SPEAKING PERSONS

Only those persons who are "deaf" or "mute" are used in the act.

ANALYSIS:

- A) By using only "deaf", the act excludes those persons who are hearing impaired.
- B) The term "mute" is regarded by Kansas organizations representing the deaf and hearing impaired as archaic and derogatory.

DEFICIENCY:

Hearing and speech impaired persons may not be covered under the present act.

RECOMMENDATIONS:

- A) Include the term "hearing impaired" in the title.
- B) Delete the term "mute" and substitute "speech impaired" among those factors which an interpreter is appointed.
- C) Delete all reference to "deaf" and "mute" in present statutes.
- D) Establish new statute which would cover deaf, hearing and speech impaired persons.

II. TERMINOLOGY:

K.S.A. 75-4351 does not define "qualified interpreter".

ANALYSIS:

- A) The term is used to cover persons who are deaf or mute or both. It does not cover persons who are hearing or speech impaired.
- B) The Act implies no difference between sign and foreign language interpretation skills necessary for communication.

DEFICIENCY:

Persons who are deaf, hearing or speech impaired often require a special interpreter whose communication skills are greater than is usually necessary for foreign language interpreters.

RECOMMENDATIONS:

Establish a definition section which is to include the following:

The term "qualified interpreter" means, an interpreter shall be deemed qualified if he or she is certified by the National Registry of Interpreters for the Deaf or if he or she is on a list of qualified interpreters compiled by the National Association of the Deaf and/or the Kansas Commission for the Deaf and Hearing Impaired.

III. TERMINOLOGY:

There is a need to add the term "or defendant" to K.S.A. 75-4351(a).



ANALYSIS:

There is no reference to a person needing a sign language interpreter when appearing as a defendant at a grand jury proceeding.

DEFICIENCY:

When appearing as a defendant, deaf or hearing impaired persons may have no recourse but to provide their own sign language interpreter.

RECOMMENDATION:

Include the term "or defendant" among those factors upon which a sign language interpreter will be provided in grand jury proceedings.

IV APPOINTING AUTHORITY

K.S.A. 75-4352 presently indicates that interpreters are to be appointed and that the appointing authority shall fix a reasonable fee for services.

ANALYSIS:

- A) There is no indication as to where or through which agency an interpreter can be obtained.
- B) There are no provisions for quality assurance functions.
- C) No statewide uniformity exists as to what constitutes a reasonable fee.

DEFICIENCY:

Without a statewide coordination of interpreter services their services are not efficiently distributed and reimbursement is often not based upon the interpreters skill level attainment.

RECOMMENDATIONS:

- A) To require that all interpreters appointed under these statutes for the deaf and hearing impaired be obtained through the Kansas Commission for the Deaf and Hearing Impaired.
- B) Give KCDHI statutory authority to coordinate statewide interpreter services and perform quality assurance functions.
- C) To provide that all interpreters be paid based upon a fee scale established by KCDHI.

V PRIVILEGED COMMUNICATIONS:

Presently interpreters for the deaf and hearing impaired are not statutorily restricted from releasing privileged information.

ANALYSIS:

The code of ethics established for interpreters does restrict the flow of confidential information; however a real concern exists with deaf and hearing impaired persons that privileged information (i.e. medical, psychological & legal) could be released.

RECOMMENDATION:

Establish a privileged communication section:

"Privileged information obtained while serving as an interpreter, within these provisions, is not to be divulged to others outside these proceedings."

VI QUALIFICATIONS OF INTERPRETER

K.S.A. 75-4353 presently allows a person that is interested in the outcome of the proceedings to be appointed as an interpreter.

ANALYSIS:

In certain circumstances a definite conflict of interest would exist.

RECOMMENDATION:

To have the following incorporated to any act involving the deaf and hearing impaired.

No one shall be appointed to serve as an interpreter for a person who is deaf or hearing impaired if he or she is married to that person, related to that person within the first or second degrees of consanguinity, living with that person or is otherwise interested in the outcome of the proceedings.



PROPOSED NEW STATUTE:

APPOINTMENT OF INTERPRETERS FOR  
DEAF, HEARING IMPAIRED AND SPEECH IMPAIRED  
INDIVIDUALS FOR ADMINISTRATIVE, LEGISLATIVE  
AND JUDICIAL PROCEEDINGS

Prepared for:

Kansas Commission For

The Hearing Impaired

January, 1984

Prepared By:



APPOINTMENT OF INTERPRETERS FOR DEAF, HEARING IMPAIRED AND SPEECH IMPAIRED  
INDIVIDUALS FOR ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL PROCEEDINGS

Interpreters appointed for deaf, hearing impaired, speech impaired  
persons; proceeding in which appointment authorized.

A qualified interpreter shall be appointed in the following cases for persons whose primary communication is nonverbal or through the use of sign language or both:

- (a) In any grand jury proceeding, when such person is called as a witness or defendant;
- (b) in any court proceeding involving such person and such proceeding may result in the confinement of such person or the imposition of a penal sanction against such person;
- (c) in any civil proceeding, whether such person is the plaintiff, defendant or witness in such action;
- (d) in any proceeding before a board; commission, agency, licensing authority or legislative body of the state or any of its political subdivisions when such person is the principal party in interest; or has notified the appointing authority of his or her desire for an interpreter at least (48) hours prior to the proceedings;
- (e) an appointing authority may require a person requesting the appointment of an interpreter to furnish reasonable proof of his or her deafness, hearing or speech impairment when the appointing authority has reason to believe that the person is not deaf, hearing or speech impaired;
- (f) when such person is arrested for an alleged violation of a criminal law of the state including a local ordinance, the arresting officer shall procure a qualified interpreter prior to any attempt with interrogation, notification of rights, or the taking of a statement from such person;
- (g) whenever a deaf, hearing impaired or speech impaired person is a witness before any legislative committee or subcommittee, or legislative research or study committee or subcommittee or commission authorized by the state legislature or legislative body of any political subdivision of the state, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings to the hearing impaired or speech impaired person and to interpret the hearing impaired or speech impaired person's testimony.

QUALIFICATIONS OF INTERPRETER: DETERMINATION: PERSONS DISQUALIFIED.

- (a) No one shall be appointed to serve as an interpreter for a person if he or she is married to that person, related to that person within the first or second degrees of consanguinity, living with that person or is otherwise interested in the outcome of the proceeding.
- (b) No person shall be appointed as an interpreter unless the appointing authority makes a preliminary determination that the interpreter is able to readily communicate with the person who communicates non-verbally or through the use of sign language or both, and is able to accurately repeat and translate the statement of said person.

DUTY OF INTERPRETERS; PRIVILEGED COMMUNICATION

Every interpreter appointed pursuant to these provisions shall before entering upon his or her duties, will take an oath that he or she will make a true interpretation in an understandable manner to the person for whom he or she is appointed, and that he or she will repeat the statements of such person in the English language to the best of his or her skill and judgement and that privileged information obtained while serving as an interpreter within these provisions is not to be divulged to others outside these proceedings.

APPOINTING AUTHORITY; COMPENSATION OF INTERPRETERS; PAYMENT OF COSTS

All interpreters appointed under the provisions of this act shall be appointed by the judge from a list of qualified interpreters maintained by the Kansas Commission for the Deaf and Hearing Impaired if the appearance is before any court or by the chairman or presiding or executive officer of any board, commission or agency by which the proceeding involving such person is being conducted. The interpreter at the rate indicated by the fee scale established by the Kansas commission for the deaf and hearing impaired and may provide for the payment of such services out of funds appropriated for the operation of such courts or agencies.

DEFINITIONS.

- (a) "Appointing authority" means the presiding officer or similar official in any court, board, commission, agency, licensing authority or legislative body of the state where a qualified interpreter is required pursuant to this Act.
- (b) A "hearing-impaired person" means a person who, because of a hearing impairment, has difficulty understanding oral communication.

(c) A "qualified interpreter" means a person certified by the National Registry of Interpreters for the Deaf or is on a list of qualified interpreters compiled by the National Association of the Deaf and/or the Kansas Commission for the Deaf and Hearing Impaired.



Applicable Kansas Statutes

House Bill 2893

K.S.A. 74-7274 hearing impaired only

Section 1 abolishes commission, July 1, 1992, deaf and hearing impaired

K.S.A. 75-5391 hearing impaired only

Section 2 deaf and hearing impaired

K.S.A. 75-5392 hearing impaired only

Section 3 deaf and hearing impaired

K.S.A. 75-5293\* 1 through 8c  
hearing impaired only

Section 4 1 through 10, 12c  
deaf and hearing impaired

\*Revisor's typo (5393)

(9) Provide interpreter services for the deaf and hearing impaired  
(10) Provide a telecommunication message relay service for the deaf and hearing impaired  
(11) Provide sign language instruction  
(12) Employ such persons as may be needed from time to time in the fudgement of the executive director to carry out the director's responsibilities under paragraphs (9), (10) and (11) of this subsection. Such employees shall be in the unclassified civil service and shall receive an annual salary to be fixed by the commission.

K.S.A. 75-5394 hearing impaired only

Section 5 deaf and hearing impaired

K.S.A. 75-5395 hearing impaired only

Section 6 deaf and hearing impaired

K.S.A. 75-5396 hearing impaired only

Section 7 deaf and hearing impaired

K.S.A. 75-5397 hearing impaired only

Section 8 deaf and hearing impaired

No applicable statutes

New Section 9(a) Allows KCDHI the opportunity to fix, charge and collect reasonable fees for providing interpreter services and sign language instruction.  
Section 9(b) All moneys received by the commission will be deposited by the Secretary of SRS with the state treasurer monthly and credited to the social welfare fund.

House Bill 2893

- 1) Continuation of the commission beyond July 1, 1984.
  - a) The commission has adhered to its statutory mandates K.S.A. 75-5391(1) through (10c) and K.S.A. 75-5393(1) through (8) by providing, encouraging, advocating for, cooperating with, and recommending services and activities as they were needed (see fact sheet of significant accomplishments, dated February 9, 1984)
- 2) Deaf added to commission's name
  - 6,000 - are preprofessionally deaf (became deaf before the age of 19)
  - 22,000 - became deaf after the age of 19
  - 145,000 - are hearing impaired
  - 173,000 - Kansans have impaired hearing.\*

The 28,000 Kansans who are deaf represent a unique phenomenon among those who have impaired hearing.

- 1) Medical advancement and adaptive devices do not reduce the affects of deafness
  - 2) 90 percent of the deaf children are born to hearing parents. Only 2-3 percent effectively communicate with their children by learning sign language
  - 3) 10 percent of deaf children are born to deaf parents
  - 4) they have a seperate culture
  - 5) inclusion of the term supported by
    - a) KCHI board members (January 24, 1984)
    - b) Kansas Association of the Deaf
    - c) Topeka Association of the Deaf.
- 3) Expanding the Commissions duties
    - A) Providing interpreter services
      - 1) statewide shortage of interpreters
      - 2) need to coordinate the activities of the few interpreters present in Kansas
      - 3) appointing authorities need a central agency to contact to find qualified interpreters
      - 4) interpreters are not paid at the same rate statewide. The commission is given authority to establish a fee that appointing authorities must follow.
    - B) Providing a toll free message relay service
      - 1) many service providers throughout the state do not have telecommunication devices to enable them to speak with hearing impaired persons
      - 2) message relay would be a vital link between the deaf community and our hearing oriented society
      - 3) a significant percentage of hearing impaired persons reside in rural Kansas. Message relay would link them to veterinarians, feed and grain stores and their community.

\*Data based on National Census of impaired hearing conducted in 1971.

Comparison Between  
K.S.A. 74-7274, 75-5391,  
75-5392, 75-5393, 75-7594  
75-5395, 75-5396 and 75-5397  
and  
House Bill No. 2893

Prepared For:  
House Public Health and Welfare Committee

February, 1984

Prepared By:

Kansas Advisory Committee on  
Employment of the Handicapped

- C) Providing sign language instruction
  - 1) statewide shortage of interpreters
  - 2) majority of parents have not had sign language instruction available
  - 3) a demonstrated need exists to provide sign language instruction.

Example: Counseling Services

17,000-26,000 persons with impaired hearing have various emotional involvement which needs specialized assistance. The message relay service, interpreter coordination service and sign language instruction classes will help facilitate communication between treatment facilities and the impaired hearing community.

5,000-17,000 persons with impaired hearing are chemical dependent or have alcohol related problems. Assistance would be enhanced by the expansion of the commissions duties.

Expansion of the commissions duties would increase communication whether we are talking about interaction between doctors, lawyers, police and fire departments or family members.

- 4) Allowing the executive director of KCDHI to employ persons in unclassified civil service to carry out (9), (10) and (11).

The interpreter services, message relay service and the providing of sign language instruction is to be initiated statewide while the present staff of KCDHI is inadequate to meet these needs.

- 5) New section 9 would give KCDHI the opportunity to provide interpreter services and sign language instruction by charging a user fee.



# KANSAS COMMISSION FOR THE HEARING IMPAIRED

## FACT SHEET

February 9, 1984

Significant accomplishments during the first year of operation include:

- Published 1983 Directory of Resources for Hearing Impaired Kansans. A 50 page booklet distributed free-of-charge to consumers, service providers and other interested parties. Copies were distributed via deaf clubs, the school for the deaf, the booth at the state fair, parents groups, audiologists and speech therapists, conferences, state agencies and board members. Of the 2,000 copies printed approximately 1500 were distributed as listed above while 400 were mailed upon request from the KCHI office. Reactions to the Directory have been positive.
- Published the Survey of Kansas Families with Hearing Impaired Children by Marnie Campbell. Distributed to board members, leaders in the deaf and hearing impaired community in Kansas and in the United States, to various individuals (professionals, parents, deaf individuals) upon request, and to the Kansas legislators. Approximately 300+ copies have been distributed. Reactions to the Survey have been positive, with deep concern over the needs and lack of coordination of services to hearing impaired children and their families in Kansas.
- Co-sponsored 1983 Conference on Deaf-Blindness, September 26-28, 1983 with Kansas PLAN for Deaf-Blind. The conference featured nationally recognized experts in the field of deaf-blindness as well as a panel of consumers who represented the various degrees and combinations of hearing and visual impairment and the specific needs of each group. Approximately 210 individuals attended the conference. The reactions were positive and there are plans to make it an annual conference.
- Co-sponsored Sign Language Instructor/Leadership Training, July 10-15, 1983 with Johnson County Community College Interpreter Training Program and the National Association of the Deaf/NEPTSLI. Thirteen individuals were selected to participate in this week long training, seven of whom were hearing impaired. Reactions were positive and further training was requested by the participants for next year.

Other activities include:

- Provided information and referral to the public and maintained a log of contacts from information and referral
- Coordinated five sign language classes in Topeka with community agencies
- Gave speeches on the Kansas Commission for the Hearing Impaired and on deafness to: Sertoma of Topeka, Rotary Club of Olathe, 3rd grade public school classes in Junction City, Kansas Chapter of the International Association of Personnel in Employment Security, College class at Emporia State University, Kansas Association of the Deaf, Inc. Convention

- Attended conferences and conventions: Governor's Conference on Agricultural Disability (March, 1983), American Deafness and Rehabilitation Association (June, 1983), Kansas University's Legislative Conference (January, 1983 and 1984) and Kansas Association of the Deaf, Inc. Convention (June, 1983)
- Co-sponsored appearance in Topeka of Sunshine T00, theatre group from National Technical Institute for the Deaf (March, 1983)
- Attended meetings of consumer groups including: Kansas Association of the Deaf, Kansas Council of Disabled Persons, Kansas Roundtable of Organizations Serving the Hearing Impaired, Inc., Missouri-Kansas Telecommunications for the Deaf, Topeka Association of the Deaf, Olathe Club of the Deaf, Salina Club of the Deaf, Kansas City Chapter of the Registry of Interpreters for the Deaf
- Member of Hearing Conservation Advisory Board and attended meetings thereof
- Wrote bi-monthly articles for Kansas Association of the Deaf, Inc. Newsletter
- Provided materials for Kansas Roundtable of Organizations Serving the Hearing Impaired to distribute at the State Fair (September, 1983)
- Met with hospital administrators and concerned deaf individuals to promote compliance with Section 504 of Public Law 93-112
- Coordinated training for Topeka Association of the Deaf from the Office of Civil Rights
- Wrote issue papers for Vocational Rehabilitation budget justification
- In addition to this the Executive Director has interpreted for countless meetings, Vocational Rehabilitation counseling situations, and emergency situations (hospital, police, etc.) -- all of this making heavy inroads on the director's time and energies

Comparison Between  
K.S.A. 75-4351 et seq.  
and  
House Bill No. 2715

Prepared For:  
House Public Health and Welfare Committee

February, 1984

Prepared By:

Kansas Advisory Committee on  
Employment of the Handicapped

<p>1. K.S.A. 75-4351 Title</p> <p>Interpreters appointed for deaf, mute and persons whose <u>primary language is other than English.</u></p> <p>-----</p> <p>Required the appointment of a qualified interpreter for persons whose <u>primary language is one other than English</u>, or who are <u>deaf</u> or <u>mute</u> or <u>both</u>.</p>	<p>House Bill 2715</p> <p>Appointment of interpreters for deaf, <u>hearing or speech impaired persons.</u></p> <p>-----</p> <p>New Section 2 qualified interpreter appointment for persons who are <u>deaf, hearing impaired or speech impaired</u></p> <p>-----</p> <p>whose <u>primary communciation is nonverbal</u> or through the use of <u>sign language, or both</u></p>
<p>2. <u>Court Proceedings</u> 75-4351(a)</p> <p>Appointment in any <u>grand jury</u> proceedings when such person is called as a <u>witness</u></p> <p>-----</p> <p>75-4351(b) in any <u>court proceedings</u> which may result in <u>confinement</u> or the imposition of a <u>penal sanction</u></p> <p>75-4351(c) in any <u>civil proceeding</u>, whether such person is the <u>plaintiff, defendent or witness</u></p>	<p>New Section 2(a)</p> <p>Same</p> <p>-----</p> <p>New Section 2(b) HB 2715 combines the essence of 75-4351(b)(c)</p> <p>(b) in any <u>court proceeding</u> whether called as <u>plaintiff, defendent or witness</u></p>
<p>3. <u>Committee Meetings</u> 75-4351(d)</p> <p>appointment for any proceeding before a board, commission, agency, or licensing authority of the state or any of its political subdivisions</p> <p>-----</p>	<p>New Section 2(c)</p> <p>same; and adds <u>state advisory committees</u> before <u>legislative body, legislative committee or subcommittee, legislative research or subcommittee or commission</u> <u>authorized by a legislative body</u></p> <p>-----</p> <p>(continued on next page)</p>



<p>when such person is the <u>principal party</u> in interest</p> <p>-----</p> <p>no notification time specified</p>	<p>Same; includes as witness</p> <p>-----</p> <p>Request for interpreter must be made to the appointing authority at least <u>48 hours prior to the proceedings.</u></p>
<p>4. <u>Arrest</u> 75-4351(e)</p> <p>Appointment required to be made prior to interrogation or taking of a statement.</p>	<p>New Section 2(e)</p> <p>Same</p>
<p>5. <u>Compensation</u> 75-4352</p> <p><u>appointing authority shall determine and fix a reasonable fee for interpreter services</u></p> <p>-----</p> <p><u>payment for such costs may be from funds appropriated for the operation of the courts or agencies</u></p> <p>-----</p> <p><u>cost of interpreter services may be charged against the person receiving such assistance</u></p>	<p>New Section 5</p> <p><u>payment for interpreter services is to be at the rate established by KCDHI</u></p> <p>-----</p> <p><u>appointing authority may provide for payment out of funds appropriated for its operation</u></p> <p>-----</p> <p>Deleted from bill</p>
<p>6. <u>Qualifications</u> 75-4353(a)</p> <p><u>Allows interpreter appointment if no other qualified interpreter is available, if he or she is married to that person, related to that person within the first or second degrees of consanguinity, living with that person or is otherwise interested in the outcome of the proceedings.</u></p>	<p>New Section 3</p> <p>would not permit the appointment of persons who have these types of relationships to who they would be appointed to assist</p> <p>(continued on next page)</p>

<p>-----</p> <p>No such requirement</p>	<p>-----</p> <p><u>Appointment of interpreters must be from a list maintained by KCDHI</u></p>
<p>7. <u>Preliminary Determinations</u></p> <p>Appointing authority prior to appointment is required to make a preliminary determination that the interpreter is able to communicate with the person whose primary language is other than English, or who is deaf or mute or both, and is able to accurately repeat and translate the statement.</p>	<p>New Section 3</p> <p>Essentially the same; deletes "whose primary language is other than English, or who is deaf or mute or both" Requires preliminary determination. No individual shall be appointed unless the appointing authority makes a preliminary determination that the interpreter is able to readily communicate with the person and is able to accurately repeat and translate such statements of the person.</p>
<p>8. <u>Oath 75-4354</u></p> <p>Before entering upon duties every appointed interpreter shall take an oath indicating that a true interpretation in an understandable manner to the person for whom he or she is appointed, and will repeat the statements of such person in English to the best of their skill and judgement</p> <p>-----</p> <p>No privileged communication protections exist</p>	<p>New Section 4 and Section 9, lines 0119-0125</p> <p>Same; adds privileged communication wording.</p> <p>-----</p> <p>The interpreter will not divulge to other persons outside the proceedings any privileged information obtained while serving as an interpreter.</p>
	<p>(continued on next page)</p>

9. Disability Validation

No such provision exists

New Section 6

Appointing authority may require the person requesting appointment of an interpreter to furnish reasonable proof of deafness, hearing impairment or speech impairment if there is reason to believe the person is not disabled.

House Bill 2715

1. Title

- A) The term "mute", which is regarded by Kansas Organizations representing the deaf and hearing impaired as archaic and derogatory, was omitted from the bill.
- B) "Hearing impaired" added to the bill.
  - 1) Persons with hearing impairment represent a distinct population not addressed by only using the term "deaf".
  - 2) The commission presently serving this disability group uses hearing impaired in its name.
- C) Speech impaired persons added to the bill.
  - 1) This term more adequately reflects one of the physiological effects of hearing reduction or loss.
  - 2) By using (see statute) "Other than English Speaking Persons" it is not abundantly clear whether the statute refers to foreign language interpreters or interpreters for persons with impaired hearing. For clarification the additional term "nonverbal" and "sign language" appear.
  - 3) The interpreter for the hearing impaired has communication skills which are greater than is usually necessary for foreign language interpreters.
  - 4) Interpretation for the hearing impaired is a specialized service that may involve but is not limited to the following variations
    - American Sign Language (ASL)
    - Pidgin Signed English (PSE)
    - Manually Coded English (MCE)
    - Finger Spelling
    - Print-on-Palm (POP)

2. Court Proceedings

Statute and bill are essentially the same.

3. Committee Meetings

Expanding appointment of interpreters

- A) Hearing impaired persons would like to obtain membership to state advisory committees and need an interpreter to be effective.
- B) Would like to attend legislative meetings and would need an interpreter present.
- C) Facilities that do not have a qualified interpreter available are given a reasonable amount of time (48 hours) to locate one.  
Amendment is consistent with provision provided in other states.

4. Arrest

Statute and bill are essentially the same.

5. Compensation

- A) Reimbursement for interpreter services varied throughout the state. There exists a need for the rate of payment to be fixed by the commission.



- B) The provision to charge hearing impaired persons for interpreters services has been deleted because such individuals are unable to afford these services. This circumstance exists because an overwhelming majority of hearing impaired persons is unemployed or severely underemployed.
- C) Federal law (Section 504, Rehabilitation Act of 1973, amended) directs service providers to pay for such services.

6. Qualifications

- A) In certain cases a definite conflict of interest would exist, to allow blood relatives, family members or friends to be appointed as their interpreter
- B) To assure that only qualified interpreters are utilized any appointment must be from a list maintained by the commission.

7) Preliminary Determination

- A) There are many types of sign language (see C4) and a qualified interpreter may not be able to communicate with the person they are appointed to serve.  
Example: It may be difficult or impossible for some interpreters to communicate with pre-vocationally deaf persons who may have only rudimentary use of the English language.

8) Oath

Privileged communication wording

- A) Added at the request of hearing impaired persons who have experienced confidentially problems.
- B) The statute only requires an oath that statements will be factually repeated.
- C) Adheres to provisions obtained in other states.

9) Disability Validation

Provision was found while researching other states legislation and included as a precautionary measure.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

*Attn #3  
2-22-84*

TESTIMONY ON HOUSE BILL NO. 3000

PRESENTED FEBRUARY 22, 1984

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

This is the official position taken by the Kansas Department of Health and Environment on House Bill No. 3000.

NEED FOR:

A civil penalty system can be an important component of a comprehensive nursing home enforcement system. Civil penalties have long been used in regulating other industries; they are now a standard enforcement tool in the field of environmental protection.

A civil penalty system should be designed so as to assess penalties commensurate with the seriousness of the violations. The system should allow time to correct unintentional or less serious violations while immediately responding to the most serious violations. The current statutes (KSA 39-945, 39-946, and 39-947) authorizing civil penalties do not allow for a prompt civil penalty to be assessed for the most serious violations. The present statutes also require costly and redundant notices to a home where a violation has been cited before a civil penalty can be assessed.

STRENGTHS:

House Bill No. 3000 sets standards to classify violations of licensing standards according to their level of severity and authorizes the immediate assessment of a civil penalty only for the most serious violations. Licensees would still be allowed a reasonable time to correct other violations following formal notification that correction was required. The licensee's right to full due process is protected by KSA 39-947 which is not being amended by this bill. KSA 39-947 gives the home a right to a hearing on the penalty and KSA 39-948 provides for an appeal to the district court.

WEAKNESSES:

None.

DEPARTMENT'S POSITION:

Civil penalty is an "intermediate" sanction intended to remedy deficiencies. A responsive system for assessing civil penalties can be used to promote compliance and avoid reliance on the ultimate authority to revoke the license. The department recommends that the committee report House Bill No. 3000 favorably for passage.

PRESENTED BY: Barbara J. Sabol  
Secretary of Health and Environment

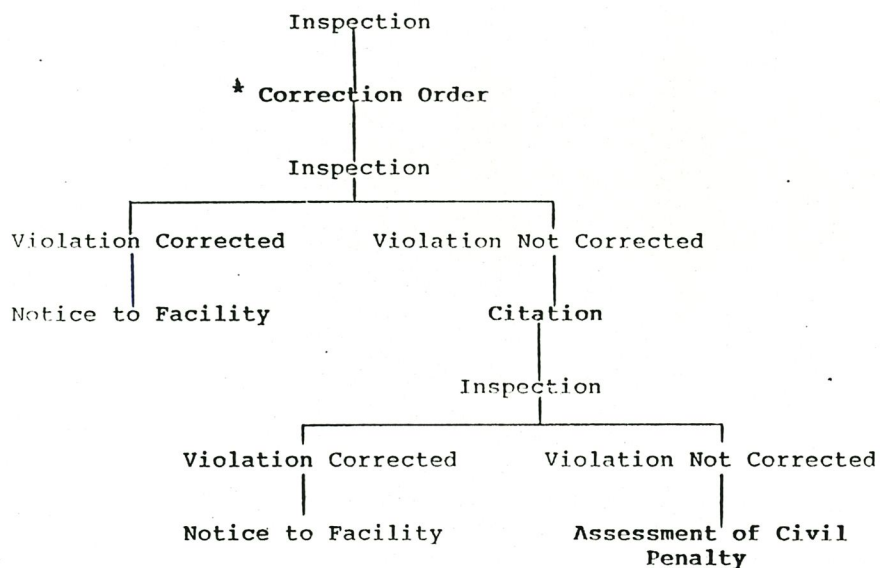
*Attn. #3  
2-22-84*

KANSAS ADULT CARE HOME  
CIVIL PENALTY PROCESS

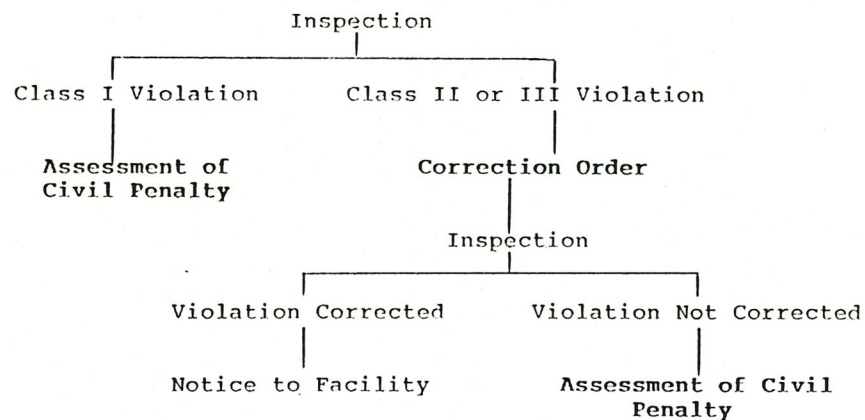
*Attn #4  
2-22-84*

*Attn #4  
2-22-84*

Current Process



Proposed Process



\* K.S.A. 39-945. A correction order may be issued by the secretary of health and environment ... to a person licensed to operate an adult care home whenever a duly authorized representative ... inspects or investigates an adult care home and determines that the adult care home is not in compliance with the provisions of article 9 of chapter 39 of the Kansas Statutes Annotated or rule and regulation promulgated thereunder which affects the health, safety, nutrition or sanitation of the adult care home residents.

*Attn #5  
2-22-84*

TESTIMONY PRESENTED BEFORE THE  
HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

By  
Dick Hummel, Executive Director  
Kansas Health Care Association

February 22, 1984

HOUSE BILL 3000

"AN ACT concerning adult care homes; assessment of  
civil penalties for violations."

Mr. Chairman and Committee Members:

On behalf of the Kansas Health Care Association, an organization representing over 200 adult care homes (both for-profit and not-for-profit), thank you for this opportunity to appear.

Our association has no objections to this bill, but wish to request your consideration of a technical point in it.

The state licensure body has had the authority to issue correction orders and assess civil penalties (fines) for violations of adult care home rules and regulations that "significantly and adversely affect the health, safety, nutrition, or sanitation of the residents."

Here are two examples of violations cited in recent correction orders, and the adult care home's response:

<u>CORRECTION ORDER</u>	<u>RESPONSE</u>
1. Hot water heating equipment shall have sufficient capacity to supply hot water at temperatures indicated. Dietary 140° F minimum.	1. Corrected. Water temperature in dietary measured 140° F. The hot water booster restart button was off causing unit malfunction.
2. Dirty linens on floor.	2. A lap robe was placed on the floor of the Century tub room to catch water dripping from the raised chair. Corrected by removing lap robe from floor.

*"We Care"*

*Attn #5  
2-22-84*



Testimony on H.B. 3000  
By Dick Hummel  
February 22, 1984  
Page Two

We see H.B. 3000 accomplishing two things:

1. Standards Categorized. The adult care home rules and regulations will be classified into four categories of violations. We assume the classifications will be accomplished through rules and regulations.
2. Higher Penalty - Immediate Assessment. A Class I violation, the most serious, would lead to the immediate assessment of a \$500 fine (lines 0040-0043).

We raise a procedural question on how this will function. The words "immediately assess" in line 0042 must be read into the procedure of K.S.A. 39-946 as amended. The "immediately" appearing in line 0063 cannot operate until there has been a determination of a violation. These actions have no procedure in the amended section.

The effectiveness of the assessment attaches upon the service of a written notice.

(The objective of a Class I violation would reasonably appear to be the immediate cessation of a life-threatening act; a \$500 fine levied after the days required to draft and serve an order does not seem appropriate for such an immediate threat. If the life-threatening act is not sufficient for receivership action, the necessity for an "immediate" assessment would appear to relate more to the convenience of the agency than to a concern for the resident.)

To make the objective more rationale and relate the legislative intent for the concern of the resident, we suggest an amendment to the bill on line 0066 after the word "requested.":

Strike the period after the word "requested" and add and the assessment shall be effective on the first day following the date designated in the notice for the correction of the violation.

I would be happy to respond to any questions the committee may have.



Attn. #6

2-22-84

## *Kansans for Improvement of Nursing Homes, Inc.*

927½ MASSACHUSETTS ST. #1

LAWRENCE, KANSAS 66044

842-3088 — Area Code 913

February 22, 1984

STATEMENT SUBMITTED TO THE  
HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE  
CONCERNING HOUSE BILL 3000

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: Kansans for Improvement of Nursing Homes supports HB 3000, which strengthens the state's ability to assess a civil penalty for violations of state standards of nursing home care. The classification of violations by severity of consequence, and the authority given to the Secretary of Health and Environment to levy a fine up to \$500 immediately for certain violations, are useful additions to current law.

We are unsure whether the legislation would permit immediate assessment up to \$500 for Class I violations, as in Sec. 2(a) and would also permit an assessment of an additional \$100 per day per deficiency, for the same Class I violation, after the last day allowed for correction, as in (b). Or is there an overall penalty limitation of \$500?

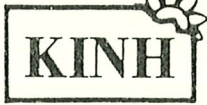
We wonder whether a fine which may not exceed \$500 is adequate, in all cases, to discourage violation. Most nursing home violations of Health and Environment standards have a price tag. To cite a simple example, if staff ratios are lower than permissible, the home will save substantially on salaries; if the quality and quantity of food is substandard, the home will save on the board and room cost center.

All would agree that homes must and should seek to effect cost savings, but not at the expense of adequate care, food, supplies or housekeeping standards. The balancing trick for the conscientious nursing home is to meet no less than the state's standard at the lowest possible cost. If the penalty for violation of state standard is less costly than it would be to maintain the proper standard, the penalty will not be an effective deterrent to violation by the unconscientious nursing home.

There may not be a single sum that is appropriate for all violations. KINH suggests that perhaps the penalty should bear some direct relationship to both the classification of the violation and to the cost of conformity with state minimum standards of care.

Attn. #6  
2-22-1984





Attn. #6  
2-22-84

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Attn #7  
2-22-84

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
BUREAU OF MATERNAL AND CHILD HEALTH  
SAFETY EVALUATION FORM FOR REGISTRATION OF FAMILY DAY CARE HOMES

Applicant \_\_\_\_\_  
Name Area Code Telephone Number  
\_\_\_\_\_  
Address City County

You must attest to the safety of the home by completing this safety evaluation form. (Please answer all questions YES if you meet the requirements. Any checkmarks will be considered YES answers, or NA if not applicable.) (K.S.A. 65-519)

YES (Write NA if not applicable)

- \_\_\_ (1) I certify to the best of my knowledge that all persons living in the home are free from infectious or contagious disease. (K.S.A. 65-516 and 519)
- \_\_\_ (2) I certify that presently there is and within the coming year there will be no person living in the home who has been convicted of child abuse or sexual abuse; who has had a child declared deprived or removed from the home; who has signed a diversion agreement involving a charge of child abuse or a sexual offense; who has been found to be an incapacitated person in need of a guardian or conservator or both; or who has been found to be unfit to have custody of a minor child. (K.S.A. 65-516 and 519)
- \_\_\_ (3) If I must be temporarily away from home while children are in my care, I will leave the children only with a person sixteen years of age or older.
- \_\_\_ (4) I understand that I must never leave children unattended in any vehicle in which I transport them.
- (5) I have a plan for:
  - \_\_\_ A. Evacuating children in case of fire.
  - \_\_\_ B. The protection of children in case of tornado.
  - \_\_\_ C. I have discussed these plans with parents and have practiced them with the children or will do so upon accepting a child for care.
- (6) I have the following emergency numbers listed by or on the phone:
  - \_\_\_ A. Police
  - \_\_\_ B. Fire
  - \_\_\_ C. Ambulance
  - \_\_\_ D. Nearest poison control center
- (7) I have the following information available for each child or will obtain upon accepting a child for care:
  - \_\_\_ A. Name, address and place of employment or location of parent.
  - \_\_\_ B. Parental permission for emergency medical care.
- \_\_\_ (8) I will advise parents of children in my care of the importance of child health supervision and the completion of necessary immunizations.

(over)

Attn #7  
2-22-1984



(9) I understand that if I am asked to give medication to children in my care I should have:

- A. Parental permission for non-prescription medicines.
- B. Prescription bottle with child's name, dosage and name of physician on bottle for prescription medicines.

(10) My home:

- A. Is reasonably clean and uncluttered.
- B. Is skirted and anchored if mobile home.
- C. Has two exits from first floor.
- D. Has floor furnace guard in place around grate when furnace is on.
- E. Has gas stoves/space heaters/woodburning equipment properly vented and guarded. (A sensor may be installed as alternative to venting).
- F. Has hot water heater properly vented and guarded.
- G. Has all electrical outlets covered with safety caps.
- H. Has guns in locked storage.

(11) I certify that the basement in my home

- A. is not used for child care
- B. is used for child care and I certify that I have read the State Fire Marshal Department's Life Safety Requirements for fire protection and will abide by the same.

(12) I have the following items stored out of children's reach or locked up:

- A. Medications, prescription and non-prescription.
- B. Household poisons.
- C. Knives and sharp scissors.
- D. Inflammable materials.

(13) Our cat/dog have current rabies shots.

(14) All toys and play equipment are safe for children's use.

(15) Playground equipment is anchored as necessary.

(16) All toys and equipment are inspected regularly for defects, and repairs made or removed from service.

REV/ 3/83



(17) The outdoor play area:

- A. Is free from broken glass, broken toys and play equipment, construction materials and dangerous adult equipment.
- B. Has a fence separating it from the swimming pool (if pool is on premises).

(18) I recognize the need to protect children from hazards and am aware of the children's location at all times.

(19) I protect children from hazards such as railroad tracks, rivers and ponds, heavily traveled streets, as follows:

- A. I have a fenced yard.
- B. I am always with the children when they play outside.

(20) Stairways are railed and guarded by door, gate or other barrier or will be upon accepting children under age three for care.

(21) I use disciplinary methods appropriate to the age of children in care as follows: (Please describe)

(22) I am aware that I must not use nor allow anyone in my home to use any form of physical punishment which can harm a child.

(23) I understand that all milk and dairy products served to children in care must be pasteurized.

(24) Infants presently in care are or infants accepted for care in the future will be held for bottle feeding if they cannot hold their own bottle. (Bottles must not be propped up or left in mouth of sleeping child.)

(25) At meal or snack time I provide or will provide milk, juice, fruit, vegetables and meat/meat substitutes to children in care.

(26) Individual towels or paper towels and individual wash cloths will be used for children in care.

(27) I have or agree to obtain as necessary for children presently in care or for children accepted for care in the future appropriate napping or resting facilities:

- A. A crib or playpen for each child under eighteen months.
- B. Family bed, cot, sofa, lower bunk or pad over carpet for each child over eighteen months (two children may sleep on a double bed).
- C. Individual bedding for each child in keeping with the home temperature and security of the individual child.

(over)



(28) A. My home is connected to Public Water Supply.

Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, please complete question B.)

B. Water Supply:

\_\_\_\_ 1. I certify that I have safe water, tested for bacteria and an acceptable nitrate level on \_\_\_\_\_ (approximate date)

\_\_\_\_ 2. If the water lab test showed my water to be unsafe, I have attached a statement certifying my alternative action which will provide a safe water supply for all children in child care. (Please contact your local or state health department for a list of approved alternate actions.)

(29) A. My home is connected to a public sewerage system.

Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, please complete question B.)

B. Sewage Disposal System:

I certify that I have either:

\_\_\_\_ 1. An approved septic tank and lateral field system that is working properly without draining sewage to the ground surface or into ditches, streams, ponds or other waterways.

\_\_\_\_ 2. Another type of approved sewage disposal system that is not creating a health hazard.

\_\_\_\_ (30) I understand that I am liable for the safety and health of children in my home and/or vehicle.

\_\_\_\_ (31) I certify that, at present I nor anyone living in the home are under criminal investigation or involved with legal ligation. If no explain.

I certify that all information given is true and correct. I understand that falsification of information may result in denial or revocation of the Certificate of Registration. (K.S.A. 65-521)

\_\_\_\_\_  
Signature of Applicant Date

JH: SAN: JJW: ta

SEF-KDHE-MCH Rev. 3/81

\_\_\_\_ I am or plan to enroll with \_\_\_\_\_ Day Care Referral Agency.  
Name of Agency

REV. 3/83



Attn. #8  
2-22-84

Sabal

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HOUSE BILL NO. 2919

FEBRUARY 22, 1984

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

Background:

In 1980 the legislature modified the child care licensing act giving "family day care homes" an option to be licensed or registered with the Secretary of Health and Environment. Family day care homes must meet the requirements of not more than 6 children less than 16 years of age (not more than 3 under 18 months of age) including the providers own children under the age of 16. The requirements for registration included annual application on forms which relate to conditions in the home from the perspective of social, health and physical safety. The law also provided that the certificate can be revoked or not renewed if there had been falsification of information on the application. Right of access for inspection purposes was limited to the investigation of complaints only.

The philosophy behind the registration program for family day care puts the responsibility for meeting standards in a small care facility on the providers of care and on the parents who have elected to place their children in that home. The role of the State in this situation would be to set standards, identify the names of those providing care, investigate complaints relating to violation of the standards, and if necessary, revoke or fail to renew a certificate. This is an important and developing concept in the care of children in small facilities. By requiring regular monitoring visits by the State it is implied that the State has the responsibility to assure that standards are met in these small places.

Position of the Department:

The Department of Health and Environment supports the additional right-of-access proposed by House Bill 2919 and the requirement for random monitoring visits to assess compliance in family day care homes. It would be extremely useful to know whether registered homes are different from licensed homes with regard to their compliance with the standards. We believe, however, that this requirement should be limited to the time necessary to make a determination of the relative safety of registered homes when compared with licensed homes. The requirement should be "sunsetting" July 1, 1987 after a report is presented to the Legislature in January 1987. This would allow a full 2 to 2 1/2 year study for the comparison and should the data show that continued monitoring is necessary, the Session of 1987 would be able to extend the requirement.

To strengthen the registration statutes we believe that amendments should be made to require the person responsible for the family day care home to have knowledge of the standards, to share the standards with the parents whose children are in care and to inform parents of the complaint procedures. We believe this would have greater impact on the quality of the home and compliance with standards than the threat of a random visit.

Attn. #8  
2-22-1984



In summary, our recommendations are as follows:

1. Define the random monitoring visits as a study with a limited time frame.
2. Strengthen the idea of community and provider responsibility for compliance with standards with the additional requirements stated.