

Approved 3-27-1984
Date sh.

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at
Chairperson

1:30 a.m./p.m. on March 26, 1984 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Research
Norm Furse, Revisor
Sue Hill, Secy, to Committee

Conferees appearing before the committee:

Visitor's register, (Attachment No. 1.)

Chairman called meeting to order at 2:05 p.m., immediately upon adjournment of the House this date. Chair recognized Rep. King as chairman of sub-committee on Sub. SB 660.

Sub. SB 660.

Rep. King reported the sub-committee had worked on amendments for Sub. SB 660. (See Attachment 2-A and 2-B, for details of sub-committee report and proposed amendments respectively.) He stated there are several technical changes, and language in the amendments that nothing contained in K.S.A. 65-1435 and amendments thereto shall be construed to permit the franchise practice of dentistry, and some other language changes. Rep. King reported he felt changes would serve to concerns of those involved. Rep. Buehler stated, he felt the sub-committee had done everything that can be done to clean up the bill to make it acceptable to everyone involved, and if there is still some confusion, he felt committee could place confidence in the work that Rep. King and Rep. Buehler had done in their sub-committee. Rep. King moved that Sub-committee recommended amendments be adopted, motion seconded by Rep. Walker. Questions and discussion ensued. Vote taken, motion carried.

Rep. Walker moved that Sub. SB 660 be recommended favorable for passage as amended, seconded by Rep. Williams. Discussion continued, vote taken, motion carried.

May the record show that the following are recorded as no notes, Rep. Harder, Rep. Buehler, Rep. Blumenthal, Rep. Roenbaugh, Rep. Wagnon, Rep. Branson, on Sub. SB 660.

SB 623

Rep. Hassler as chairman of sub-committee on SB 623 reported to committee their proposed amendments to this bill. They are speaking to the time factor that the patient is informed of choices of treatment will now read "at the time of diagnosis", (see Attachment No. 3.) for details. She stated further language changes and deletions, i.e., the Board is not recommending one treatment over another; line 100, the word "effective" is deleted; and other changes throughout attachment No. 3. Rep. Hassler moved the proposed amendments by sub-committee be accepted on SB 623, motion seconded by Rep. Roenbaugh. Motion carried.

Rep. Buehler moved to passed SB 623 favorably as amended out of committee, seconded by Rep. Blumenthal, motion carried.

SB 640.

Rep. Friedeman as chairman of sub-committee on SB 640 reported to committee their proposed amendments to SB 640, stating as per (Attachment No. 4 for details), the material within brackets () would be deleted, and noting some

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 March 26, 1984

SB 640 continues:--

technical changes, i.e., getting the language in proper order; in Sec. 3., adding language, "within the limits of appropriations therefor", and inserting language, "private third-party payors", in lines 36 and 41, etc. (Note complete amendment changes in Attachment No. 4.) Questions and discussion followed Rep. Friedeman's report, i.e., cost to the state, etc. Rep. Friedeman moved the sub-committee report be adopted, motion seconded by Rep. Rogers, motion carried.

Rep. Harder moved that SB 640 be passed favorably as amended out of committee, seconded by Rep. Friedeman, motion carried.

SCR 1648

Chair reviewed SCR 1648, and discussion followed. Rep. Williams made a motion that SCR 1648 be passed favorably out of committee and placed on consent calendar, seconded by Rep. Harder, motion carried.

SB 658

Chair reviewed SB 658 briefly. Rep. Branson moved that SB 658 be amended to have 3 day waiting period removed from the bill. Rep. Hassler seconded. Discussion, i.e., necessity of waiting period no longer needed, etc. Vote taken, motion carried.

Rep. Branson moved that SB 658 be passed favorably as amended out of committee, seconded by Rep. Buehler, motion carried.

SB 769

Chair asked staff to give overview on proposed amendments for SB 769. This is basically a cleanup amendment, taking out unnecessary language, language cleanup, etc., staff reported. Discussion and questions ensued, i.e., disfunctional being a key word in the bill, rather than aged or elderly; abilities versus disabilities; aged or disabled also being a key phrase in the bill; etc. Secy. Hougland of Dept. on Aging was asked to define aged, elderly. She stated their Department criteria uses 60 years of age. Discussion continued about age cut off being used in bill, etc. Rep. Williams moved to amend the proposed amendment to, strike word, "aged", and insert in lieu thereof, "elderly persons 60 years or older". Motion seconded by Rep. Friedeman. Further discussion, vote taken, motion failed.

Rep. Wagnon moved to adopt proposed amendments in Attachment No. 5. on SB 769, (see attachment for full details). Motion seconded by Rep. Cribbs. Discussion, i.e., age limitation; infirmities; physical disfunction; etc. Vote taken, motion carried.

Motion by Rep. Wagnon to pass SB 769 out of committee favorably as amended, seconded by Rep. Branson, motion carried. May it be recorded that Rep. Williams voted no on SB 769.

SB 683

Rep. Branson moved that SB 683 be reported adversely, seconded by Rep. Rogers. Discussion ensued.

Substitute motion made by Rep. Friedeman to amend the bill as proposed by Senator Angell, Copies of this amendment distributed an earlier date were not available, so chair stated that since time restraints this date would not allow sufficient time to complete action on the bill, members were instructed to study this amendment Rep. Friedeman has moved to adopt.

Meeting adjourned at 3:15 p.m.

May it be noted that Attachments No. 6 and No. 7. were distributed to committee. (See both for details.)

Date: 3-26-84

 GUEST REGISTER
 HOUSE

PUBLIC HEALTH AND WELFARE

Please Print

NAME	ORGANIZATION	ADDRESS
Williams, Robert	Ks. Dental Assoc.	5200 Huntoon 04
Gary Robbins	Ks. Opt. Assn	
Henry, B. L.	KES	
Lynne Stangor	KDOA	
Joyce Hammond	Intern-Jean Wagner	Lawrence
Barbara Peimet	KWPC	Topeka
KAREN McCLAIN	Intern - Sen. Feleciano	Topeka
Rex Fuller	Christian Law Assoc.	Cleveland
Payton Biv Brewer	Fellowship Baptist School	Bonnew Springs
EVERY JACHTER	Ks. MEDICAL SOCIETY	TOPEKA
anda and woody	Ks. Nat'l Organization for Women	Ottumwood Falls, KS

Attn. # 2-a
3-26-84

House Subcommittee Report on Substitute for Senate Bill No. 660

Mr. Chairman:

Your Subcommittee on Substitute for Senate Bill No. 660 recommends that this bill be passed with the following amendments:

- (1) Where the bill speaks of dentists practicing together change the word "association" to "corporation, organized under the professional corporation law of Kansas" and the word "name" to "corporate name, established in accordance with the professional corporation law of Kansas";
- (2) Where the bill speaks of dentists practicing together with physicians make it clear that the word "clinic" may be used in conjunction with such practice;
- (3) Provide that nothing contained in K.S.A. 65-1435 and amendments thereto shall be construed to permit the franchise practice of dentistry;
- (4) Amend K.S.A. 1983 Supp. 65-1436 to eliminate the prohibition against the word "clinic" as that word would be authorized to be used under the subcommittee's proposed amendments to K.S.A. 65-1435; and
- (5) Make general clean-up amendments to K.S.A. 65-1435 by paragraphing material, inserting specific "exception" language and reorganizing the internal structure of the section.

Attn. # 2-a
3-26-1984

3-26-84

Subcommittee Proposed Amendments

for

Substitute for SENATE BILL NO. 660
(As Amended by Senate Committee of the Whole)

[Only Proposed Amendments Indicated]

[K.S.A. 1983 Supp. 65-1436 new to the bill]

AN ACT concerning dentists; relating to improper use of certain names; amending K.S.A. 65-1435 and K.S.A. 1983 Supp. 65-1436 and repealing the existing section sections.

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

Section 1. K.S.A. 65-1435 is hereby amended to read as follows: 65-1435. (a) Except as otherwise provided in this section shall be unlawful for any person or persons to practice or offer to practice dentistry under any name except such person's own name, which shall be the name used in the license certificate granted to him such person as a dentist as provided in this act. ~~In addition it shall be unlawful, or~~ to use the name of any company, association, corporation, clinic, trade name or business name in connection with the practice of dentistry as defined in this act ~~except that,~~

(b) Nothing herein contained shall be construed as to prevent two or more licensed dentists:

(1) From associating together for the practice of dentistry, each in such person's own proper name; or

(2) from associating together for the practice of dentistry in a professional ~~association~~ corporation, organized under the professional corporation law of Kansas, under a name corporate name, established in accordance with the professional corporation law of Kansas, that may or may not contain ~~such person's own proper name~~ the proper name of any such person or persons; or

(3) from associating together with persons licensed to practice medicine and surgery in a clinic or professional association under a name that may or may not contain such

~~person's own proper name~~ the proper name of any such person or persons and may contain the word "clinic".

~~(c) The violation of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation of a license.~~ It shall be unlawful, and a licensee may have a license suspended or revoked, for any licensee: (1) To conduct a dental office in the name of the licensee; or (2) to advertise the licensee's name in connection with any dental office or offices; or (3) to associate together for the practice of dentistry with other licensed dentists in a professional association corporation, organized under the professional corporation law of Kansas, under a name corporate name, established in accordance with the professional corporation law of Kansas, that may or may not contain such person's own proper name the proper name of any such person or persons; or (4) to associate together with persons licensed to practice medicine and surgery in a clinic or professional association under a name that may or may not contain such person's own proper name the proper name of any such person or persons and may contain the word "clinic", unless such person licensee is personally present in the office operating as a dentist or personally overseeing such operations as are performed in the office or each of the offices during a majority of the time the office or each of the offices is being operated.

(d) Nothing in this section shall be construed to permit the franchise practice of dentistry.

(e) The violation of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation of a license.

Sec. 2. K.S.A. 1983 Supp. 65-1436 is hereby amended to read as follows: 65-1436. (a) The Kansas dental board may refuse to issue the license provided for in this act, or may take any of the actions with respect to any dental or dental hygiene license as set forth in subsection (b), whenever it is established to the satisfaction of the board that any applicant for a dental or

dental hygiene license or any licensed dentist or dental hygienist practicing in the state of Kansas has:

(1) Committed fraud, deceit or misrepresentation in obtaining any license, money or other thing of value;

(2) committed gross immorality;

(3) habitually used intoxicants or drugs which have rendered such person unfit for the practice of dentistry or dental hygiene;

(4) been determined to be incompetent;

(5) committed gross, wanton or willful negligence in the practice of dentistry or dental hygiene;

(6) employed, allowed or permitted any unlicensed person or persons to perform any work in the licensee's office which constitutes the practice of dentistry or dental hygiene under the provisions of this act;

(7) willfully violated the laws of this state relating to the practice of dentistry or dental hygiene or the rules and regulations of the secretary of health and environment or of the board regarding sanitation;

(8) engaged in the division of fees, or agreed to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or the patient's legal representative, except the division of fees between dentists practicing in a partnership and sharing professional fees, or in case of one licensed dentist employing another;

(9) committed complicity in association with or allowed the use of the licensed dentist's name in conjunction with any person who is engaged in the illegal practice of dentistry;

(10) been convicted of a felony if the board determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust, or a misdemeanor involving moral turpitude;

(11) failed to pay license fees;

(12) used the name "clinic," "institute" or other title

that may suggest a public or semipublic activity except that the name "clinic" may be used as authorized in K.S.A. 65-1435 and amendments thereto; or

(13) committed, after becoming a licensee, any conduct which is detrimental to the public health, safety or welfare as defined by rules and regulations of the board.

(b) Whenever it shall be established to the satisfaction of the Kansas dental board that a licensee is in any of the circumstances or has committed any of the acts described in subsection (a), the Kansas dental board may take one or any combination of the following actions with respect to the license of the licensee:

(1) Revoke the license.

(2) Suspend the license for such period of time as may be determined by the board.

(3) Restrict the right of the licensee to practice by imposing limitations upon dental or dental hygiene procedures which may be performed, categories of dental disease which may be treated or types of patients which may be treated by the dentist or dental hygienist. Such restrictions shall continue for such period of time as may be determined by the board, and the board may require the licensee to provide additional evidence at hearing before lifting such restrictions.

(4) Grant a period of probation during which the imposition of one or more of the actions described in subsections (b)(1) through (b)(3) will be stayed subject to such conditions as may be imposed by the board including a requirement that the dentist or dental hygienist refrain from any course of conduct which may result in further violation of the dental practice act or the dentist or dental hygienist complete additional or remedial instruction. The violation of any provision of the dental practice act or failure to meet any condition imposed by the board as set forth in the order of the board will result in immediate termination of the period of probation and imposition of such other action as has been taken by the board.

(c) The board may upon its own motion or upon the request of any licensee who is a party to a licensure action require a physical or mental examination, or both, of such licensee either prior to a hearing to be held as a part of a licensure action or prior to the termination of any period of suspension or the termination of any restrictions imposed upon the licensee as provided in subsection (b).

Sec. 3. K.S.A. 65-1435 and K.S.A. 1983 Supp. 65-1436 ~~is~~ are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Attn. #3
3-26-84

paS623s1

Subcommittee Proposed Amendment to

Section 1, subsection (o) of Senate Bill No. 623

(As Amended by Senate Committee)

(o) Failure at the time of diagnosis by persons licensed to practice medicine and surgery to inform a patient suffering from any form of abnormality of the breast tissue of ~~all~~ alternative effective methods of treatment as specified in the standardized summary supplied by the board ~~including surgical, radiological or chemotherapeutic treatments or combinations of treatments and the risks associated with each of these methods.~~ ~~The board shall develop and distribute to persons licensed to practice medicine and surgery a standardized summary of the alternative and efficacious methods of treatment known to the board at the time of distribution of the standardized summary.~~ The standardized summary shall be given to each such patient suffering from any form of abnormality of the breast tissue, and this shall constitute compliance with the requirements of this subsection (o). The board shall develop and distribute to persons licensed to practice medicine and surgery a standardized summary of the alternative methods of treatment known to the board at the time of distribution of the standardized summary, including surgical, radiological or chemotherapeutic treatments or combinations of treatments and the risks associated with each of these methods. Nothing in this subsection (o) shall be construed or operate to empower or authorize the board to restrict in any manner the right of a person licensed to practice medicine and surgery to recommend a method of treatment or to restrict in any manner a patient's right to select a method of treatment. The standardized summary shall not be construed as a recommendation by the board of any method of treatment. The preceding sentence or words having the same meaning shall be printed as a part of the standardized summary. The provisions of this subsection (o) shall not be effective until the standardized written summary provided for in this subsection (o) is developed and printed and made available by the board to persons licensed by the board to practice medicine and surgery.

Attn. #3
3-26-1984

Attn # 4
3-26-84

SENATE BILL No. 640

By Senator Feleciano

2-2

Note: material within brackets [] would be deleted.

0018 AN ACT establishing a program for the care of persons suffering
0019 from hemophilia.

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

0021 Section 1. When used in this act:

0022 (a) "Hemophilia" means a bleeding tendency resulting from
0023 a genetically determined deficiency factor in the blood [] []

0024 (b) "Director" means the director of the division of health of
0025 the Kansas department of health and environment.

0026 (b) "secretary" means the secretary of health and environ-
0027 ment.

0028 Sec. 2. (a) ~~The director~~ *Within the limits of appropriations*
0029 *therefor, the secretary* shall establish a program [] *for the care and* [] in accordance with the provisions of this act

0030 treatment of persons suffering from hemophilia. This program [] suffering from hemophilia
0031 shall assist persons [] who require continuing treatment with blood []

0032 and blood derivatives to avoid [] ~~crippling~~ extensive hospitaliza- []
0033 tion and other [] effects associated with this critical chronic bleed- []
0034 ing condition, but who are unable to pay for the entire cost of []

0035 such services on a continuing basis after payment of claims from
0036 [] various types of hospital and medical insurance coverages, [] private third-party payors

0037 Medicare, Medicaid *medicare, medicaid* and other government
0038 assistance programs ~~and private charitable assistance programs.~~

0039 (b) State assistance pursuant to subsection (a) of this section
0040 shall be available to an applicant only after it has been shown
0041 that the applicant has exhausted all benefits from [] private third-party payors

0042 coverage, Medicare, Medicaid *medicare, medicaid* and other
0043 government assistance programs ~~and private and charitable as-~~ []
0044 ~~istance programs.~~ [] and after consideration of the individual's income and
0045 Sec. 3. The ~~director~~ *secretary* shall [] assets. The secretary shall establish by rules and regu-
[] within the limits of appropriations therefor [] lations standards for determining eligibility for state
[] assistance under this act.

0047 (a) Assist in the development and expansion of programs for
 0048 the care and treatment of persons suffering from hemophilia,
 0049 including self-administration, prevention and home care and
 0050 other medical and dental procedures and techniques designed to
 0051 provide maximum control over bleeding episodes typical of this
 0052 condition.

0053 (b) Extend financial assistance to persons suffering from he-
 0054 mophilia in obtaining blood, blood derivatives and concentrates
 0055 and other efficacious agents for use in hospital, medical and
 0056 dental facilities, and at home or participate in the cost of blood
 0057 processing to the extent that such support will facilitate the
 0058 supplying of blood, blood derivatives and concentrates and other
 0059 efficacious agents to hemophilia patients at an economical cost,
 0060 thus increasing the effectiveness of the moneys appropriated to
 0061 carry out the provisions of this act.

0062 (c) Institute and carry on educational programs among phy-
 0063 sicians, dentists, hospitals, public health departments and the
 0064 public concerning hemophilia, including dissemination of infor-
 0065 mation and the conducting of educational programs concerning
 0066 the methods of care and treatment of persons suffering from the
 0067 condition.

0068 *Sec. 4. The secretary ~~may~~ adopt rules and regulations neces-*

0069 *Sec. 4 5. This act shall take effect and be in force from and*
 0070 *after its publication in the statute book.*

who are eligible to receive such assistance under
 this act to assist such persons

shall

PROPOSED AMENDMENTS

for

SENATE BILL NO. 769
(As Amended by Senate Committee of the Whole)

AN ACT concerning abuse and neglect; directing the investigation by the department of social and rehabilitation services of reports of abuse and neglect of aged adults and disabled persons; providing for protective services.

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

Section 1. As used in this act:

(a) "Abuse" means treatment under which an eligible adult is deprived, or allowed to be deprived, of food, clothing, shelter or medical treatment essential to ~~their~~ well-being, or is permitted to live in an environment which is detrimental to such person's health, when such deprivation or environment causes the adult's physical health to be significantly impaired.

(b) "Neglect" means to omit, forbear or fail to exercise a degree of care and caution that a prudent person would deem essential to insure the well-being of an eligible adult and by such omission, forbearance or failure, significantly ~~impairs or jeopardizes~~ impair or jeopardize the physical health of the individual.

(c) "Exploitation" means an unjust or improper use of another person for one's own profit or advantage.

(d) "Caretaker" means a person or institution which has assumed the responsibility for the care of an eligible adult voluntarily, by contract or by order of a court of competent jurisdiction.

(e) "Secretary" means the secretary of social and rehabilitation services.

(f) "In need of protective services" means that an eligible adult is unable to provide for ~~oneself~~ or obtain services which are necessary to maintain physical health.

(g) "Eligible adult" means an aged or disabled person ~~with~~

who has disabling infirmities ~~such as organic brain syndrome~~ or other physical dysfunctioning to the extent that the person is impaired in ~~their~~ the ability to ~~adequately~~ provide adequately for ~~their~~ such person's own care or protection. ~~It~~ Such term shall not include a resident as defined in K.S.A. 39-1401, and amendments thereto.

(h) "Protective services" means services provided by the state or other governmental agency or by private organizations or individuals which are necessary to prevent abuse, neglect or exploitation. Such protective services shall include, but shall not be limited to, evaluation of the needs need for services, ~~arrangements--for~~ assistance in obtaining appropriate living ~~quarters arrangements,~~ assistance in obtaining financial benefits to which the person eligible adult is entitled, ~~or~~ and assistance in securing medical and legal services.

(i) "Report" means a report of abuse, neglect or exploitation under this act.

No person shall be considered to be abused, neglected, exploited or in need of protective services for the sole reason that such person relies upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

Sec. 2. (a) ~~The department--of--social--and--rehabilitation services~~ secretary upon receiving a report that an eligible adult is being, or has been, abused ~~or,~~ neglected ~~or is in a condition which is the result of such abuse or neglect,~~ exploited or is in need of protective services shall, within 48 hours of receiving such report, initiate an investigation, including a personal visit with the eligible adult ~~and, within.~~ Within two weeks of receiving ~~such~~ a report, the secretary shall initiate a thorough investigation and evaluation to determine ~~the situation relative to the condition of~~ whether the eligible adult has been or is being abused, neglected or exploited and ~~what action and services, if any, are required~~ whether protective services are

required. The evaluation shall include, ~~but not be limited to, a visit to the named eligible adult and~~ consultation with those individuals having knowledge of the facts of the particular case. Upon completion of the evaluation of each the case, written findings shall be prepared which shall include a finding of whether there is or has been abuse or, neglect, ~~recommended action and a determination of~~ or exploitation and whether protective services are needed.

(b) Neither the report nor the written evaluation findings shall be deemed a public record or be subject to the provisions of the open records act. The name of the person making the original report or any person mentioned in such report shall not be disclosed unless the person making the original report specifically requests or agrees in writing to such disclosure or unless a judicial proceeding results therefrom.

Sec. 3. (a) No person who makes any report pursuant to this act, or who testifies in any administrative or judicial proceeding arising from such report, shall be subject to any civil liability on account of such report or testimony, unless such person acted in bad faith or with malicious purpose.

(b) No employer shall terminate the employment of, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that such employee made or caused to be made a report under this act.

Sec. 4. (a) If the secretary finds that an eligible adult is in need of protective services, the secretary shall provide the necessary protective services if the eligible adult consents. If the eligible adult fails to consent and the secretary has reason to believe that the eligible adult lacks capacity to consent, the secretary shall determine whether a petition for appointment of a guardian or conservator, or both, should be filed. The secretary may petition the district court for appointment of a guardian or conservator, or both, for ~~the~~ an eligible adult pursuant to the provisions of the act for obtaining a guardian or conservator, or both, ~~in order to obtain~~

~~such consent.~~

(b) If the caretaker of an eligible adult who has consented to the receipt of reasonable and necessary protective services refuses to allow the provision of such services to the eligible adult, the secretary may seek ~~to obtain~~ an injunction enjoining the caretaker from interfering with the provision of protective services to the eligible adult. The petition in such action shall allege specific facts sufficient to show that the eligible adult is in need of protective services and consents to their provision and that the caretaker refuses to allow the provision of such services. If the judge finds that the eligible adult is in need of protective services and has been prevented by the caretaker from receiving such services, the judge shall issue an order enjoining the caretaker from interfering with the provision of protective services to the eligible adult.

Sec. 5. ~~Any person, department or agency authorized to carry out the duties enumerated in this act~~ The secretary of social and rehabilitation services and any governmental agency or private organization or individual providing protective services under this act shall have access to all relevant records. The authority of the secretary under this act shall include, but is not limited to, the right to initiate or otherwise take those actions necessary to assure the health, safety and welfare of an eligible adult, subject to any specific requirements for individual consent of the eligible adult.

Sec. 6. If an eligible adult does not consent to the receipt of reasonable and necessary protective services, or if such individual withdraws the consent, such services shall not be provided or continued, except as provided in other sections of this act.

Sec. 7. Subsequent to the authorization for the provision of ~~necessary~~ protective services, the secretary shall initiate a review of each case within 45 days to determine whether continuation of, or modification in, the protective services provided is warranted. A decision to continue the provision of

such services ~~should~~ shall be made in concert with appropriate ~~personnel-from~~ other involved state and local groups, agencies and departments and shall comply with the consent provisions of this act. Reevaluations of ~~such--case~~ the need for protective services shall be made not less than every six months thereafter.

Sec. 8. Any actions taken under this act ~~by-any-court, law enforcement-office-or-the--secretary~~ shall be consistent with providing protective services and accommodations in a manner no more restrictive of an individual's personal liberty and no more intrusive than necessary to achieve acceptable care and treatment objectives.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

Attn. # 6
3-26-84

Sexual Abuse Case Names 7 Teachers

Associated Press

LOS ANGELES — Seven relatives who ran a day-care center have been charged with sexually abusing 18 preschoolers and keeping them silent by threatening to harm their parents — and authorities said Friday that “three times as many” children may have been victimized.

Additional charges could be filed against former teacher Raymond Buckey, 25, and six others as the investigation of the Virginia McMartin Preschool continues, said Deputy District Attorney Jean Matusinka.

The defendants allegedly silenced the children by butchering small animals and threatening to do the same to their parents if they talked.

Indictments allege that five teachers, a former teacher, and Virginia McMartin, 76, the school's founder, raped, sodomized or otherwise abused their young charges over the past 10 years.

“Right now, we have 115 counts involving 18 students,” Matusinka said. “There could be three times as many (who were abused). We have talked to over 100 kids already, but not all of them can make testimony — they're too young, they're frightened, they're traumatized emotionally.”

Superior Court Judge Ronald George refused Friday to reduce bail for the defendants. He postponed their arraignment until April 6 to give four of them — all members of the same family — time to find separate attorneys.

Buckey, who was indicted Thursday by the Los Angeles County Grand Jury on 75 counts,

was arrested last September, but no charges were filed then because of insufficient evidence.

Matusinka says the investigation showed that Buckey's behavior was “escalating ... even after his arrest. This occurred with the knowledge and participation of other members of the school.”

In court Friday, McMartin denied the charges.



Associated Press

Virginia McMartin talks to a companion in court Friday. She and six others are accused of sexual abuse at her day-care center.

Attn. #6
3-26-1984

Attn. # 7
3-26-84

Minister Is Accused Of Soliciting Murder

By Dan Close
Staff Writer

An Emporia minister was charged Wednesday with asking someone to commit first-degree murder, hours after new murder charges were filed against his secretary in the shooting death of her husband.

The Rev. Thomas Bird, pastor of Faith Lutheran Church in Emporia, was arrested at 3 p.m. and charged in Lyon County District Court with criminal solicitation to commit first-degree murder. The Lyon County district attorney would not identify a victim in the case.

Lorna G. Anderson, 30, Bird's secretary, had been charged with

the same criminal offense in connection with the Nov. 4 slaying of her husband, Martin K. Anderson. But that charge was dismissed Wednesday, and she was charged with three more-serious felonies: aiding and abetting first-degree murder and two counts of conspiracy to commit first-degree murder in the death of her husband.

Martin Anderson, 34, was shot to death in a field along K-177 about 15 miles south of Manhattan. Lorna Anderson told authorities an unknown man came out of the dark and shot her husband while they were searching for van keys she dropped by the road.

Geary County Attorney Steven Opat said that the charge against Bird is in connection with Martin Anderson's death. But Lyon County Attorney Rodney Symmonds said the case against Bird is not connected with the case against Lorna Anderson.

LYON COUNTY authorities said court documents state that in May 1983 Bird solicited Darrel Carter of Emporia to have someone murdered. Authorities wouldn't name the intended victim.

Darrel Carter is the brother of Daniel R. Carter, 35, who has been convicted of criminal solicitation to commit first-degree murder in Anderson's death. Darrel Carter has not been charged.

After a brief court hearing Wednesday afternoon, Bird was ordered held in the Lyon County Jail in lieu of posting \$10,000 bond, Symmonds said. Bird's preliminary hearing will be Monday.

Bird's wife, Sandra S. Bird, 33, died July 17 when her car struck a bridge southeast of Emporia and landed in the Cottonwood River. The crash was ruled accidental by the Lyon County Sheriff's office.



L. Anderson

Lorna Anderson remains free on \$50,000 bond pending a preliminary hearing April 13 in Geary County District Court.

She had been scheduled to stand trial on the criminal solicitation charge Tuesday in Junction City, but the trial was delayed because of bad weather.

THE AIDING-and-abetting charge carries a life sentence. The maximum sentence on the criminal solicitation charge is 3 to 10 years.

In one of the new complaints against Anderson, she is accused of conspiring with Daniel Carter by passing money, a photograph and an itinerary of her husband's activities to him last Sept. 1.

In the second conspiracy charge, Anderson is accused of conspiring with an unknown person or persons on Nov. 4, the night of the murder. The third charge, aiding and abetting, accuses Anderson of helping an unnamed person murder her husband.

No one has been charged with the actual slaying.

Carter pleaded guilty to the criminal solicitation charge Jan. 26. This month he was sentenced to 2 to 5 years in prison, but the judge suspended his sentence, placed him on supervised probation for 4 years and fined him \$1,000 and court costs.

Another man, Gregory C. Curry, 20, Mentor, Ohio, also was sentenced to 2 to 5 years after he pleaded guilty Dec. 29 to a charge of criminal solicitation in the Anderson slaying. He was denied probation.

Curry has testified that he received \$5,000 and other items from Carter and gave them to a man in Mississippi who has not been charged.

Attn. # 7
3-26-1984