

Approved 4-3-1984
Date sk

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 27, 1984 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Research
Bill Wolff, Research
Arden Ensley, Revisor

Conferees appearing before the committee:

Trudy Racine, Post Audit.

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

Chairman called meeting to order with a review of SB 683 at meeting on previous day.

SB 683:--

A motion and second was made to report SB 683 adversely. A substitute motion then was made by Rep. Friedeman to adopt Senator Angell's proposed amendment, then the meeting had to be adjourned. Chair recognized Rep. Friedeman this date to continue on SB 683.

Rep. Friedeman read the proposed amendment to SB 683, (see Attachment No. 2.), for details. This amendment was distributed to each committee member. Changes are on Page 1, line 22. Rep. Friedeman repeated his motion to adopt SB 683 amendment proposed by Senator Angell at an earlier meeting, seconded by Rep. Kline. Discussion and questions followed, i.e., Article 5 of chapter 65 is placing schools under the Department of Health and Environment and under the Board of Education is under 72-1111. Further, the plan is to not exclude any groups. Any groups wishing to start pre-schools can be licensed if they wish after meeting all requirements; this committee has worked for 6 or 7 years to try and rid schools of child abuse potential and child abuse problems, getting a bill that is workable and now this proposed amendment looks like trouble to some; etc. Vote taken, division called, show of hands indicated 9 for and 8 against. The motion carried, SB 683 is amended as per Attachment No. 2.

Rep. Friedemen moved to pass SB 683 out of committee favorably as amended, seconded by Rep. Williams. Lengthy discussion ensued, i.e., problems with the State getting involved in Church schools as in happening in Nebraska at the present time; philosophical judgements are very difficult; there are currently laws on the books to take care of abuse problems; some students attending church schools as non-members of those particular churches are attending by choice, protection of the very small children is still of great concern to many here today; licensure means permission to exist--period; etc.

Rep. King made a substitute motion to amend SB 683 to remove words, "privately operated or," on line 25. Seconded by Rep. Walker, Discussion ensued, and technical points checked with revisor, Arden Ensley on removal of this language. Both Representative King and Rep. Walker amended their substitute motions to include also striking the word, "private," on line 27 of SB 683.

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 27, 1984

SB 683 continues:

Rep. Green made a motion to table SB 683, seconded by Rep. Cribbs. More discussion followed. Question called, vote taken, division called, a show of hands indicated vote as 8 for, and 10 against. Motion failed.

Chairman noted to committee SB 683 as a whole has now been amended twice.

Rep. Friedeman moved to pass SB 683 out of committee favorably as amended, seconded by Rep. King. Discussion, i.e., keep in mind the protection of very young is just as important as for the elderly that we have worked this very week to protect; Churches have operated fine for years, and then began to reject licensure, and now one by one are saying no to licensure; we must guard against abuse in pre-schools that has taken place in California schools recently; qualifications required of teachers in pre-schools; etc.

Rep. Friedeman in closing comments on motion to pass SB 683 favorably distributed a handout to committee. (See Attachment No. 3.), for details. This handout indicated licensure does not necessarily stop occurrences of child abuse. Vote taken indicated 9 in favor, 8 opposed. SB 683 passes favorably as amended. Rep. Cribbs recorded as a no vote.

Post Audit Report:--

Ms. Trudy Racine from Post Audit gave a very comprehensive report on Phase Three of Adult Care Homes in Kansas - Administrative Costs.

She commented these costs are divided into four areas, property; health care; room and board; and administration. The Auditors find two major kinds of administrative costs that vary between homes that do not appear to be adequately controlled under existing reimbursement system, she said. These are administrative salaries, and in particular, owner's compensation, and central office costs. Salary controls are complex, and if administrative costs are to be adequately controlled in the future, it will be necessary to give more attention to monitoring and auditing central office costs, she said. She then discussed differences between owner-operated and chain owner-operated cost controls, and changes that are needed to administer better cost controls. She directed attention to Tables in the Audit Report that spoke to costs for Non-profit homes, and For-profit homes; in and out of state providers, and concerns in reference to the results of such Tables.

She then spoke to some of the recommendations made to improve on findings, i.e., whenever possible the Department of SRS should revise guidelines, making them more specific and reporting administrative costs more uniform; the Department of SRS should establish procedures to identify the total amount of compensation when it is spread among several facilities and types of work; should consider requiring a separate annual report for adult care home chains; should consider requiring all adult care homes with common ownership to file annual cost reports with the same ending date for fiscal year; should consider revising its audit and review system to provide for more cross checking; should consider urging the development of comprehensive audits of nursing home chains that operate in more than one state. She then answered questions from committee.

Chair directed committee's attention to minutes of March 19, March 20, March 21, March 22, March 26, 1984. Rep. Green moved these minutes all be approved, seconded by Rep. Williams, motion carried.

Chairman Littlejohn thanked committee for cooperation throughout the session and for hard work on some very difficult decisions. He then thanked the very competent staff for their assistance and patience this session.

Several members of committee thanked Chairman Littlejohn for his guidance during committee meetings this session.

Meeting adjourned 3:00 p.m.

Date: 3-27-84

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

PLEASE PRINT

NAME	ORGANIZATION	ADDRESS
Marilyn Bradt	KINH	Lawrence
HARRIET NEHRING	"	"
Nelda Mastin	North Woodlawn Baptist	Derby
Serniece Bremer	Bible Baptist	Bonner Springs, Ks
Charlotte Fuller	Christian Law Association	Cleveland
Rex Fuller	"	"
Rev. Dean Flanner	West Side Baptist Church	Emporia, Ks
Pastor E. J. Watson	Faith Baptist Church	Olathe, Ks.
Ann Judy Harding	Bible Baptist	Bonner Springs, Ks
KENNETH SHANK	ABILENE BIBLE BAPTIST Abilene Baptist Academy	ABILENE Rte 2
Rev Carson Johnson	410 N. Van Buren	Abilene Ks. 67410
Petey Cerk	KINH	1000 Sunset, Lawrence
Rev. Bill Brewer	Fellowship Baptist Church	Bonner Springs
Rev. Rick Carter	Heritage Baptist Temple	Great Bend, Ks
Ralph Link	Heritage Baptist Temple	H. Bend
Dr. JAMES MASTIN	NWBC	Derby
Larry Landis	Fellowship Baptist Church	Liberal
Carl Bush	South Knollwood Baptist Church	TOPEKA
Harold F. Tucker	Seward Ave Baptist Church	Topeka
Lois & Leoni	KANSAS ASSOC of CHRISTIAN SCHOOLS	TOPEKA

Attn: #1
3-27-1984

Attn. #2
3-27-84

CRS683pl

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on ~~Elections~~ P H V W

Recommends that Senate Bill No. 683 (As Amended by Senate Committee)

"AN ACT concerning preschools; providing for the regulation thereof; exempting such schools from certain licensure requirements."

Be amended:

On page 1, in line 22, preceding "Private" by inserting:
"(a) Except as otherwise provided by subsection (b)"; following line 34, by inserting:

"(b) Any person or organization maintaining a private preschool as provided in subsection (a), may in lieu of operating as a school pursuant to K.S.A. 72-1111, and amendments thereto, elect to be licensed and operate in accordance with article 5 of chapter 65 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.";

~~And the bill be passed as amended.~~

Chairperson

Attn. #2
3-27-1984

Attn #3
3-27-84

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 as many” children were victimized

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

Matusinka says the woman showed that she was “

This preschool was licensed. Facility # 190502328, Department of Social Services, Sacramento, California. PROOF THAT A LICENSE DOES NOT PREVENT CHILD ABUSE.

s. do the

In the case, five teachers, a teacher, and Virginia McMarten, 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,

THE WICHITA EAGLE-BEACON

Saturday, March



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