

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Jan Meyers at  
Chairperson

10 a.m./~~p.m.~~ on February 1, 1984 in room 526-S of the Capitol.

All members were present except:

Senator Roitz, excused

Committee staff present:

Emalene Correll, Legislative Research Department  
Bill Wolff, Legislative Research Department  
Norman Furse, Revisor of Statutes Office

Conferees appearing before the committee:

Senator Ross Doyen  
Gene Johnson, Kansas Community Alcohol Safety Action Project Co-  
ordinator's Association  
Ronald Eisenbarth, Kansas Citizens Advisory Committee on Alcohol and  
other Drug Abuse  
Mary Ellen Conlee, Lobbyist, Wichita, Kansas  
E. David Gorrell, President, Kansas Community ADSAP Coordinator's Assoc.  
Glenn Leonardi, Kansas Alcoholism and Drug Abuse Counselor's Assoc.  
Jim McHenry, Commissioner of Alcohol and Drug Abuse Services for SRS

Others present: see attached list

SB 539 - Concerning alcohol and intoxication treatment; defining treat-  
ment facility

Emalene Correll, Legislative Research Department, briefly outlined SB 539.  
She stated that this bill changes the definition of "treatment facility"  
to exclude from that definition community-based ASAP programs.

Senator Ross Doyen testified in favor of SB 539, and said this bill is  
to clarify legislative intent in the last legislative session.

Gene Johnson, representing the Kansas Community Alcohol Safety Action  
Project (KCASAP) Coordinator's Association, testified in favor of SB 539,  
and distributed testimony stating that they believe that certification  
of the Community Alcohol & Drug Safety Action Projects should be the  
responsibility of the judges within that district. Based on the Attorney  
General's recent opinion, all ADSAPs must be certified by the admini-  
strative judge or secretary of SRS, and licensed by the secretary of SRS,  
and they do not believe it was the intent of the legislature to require  
both certification and licensing of these programs. (Attachment #1).

Senator Meyers inquired as to the difference between certification and  
licensing. Mr. Johnson replied that certification can be done by the  
court or any government body, as set forth by statute, and licensing  
gives that licensing body the right to create rules and regulations.

Ronald Eisenbarth, representing the Kansas Citizens Advisory Committee  
on Alcohol and other Drug Abuse, testified in opposition to SB 539, and  
distributed testimony stating that this proposed legislation exempting  
Community-Based Alcohol-Drug Safety Action Programs from state licensure  
would allow these programs to provide services without having to meet any  
specific criteria. (Attachment #2). He said that licensing sets forth  
minimum standards, and this bill would leave the ASAP Program without  
minimum standards.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S, Statehouse, at 10 a.m./~~pm~~ on February 1, 1984.

Mary Ellen Conlee, registered lobbyist for Wichita, Kansas, testified in support of SB 539, and said she was speaking for Judge Robert Thiessen, who has certified an ASAP Program. Ms. Conlee felt that these programs should be left so that they can be certified by the administrative judge. Licensure sets up minimum standards, but the fear is that these standards will tell them how to run their program.

Norman Furse, Revisor of Statutes Office, asked what kind of services besides diagnostic were provided. Ms. Conlee stated that they provide alcohol and information school, probation counseling, and a treatment program.

E. David Gorrell, President, Kansas Community ADSAP Coordinators Association, testified in favor of SB 539, and distributed testimony stating that certification by Judicial District Administrative Judges has for the most part been very successful, and that local control does work. (Attachment #3).

Glenn Leonardi, representing the Kansas Alcoholism and Drug Abuse Counselor's Association, testified that KADACA has some concerns about SB 539, and distributed testimony stating that their main concerns centered around the issue of professional accountability. The optional removal of SRS/ADAS from the process of certifying Alcohol and Drug Safety Action Programs (ADSAP) eliminates the standardized accounting of quality assurance that is essential for all programs within the field of human services. KADACA recommends that no change in the current legislation be implemented this year. (Attachment #4.)

Jim McHenry, Commissioner of Alcohol and Drug Abuse Services for SRS, testified that most of ASAP Programs have been licensed as treatment facilities in one form or another, and the question is does this new certification process stand in lieu of licensure. What the Attorney General found was that diagnostic and referral services are classified as treatment services. He stated that SRS guidelines followed the recommendation of the ASAP Association. Minimum standards are reasonable and necessary to ensure high quality of service, and there is no reason for SRS not to provide this licensure.

Senator Meyers announced that the committee would discuss this further tomorrow.

The meeting was adjourned.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 2-1-84

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Darlene Jean Stearns

Consultation of Churches

Jim 14<sup>th</sup> Bridge Topeka

United Way  
Kansas Citizens Committee  
on Alcohol & Other Drug Abuse

Ron Eisenbath Topeka

Ks. Alcoholism & Drug Abuse Counselors Assn

John Leonard - Topeka

Jim McHenry Jr. - Topeka

SRS/ADAS

Aileen Whitfill - Topeka

SRS

Ross DOWEN CONCORDIA

SENATE

May Ellen Carter Wichita

City of Wichita

E. David Lowell Independence

RCASAP COORDINATORS

Gene Johnson Topeka

"

M. Hawver "

Cap Journal

KEITH R LANDIS

CHRISTIAN SCIENCE COMMITTEE  
ON PUBLICATION FOR KANSAS

Deani Bottorff

KSNA

Paul Swan

City of Topeka

Harley Duncan

Ks Dept. of Revenue

Bill Henry

Kas Engineers' Society

Dean Lunnell

Wichita

Testimony on S.B. 539

Public Health & Welfare

February 1, 1984

My name is Gene Johnson and I represent the Kansas Community Alcohol Safety Action Project Coordinator's Association. Our membership consists of 27 organizations serving all of the Judicial Districts in the State of Kansas. Our organization meets on a quarterly basis throughout the year to discuss mutual problems and to update our efforts to provide the highest attainable service to the courts and clients we serve.

We support S.B. 539 as a continuation of our successful efforts the past two years in supporting DWI legislation. It is our belief that certification of the Community Alcohol and Drug Safety Action Projects should be the responsibility of the Administrative Judge of each Judicial District with the approval of all the Judges within that district. This allows a great deal of local input into each communities efforts to reduce alcohol related crashes. In addition, those offenders who have admitted to, or been convicted of a very serious crime against our society. That crime being driving under the influence of alcohol and/or drugs. We feel that the Alcohol and Drug Safety Action Projects are an extension of the arm of the court, therefore, it is only logical that we answer to that court.

Our association in the 1983 session supported H.B. 2132 on the basis that each Judicial District would certify the program or programs within their district. We find that a large number of those Judicial Districts have chosen to perform

*Alch. 1*

their own certification process.


The reason we are testifying before this committee is that shortly after the legislature adjourned, a request was presented to the Attorney General from the general counsel of Social Rehabilitation Services for an opinion of whether the Alcohol and Drug Safety Action Project was subject to licensing under K.S.A. 65-4001 and 65-4601. This legislation had been passed in the 1972 session. The Attorney General's opinion was that all Alcohol and Drug Safety Action Projects would have to be licensed regardless of whether the Administrative Judge had already granted them a certification. This opinion set aside most of the objectives that were contained in Sub. H.B. 2132 which passed by a large majority last session.

Now, based on this opinion, all Alcohol and Drug Safety Action Projects must be certified by either the Administrative Judge or the Secretary of Social Rehabilitation Services and licensed by the Secretary of Social Rehabilitation Services. We do not believe that it was the intent of the legislature to require both certification and licensing of these programs.

Our membership supports the passage of S.B. 539 unanimously in our continuing efforts to stop the murder and mayhem on our streets and highways by the drinking driver.

Thank you.

Respectfully,

  
Gene Johnson

#2 - 2-1-84

**nsas**  
**Citizens**  
**Advisory**  
**Committee on Alcohol and other Drug Abuse**

P.O. BOX 4052 TOPEKA, KANSAS 66604

February 1, 1984

TO: Senate Public Health and Welfare Committee  
FROM: Ronald L. Eisenbarth, <sup>RLE</sup> Representing the Kansas Citizens Advisory Committee  
on Alcohol and other Drug Abuse  
SUBJECT: Senate Bill 539

Dear Chairman and Committee Members:

I appear before you on behalf of the Kansas Citizens Committee on Alcohol and other Drug Abuse to express our concerns and opposition to Senate Bill 539. The Citizens Committee has consistently opposed similar legislative proposals in the past.

Section 1, number 4, of this proposed legislation would add "community based alcohol and drug safety action programs certified by an administrative judge" to a list of exemptions already covered by K.S.A. 65-4003. All other exemptions in Section 1, number 4, of Senate Bill 539 are licensed under another state law.

An important priority of the Citizens Committee is that a high quality of services be provided to citizens of Kansas who have alcohol and/or drug abuse problems. In order to accomplish this, all programs providing services should be required to meet a list of minimum standards. Presently all community based alcohol and drug services are required by K.S.A. 65-4001 (et. seq.) to be licensed by the State of Kansas. This proposed legislation exempting community based alcohol-drug safety action programs from state licensure would allow these programs to provide services without having to meet any specific criteria.

We feel an obligation to the citizens of Kansas to insure that service delivery for alcohol and drug abuse problems statewide is provided with a consistency with the same minimum requirements for all services.

It is with these concerns the Kansas Citizens Committee on Alcohol and other Drug Abuse express our opposition to Senate Bill 539.

*Att. 2*



#3- 2-1-84



# ALCOHOL SAFETY ACTION PROJECT

## TO ASSIST IN REDUCING ALCOHOL-RELATED ACCIDENTS

Telephone: 316-232-9100 • 104 West 4th • Pittsburg, Kansas 66762 • Home Office  
Telephone: 316-331-7638 • 311 East Main • Independence, Kansas 67301  
Telephone: 316-431-4060 • Memorial Building • Chanute, Kansas 66720

RICHARD D. LOFFSWOLD  
Administrative Judge  
Project Director

E. DAVID GORRELL C.A.C.  
Coordinator

BARRY A. HEITMAN  
Coordinator

SHERYL HENRY  
Counselor

January 30, 1984

The Honorable Jan Meyers  
Chairperson  
Public Health & Welfare Committee  
Kansas Senate  
128 South  
State Capitol Building  
Topeka, Kansas 66612

Dear Senator Meyers:

SUBJECT: Senate Bill #539

As President of the Kansas Community ADSAP Coordinators Association, representing 27 ADSAP programs throughout the State of Kansas, I am writing to express KCADSAP's support for Senate Bill #539 as authorized by Senator Doyen.

KCADSAP member programs are flourishing under the "Home Rule" concept as approved by the 1983 Legislature. Certification by Judicial District Administrative Judges has for the most part been very successful.

Please be assured that KCADSAP appreciates the support received during the 1983 legislative session and we solicit your continued support of the community based ADSAP programs. "Local control does work."

Yours very truly,

E. David Gorrell, C.A.C.  
President  
KCADSAP Coordinators Association

EDG:jg

CC: The Honorable Ross Doyen, 359E  
The Honorable Mike Johnston, 504N

Administered by Eleventh Judicial District  
Serving  
Crawford / Cherokee / Labette / Neosho / Wilson  
Allen / Montgomery / Woodson

*Alch. 3*

# 4 - 2-1-84

KANSAS ALCOHOLISM AND DRUG ABUSE COUNSELOR'S ASSOCIATION

TESTIMONY

TO: Senate Public Health and Welfare Committee.

FROM: Glenn Leonardi, Representing the Kansas Alcoholism and Drug Abuse Counselor's Association *GL*

SUBJECT: Senate Bill No 539

DATE: February 1, 1984

I appear before you today on behalf of the Kansas Alcoholism and Drug Abuse Counselor's Association (KADACA) to voice our association's concerns about Senate Bill No. 539.

KADACA is a professional organization of over two hundred and fifty certified alcoholism and drug abuse counselors representing the entire state of Kansas. The association's purpose is to develop and maintain professional standards and to insure delivery of quality services by the members of this profession.

Prior to January 20, 1984 alcohol and other drug abuse professionals in Kansas were served by two professional organizations, the Kansas Alcoholism Counselor's Association (KACA) and the Kansas Association of Drug Abuse Counselors (KADAC). In order to better meet the needs of our profession and ultimately the clients that we serve, the two associations have merged and on January 20, 1984, KADACA held its Charter meeting.

In the legislative session of 1982, the members of both associations were encouraged by the significant steps that were taken by Senator Myers to incorporate technical assistance for professionals throughout the field during preparation of the original legislation, Senate Bill No. 699. We saw this inclusion of input from the field as an effort to develop a piece of legislation that would effectively meet the social and administrative needs of Kansas. We all knew at that time that there would be problems with SB-699 that would require attention and resolution in the future. Our membership was not then nor is it now opposed to amendments that will improve upon the implementation of legislative intent.

In the legislative session of 1983 amendments were made to the original legislation via the passage of Substitute for House Bill No. 2132. The main concerns that were expressed by our membership at that time which relate specifically to Senate Bill No. 539 centered around the issue of professional accountability. The optional removal of Social and Rehabilitation Services/Alcohol and Drug Abuse Services (SRS/ADAS)

*Atch. 4*



from the process of certifying Alcohol and Drug Safety Action Programs (ADSAP) eliminates the standardized accounting of quality assurance that is essential for all programs within the field of human services.

Senate Bill No. 539 goes a step further in its provision to totally exempt ADSAP programs from state licensure.

On December 14, 1983, the legislative committee of KADACA recommended that a position of strong opposition be adopted relative to the concept now addressed in SB-539. At the Charter meeting of the full membership on January 20, 1984, however, the committee amended its recommendation due to the introduction of related legislation that is in itself strong opposition to the concept.

✓ In view of the quantity and especially the diversity of interest and concern that is already present in the 1984 legislative session relative to Alcohol and Drug Safety Action Programs, KADACA recommends that no change in the current legislation be implemented this year.