

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

1:30 a.m./p.m. on February 4, 1985 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

- Emalene Correll, REsearch
- Bill Wolff, Research
- Norman Furse, Revisor
- Sue Hill, Secy. to Committee

Conferees appearing before the committee:

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

Chairman called meeting to order, calling attention to newsclipping from Virginia Pilot in regard to rights for handicapped. (See Attachment No. 2.), for details.

Chair stated that a sub-committee had been appointed on HB 2018, of Rep. O'Neal as Chairman, and Rep. Bideau, and Rep. Buehler. This sub-committee will meet with Revisor, Norman Furse, then report their recommendations to committee on Thursday, February 7th.

Chairman called attention to revised agenda given to members today which indicated the sub-committee report and action on bills for Thursday meeting.

Chair greeted guests today from Kansas Occupational Therapists Association. He stated he had been informed by Charles Hamm, (Health and Environment) that the bill is drafted for Occupational Therapists, but there is still some work yet to be done on the Respiratory Therapists bill. Both should be forthcoming soon.

Chair recognized Rep. Branson, who wished to request a bill in regard to (Attachment No. 3.). This provision is, (in lieu of contracting with a nonprofit corporation to provide mental health services, the governing bodies of municipalities which have established a joint board of health pursuant to K.S.A. 65-205.) It would repeal K.S.A. 65-211.

After Rep. Bransons request, Rep. Wagon moved this bill be introduced by this committee, seconded by Rep. Harder, motion carried.

Staff member, Emalene Correll was recognized and she gave a comprehensive briefing on HB 2076. This bill would enable medical care facilities licensed by the Secy. of Health and Environment to keep controlled items in a drug room, and allow supply of such controlled items to its patients are provided under provisions of K.S.A. 65-1648.

Briefing on HB 2077 by Norman Furse to committee. This bill deals with brand exchange of prescription medications if bio equivalent to the brand drug. This will be done for welfare recipients. He stated he felt it important for members of committee to underline the following in HB 2077. Line 55 underline if, line 58 underline less, line 61 underline or. This make language more understandable. Several questions from committee, i.e., yes, the pharmacists makes the determination as to what the brand exchange will be, etc. Chair then recommended these questions be put to conferees at meeting tomorrow.

Briefing on HB 2082 by Norman Furse in regard to technical clean up, language changes, etc. Mr. Furse stated this is similar to a Senate Bill from last year, though it has been modified somewhat. There will also be a request for increase in maximum fees in HB 2082.

Meeting adjourned at 2:10 p.m.

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.

Date: 2-4-1985

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

PLEASE PRINT

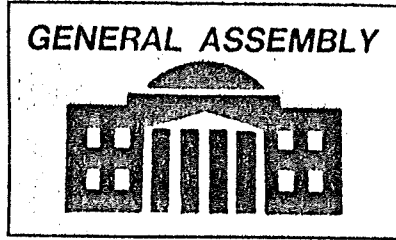
NAME	ORGANIZATION	ADDRESS
Orlene Fisher	Kansas Occupational Therapy Assn.	8301 W. Murdock Wichita Ks 67212
Betty Pearson	Kans. Occupational Therapy Assn.	341 S. Crestway Wichita Ks 67218
Sue Miller	Kansas Occupational Therapy Assn.	832 S. GOVERNMENT #203 Wichita, Ks. 67207
JANICE TUCKER	KANSAS OCCUPATIONAL THERAPY ASSOC.	1648 So. WICHITA WICHITA Ks. 67213
Shelley Sikes Baker	Kansas Occupational Therapy Assn.	8444 Beverly Overland Park Ks. 66207
Marilyn Bradt	Kansans for Improvement of Nursing Homes	Lawrence
Lynelle King	Ks State Nurses Assn	Topeka
Hinda Carol Woody	Nat'l Organization for Women	Topeka
Tom Bell	Ks. Hosp. Assn.	Topeka
John Schneider	SRS	Topeka
Stephen Wirk	Huitt & Carpenter	627 S. Topeka
DICK HEMMEL	Ks HEALTH CARE ASSN	TOPEKA
HAROLD RIEHM	Ks ASSN OSTEOPATHIC MED.	TOPEKA
Everett Willoughby	Ks Board of Pharmacy	Topeka
Bill Yates	Ks Pharmacists Assoc	Topeka
KATH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	"
DELVA OTT	DUN & BRADSTREET INC.	821 Litchfield. Wichita, 67203
KAREN DRASKOVICH	Kansas Occupational Ther. Assn.	1321 N. Hampshire, Lawrence
Suellen Weber	Ko. Dept on Aging	Topeka

Attn. #1.
2-4-85

Attn. #2
2-4-85

Senate passes bill on rights for handicapped

By BILL BYRD
Staff writer



RICHMOND — The Senate unanimously passed a weakened version of the state bill of rights for the disabled Monday after the legislators adopted an amendment excluding many mentally ill Virginians from the bill's protection.

Advocates of rights for handicapped people hailed the Senate's passage of the bill but sharply criticized the changes. The amendment, passed on a 23-15 vote, said the bill's anti-discrimination sections do not apply to people with chronic mental illnesses such as schizophrenia and paranoia.

The amendment reduces mentally ill people to "second-class citizenship status," said Sen. Joseph V. Gartlan, D-Fairfax, the bill's floor manager. "A substantial number of ill, sick Virginians with highly treatable difficulties are not protected."

But the amendment's sponsor, Sen. Dudley J. Emick, D-Fincastle, said a bill was necessary to protect businesses and the public. Under the original version of the bill, employers might have been forced to hire mentally ill people who may have become violent, posing a threat to their own safety and that of others, Emick said.

"I don't think this amendment gutted the bill," Emick said. "It improved the bill. The purpose of legislation is to accommodate competing interests, not to carry the ball for one side or the other."

Statewide business organizations, including the Virginia Retail Merchants Association and the Virginia Manufacturers Association, supported the amendment. The groups charged that the original version of the bill left employers vulnerable to massive lawsuits if mentally ill people they were forced to hire committed violent acts.

Gartlan and other backers of the bill said they were pleased by the

Senate action. "There's no question that it's a step forward," the Fairfax senator said. "The basic structure is intact." The bill now goes to the House of Delegates, which passed a much stronger version of the legislation last year.

The bill's chief patron, Del. Warren Stambaugh, D-Arlington, said he will ask the House to reject Emick's amendment, which he termed "a disaster for the bill." Stambaugh said he hoped a Senate-House conference committee would restore the bill to its original form.

As passed by the Senate, the bill creates a special state department and board to act as advocates for the disabled. The department would fill anti-discrimination lawsuits in behalf of the handicapped, but the suits would have to be approved first by the state attorney general.

The bill bans discrimination against the mentally retarded and the physically handicapped in wide areas of public and private life, including employment, housing, education and transportation. Businesses and governments could not refuse to hire or provide services to the handicapped if "reasonable accommodations can be made for their disabilities."

The measure, which has Gov. Charles S. Robb's strong support, sets up state programs to aid local efforts to help the handicapped. It permits the disabled to use state courts to fight discrimination.

Emick's amendment, however, removed large numbers of mentally ill people from the bill's protection. Un-

der the amendment, employers and others are not obligated to provide jobs and services to those with such ailments if their conditions are recurring.

During a three-hour debate on the bill, its supporters made a last-minute attempt to fend off Emick's amendment. Gartlan instead proposed that employers be protected from damage lawsuits.

Under Gartlan's proposal, an employer could not be sued for damages if one of his employees hired because of the bill attacked and injured someone. Critics said that alternative did not go far enough, and the Senate voted 20-19 to reject it. The senators then adopted Emick's proposal and passed the bill.

After the vote, lobbyists for handicapped-rights groups said they hoped the legislature would extend protection to the mentally ill in the future.

"Let's hope it will be next year," said Ted Farrar, associate director of the Independence Center in Norfolk. "Hopefully, we can come back to the legislators at a later date and show that a large population of mentally disabled persons should not be excluded."

In other action, the Senate approved a weakened version of a bill barring draft registration resisters from attending Virginia's public colleges. The version of the bill approved Monday bars those convicted of failing to register for the draft from attending state-supported schools.

A stronger version of the bill passed by the House would have required officials at state colleges to expel all students who they discovered had not registered.

The watered-down bill was passed 38-1 Monday, with only Sen. Thomas Michie, D-Charlottesville, voting against it. The measure now will go to a conference committee to settle differences between the two chambers.



State Sen. Dudley J. Emick Jr., D-Fincastle, sponsored an amendment to a bill to protect the rights of the disabled.

Attn. # 3.
2-4-85

HOUSE BILL NO. _____

AN ACT concerning public health; relating to mental health clinics; amending K.S.A. 65-211 and repealing the existing section.

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

Section 1. K.S.A. 65-211 is hereby amended to read as follows: 65-211. (a) In all counties wherein there is established a joint board of health pursuant to K.S.A. 65-205, and amendments thereto, the governing bodies of the municipalities involved may by resolution adopted by each of the governing bodies, provide for the establishment of a mental health clinic for the diagnosis and treatment of mental illness, which. If established, the mental health clinic ~~when--so~~ established shall be operated by and be subject to the jurisdiction of such joint board of health to the same extent as other public health services provided thereby. Said The joint board of health shall establish a schedule of charges for services and medications to persons using said the mental health clinic, but no person shall be denied the services and medications of said the clinic because of the inability to pay for the same. Said The mental health clinic shall also shall provide facilities for patients paroled thereto by lawfully constituted authority. All moneys received for services and medications rendered hereunder shall be applied on and used to finance the budget of the joint board of health: ~~Provided, That.~~ If the governing bodies of the municipalities involved hereunder determine by resolution adopted by each of the governing bodies that it is more practicable to contract for such mental health services and medications with a nonprofit corporation, then and in that event the joint board of health shall contract with a

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nonprofit corporation to provide mental health services hereunder; ~~said~~. The nonprofit corporation may not deny service or medication to anyone because of inability to pay for the same, but said the nonprofit corporation may establish a schedule of charges for those who are financially able to pay for such services; ~~Provided further, Said~~ or medication. The nonprofit corporation shall annually shall provide said the joint board of health with a complete financial report showing the amount of fees collected, the amount of tax money received under said the contract, and any other income; ~~and showing further the~~. The report also shall show any other disbursements, including salaries paid to each person employed by said the nonprofit corporation.

(b) In lieu of contracting with a nonprofit corporation to provide mental health services, the governing bodies of municipalities which have established a joint board of health pursuant to K.S.A. 65-205, and amendments thereto, may establish a joint board of mental health for the purpose of authorizing such board to contract for and on behalf of the governing bodies of the municipalities with a nonprofit corporation to provide mental health services. Members of the joint board of mental health shall be appointed in the same manner as members are appointed to the joint board of health. Any joint board of mental health which is authorized to contract with a nonprofit corporation under this subsection is hereby authorized to pay the amount agreed upon in such contract with a nonprofit corporation from the proceeds of the tax levied pursuant to K.S.A. 65-212, and amendments thereto, for mental health services.

Sec. 2. K.S.A. 65-211 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.