

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Roy M. Ehrlich at _____
Chairperson

8:20 a.m./~~pm~~ on April 11, 1985 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Conferees appearing before the committee:

Secretary Barbara Sabol, Department of Health and Environment
Elizabeth Taylor, Kansas Association for the Education of Young Children

HB-2145 - concerning certain homes for children; prohibiting the maintaining thereof by certain persons; authorizing license fees

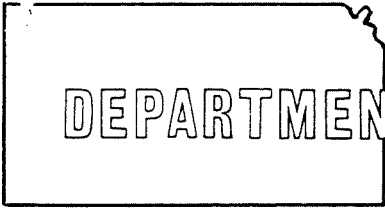
Secretary Sabol testified that the House Public Health and Welfare Committee presented HB-2145 after the joint request of the Department of Social and Rehabilitation Services and the Department of Health and Environment. The bill was amended on the House floor, the major concern being the fiscal impact statement submitted by the KBI and the fact that rather than requiring a full check it was reduced to random checks so the bill as presented to the Senate Public Health and Welfare Committee makes three changes from the original House Committee bill. It permits checks on all persons who work, reside or volunteer in child care facilities. Based on recommendations from the Attorney General's office, juvenile offenders who had been adjudicated from acts which would have been a felony if committed by an adult, were added to the list of persons who may not be employed or reside or volunteer in child care facilities. Also, the fiscal note could be implemented with name checks only at a net cost of \$28,000. Attachment I

Elizabeth Taylor testified in support of HB-2145. She stated that this bill was urgent as there were, for example, persons who may have had a bad check conviction, who could lose their jobs or have to close down their businesses and it was not felt that this was sufficient problem for them to lose their jobs.

Senator Francisco moved to amend HB-2145 changing the language as shown on Attachment II. The motion was seconded by Senator Salisbury. Discussion followed with the 1987 date being discussed as the possible problem that SCR-1623 failed. Dr. Walker explained that the reason for the 1987 date was concern over funds needed and how much cost would need to be passed to private pay patients and that it was not felt that six months was a long enough period of time to gather information, also that some homes cannot find the nurses. The motion carried.

A motion was made by Senator Vidricksen to pass HB-2145 as amended. Senator Kerr seconded the motion and it carried.

The Chairman announced to the committee that he had given them copies of three letters requesting that the Legislative Co-ordinating Council authorize interium studies. Attachments III, IV and V.



State of Kansas . . . John Carlin, Governor

DEPARTMENT OF HEALTH AND ENVIRONMENT

Barbara J. Sabol, Secretary

Forbes Field
Topeka, Kansas 66620
913-862-9360



April 1, 1985

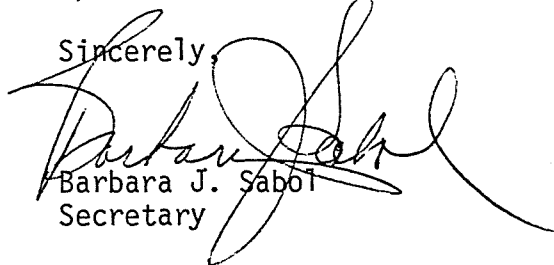
The Honorable Bill Buntin
House of Representatives
State House
Topeka, KS 66612

Dear Representative Buntin:

The provisions in H.B. 2145 can be implemented with name only checks at a net cost to the State General Fund of \$28,000 (net cost of 83¢ per check). I have confirmed this figure with Mr. Gary Clark of the Kansas Bureau of Investigation. This amount was previously set out in Mr. Kelly's letter of February 18, 1985, to the Senate Budget Committee, and I have attached a copy of that letter for your information.

If you need additional information, please let me know.

Sincerely,



Barbara J. Sabol
Secretary

BJS:mac

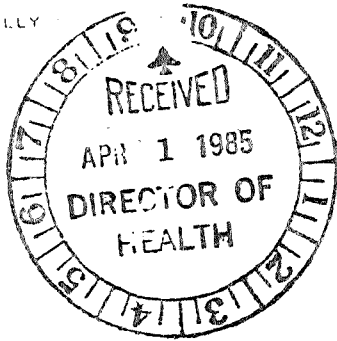
Enc.

cc: Mr. Thomas Kelly
Mr. Gary Clark

4/11/85
Attachment I

THOMAS F. KELLY
DIRECTOR

TOPEDA, KANSAS 66612
(913) 232 6000



February 18, 1985

Re HB 2145
Joe to Gloria Timmer
3/29/85
Jm

Senate Budget Subcommittee
State Capitol Building
Room 123S
Topeka, KS 66612

RE: Fiscal Impact of "Record Checks"

Dear Senator:

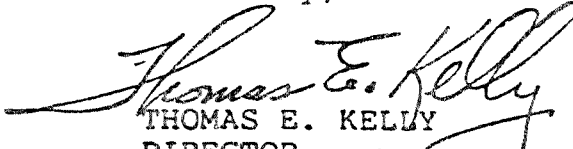
The number of "record checks" required by recent legislation has a very high impact on the KBI's records/identification section (Criminal History Central Repository). These range from the day care centers (HB 2145) to school bus drivers, midwives, real estate agents, etc. The Bureau will do its best to service the agencies certifying these people. However, the requirements of law enforcement and other criminal justice agencies must receive priority, and with our current level of staffing, it appears that "licensing record checks" will soon take at least months to respond to.

There are three possible procedures for checking the records of day care center employees: 1) "name only" checks; 2) fingerprint cards to KBI; and 3) fingerprint cards to both KBI and FBI. The reasons behind each of these alternatives are outlined in the Bureau's testimony on HB 2145 to the House Committee on Public Health and Welfare (attached). The fiscal impact of the day care center requirements (30,000 checks) for each alternative is summarized on the next page.

	"Name Only" Checks	Fingerprints to KBI only	Fingerprints to KBI & FBI
Salary and Wages	\$ 24,000	143,300	143,300
Equipment & Supplies	4,000	4,000	4,000
FP cards, envel, pstg		5,300	5,300
Computer Memory		15,000	15,000
	-----	-----	-----
TOTAL Dollars	28,000	167,600	167,600
Positions (FTE)	2	10	10
Fee to FBI (required) Applicant pays (?)			\$360,000
Central Billing (KBI retains \$1)			<30,000>
Account Clerk II			13,464
	=====	=====	=====
Net cost to Gen Fund	\$28,000	\$167,600	\$151,064
Net cost per check (KBI) cost to FBI	\$0.83	\$5.58	\$ 5.04 12.00

I would be glad to give you more detailed information if you wish, or you can call my Administrative Officer, Jim Green.

Sincerely,


 THOMAS E. KELLY
 DIRECTOR

cc: Ray Hauke, Legislative Research
 Walt Darling, Division of the Budget
 Neil Woerman, Attorney General's Office

HOUSE BILL No. 2145

By Committee on Public Health and Welfare

2-1

0024 AN ACT concerning certain homes for children; prohibiting the
0025 maintaining of certain homes for children thereof by certain
0026 persons; authorizing license fees; amending K.S.A. 1984
0027 Supp. 65-505 and 65-516 and repealing the existing section
0028 sections.

0029 *Be it enacted by the Legislature of the State of Kansas:*

0030 Section 1. K.S.A. 1984 Supp. 65-516 is hereby amended to
0031 read as follows: 65-516. (a) No person shall knowingly maintain a
0032 boarding home for children or maintain a family day care home
0033 if, in such boarding home or family day care home, there resides,
0034 works or *regularly* volunteers any person who:

0035 (1) (A) Has a felony conviction for a crime against persons, ~~or~~
0036 (B) has a felony conviction under the uniform controlled sub-
0037 stances act, ~~or~~ (C) has a conviction of any act which is described
0038 in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes
0039 Annotated and acts amendatory thereof or supplemental thereto
0040 or a conviction of an attempt under K.S.A. 21-3301 and amend-
0041 ments thereto to commit any such act, or (D) has committed an
0042 act of physical, mental or emotional abuse or neglect or sexual
0043 abuse as validated by the department of social and rehabilitation
0044 services pursuant to K.S.A. 1983 Supp. 38-1523 and amendments
0045 thereto *has been convicted of any act which is described in*
0046 *K.S.A. 21-4301 or 21-4301a and amendments thereto or similar*
0047 *statutes of other states or the federal government;*

0048 (2) has been adjudicated a juvenile offender because of hav-
0049 ing committed an act which if done by an adult would constitute

the secretary of health and environment;
relating to the regulation of certain homes
licensed or registered thereby; prohibiting
the adoption of certain rules and regulations
prior to a certain date

Attachment II

Attch. II
7/11/85

0124 the state treasurer at least monthly. Upon receipt of any such
0125 remittance the state treasurer shall deposit the entire amount
0126 thereof in the state treasury, and such amount shall be credited to
0127 the state general fund.

0128 (b) The fees established by this section immediately prior to
0129 July 1, 1982, shall continue in effect until different fees are fixed
0130 by rules and regulations in accordance with subsection (a) of this
0131 section.

0132 Sec. 23. K.S.A. 1984 Supp. 65-505 and 65-516 ~~is~~ are hereby
0133 repealed.

0134 Sec. 34. This act shall take effect and be in force from and
0135 after its publication in the statute book.

New Sec. 3. Prior to July 1, 1987,
the secretary of health and
environment shall not require by
rules and regulations 24-hour-a-day
licensed nursing care in adult care
homes which are intermediate care
facilities.

Renumber subsequent sections
accordingly.

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

April 10, 1985

ROY M EHRLICH
SENATOR THIRTY FIFTH DISTRICT
RICE BARTON RUSSELL COUNTIES
ROUTE 1 BOX 92
HOISINGTON KANSAS 67544

COMMITTEE ASSIGNMENTS
CHAIRMAN PUBLIC HEALTH AND WELFARE
MEMBER FEDERAL AND STATE AFFAIRS
LABOR INDUSTRY AND SMALL BUSINESS
LOCAL GOVERNMENT
ADVISORY COMMITTEE OF STATE
DEPARTMENT ON AGING
NATIONAL CONFERENCE OF STATE
LEGISLATURES SPECIAL SELECTED
COMMITTEE HEALTH CARE
NATIONAL SPECIAL SELECT STANDING
COMMITTEE OF THE MENTAL HEALTH
ASSOCIATION
COUNCIL OF STATE GOVERNMENTS -
ENERGY COMMITTEE

Senator Robert Talkington, Chairman
Legislative Coordinating Council
Room 359-E
Third Floor-Statehouse

Dear Senator Talkington:

For the last several years the issue of how to assure that unlicensed employees of adult care homes who may have abused residents or who may have been negligent in the care of adult care home residents are identified to potential adult care home employers has been before the Legislature. In general, the issue is limited to those unlicensed employees who are engaged in direct resident care, i.e., nursing home aides and medication aides employed by adult care home.

The issues involved in trying to assure that those few adult care home employees who should not continue to work in an adult care setting were identified, in part, in Senate Public Health and Welfare Committee discussion of 1985 S.B. 90 which would create a central registry and require adult care homes to report certain information to the licensing agency for inclusion in the registry.

Committee consideration revealed the concept embodied in S.B. 90 to be cumbersome to implement and indicated difficulties in insuring that accurate information would be available for inclusion in the registry. One of the problems identified is that of employer liability arising from supplying information about a former employee to other potential employers or to a state agency in light of recent court decisions. Concerns were also expressed about placing a burden on either the state or potential employers to investigate all adult care home aides through a search of criminal justice files or adult abuse records.

In summary, the Senate Committee on Public Health and Welfare believes an interim Committee on Public Health and Welfare should be directed to study the issues involved in assuring that unlicensed employees of adult care homes are qualified on the basis of previous employment experience to work with residents of such homes and to make recommendations to the 1986 Legislature.

Sincerely,

Senator Roy Ehrlich, Chairman
Senate Committee on Public
Health and Welfare

RE: cw

4/11/85
Attachment III

STATE OF KANSAS

ROY M. EHRLICH
SENATOR, THIRTY-FIFTH DISTRICT
RICE, BARTON, RUSSELL COUNTIES
ROUTE 1 BOX 92
HOISINGTON, KANSAS 67544



TOPEKA

SENATE CHAMBER

April 10, 1985

COMMITTEE ASSIGNMENTS
CHAIRMAN: PUBLIC HEALTH AND WELFARE
MEMBER: FEDERAL AND STATE AFFAIRS
LABOR, INDUSTRY AND SMALL BUSINESS
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COMMITTEE OF THE MENTAL HEALTH
ASSOCIATION
COUNCIL OF STATE GOVERNMENTS -
ENERGY COMMITTEE

Senator Robert Talkington, Chairman
Legislative Coordinating Council
Kansas Senate
Third Floor-State House

Dear Senator Talkington:

The Senate Committee on Public Health and Welfare voted to request the Legislative Coordinating Council to assign to an interim committee on Public Health and Welfare a study for the need for minimum standards to be applicable to public swimming pools and pools, hot tubs, and whirlpools located in business enterprises or clubs that are open to the public or to a general member. Consideration of this issue during the 1985 Session by the Senate Committee and a subcommittee resulted in a recommendation that further study be given to the need for water quality, sanitary, health and safety standards applicable to various types of pools to which the general public has access. The study should include a review of local regulation, the development of clear definitions of those locations that should be subjected to state standards, delineation of the problems that arise in the operation and maintenance of swimming pools and other pools that affect the health and safety of users, and recommendations for legislation.

On behalf of the Senate Committee, I ask the Legislative Coordinating Council to assign the above noted study to a Public Health and Welfare interim committee.

Sincerely yours,

Senator Roy Ehrlich, Chairman
Special Committee on Public Health
and Welfare

RE:cw

4/11/85
Attachment IV

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

April 10, 1985

ROY M. EHRLICH
SENATOR, THIRD FIFTH DISTRICT
RICE, BARTON, RUSSELL COUNTIES
ROUTE 1, BOX 97
HOISINGTON, KANSAS 67544

COMMITTEE ASSIGNMENTS
CHAIRMAN PUBLIC HEALTH AND WELFARE
MEMBER FEDERAL AND STATE AFFAIRS
LABOR, INDUSTRY, AND SMALL BUSINESS
LOCAL GOVERNMENT
ADVISORY COMMITTEE OF STATE
DEPARTMENT ON AGING
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COMMITTEE OF THE MENTAL HEALTH
ASSOCIATION
COUNCIL OF STATE GOVERNMENTS -
ENERGY COMMITTEE

Senator Robert Talkington, Chairman
Legislative Coordinating Council
Kansas Senate
Third Floor-State House

Dear Senator Talkington:

During the 1985 Session, the Senate Committee on Public Health and Welfare considered creating a registry of persons who are employed in boarding homes for children and family day care homes. Information for the registry would be supplied by operators of licensed child care facilities and registered family day care providers.

I am requesting, on behalf of the Senate Committee on Public Health and Welfare, that an interim committee be assigned a study of the need for a state registry of child care providers, in light of amendments to the child care licensing and registration laws that prohibit certain persons from working, volunteering, or residing in such facilities and authorization for criminal records checks of such persons.

Sincerely,

Senator Roy Ehrlich, Chairman
Senate Committee on Public
Health and Welfare

RE:cw

4/11/85
Attachment V