

Approved _____ Date 2-20-86
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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 February 13, 1986 in room 423-S of the Capitol.

All members were present except:

Representative O'Neal, excused
Representative Bideau, excused

Committee staff present:

Bill Wolff, Research
Sue Hill, Secretary to Committee

Conferees appearing before the committee:

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

Chair called meeting to order when quorum was present, calling attention to the minutes in need of approval. Rep. Green moved to approve minutes of February 6, 10, 11, and 12th, seconded by Rep. Williams, motion carried.

Chair noted there will be discussion and action taken this date on several bills. He gave background on each as they were brought up before committee.

HB 2301:-- fingerprints of infants on birth certificate.

Rep. Green moved to amend HB 2301, lines 17, 22, 23, to strike the word, "fingerprint", and insert, "full hand and footprint impression", second by Rep. Williams. Vote taken, motion carried.

Discussion ensued in regard to HB 2301 as a whole. i.e., will the original birth certificate be maintained at the offices of Health and Environment, will a photo copy be helpful in locating missing children. There was confusion in regard to where the original copy of this document is kept, and is there now any prints of any kind appearing on the birth certificate.

Chair stated we would defer further discussion on this bill until Secy. Sabol could be present and answer questions for committee. Chair then postponed final action on HB 2301 until Secy. Sabol can clarify some questions.

Chair then directed attention to HB 2710.

There was discussion on the fiscal note that was given to members. Dr. Harder was invited to answer questions for members. Dr. Harder stated basically there are 2 things addressed in this bill. One, to make legal what the Dept. is already doing in caring for pregnant women. They are now doing this by policy and HB 2710 will grant their Department authority to do it by statute. The second, would be to insure that if transitional general assistance is dropped, there is still a legal mechanism to provide for the truly unemployable person to be brought into general assistance unrestricted.

There were several questions in regard to this bill being split, and the two issues within it being delt with separately.

Rep. Blumenthal made a motion to table HB 2710, since he felt there were two very different issues being addressed here, and perhaps one should be sent forward, the help for the pregnant women, but to look further into the issue of the transitional general assistance issue. The motion was seconded by Rep. Branson. Discussion ensued.

Rep. Wagon made a substitute motion to delete portions of the bill that pertain to transitional general assistance, and deal now with the pregnant women issue. Motion seconded by Rep. Pottorff.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 13, 1986

Discussion and action continues on HB 2710:--

Dr. Harder was asked to answer further questions in regard to language being deleted that speaks to transitional general assistance in HB 2710. It was the consensus of members to consult with Mr. Furse, Revisor on reconciling necessary language changes. Mr. Furse is ill and not present this date.

At this point, Chair stated both motions and sub-motions would be by-passed and a sub-committee would work on these changes with Mr. Furse. Chair appointed Rep. Pottorff, Rep. Wagnon, and Rep. Hassler to this sub-committee, with Rep. Pottorff being the chair.

Chair then asked members to return to HB 2301, and he asked Secy. Sabol to answer questions in regard to fingerprints on birth certificates. She described the form and gave specifics of vital information appearing thereon. As the keeper of the original record, they are also responsible for keeping confidentiality on some of this information. In the respect to law enforcement needing the hand and foot prints of missing children, their Department would have to come up with a way to make the print impressions available to law enforcement persons without having them have access to the confidential information. Also, a microfilm copy cannot be used, and there will have to be a study done, and decisions made as to how to re-do this form to accommodate all necessary changes. The original of the prints would need to be viewed, so the form will have to be changed somewhat. She was asked in light of these changes needed would they need more time than allowed in this bill, she replied no, that if it would help in locating missing youngsters, they would meet the deadline set out in HB 2301.

Discussion continued. Rep. Buehler then moved to pass HB 2301 out favorably as amended, seconded by Rep. Pottorff, motion carried. Rep. Hassler, Rep. Neufeld, Rep. Williams recorded as voting NO.

HB 2730:

Background given on this bill, and Rep. Wagnon made a motion to amend HB 2730 on Page 2, Sec. 2, (1), to strike the word "master", and insert the word "specialists". Motion seconded by Rep. Runnels. Motion carried.

On the bill as a whole, Rep. Harder made a motion to move HB 2730 out favorably for passage as amended, seconded by Rep. Branson, motion carried.

HB 2731:--

Background given, i.e., the licensing of specialties in psychology. Proposed amendments were discussed. Rep. Green moved to adopt amendments on HB 2731, New Sec. 1, (b), line 43, to delete the word "shall", and insert the word, "may", lines 50-53 to read, "specialty. It shall be unlawful for any person not endorsed in a specialty within the practice of psychology to represent to the public that such person is endorsed in such specialty or to practice or offer to practice in such specialty.". This motion was seconded by Rep. Harder, motion carried.

On the bill as a whole, Rep. Green moved to Pass HB 2731 out favorable for passage as amended, seconded by Rep. Harder, motion carried.

HB 2747:--

Background given, Rep. Green moved to adopt the amendments proposed by SRS, as shown in balloon copy attached. (This balloon of HB 2731 was not distributed again this date to members, as it was included in minutes as attachment on Feb. 12, 1986). Motion seconded by Rep. Cribbs. Lengthy discussion ensued, and Dr. Harder was asked to respond to numerous questions, i.e., the H&E inspection will continue to be done, and the evaluation by SRS will also continue. This bill will have no affect on this process. He explained they are trying to develop this as a step down, and if these persons who are unemployable can be cared for in a facility of this type they do not have to be sent to the State Hospital. He stated, they are trying to not be bogged down with a bunch of rules and regulations, but do want someone to supervise the taking of medications. A number of these facilities are run by a married couple who are very dedicated.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 /a.m./p.m. on February 13, 1986.

Discussion continues on HB 2747:--

Chair at this point related experiences this summer during visiting several of this type of facilities, how well they are run, the dedication of the staff, and the in-put from the residents themselves in operating under house rules.

Discussion continues, and it was brought out that many of these people if not allowed to live in this type of an environment would be "under the bridge". Others who need assistance in the taking of medicines, can under the law be given medicine that is in a "labeled container". Other than that, it is not allowed to be given, and if a patient, or resident becomes in need of more medical treatment than allowed in these facilities would be moved to the hospital. Some felt this is good legislation, is low cost and a good way to care for many who have no means of support or no one to care for them. Safety codes are kept up to standards, and it was brought out if more authority will be needed down the road, perhaps more regulations will have to be formed.

At this point, Rep. Buehler moved to pass out HB 2747 favorably as amended, seconded by Rep. Bryant, motion carried.

Chair noted no action would be taken on HCR 5031 until printed testimony is received from 2 sources which is forthcoming.

Chair noted agenda next week will begin Hearings on HB 2498, and the week following will begin Hearings on HB 2533. A large number of conferees is expected.

Meeting adjourned at 2:40 p.m. Next meeting scheduled for February 17, 1986.

HOUSE BILL No. 2747

By Committee on Public Health and Welfare

1-27

0017 AN ACT concerning the secretary of social and rehabilitation
0018 services; relating to the licensing of certain facilities in which
0019 one or more mentally ill, mentally retarded or other handi-
0020 capped persons reside who need assistance in the taking of
0021 medication; amending K.S.A. 36-501 and K.S.A. 1985 Supp.
0022 75-3307b and repealing the existing sections.

0023 *Be it enacted by the Legislature of the State of Kansas:*

0024 Section 1. K.S.A. 36-501 is hereby amended to read as fol-
0025 lows: 36-501. As used in ~~K.S.A. 36-501 to 36-515, inclusive the~~
0026 *food service and lodging act*, the following words and phrases
0027 shall have the meanings respectively ascribed to them herein:
0028 (a) "Hotel" means every building or other structure which is
0029 kept, used, maintained, advertised or held out to the public as a
0030 place where sleeping accommodations are offered for pay pri-
0031 marily to transient guests and in which four (4) or more rooms are
0032 used for the accommodation of such guests, regardless of
0033 whether such building or structure is designated as a cabin
0034 camp, tourist cabin, motel or other type of lodging unit.

0035 (b) "Rooming house" means every building or other struc-
0036 ture which is kept, used, maintained, advertised or held out to
0037 the public to be a place where sleeping accommodations are
0038 furnished for pay to transient or permanent guests and in which
0039 eight (8) or more guests may be accommodated, but which does
0040 not maintain common facilities for the serving or preparation of
0041 food for such guests.

0042 (c) "Boarding house" means every building or other struc-
0043 ture which is kept, maintained, advertised or held out to the
0044 public to be a place where sleeping accommodations are fur-
0045 nished for pay to transient or permanent guests and in which
0046 eight (8) or more guests may be accommodated, and which

*Not indicated as
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0047 maintains common facilities for the serving or preparation of
0048 food for such guests. *The term "boarding house" shall not* (5)
0049 *include facilities licensed under paragraph ~~(7)~~ of subsection (a)*
0050 *of K.S.A. 1985 Supp. 75-3307b and amendments thereto.*

0051 (d) "Lodging establishment" means a hotel, rooming house
0052 or boarding house.

0053 (e) "Food service establishment" means any place in which
0054 food is served or is prepared for sale or service on the premises or
0055 elsewhere. Such term shall include, but not be limited to, fixed
0056 or mobile restaurant, coffee shop, cafeteria, short-order cafe,
0057 luncheonette, grill, tea room, sandwich shop, soda fountain,
0058 tavern, private club, roadside stand, industrial-feeding estab-
0059 lishment, catering kitchen, commissary and any other private,
0060 public or nonprofit organization or institution routinely serving
0061 food and any other eating or drinking establishment or operation
0062 where food is served or provided for the public with or without
0063 charge.

0064 (f) "Food" means any raw, cooked or processed edible sub-
0065 stance, beverage or ingredient used or intended for use or for
0066 sale, in whole or in part, for human consumption.

0067 (g) "Food vending machine" means any self-service device
0068 which, upon insertion of a coin, coins or tokens, or by other
0069 similar means, dispenses unit servings of food, either in bulk or
0070 in packages without the necessity of replenishing the device
0071 between each vending operation but shall not include any
0072 vending machine dispensing only bottled or canned soft drinks,
0073 or prepackaged and nonpotentially hazardous food, chewing
0074 gum, nuts or candies.

0075 (h) "Food vending machine company" means any person
0076 who is in the business of operating and servicing food vending
0077 machines.

0078 (i) "Food vending machine dealer" means any manufacturer,
0079 remanufacturer or distributor of food vending machines who
0080 sells food vending machines to food vending machine compa-
0081 nies.

0082 (j) "Person" means an individual, partnership, corporation or
0083 other association of persons.

0084 (k) "Municipality" means any city or county of this state.

0085 (l) "Secretary" means the secretary of health and environ-
0086 ment.

0087 (m) "Department" means the department of health and en-
0088 vironment.

0089 Sec. 2. K.S.A. 1985 Supp. 75-3307b is hereby amended to
0090 read as follows: 75-3307b. (a) The enforcement of the laws
0091 relating to the hospitalization of mentally ill persons of this state
0092 in a psychiatric hospital and the diagnosis, care, training or
0093 treatment of persons in community mental health centers or
0094 facilities for the ~~mentally retarded and facilities serving~~ other
0095 handicapped persons ~~receiving assistance through the depart-~~
0096 ~~ment of social and rehabilitation services~~ is entrusted to the
0097 secretary of social and rehabilitation services. The secretary may
0098 adopt rules and regulations on the following matters, so far as the
0099 same are not inconsistent with any laws of this state:

0100 (1) The licensing, certification or accrediting of private hos-
0101 pitals as suitable for the detention, care or treatment of mentally
0102 ill persons, and the withdrawal of licenses granted for causes
0103 shown;

0104 (2) the forms to be observed relating to the hospitalization,
0105 admission, transfer, custody and discharge of patients;

0106 (3) the visitation and inspection of psychiatric hospitals and
0107 of all persons detained therein;

0108 (4) the setting of standards, the inspection and the licensing
0109 of all community mental health centers which receive or have
0110 received any state or federal funds, and the withdrawal of li-
0111 censes granted for causes shown;

0112 (5) the ~~setting of standards, the inspection and licensing of all~~
0113 ~~facilities for the mentally retarded and facilities serving~~ other
0114 handicapped persons receiving assistance through the depart-
0115 ment of social and rehabilitation services which receive or have
0116 received after June 30, 1967, any state or federal funds, and the
0117 withdrawal of licenses granted for causes shown;

0118 (6) reports and information to be furnished to the secretary by
0119 the superintendents or other executive officers of all psychiatric
0120 hospitals, community mental health centers or facilities for the

mentally ill,

or

mentally ill,

or

or in which one or more persons reside who require supervision or require limited assistance with the taking of medication,

. The secretary may adopt rules and regulations that allow the facility to assist a resident with the taking of medication when the medication is in a labeled container dispensed by a pharmacist. No license for a residential facility may be issued under this paragraph unless the secretary of health and environment has approved the facility as meeting the licensing standards for a lodging establishment under the food service and lodging act;

0121 mentally retarded and facilities serving other handicapped per-
0122 sons receiving assistance through the department of social and
0123 rehabilitation services.

0124 ~~(7) the setting of standards, the inspection and licensing of~~
0125 ~~all facilities that would otherwise be licensed under the food~~
0126 ~~service and lodging act as a boarding house except that residing~~
0127 ~~in such facility are one or more mentally ill, mentally retarded~~
0128 ~~or other handicapped persons who require limited assistance~~
0129 ~~with the taking of medication, and the withdrawal of licenses~~
0130 ~~granted for causes shown. The secretary may adopt rules and~~
0131 ~~regulations that allow the facility to assist a resident with the~~
0132 ~~taking of medication when the medication is in a labeled bottle~~
0133 ~~which clearly shows a physician's orders. No license may be~~
0134 ~~issued under this paragraph unless the secretary of health and~~
0135 ~~environment has approved the facility as meeting the licensing~~
0136 ~~standards for a lodging establishment under the food service~~
0137 ~~and lodging act.~~

0138 (b) An entity holding a license as a community mental health
0139 center under paragraph (4) of subsection (a) on the day immedi-
0140 ately preceding the effective date of this act, but which does not
0141 meet the definition of a community mental health center set forth
0142 in this act, shall continue to be licensed as a community mental
0143 health center as long as the entity remains affiliated with a
0144 licensed community mental health center and continues to meet
0145 the licensing standards established by the secretary.

0146 Sec. 3. K.S.A. 36-501 and K.S.A. 1985 Supp. 75-3307b are
0147 hereby repealed.

0148 Sec. 4. This act shall take effect and be in force from and
0149 after its publication in the statute book.