

Approved

3-17-86

Date

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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 /d.t./p.m. on March 6, 1986 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, Secretary to Committee

Conferees appearing before the committee:

Representative Theo Cribbs
Mrs. Linda Stephens, Topeka, Kansas
Bryce Stephens, Topeka, Kansas
Mary Ann Tardiff, Topeka, Kansas
Daniel Tardiff, Topeka, Kansas
Ann Harvey, Topeka, Kansas
Lawrence Buening, Counsel for Board of Healing Arts

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

Chairman called meeting to order when quorum was present. He called attention to business taking place yesterday at time of adjournment.

There was a substitute motion on the floor made by Rep. Blumenthal, seconded by Rep. Cribbs to amend HB 2498 in the same manner as was done in HB 2533, and to have it be a bill for licensure of Occupational Therapists.

This substitute motion was made on the original motion of Rep. Bideau, seconded by Neufeld, to amend HB 2498 in the same manner as was done in HB 2533, and to have it be a bill for registration of Occupational Therapists.

Chair noted business of meeting this date will begin where we concluded yesterday.

Rep. Blumenthal stated with permission of his second Rep. Cribbs, he would like to withdraw his substitute motion on HB 2498 and would like to yield. At this point Chair ruled him out of order on this point. Rep. Cribbs agreed to withdraw his second.

Rep. Neufeld said due to the late hour and with other legislation to hear this date, he called for question on the original motion. Vote taken, Chair in doubt, show of hands indicated vote 8 for the motion, 7 against. Motion carried.

Bep. Bideau moved to pass out as amended HB 2498 as a bill for registration of Occupational Therapists, favorable for passage. Motion seconded by Rep. Williams. No discussion took place. Vote taken, motion carried. Those wishing to be recorded as NO votes are; Rep. Buehler, Rep. Branson, Rep. Cribbs, Rep. Blumenthal, Rep. Harder.

There was brief discussion as to whether it will be necessary to define the scope of practice in reference to HB 2498.

Chairman stated he was unable to contact persons who had requested hearings on HB 3023 this date. He stated further, HB 3023 will be withdrawn from this committee and sent to Ways and Means committee to be re-referred back to Public Health and Welfare committee on or after March 17, 1986.

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 6, 19 87

Chair called attention to HB 2917, and asked Ms. Correll to brief members on the bill.

Ms. Correll gave a brief explanation of HB 2917, saying it will allow the parent (the mother) of any unborn child to choose person or persons who will deliver the child in a place of their choice. She stated she was unaware there were any restrictions of freedom of choice.

Rep. Cribbs, sponsor of the bill gave brief background on HB 2917, and stated he felt this was a Freedom of Choice bill. He felt all would agree with freedom of choice as long as it harms no one else, and he urged members to favorably consider this legislation. This legislation will allow the mother of the child to choose who she wants to help in birth of her child and the place in which the birth will occur.

Linda Stephens, a Kansan from Topeka, gave hand-out, (see Attachment No.2), for details. She spoke in support of HB 2917. She believes parents have a fundamental right to decide where to give birth and who will be there, and this right is based on the U.S. Constitution, and has been interpreted by the Supreme Court to include the right of privacy, personal autonomy, and family integrity. However, in Kansas parents have had their choices interfered with by unnecessary state intervention. This bill would reassure parents' freedom of choice. She made recommended changes for HB 2917, i.e., Line 17, should have language changes from words, "to deliver the child", to, "to be at the birth". Line 22-23 should have changes from "deliver the child and the place at which the child is to be delivered", to "be at the birth and the place where the child will be born". She explained rational as, the way deliver is used in the bill now, may imply an event that is in medical terms, and childbirth is a biosocial event, a normal process, and the suggested changes she stated use plain language to describe childbirth. She answered questions.

Bryce C. Stephens, from Topeka, gave hand-out, (see Attachment No.3), for details. He also urged for the word "deliver" to be changed to "attend" in line 22, and in line 23 change the word "delivered" changed to "born". He stated that parents, if they are responsible persons should have the right to be engaged in that part of the reproductive cycle without interference, and if HB 2917 is passed, it will give substance to that right. He urged for favorable passage. He answered questions.

Mary Ann Tardiff, Topeka resident, gave hand-out, (see Attachment No.4), for details. She spoke in support of HB 2917 because it would officially recognize and protect the natural god-given right to make their own decisions in regard to the birth of their children. Parents are the most qualified to make the decision on who will help in the birth and where this birth will take place. If there is an occasional problem of parents demonstrating irresponsibility or criminal negligence in the birth of their child, common sense suggests that as with any crime, it should be dealt with by correcting or punishing only those who are cause of threat to the life of the child, not by punishing all parents by denying them their inherent rights. Under the Constitution parents would be presumed responsible until proven irresponsible.

Daniel Tardiff, a resident of Topeka, Kansas spoke in support of HB 2917, saying home births can be dangerous, and they can be safe. It depends on how informed the birthing couple, how skilled the assistants, how well the mother has followed proper nutrition guidelines. Because of our long trust in the medical profession, it sounds strange to some to say that home births are safer than those in a medical setting. He gave statistics on injuries, infections, problems with child in home births vs. medical setting. There continues to be an increase in couples interested in natural childbirth and home births. He urged for support of this bill, saying a home birth is the safest place for the birth of a child. He answered questions from members, i.e., statistical information he gave came from a book he had read, HOW TO HAVE HEALTHY CHILDREN IN SPITE OF YOUR DOCTOR: yes, at times there are problems, and when medical emergencies do occur,

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 6, 1986

Hearings continue on HB 2917.

you try to have pre-arranged back-up and have a physician meet you at the emergency room at the hospital; yes, it is difficult at times to get this kind of back-up when you have not gone through pre-natal care with a physician because of the liability problems today. Many mid-wives will not take a patient if the mother has not gaken good care of herself, if she smokes, has improper nutrition, has family history of birthing problems.

Ann Harvey, Topeka resident, gave hand-out to members, (see attachment No.5), for details. She spoke in support of HB 2917, saying she feels persons should be given the right to choose where their child will be born. She had had 2 children in a medical setting with a physician present, and with her last child decided, along with her husband, to have a home birth with the help of lay midwives and share the birth of the baby with their other children. She feels this decision should be granted to all parents. She answered questions in regard to problems of medical nature that may occur to mother and or child, and she stated skilled help is vital, and the choice of home birth should still be up to the parents.

There was discussion in regard to litigation against midwives in Kansas, (specific cases), and Chair invited Attorney, Lawrence T. Buening, Jr., Disciplinary Counsel for Ks. Board of Healing arts to brief members in reference to these cases. He did respond with brief background information, and said he could get printed material to members of committee if it was desired. Cases referred to were in Garden City and Wichita. He answered questions from members, i.e., The position of the Board of Healing Arts is, the Board considers , assisting in the delivery of a child to be a practice of medicine and surgery, and unless it is done under the supervision of one who is licensed in the practice of medicine and surgery, they would consider this improper practice of medicine and surgery.

Linda Stephens asked to speak again, and Chair granted her this opportunity. She answered some questions that had earlier been asked, i.e., she stressed any birth is generally not an act requiring "medicine"; several states have granted this privacy act; the Attorney General's opinion is just that, an opinion, not law. She stated pregnancy is not an illness, birth is not an illness, both are natural processes.

Hearings closed on HB 2917.

Rep. Cribbs made a motion to pass HB 2917 out favorably for passage, seconded by Rep. Buehler. Discussion ensued, i.e., advisability of proposed amendments offered by a conferee, and Mr. Furse was asked for in-put in this regard. Possible language was decided upon.

Rep. Cribbs and Rep. Buehler withdrew their motions.

Rep. Friedeman made a motion to amend HB 2917 by striking in line 17, "deliver", and insert the language, "be at the birth of the child". Line 22-23, delete, "will deliver the child and the place at which the child is to be delivered", and insert language" will be at the birth and the place of the birth of the child". Motion was seconded by Rep. Wagnon. Discussion ensued. Vote taken, Motion carried.

Rep. Cribbs made a motion to pass HB 2917 out favorably as amended favorable for passage, seconded by Rep. Williams, motion carried. Those wishing to be recorded as NO votes were, Rep. Branson, Rep. Bideau, Rep. Foster, Rep. Flottman.

Chair thanked all members for their cooperation and diligent work this first half of session in meeting our bill deadline.

Meeting adjourned. Next meeting will be on or about March 17, 1986.

GUEST REGISTER

DATE

3/6/86

HOUSE

PUBLIC HEALTH AND WELFARE

DATE

3-6-86

NAME	ORGANIZATION	ADDRESS
Anne Harney	parent -	Topeka
Therese M. Mullen	KOTA	5219 SW 2 nd PK #3 Topeka
Cathy Best	KOTA	13506 SW K4 Hwy Topeka
Steven E. Curtis	Ks. Resp. Ther. Soc.	KCK
Mildred Hinds RRT	Ks. Resp. Ther. Soc.	Topeka
Kary Swering	BD OF HEALING ARTS	
Charlene Abbott	Bd of Healing Arts	Topeka
Lyn Russick	KOTA	Topeka
Kathy N. Hartley	KOTA	2007 Mission #16 Topeka
Bill Dean	Merriell Dean	0 P. Ks
KEITH R. LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	TOPEKA
MARSHA HUTCHISON	KS MEDICAL SOCIETY	TOPEKA
Mary Ann Tardiff	expectant parent	WILLARD
Daniel Muff	expectant parent	Willard
Bryce Stephens	Parent	1126 College Topeka
Linda Davis-Stephens	Parent	1126 College Topeka
Susan Amacher	Ks Phys Therapy Assoc	Topeka
Barb Reinert	Planned Parenthood	Topeka
Frances Kester	Ks Phys Therapy Assoc	Topeka
Helen Stephens	Ks. Assoc. of Counseling & Rehabil.	Topeka

Attn. # 1
3-6-86

Hs. PHW

m: Linda Davis-Stephens

March 6, 1986

Testimony on House Bill No. 2917 to the House Public Health and Welfare Committee

Mr. Chairman and Members of the Committee:

Thank you for letting me speak with you today about House Bill 2917. Only yesterday I received notice for an opportunity to testify. Fortunately I live nearby and could change my schedule today. But there was not enough time to properly notify the many other people who favor enactment of this bill. Would you keep this opportunity to testify open?

I have been to meetings where many Kansas residents have shown support for the right this bill protects. I cannot represent them but I would like to see them given the chance to send written testimony.

I have done research on choices in childbirth not only by attending meetings and conducting interviews, but also by analyzing statutes, agency actions, and judicial decisions, and by surveying other written materials. In my view parents have a fundamental right to decide where to give birth and who will be there. This right is based on the U. S. Constitution. Liberty, as mentioned in the Constitution, has been interpreted by the Supreme Court of the U.S. to include the right of privacy, personal autonomy, and family integrity. In Kansas parents have made choices in childbirth based on this right but have had their choices interfered with by unnecessary state intervention. This bill would reassure parents' freedom of choice.

Other states have similar enactments: California has a constitutional right to privacy, Arizona has a statutory right of parents' to deliver their own child.

Basically this bill carries the message I support. There are a few word changes I would make. Line 17 should replace "to deliver the child" with "to be at the birth". Line 22 & 23 should replace "deliver the child and the place at which the child is to be delivered" with "be at the birth and the place where the child will be born".

The way "deliver" is used in the bill may imply an event that is in medical terms. Childbirth is a biosocial event, a normal process. The changes I suggest use plain language to describe childbirth.

Thank you for your consideration.

Linda Davis-Stephens

Attn. # 2
3/6/86
Hs. PHW

The principle of HB 2917 can be stated as; "The right of parents to choose who will attend and where the birth of their children is to occur, shall be fully recognized and protected."

I would change the word deliver at the end of line 0022 to attend. At the end of line 0023 the word delivered could be changed to born. Deliver is a medical term. Birth is an event in the reproductive cycle that involves the parents, child and those chosen to attend the birth. The parents if they are responsible persons should have the right to be engaged in that part of the reproductive cycle without interference. Interference can be in the form of added stress caused by defining birth as a medical event.

This bill allows parents to choose the place and the people who will be at the birth of their children. It is easily understood. It is a right commonly assumed. This bill if passed will give substance to the right. This is why I urge passage of HB 2917.

Bryce C. Stephens
1126 College
Topeka, Kansas 66604

Attn # 3
3/6/86
Hs. PHW

Mary Ann Tandiff
(124 Darling St, Willard)
Rt. 8 Topeka 66615

#4

I support House Bill # 2917, not because it would grant parents the privilege of making their own decisions regarding the birth of their children, but because it would officially recognize and protect our natural, God-given RIGHT to do so.

Not only by virtue of our parenthood do we possess this right, but also by the fact that we are the ones most qualified to decide rightly in matters affecting our own families. Who is in a better position to know what is best for a baby than its own mother and father?

If there is an occasional problem of parents demonstrating irresponsibility or criminal negligence in the birth of their child, common sense suggests that, as with any crime, it should be dealt with by correcting or punishing only those individuals who are clearly and provably a threat to their child's life, not by punishing ALL parents as a whole by denying them the free exercise of their inherent rights.

Under the Constitution, parents should be presumed responsible until proven irresponsible. Thank you.

be presumed responsible until proven irresponsible. Thank you.

Attn. #4
3-6-86
Hs. PHW

March 6, 1986

TESTIMONY RE: HB 2917

My name is Anne Harvey. I am from Topeka. My husband and I have three children. Our first two babies were born in the hospital with a physician present. We chose to have our last baby at home with the help of lay midwives. We were able to share this birth with our children, which we feel brought us closer together and strengthened us as a family.

Some people believe that this right to choose is a basic constitutional right. However, there are some in the legislature and in the medical profession who have indicated that they would like to control this right. We feel very strongly that this is a decision that should be made by the parents. For this reason we support HB 2917 and ask that you vote in favor of passage. Thank you.

Dennis & Anne Harvey
Topeka, KS

*attn.
#5
3-6-86
Ns. PHW*