

Approved \_\_\_\_\_

2/2/87  
1-28-87  
Date *sh*

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.m./p.m. on January 27, 1987 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Research  
Norman Furse, Revisor  
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Dr. Robert C. Harder, Secy. Department of Social Rehabilitation Services  
Lila Pasley, Association for Retarded Citizens of Kansas.  
Merilee Larson, Kansas Association of Rehabilitation Facilities

Chairman called meeting to order and asked wishes of committee in regard to minutes of meetings for January 14, 15, 20, 21, 22, and 26th. Representative Harder moved to approve all these minutes as written, seconded by Representative Blumenthal, motion carried.

Chair directed attention to HB 2015 Hearings began on HB 2015.

Dr. Robert C. Harder gave hand-out to members, (see Attachment No.1), for details. He gave background on HB 2015, saying this legislation was proposed to assure adequate residential programs meet the needs of clients in vocational programs. They proposed amendments to allow SRS to approve a vocational plan so that residential needs of clients are met, i.e., all new vocational programs/expansions of existing vocational programs shall require approval of Secy. of SRS. This approval shall only be granted if the proposed new/expanded vocational program includes an approved plan for providing needed residential programming to support the proposed new/expanded vocational program. He then called attention to balloon copy of amendment proposed. (See Attachment No.2), for details. He said that the local efforts have done a commendable job in developing programs that now indicate an additional 1500-2000 beds in residential programs.

Dr. Harder answered questions, i.e., does the Secy. already have authority to do what HB 2015 authorizes and he replied, systematically yes, but as far as litigation is concerned, he would have to answer no. Revisor Furse then asked about language clarification in amendment and this was cleared up.

Lila Pasley gave handout to members, (see Attachment No.3), for details. She began her remarks by thanking all on Interim Committee. She stated HB 2015 in its present form makes the assumption that all persons served in vocational programs require residential services as well. Actually there are many families who have their children (or adults), live at home that use the vocational facilities and do not need residential services. She is concerned that if her child had completed special education and needed vocational programs and not residential, vocational would be unavailable. She expressed hope that any program for persons with mental retardation might grow as rapidly as possible with available funding. She answered a few questions from committee.

Merrilee Larson, Ks. Association of Rehabilitation Facilities gave hand-out, (see Attachment No.4), for details. Their Association (KARF) she said cannot support HB 2015 in its present form. The intent of HB 2015 is unclear, and if passed in current form could be significantly different than intended. The bill is too restrictive to allow community based agencies to serve the needs of individuals with mental retardation. They are concerned HB 2015 may be worse than the problem that it was drafted to help correct--the lengthy waiting list for residential programs for mentally retarded citizens. She answered questions. She was in agreement with proposed amendments by Secy. of SRS.

Hearings closed on HB 2015.

Meeting adjourned at 2:00 p.m.



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STATE DEPARTMENT OF SOCIAL & REHABILITATION SERVICES

Statement Regarding H.B. 2015

1) Title - This is a bill concerning SRS' approval and licensing of vocational programs serving the mentally retarded; amending K.S.A. 1986 Supp. 75-3307b.

2) Purpose - HB 2015 disallows SRS from approving (funding) or licensing new vocational programs and the expansion of existing vocational programs unless SRS determined that one or more residential programs would be available to potential clients of such vocational programs.

HB 2015 attempts to provide for more residential programs since there is more unmet need in that area than in vocational programs.

3) Background - During the Summer of 1986, a Special Committee on Public Health and Welfare was created to consider ways in which residential services could be expanded for mentally retarded clients. This legislation was proposed to assure adequate residential programs to meet the needs of clients in vocational programs.

4) Proposed Amendment - SRS recommends that the Bill be amended to allow SRS to approve a vocational program's plan to see that the residential needs of its clients are met.

The Department suggests the following amendment: All new vocational programs and/or expansions of existing vocational programs shall require approval of the Secretary of SRS. The Secretary's approval shall only be granted if the proposed new or expanded vocational program includes an approved plan for providing needed residential programming to support the proposed new or expanded vocational program.

Without the SRS amendment, this legislation would disallow SRS from approving or licensing a new or expanded vocational program even if the residential needs of clients were met in other ways, i.e., living with families, etc. A case in point is the transitioning of students from Special Education to community programs. Many of these individuals will continue living at home or in some other independent or semi-independent setting while participating in vocational programs.

Without the SRS amendment, this legislation would also work a hardship on the development of supported employment programs. SRS was recently awarded a five year federal demonstration grant (\$2.1 million) to develop supported employment programs in Kansas. Supported employment means competitive work in integrated work settings for persons with severe handicaps for whom competitive employment has not traditionally occurred, has been intermittent, or for those who need on-going support services to maintain competitive employment. Supported employment is a service option for disabled students making

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the transition from school to work. Mentally retarded citizens of Kansas would be less well off if expenditure of these funds was curtailed by the requirement of H.B. 2019 in its current form.

- 5) Effect of Passage - Passage of this legislation without change would create some problems for clients, providers and SRS.
- 6) SRS Recommendation - The Department of Social and Rehabilitation Services supports this legislation with the amendments as proposed above.

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Robert C. Harder, Secretary  
Social & Rehabilitation Services  
296-3271

## HOUSE BILL No. 2015

By Special Committee on Public Health and Welfare

Re Proposal No. 25

12-15

0017 AN ACT concerning vocational programs serving the mentally  
0018 retarded; placing limitations upon the approval or licensing  
0019 thereof; amending K.S.A. 19-4001 and K.S.A. 1986 Supp. 75-  
0020 3307b and repealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 19-4001 is hereby amended to read as fol-  
0023 lows: 19-4001. (a) The board of county commissioners of any  
0024 county or the boards of county commissioners of two ~~(2)~~ or more  
0025 counties jointly may establish a community mental health center;  
0026 ~~and/or~~ or community facility for the mentally retarded, or both,  
0027 which shall be organized, operated, and financed according to  
0028 the provisions of this act.

0029 (b) The mental health center may render the following men-  
0030 tal health services: Outpatient and inpatient diagnostic and  
0031 treatment services; rehabilitation services to individuals return-  
0032 ing to the community from an inpatient facility; consultative  
0033 services to schools, courts, health and welfare agencies, both  
0034 public and private, and conducting, in collaboration with other  
0035 agencies when practical, in-service training for students entering  
0036 the mental health professions, educational programs, informa-  
0037 tion and research.

0038 (c) The community facilities for the mentally retarded may  
0039 render, and a mental retardation governing board which con-  
0040 tracts with nonprofit corporations to provide services for the  
0041 mentally retarded may provide, the following services: Pre-  
0042 school, day care, work activity, sheltered workshops, sheltered  
0043 domiciles, parent and community education and, in collabora-  
0044 tion with other agencies when practical, clinical services, reha-

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0045 bilitation services, in-service training for students entering pro-  
0046 fessions dealing with the above aspects of mental retardation,  
0047 information and research. It may establish consulting ~~and/or or~~  
0048 referral services, *or both*, in conjunction with related community  
0049 health, education; and welfare services.

0050 (d) *No community mental health center, and/or or* facility for  
0051 the mentally retarded, *or both*, shall be established in ~~said a~~  
0052 community after the effective date of this act unless and until the  
0053 establishment of the same has been approved by the secretary of

A11

0054 social and rehabilitation services. ~~No new vocational programs~~  
0055 *-serving the mentally retarded nor the expansion of an existing*  
0056 *vocational programs serving the mentally retarded shall be ap-*  
0057 *proved unless the secretary of social and rehabilitation services*  
0058 ~~determines that one or more residential programs would be~~  
0059 ~~available to potential clients of such vocational programs~~

by

0060 Sec. 2. K.S.A. 1986 Supp. 75-3307b is hereby amended to  
0061 read as follows: 75-3307b. (a) The enforcement of the laws  
0062 relating to the hospitalization of mentally ill persons of this state  
0063 in a psychiatric hospital and the diagnosis, care, training or  
0064 treatment of persons in community mental health centers or  
0065 facilities for the mentally ill, mentally retarded or other handi-  
0066 capped persons is entrusted to the secretary of social and reha-  
0067 bilitation services. The secretary may adopt rules and regula-  
0068 tions on the following matters, so far as the same are not  
0069 inconsistent with any laws of this state:

0070 (1) The licensing, certification or accrediting of private hos-  
0071 pitals as suitable for the detention, care or treatment of mentally  
0072 ill persons, and the withdrawal of licenses granted for causes  
0073 shown;

0074 (2) the forms to be observed relating to the hospitalization,  
0075 admission, transfer, custody and discharge of patients;

0076 (3) the visitation and inspection of psychiatric hospitals and  
0077 of all persons detained therein;

0078 (4) the setting of standards, the inspection and the licensing  
0079 of all community mental health centers which receive or have  
0080 received any state or federal funds, and the withdrawal of li-  
0081 censes granted for causes shown;

Such approval shall only be granted if the proposed new or expanded vocational program includes an approved plan for providing needed residential programming to support the proposed new or expanded vocational program.

0082 (5) the setting of standards, the inspection and licensing of all  
 0083 facilities for the mentally ill, mentally retarded or other handi-  
 0084 capped persons receiving assistance through the department of  
 0085 social and rehabilitation services which receive or have received  
 0086 after June 30, 1967, any state or federal funds, or facilities where  
 0087 mentally ill, mentally retarded or other handicapped persons  
 0088 reside who require supervision or require limited assistance  
 0089 with the taking of medication, and the withdrawal of licenses  
 0090 granted for causes shown. The secretary may adopt rules and  
 0091 regulations that allow the facility to assist a resident with the  
 0092 taking of medication when the medication is in a labeled con-  
 0093 tainer dispensed by a pharmacist. No license for a residential  
 0094 facility for eight or more persons may be issued under this  
 0095 paragraph unless the secretary of health and environment has  
 0096 approved the facility as meeting the licensing standards for a  
 0097 lodging establishment under the food service and lodging act;

0098 (6) reports and information to be furnished to the secretary by  
 0099 the superintendents or other executive officers of all psychiatric  
 0100 hospitals, community mental health centers or facilities for the  
 0101 mentally retarded and facilities serving other handicapped per-  
 0102 sons receiving assistance through the department of social and  
 0103 rehabilitation services.

0104 (b) An entity holding a license as a community mental health  
 0105 center under paragraph (4) of subsection (a) on the day immedi-  
 0106 ately preceding the effective date of this act, but which does not  
 0107 meet the definition of a community mental health center set forth  
 0108 in this act, shall continue to be licensed as a community mental  
 0109 health center as long as the entity remains affiliated with a  
 0110 licensed community mental health center and continues to meet  
 0111 the licensing standards established by the secretary.

A11 0112 (c) ~~No new vocational programs serving the mentally re-~~  
 0113 ~~tarded or the expansion of an existing vocational programs~~  
 0114 ~~serving the mentally retarded shall be licensed under this sec-~~  
 by 0115 ~~tion unless the secretary of social and rehabilitation services~~  
 0116 ~~determines that one or more residential programs would be~~  
 0117 ~~available to potential clients of such vocational program.~~  
 0118 Sec. 3. K.S.A. 19-4001 and K.S.A. 1986 Supp. 75-3307b are

Such approval shall only be granted if the proposed new or expanded vocational program includes an approved plan for providing needed residential programming to support the proposed new or expanded vocational program.

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HB 2015

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0119 hereby repealed.

0120 Sec. 4. This act shall take effect and be in force from and  
0121 after its publication in the statute book.



THE ASSOCIATION FOR  
RETARDED CITIZENS OF KANSAS, INC.



11111 W. 59th TERRACE  
SHAWNEE, KANSAS 66203 • (913) 268-8200

*Hope through understanding*

January 27, 1987

BRENT GLAZIER  
*Executive Director*

CAROL A. DUCKWORTH  
*President  
Lawrence*

ROBERT ATKISSON  
*Vice President  
Stockton*

MARIE LEACH  
*Secretary  
Wichita*

VIRGINIA LOCKHART  
*Treasurer  
Topeka*

GINGER CLUBINE  
*Past President  
Wichita*

To: Rep. Marvin Littlejohn, Chairman  
Members of the Public Health and  
Welfare Committee

From: Lila Paslay, Chairperson  
Legislative Affairs

Re: HB 2015

I am speaking today on behalf of the members of the Association for Retarded Citizens of Kansas.

I want to express our appreciation for the work the Interim Study Committee did through Proposal #25. We know the committee worked diligently to address many of the problems persons with mental retardation face as well as their families.

HB 2015 does address a real concern, that of offering in our communities a range of services to persons with mental retardation that includes both residential and vocational programs. It appears to us, however, that this bill makes the assumption that all persons served in vocational programs require residential services as well. Granted, that may be true for many, but not all. There are those families who have made arrangements for their sons and daughters and they may not be in community residential programs.

As a parent, I do not believe I would see the portion of the bill Section 1 d as helpful if my child had completed special education and needed a vocational program which was not available because there was no residential program which I did not need.

Nothing would please us more than to have the state of Kansas provide sufficient funding which would allow the development of both programs to the extent there were no waiting lists for either. Our concern is that any program for persons with retardation might grow as rapidly as possible with available funding.

We hope the decision you make regarding HB 2015 will be one which encourages development of needed programs which will service persons in Kansas that have mental retardation.

*P.H.W.  
Attn. #3  
1-27-87*



# Kansas Association of Rehabilitation Facilities

TownCenter Building 120 West Sixth, Suite 110  
Newton, KS 67114 316-284-2330

TO: House Committee on Public Health and Welfare

FROM: Kansas Association of Rehabilitation Facilities

Re: H.B. 2015, AN ACT concerning vocational programs serving the mentally retarded; placing limitations upon the approval or licensing thereof

Date: January 27, 1987

## 1.0 Position Statement

- 1.1 KARF cannot support H.B. 2015 in its present form.
- 1.2 The intent of H.B. 2015 is not clear.
- 1.3 The impact of H.B. 2015, if passed, could be significantly different than intended.

## 2.0 Justification

- 2.1 KARF member agencies have a significant number of individuals with mental retardation waiting for services. Some need vocational and residential services, others need only vocational services and some need only residential services. In this regard, H.B. 2015 seems to ignore the needs of individuals who are waiting for services rather than solve the need for expansion of services--both residential and vocational throughout Kansas.
- 2.2 H.B. 2015 seems to overlook the fact that some families prefer to serve their adult with mental retardation in the home setting, with vocational programming through a community-based agency, rather than admit the individual to a residential program in order to obtain vocational services. This choice should continue to be a family option.

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- 2.3 Residential programs can only expand if vocational programming is readily available; however, the converse of this is not necessarily the case. Typically, residential programs are only developed after vocational programs have been well established in the community. In the case of the development of services for severely multiply handicapped adults (pre-vocational programming), some KARF agencies are reluctant to develop residential programs until the necessary day programs are in place and functioning.
- 2.4 Although it is true that residential programs are in great demand, a recent study indicates 812 waiting for services statewide, the needs in each community are different. For some the first priority is vocational programming; for some the priority is residential services; for others the needs go hand-in-hand. H.B. 2015 does not seem to take these community needs into consideration. In this regard, the bill seems to be too restrictive to allow community-based agencies to serve the needs of individuals with mental retardation. In some cases, the provision of some service may be better than no service at all, e.g. vocational programming may be better than no service at all. The impact of H.B. 2015 may be worse than the problem that it was drafted to help correct--the lengthy waiting list for residential programs for the mentally retarded.
- 2.5 Finally, KARF believes that the Secretary of Social and Rehabilitation Services already has the power to license, approve the number of individuals to be served (licensed capacity), and to approve the establishment of mental retardation facilities throughout the state. Therefore, the intent of H.B. 2015 is not clear.