

Approved 3-26-87  
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 a.m./p.m. on March 23, 1987 in room 423-S of the Capitol.

All members were present except:

Representative Cribbs, excused.

Committee staff present:

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

Conferees appearing before the committee:

Ruth Clark, Jefferson County Historical Society/Genealogical Society  
Mr. Lorne Phillips, Director, Bureau of Community Health, Department of H. & E.  
Katie Matthews, Topeka Genealogical Society  
Terry Harmon, Kansas Historical Society  
Rowena Horr, President of Ks. Council on Genealogical Society

Chairman Littlejohn called meeting to order, then called attention to SB 35 and SB 36, and SB 302 staff briefings, and hearings to be held on SB 259.

Briefing on Substitute SB 35.

Ms. Correll gave a comprehensive briefing outlining changes section by section and highlighting policy changes throughout SB 35. She answered numerous questions following briefing, i.e., fellowship licenses are now called institutional licenses; Physician's Assistants often are ex-corp men, they are not persons who have flunked out of medical school; Physician's Assistants (PA's), are not licensed, their names are placed on a register; no, the PA's do not prescribe drugs, without proper protocol having been written by the physician as to what drugs the P.A. can prescribe. If, the P.A. has prescribed other than these certain designated drugs, the pharmacist should not fill such prescription and proper discipline measures should be taken against the physician, since he is responsible for the acts of P.A. Authority for the Board will be granted in this legislation to adopt rules and regulations, and to discipline the physicians. There was discussion at this point in regard to "direct supervision", "direct contact".

Briefing on SB 36:

Ms. Correll gave a detailed briefing on SB 36, this legislation would create what would be known as an exempt license. Such license can be issued to anyone who has written application for such license as provided for by the Board, has remitted the fee, who has previously been licensed to practice Healing Arts in the state, and who is no longer engaged in such practice. Holders of such license will be subject to all provisions of Healing Arts Act, except would not be required to meet continuing education requirements for renewal, nor can participate in Health Care Provider Insurance Availability Fund. This will allow a physician to participate in certain settings, and to render certain service, but need not be fully licensed.

Mr. Furse briefed SB 302.

SB 302 amends K.S.A. 65-1124 to add to the list of persons who are not considered to be practicing nursing in violation of the Kansas Nurse Practice Act., authorizes the Board of Nursing to enter into contracts and to accept grants, gifts, bequests, donations, and a grant and gift fund is created in the State Treasury. The Senate Committee on Public Health and Welfare added definition section, i.e., Kansas Nurse Practice Act and adds a new definition of auxiliary patient care services to the act.

Ms. Correll had members note, the definition of auxiliary patient care services is a bit unclear, and members possibly would want to attempt to address this while working SB 302.

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 23, 1987.

Hearings began on SB 259:

Ruth Clark explained she is an officer of both Jefferson county Genealogical Society and Jefferson county Historical Society. Both groups support SB 259 and the effort to give conformity to the access of vital records for general research of family history throughout the entire state of Kansas. She urged for passage. She answered questions, i.e., yes, with passage of SB 259, we would be able to complete the gathering of vital statistics information when trying to complete family histories. (see Attachment No. 1), for details.

Mr. Loren Phillips, Department of Health and Environment, director of Bureau of Community Health, gave hand-out, (see Attachment No.2), for details. He spoke to support of SB 259. Passage would allow them to process requests for copies of birth certificates in a normal manner, and special handling would be those certificates that indicate the individual was born out-of-wedlock, and that confidentiality would still be protected. The majority of the others could be handled with quicker and less complex process. Lines 0069-0074 would open certain records not now in custody of Department of H&E which were created prior to July 1, 1911. State files were not established until that date, thus, records filed in their Department would not be affected. Passage of this legislation would save money because of reducing staff costs, supply costs. He urged for support. He answered question, yes there would be some savings in regard to staff, but basically it would allow their staff to function more effectively in regard to the back-log of work load. They would not be able to eliminate any staff position.

Mr. Terry Harmon, Assistant State Archivist, gave hand-out, (see Attachment No.3), for details. The Kansas State Historical Society supports SB 259 he said, because it contains sub section (h), which exempts records created before July 1, 1911, from the restrictions on public access to vital statistics records imposed by current statute. Prior to 1911, birth, death, marriage registers were compiled by county and city clerks, and other public health officers. Most of these records are still in custody of those local officials, and there has been inconsistency with regard to public disclosure of them. Many years have passed since the creation of these early records, and it is felt no one could be harmed by these records being accessible to others, allowing those researching records to gain the information needed for family histories.

Kathie Matthews, Topeka Genealogical Society spoke in support of SB 259, saying their group would have access to records prior to 1911 for their research. These records, i.e., birth, death, land ownership, are of vital importance to those who research family records for family genealogy histories. She urged for favorable consideration of SB 259.

Rowena Horr, President of Kansas County Genealogical gave hand-out, (see Attachment No.4) for details. SB 259 has substance that all genealogists and family history researchers can work with. If enacted, the bill would allow the county registrar/clerk know that records can be read by anyone requesting them. With all these old records now accessible, we in Kansas can add knowledge of the forming of Kansas. She urged for passage.

Chair called attention to Bills previously heard, and committee action will begin.

SB 154.

Chair asked wishes of members, Rep. Whiteman moved to pass SB 154 favorably out of committee and be placed on consent calendar, seconded by Rep. Buehler, motion carried.

SB 173.

Discussion ensued on SB 173, in regard to information being released to those persons who have been hospitalized. Concerns in regard to limiting language somewhat. The main intent is to allow that hospital bills, or bills for medical services are paid, not to stand in the way of such.

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 23, 1987.

Action on SB 173 continues.

Rep. Blumenthal moved to pass SB 173 favorably out of committee, seconded by Rep. Amos. Discussion ensued, i.e., this is technical in nature; bill collectors do not have access to information that persons have been hospitalized; perhaps language could be amended to limit the scope of information being made available.

Mr. Furse made some recommended language changes that might be appropriate for SB 173. At this point, Rep. Blumenthal and Representative Amos withdrew their motion to pass SB 173 out of committee favorably.

Rep. Blumenthal moved to amend SB 173 by adding language, "any information relevant to a proceeding for collection of a bill for professional services rendered by a treatment facility", be placed in section 1, at the beginning of and in appropriate sub sections 7,8,9,10. Motion seconded by Rep. Amos, motion carried.

Rep. Gatlin moved to pass SB 173 favorably out of committee as amended, seconded by Rep. Blumenthal, motion carried.

Chair asked wishes of members in regard to SB 64.

Rep. Hassler moved to pass SB 64 favorably out of committee, seconded by Rep. Buehler. Discussion ensued in regard to broad language in respect to publishing, purchasing, and disseminating educational materials dealing with problems of families and children.

Rep. Amos made a substitute motion to amend SB 64, as per balloon copy of SB 64, (see Attachment No. 5, in line 045 after the word "children", by adding language, "of child abuse and domestic violence". Discussion ensued, i.e., child abuse is considered as family problems; discussion on what are child abuse materials, what is neglect/what are family problems in regard to materials to be made available.

At this point, Substitute motion and second were withdrawn by Rep. Amos and Rep. Shallenburger.

Rep. Shallenburger made a substitute motion to amend SB 64 in line 045 after the word, "children", by adding language, "of child abuse, neglect, and domestic violence". Motion seconded by Rep. Amos. Discussion ensued.

At this point Chair ruled there was difficulty in solving language changes, and due to time limitations this date, he ruled we remain on substitute motion that is before committee, and action on SB 64 will be completed at next meeting of this body.

May it be recorded this date, when Chair was asked if substitute motions are in order in this committee, he answered saying, it is his policy to allow substitute motions. However, when someone else is acting Chair, it is that acting Chair that has the authority to determine such procedures.

Meeting adjourned.



23 March 1987

To: Members of the House Committee on Public Health and Welfare

Re: Senate Bill No. 259 and proposed amendments

From: Ruth Keys Clark, an officer of both the Jefferson County Genealogical Society and the Jefferson County Historical Society. RKC

I appreciate the opportunity to appear before this committee as a representative of the Jefferson County Genealogical Society and the Jefferson County Historical Society.

These two societies have a combined membership of 450. We welcome this opportunity to support the Kansas State Historical Society. We support their effort to give conformity to the access of vital records for general research of family history throughout the entire state of Kansas

These two societies give their complete support to Senate Bill No. 259 and the amendments proposed by the Kansas State Historical Society.

*P.H.W.  
Attn. #1.  
3-23-87*

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON: S.B. 259

PRESENTED TO: House Public Health and Welfare Committee, March 23, 1987

This is the official position taken by the Kansas Department of Health and Environment on S.B. 259.

BACKGROUND INFORMATION:

K.S.A. 65-2422 was amended during the 1985 legislative session to remove any reference to illegitimacy on birth certifications made to applicants. In doing so the wording was changed to read: "No information concerning the birth of a child shall be disclosed in a manner that enables determination of whether the child's parents were married at the time of the child's birth..."

Enactment of this legislation requires special handling of every certified copy request for birth certificates of individuals born between 1911 and 1948 as those certificates contain marital information in the portion of the certificate to be certified. The special handling requires that a copy be produced from the microfilm, marital information deleted, and a second copy produced from the first and certified.

In many cases the original copy produced from the microfilm is barely legible which means the second copy run is even more illegible. (To date we are averaging about 1600 copies per month.) Special handling requires additional staff time and supplies plus results in additional wear and tear on equipment.

STRENGTHS:

Passage of S.B. 259 will allow us to process the majority of these requests in our normal manner and would require special handling only of those certificates whereby the individual was born out-of-wedlock; therefore, we would still be protecting the confidentiality of those that were born out-of-wedlock.

The amendment to S.B. 259, Item (h), lines 0069 through 0074, would open birth, death and marriage records not in the custody of the Department of Health and Environment which were created prior to July 1, 1911. Since state central files were not established until that date, records filed in our Department would not be affected.

Passage of this legislation would not cost the Department, but would save money by reducing staff costs, supply costs and cut down on wear and tear on equipment. Passage of this legislation would eliminate by more than 90% the number of certified copies on which we now have to "white out" the legitimacy item.

*PNH:CO  
3-23-87  
Attn #2*

WEAKNESSES:

None

DEPARTMENT'S POSITION:

The Department would support passage of this bill.

Presented by: Dr. Lorne A. Phillips  
Director, Bureau of  
Community Health

COMMENTS CONCERNING SENATE BILL NO. 259

Presented to the House Committee on Public Health and Welfare  
by Terry Harmon, Assistant State Archivist  
March 23, 1987

The Kansas State Historical Society supports Senate Bill No. 259 because it contains an amendment [subsection (h)] which was proposed by the state archives staff and approved by the Senate committee. This amendment would exempt records created before July 1, 1911, from the restrictions on public access to vital statistics records imposed by K.S.A. 1986 Supp. 65-2422.

The present centralized system of registering births, deaths, and marriages in Kansas has been operated by the Department of Health and Environment and its predecessors since 1911. The original version of K.S.A. 1986 Supp. 65-2422 was adopted in 1951 in order to limit disclosure of information in the voluminous files accumulated in Topeka by the State Registrar of Vital Statistics.

Prior to 1911, birth, death, and marriage registers were compiled by county clerks, city clerks, and local public health officers pursuant to an 1885 statute which was not fully implemented. Most of these records still are in the custody of local officials, and there has been much inconsistency with regard to public disclosure of them. The 1885 law under which they were created placed no restrictions on disclosure of vital statistics information, but some local officials believe they are subject to the provisions of K.S.A. 1986 Supp. 65-2422.

If there ever was a need to restrict public access to the limited information in the pre-1911 registers of births, deaths, and marriages, that need no longer exists because so many years have passed since their creation. We are aware of no one who has been harmed during the many years in which the Topeka City Clerk and various other local officials have granted unlimited access to such records.

Adoption of subsection (h) of this bill would solve three significant problems:

- (1) It would eliminate the uncertainty which long has existed about whether custodians of the locally-held birth and death records created before mid-1911 may grant public access to them.
- (2) It would allow the State Historical Society and the Genealogical Society of Utah to include the locally-held birth and death records created before mid-1911 in a major local records microfilming project which has been underway in Kansas for several years.
- (3) It would enable the State Historical Society to grant direct public access to microfilm copies of vital statistics records from eleven counties which we already possess, thus ending the cumbersome and time-consuming practice of having our staff look up information in such records for researchers.

Approval of S.B. 259 by this committee would be appreciated very much by the State Historical Society, by countless researchers, and by many local government officials.

*PHW  
attn. #3  
3-23-87*





Kansas Council of Genealogical Societies, Inc.

P.O. Box 8038  
Topeka, Kansas 66608

House Committee Public Health & Welfare

Room 423 So  
23 March 1987 1:30 pm

Chrm Marvin L. Littlejohn

Rowena Horr, President KCGS

1521 N. Madison  
Topeka, Ks. 66608  
913-354-1087

I represent approximately 42 Kansas County Genealogical Societies with 5,000 + members that have found this a rewarding and adventourous hobby.

The Senate Bill # 259 has substance that all genealogists and family history researchers can work with.

The addition of Sub Section (h) proposed by the Kansas State Historical Society lets the county registrar/ clerk know that the records they have custodial care of can be read by any person(s) requesting.

With having these old records open its adding more knowledge of our people and the happening that formed the STATE of KANSAS.

*PHH*  
*attn #4*  
*3-23-87*

SENATE BILL No. 64

By Committee on Public Health and Welfare

1-22

*P. Axel  
attm. # 6  
3-23-87*

0018 AN ACT concerning the family and children trust fund; autho-  
0019 rizing certain expenditures therefrom; amending K.S.A. 1986  
0020 Supp. 75-5328 and repealing the existing section.

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

0022 Section 1. K.S.A. 1986 Supp. 75-5328 is hereby amended to  
0023 read as follows: 75-5328. (a) There is hereby created in the state  
0024 treasury the family and children trust fund. The secretary of  
0025 social and rehabilitation services may apply for, receive and  
0026 accept grants, gifts and bequests from any source, governmental  
0027 or private, for the purposes for which money may be expended  
0028 from the family and children trust fund under subsection (b), and  
0029 the secretary shall remit all moneys so received to the state  
0030 treasurer at least monthly. Upon receipt of any such remittance  
0031 the state treasurer shall deposit the entire amount thereof in the  
0032 state treasury and the same shall be credited to the family and  
0033 children trust fund.

0034 (b) Moneys in the family and children trust fund shall be  
0035 used for the following purposes: (1) Matching federal moneys to  
0036 purchase services relating to community-based programs for the  
0037 prevention of problems of families and children; (2) providing  
0038 start-up or expansion grants for community-based prevention  
0039 projects or educational programs for the problems of families and  
0040 children, primarily but not limited to, child abuse and neglect  
0041 and family abuse; (3) study and evaluate community-based pre-  
0042 vention projects and educational programs for the problems of  
0043 families and children; (4) *preparing, publishing, purchasing and*  
0044 *seminating educational material dealing with the problems*  
0045 *families and children*; and (4) (5) payment of the salary and

of child abuse, and domestic violence

*and neglect*

*P. Axel  
attm. # 5  
3-23-87*