

Approved 3-31-87
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m./~~p.m.~~ on March 27, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research
Norman Furse, Revisor of Statutes Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Others attending: see attached list

The committee addressed HB-2166 and considered the amendment concerning supportive personnel. (attachment 1)

Senator Bond moved to adopt the amendment with a second by Senator Francisco. The motion carried.

The amendment defining "prescribe" and the method PAs would handle prescriptions offered by The Kansas Medical Society was discussed.

Senator Bond moved to amend HB-2166 as shown in the balloon offered by The Kansas Medical Society. Senator Francisco seconded the motion and the motion carried.

Referring to attachment 1, Senator Bond moved to insert "non-judgmental" after "performing" and before "functions." Senator Francisco seconded the motion. The motion carried.

Senator Morris moved to table HB-2166. Senator Mulich seconded the motion. The motion carried.

The committee discussed HB-2187. Senator Morris moved to pass HB-2187 out favorable. Senator Reilly seconded the motion and the motion carried.

Senator Morris moved to reconsider action on HB-2187. Senator Mulich seconded the motion. The motion carried.

The committee discussed HB-2205 and the amendment shown in attachment 3.

Senator Vidricksen moved to adopt the amendment. Senator Anderson seconded the motion. The motion failed.

The amendment by Stan Teasley was discussed. (attachment 2) Senator Anderson moved to adopt the amendment. Senator Bond seconded the motion. The motion failed.

Senator Vidricksen moved to report HB-2205 favorable. Senator Reilly seconded the motion. The motion carried.

The committee discussed HB-2019. Staff suggested that in order to clarify the application of the "hold harmless" clause it should read, preceding "The" line 0068 "Subject to the provisions of KSA 1986 Supp. 65-4414. (1)." A"(2)"should be inserted before "Payments" line 70.

An amendment to HB-2019 was presented to the committee by SRS. (attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m. ~~4:30~~ on March 27, 1987

Written testimony by John F. Kelly, Executive Secretary of Kansas Planning Council concerning HB-2019 was presented to the committee.
(attachment 5)

The meeting adjourned at 11:00 a.m. and will meet March 30, 1987.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 27, 1987

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

MARILYN PFLAUM - 3601 SW 29th Topeka

KPNHAA
CHRISTIAN SCIENCE COMMITTEE
ON PUBLICATION FOR KANSAS

KETH R LANDIS

JOHN H. HOLMGREN *Catholic Health Center*
1700 SW 7th

Exec Director 66606

Mark Intermill

Kansas Coalition on Aging

Ray Petty

KACEH / DHR

Marilyn Bradt

KINH

STAN TEASLEY

Ks. Comm. ON Veterans' Affairs

Kevin D. McFarland

KAHA.

JEFFREY SWARTZEN

KAS

Dick Morrissey

KDAE

HB 2166 - Amended

The ratio of supportive personnel performing functions in the compounding area of the pharmacy under the direction of a pharmacist, excluding pharmacist interns, to licensed pharmacists shall not exceed a one-to-one ratio.

lines 392 - 395

SP/HW
3-27-87
attachment 1

HOUSE BILL No. 2205

By Committee on Public Health and Welfare

2-6

0021 AN ACT concerning the Kansas soldiers' home; relating to ad-
2 mission thereto; amending K.S.A. 76-1908 and repealing the
0023 existing section.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 Section 1. K.S.A. 76-1908 is hereby amended to read as fol-
0026 lows: 76-1908. (a) The following, subject to the rules and regu-
0027 lations that may be adopted by the Kansas veterans' commission
0028 on veterans affairs for the management and government of the
0029 Kansas soldiers' home shall be eligible to admission to the
0030 Kansas soldiers' home:

0031 (1) Any person who served in the active military [or naval]
0032 service of the United States during any period of [the war with
0033 Spain, Philippine insurrection, Boxer uprising, world war I,
0034 world war II, Korean emergency or Viet Nam emergency], and
0035 who ~~shall have~~ *has* been discharged or relieved therefrom under
3 conditions other than dishonorable, who may be disabled by
0037 disease, wounds, old age, or otherwise disabled, [and who has no
0038 adequate means of support], and who, by reason of such disabil-
0039 ity, is incapacitated from earning a living [and who would other-
0040 wise be dependent upon public or private assistance, together
0041 with such members of the family as are dependent upon ~~him or~~
0042 *her* such person for support].

0043 (2) The widow, mother, widower, father or minor child of any
0044 person who [served in the active military or naval service of the
0045 United States during any period in time of any war of the United
0046 States, including the Korean emergency and Viet Nam emer-
0047 gency, and who ~~shall have~~ *has* been discharged or relieved]

war, or who served in the active military service of the United States during peacetime and is entitled to VA hospitalization or domiciliary care under title 38, U.S. code and veterans administration rules and regulations

SPAW
3-27-57
attachment 2

0048 [therefrom under conditions other than dishonorable], if such [qualified under subsection 1.
 0049 widow, mother, widower, father or minor child is incapable of
 0050 self-support because of physical disability [and is without ade-
 0051 quate means of support].

0052 (b) No person shall be admitted to the soldiers' home except
 0053 upon application to the commission and approval of the applica-
 0054 tion by the commission. No applicant shall be admitted to the
 0055 soldiers' home ~~who~~ ^[(1) Who] has not been an actual resident of ^{who}
 0056 the state of Kansas for at least two ~~(2)~~ years next preceding the
 0057 date of application, except that any applicant who at the time of
 0058 entering service in a Kansas unit was a resident of Kansas and
 0059 served in a Kansas unit during the war with Spain, Philippine
 0060 insurrection, Boxer uprising, world war I or world war II or,
 0061 Korean emergency or Viet Nam emergency [; or (2) *who at the*
 0062 *time of entering services in a Kansas unit was a resident of*
 0063 *Kansas and has been discharged or relieved from such service*
 0064 *under conditions other than dishonorable*], and who shall have
 0065 *has been discharged or relieved from such services under con-*
 0066 *ditions other than dishonorable, shall be admitted regardless of*
 0067 *place of residence*].

0068 (c) No person shall be admitted to or retained in the soldiers'
 0069 home:

0070 [(1) *Who is a mentally ill person or,*
 0071 ~~who~~ Who has been convicted of a felony, unless the
 0072 commission finds that such person has been adequately reha-
 0073 bilitated and is not dangerous to oneself or to the person or
 0074 property of others; or

0075 ~~(2)~~ (2) who is an habitual drunkard shall be admitted or re-
 0076 tained as a member of the soldiers' home.

0077 (d) No child shall be admitted to or retained in the soldiers'
 0078 home who is ~~sixteen (16)~~ 16 years of age or over, unless such
 0079 child is incapable of earning his or her own support by his or her
 0080 own labor supporting oneself.

0081 (e) No child properly a member of the home shall be dis-
 0082 charged under ~~sixteen (16)~~ 16 years of age.

0083 (f) The Kansas veterans' commission on veterans affairs shall
 0084 have authority by resolution to discharge any member from the

0085 soldiers' home on a showing that the member has gained admit-
0086 tance into ~~said~~ *the* soldiers' home by misrepresentation of his or
0087 ~~her~~ *the member's* financial or physical condition, or a showing
0088 that the financial or physical condition of such member has been
0089 so altered since admittance ~~as not to justify so that~~ the further
0090 maintenance of the member in the soldiers' home *is not jus-*
0091 *tified*. No such member shall be discharged without notice and
0092 opportunity to be heard by the commission.

0093 (g) The rules and regulations for admission of members to the
0094 Kansas soldiers' home shall require that an applicant for admis-
0095 sion ~~shall~~ be given priority over patients transferred from state
0096 institutions under the provisions of K.S.A. 76-1936 ~~and 76-1937~~
0097 *and amendments to these statutes thereto*.

0098 Sec. 2. K.S.A. 76-1908 is hereby repealed.

0099 Sec. 3. This act shall take effect and be in force from and
0100 after its publication in the Kansas register.

SP46W
3-27-87
attachment 3

0085 soldiers' home on a showing that the member has gained admit-
0086 tance into ~~said~~ *the* soldiers' home by misrepresentation of ~~his or~~
0087 ~~her~~ *the member's* financial or physical condition, or a showing
0088 that the financial or physical condition of such member has been
0089 so altered since admittance ~~as not to justify so that~~ the further
0090 maintenance of the member in the soldiers' home *is not jus-*
0091 *tified.* No such member shall be discharged without notice and
0092 opportunity to be heard by the commission.

0093 (g) The rules and regulations for admission of members to the
0094 Kansas soldiers' home shall require that an applicant for admis-
0095 sion shall be given priority over patients transferred from state
0096 institutions under the provisions of K.S.A. 76-1936 ~~and 76-1937~~
0097 ~~and amendments to these statutes~~ thereto.

0098 Sec. 2. K.S.A. 76-1908 is hereby repealed.

0099 Sec. 3. This act shall take effect and be in force from and
0100 after its publication in the Kansas register.

: (1) Shall require that a person who served in the active military service during any period of war and who has no adequate means of support, and such members of the family as are dependent upon such person for support, shall be given priority over other applicants for admission; and
(2)

As Amended by House Committee

Session of 1987

HOUSE BILL No. 2019

By Special Committee on Public Health and Welfare

Re Proposal No. 25

12-15

0018 AN ACT concerning the Kansas community mental retardation
0019 facilities assistance act; amending K.S.A. 1986 Supp. 65-4411,
0020 ~~65-4413 and 65-4414~~ and 65-4413 and repealing the existing
0021 sections.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. K.S.A. 1986 Supp. 65-4411 is hereby amended to
0024 read as follows: 65-4411. (a) K.S.A. 1986 Supp. 65-4411 to 65-
0025 4415, inclusive, and amendments thereto shall be known and
0026 may be cited as the Kansas community mental retardation facili-
0027 ties assistance act.

0028 (b) K.S.A. 1986 Supp. 65-4411 to 65-4415, inclusive, and
0029 amendments thereto shall expire on July 1, ~~1987~~ 1990.

0030 Sec. 2. K.S.A. 1986 Supp. 65-4413 is hereby amended to read
0031 as follows: 65-4413. (a) For the purpose of insuring that adequate
0032 community mental retardation services are available to all in-
0033 habitants of Kansas, the state shall participate in the financing of
0034 community mental retardation facilities in the manner provided
0035 by this section.

0036 (b) Subject to the provisions of appropriations acts and the
0037 provisions of K.S.A. 1986 Supp. 65-4414 *and amendments*
0038 *thereto*, the secretary shall make grants to community mental
0039 retardation facilities based on full-time equivalent clients served
0040 and per diem amounts per client as provided in this section. The
0041 secretary, **in accordance with the provisions of this section**, shall
0042 adopt rules and regulations (1) defining full-time equivalent
0043 clients and prescribing the method of computing full-time
0044 equivalent clients and (2) establishing statewide per diem

S.P./vcc
3-27-87
attachment 4

0045 amounts per client for the purposes of determining grants to
 0046 community mental retardation facilities. *A client accepted for a*
 0047 *program by a facility on and after July 1, 1987, shall constitute a*
 0048 *full-time equivalent client only if the client was accepted by the*
 0049 *facility on a first-come, first-serve basis in order of the time at*
 0050 *which an application for admission was made to such facility on*
 0051 *behalf of the client, except that a client accepted for a program*
 0052 *by a facility on other than a first-come, first-serve basis because*
 0053 *of a family crisis occasioned by family circumstances, as defined*
 0054 *by rules and regulations of the secretary, shall constitute a*
 0055 *full-time equivalent client.* ~~In defining the term "family crisis~~
 0056 ~~occasioned by family circumstances" the secretary shall estab-~~
 0057 ~~lish standards and guidelines for facilities for the admission of~~
 0058 ~~clients based upon family crisis. Such standards and guidelines~~
 0059 ~~shall be consistent with the needs of clients and their families.~~
 0060 shall specify to the extent known the types of family crises most
 0061 likely to necessitate admission to a facility; and shall establish
 0062 criteria for determining the appropriateness of such admission.
 0063 In addition the rules and regulations shall establish procedures
 0064 for review by the secretary of the appropriateness of any such
 0065 admission.

0066 (c) The secretary shall make grant payments each calendar
 0067 quarter which shall be based upon the adjusted payments for the.
 0068 The first year of per diem payments made under this section
 0069 shall be based on the number of clients served during the base
 0070 calendar year 1983. Payments in subsequent years shall be based
 0071 on actual clients served during the previous calendar year im-
 0072 mediately preceding the year in which such grant payments are
 0073 to be made, subject to the provisions of K.S.A. 1986 Supp.
 0074 65-4414 and amendments thereto. In the event that sufficient
 0075 moneys to pay to all community mental retardation facilities the
 0076 full amount of grant payments determined in accordance with
 0077 the number of actual clients served thereby and the current per
 0078 diem amounts per client for any calendar quarter have not been
 0079 appropriated or are not available, the entire amount available
 0080 such calendar quarter for grant payments shall be prorated by the
 0081 secretary among all the community mental retardation facilities

The secretary shall prepare rules and regulations to define the parameters for agency boards of directors to follow in identifying "family crisis occasioned by family circumstances". Such rules and regulations shall require that each agency board of directors establish standards and guidelines, within parameters defined by the rules and regulations, which are consistent with the needs of clients and their families. The standards and guidelines prepared by the agency board of directors.....

0082 applying for such grant payments in proportion to the amount
0083 each such community mental retardation facility would have
0084 received if sufficient moneys had been appropriated and avail-
0085 able therefor, subject to the provisions of K.S.A. 1986 Supp.
0086 65-4414 *and amendments thereto*. A client funded by special
0087 state funding shall not constitute a client for purposes of per
0088 diem funding under this section.

0089 (d) The secretary shall adopt rules and regulations for the
0090 administration of the provisions of the Kansas community mental
0091 retardation facilities assistance act.

0092 Sec. 3. K.S.A. 1986 Supp. 65-4414 is hereby amended to read
0093 as follows: 65-4414. During each fiscal year commencing after
0094 June 30, 1986, each community mental retardation facility which
0095 was eligible for grant payments under K.S.A. 1986 Supp. 65-4413
0096 *and amendments thereto* and which received assistance under
0097 the provisions of K.S.A. 65-4401 to 65-4408, inclusive, *and*
0098 *amendments thereto* for the fiscal year ending June 30, 1986,
0099 shall receive a total amount of grant payments under K.S.A. 1986
0100 Supp. 65-4413 *and amendments thereto* for such fiscal year in an
0101 amount which is not less than the total amount of assistance
0102 earned by such community mental retardation facility under the
0103 provisions of K.S.A. 65-4401 to 65-4408, inclusive, *and amend-*
0104 *ments thereto* for the fiscal year ending June 30, 1986. In the
0105 event that sufficient funds are not appropriated to pay all such
0106 community mental retardation facilities, which are applying for
0107 grants, the minimum amounts which such facilities are eligible
0108 to receive under this section, the secretary shall prorate the
0109 entire amount appropriated for grants among those community
0110 mental retardation facilities which are applying for grants and
0111 which are eligible under this section, in proportion to the
0112 amount each such community mental retardation facility re-
0113 ceived during the base year ending June 30, 1986. *This section*
0114 *shall expire on July 1, 1989.*

0115 Sec. 4 3. K.S.A. 1986 Supp. 65-4411, 65-4413 and 65-4414
0116 and 65-4413 are hereby repealed.

0117 Sec. 5 4. This act shall take effect and be in force from and
0118 after its publication in the statute book.



KANSAS PLANNING COUNCIL

on DEVELOPMENTAL DISABILITIES SERVICES

Fifth Floor North
State Office Building
Topeka, Kansas 66612
VOICE-TTY
(913) 296-2608

JOHN KELLY
Executive Secretary

House Bill 2019, as Amended
Senate Public Health & Welfare Committee
March 25, 1987

Thank you Senator Ehrlich and members of the Senate Committee on Public Health and Welfare for the opportunity to provide you the Council's support for HB 2019.

The Council is a 15-member body whose members are appointed by the Governor under K.S.A. 74-5501. The Council's mission is to improve the quality of life, maximize the developmental potential, and assure the participation of citizens who are developmentally disabled in the privileges and freedoms available to all Kansans.

This bill amends two of the statutes that are a part of the Kansas Community Mental Retardation Facilities Assistance Act which was enacted during the 1986 session and was developed in response to Proposal No. 25 which suggests statutes need to be clear that state policy recognizes the single waiting list for acceptance for community mental retardation programs.

Presently the bill as amended by the House Committee provides the authority to the Secretary of Social and Rehabilitation Services to adopt rules and regulations enacting the bill's provisions. The Council would like to go on record along with KARC and KARF requesting that the development of rules and regulations concerning defining a family crisis for purpose of computing a client and allowing a modification to the waiting list rule, be undertaken in unison with the Board of Directors of facilities.

We support this bill as amended.

By: John F. Kelly
Executive Secretary
296-2608

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attachment 5