

Approved _____

Date

2-7-89
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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 6, 1989 in room 423-S of the Capitol.

All members were present except:

Rep. Weimer, excused

Committee staff present:

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

Conferees appearing before the committee:

Richard Morrissey, Director of Bureau Adult/Child care, Dept. of
Health and Environment

Shirley Norris, Director of Child Care Licensing Program, Department
of Health and Environment

Chairman called meeting to order. He noted concern for Representative Frank Weimer who is ill and hospitalized because of a heart attack last night. Rep. Amos informed committee members of the latest medical report and it is the hope of all members that he will soon be well and back with this Committee very soon.

Chairman drew attention to hearings on bills that begin this date.

HEARINGS BEGAN ON HB 2121:

Richard Morrissey, Director of Bureau Adult/Child Care, Department of Health and Environment offered hand-out, (Attachment No. 1). He noted HB 2121 is a followup-up from legislation from 1988. The new bill would put teeth into the enforcement process. This would prohibit a licensee from re-applying for another license (perhaps in another category), for a year, when his license had been revoked. He recommended favorable passage. He answered numerous questions, i.e., there are 20-40 revocations per year; if there is violation for persons operating homes with no registration or licensure, this is handed over to the County Attorney, and yes, the penalty is a misdemeanor; this is an overwhelming problem.

Ms. Shirley Norris, Director of Child Care Licensing Program answered numerous questions along with Mr. Morrissey, i.e., most reporting is done by Regulated Providers against those who have failed to be registered or licensed, it then is reported to the local Departments of Health, after which generally they will respond to the Department of Health and Environment to be licensed or registered, whatever the case may be. Yes, enforcement is a problem; if our Department would have authority to pursue those in non-compliance, the Statutes would have to be changed and we would need a large number of Attorneys on staff, and a large amount added to our budget; screening of individuals who work in care facilities are given the same screening that is given to Foster Parents.

HEARINGS CLOSED ON HB 2121.

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 6, 1989.

HEARINGS BEGAN ON HB 2122:--

Dick Morrissey, Department of Health and Environment offered hand-out, (Attachment No.2). The purpose of this legislation, he said, is to revise the maximum child care license fee from \$75.00 to \$300.00 and to make the fee more commensurate with the size of the facility. Also, by raising the cap to \$300, a \$1.00 per child fee will apply to those facilities licensed for up to 265 children. The intent is to protect smaller homes from larger fees. He recommended passage of HB 2122. He answered numerous questions, i.e., the cost to the state for a background check is \$3.00 per person, but our Department, he said, does not have adequate appropriations to pay this expense; KBI continues to do the screening for the Department of Health and Environment, but as yet are not reimbursed for this service; yes, there is screening done every year; the largest facility for child care has 215 children; yes, if a facility has more than one facility in operation they must have licenses for each facility.

HEARINGS CLOSED ON 2122:

Chair noted Agenda for this week. Noted also that later in the week, committee will try to take action on HB 2121 and HB 2122 being heard this date.

May it be noted that fiscal notes on HB 2120 and HB 2121 are recorded as Attachments No. 3, and No. 4 respectively this date.

Meeting adjourned 2:20 p.m.

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, Governor

Stanley C. Grant, Ph.D., Secretary

Gary K. Hulett, Ph.D., Under Secretary

Testimony presented to

House Public Health and Welfare Committee

by

The Kansas Department of Health and Environment

House Bill No. 2121

Background

In 1987, at the request of the Kansas Department of Health and Environment, the legislature amended K.S.A. 65-504 to prohibit reapplication for a child care license following a final order by the Secretary to revoke the license as a result of serious regulation violations. The legislature also amended K.S.A. 65-517 to prohibit reapplication for a certificate of registration following a final order to revoke the certificate because of serious deficiencies.

After the bill was passed it became apparent that even though persons were prohibited from reapplying for a day care home license, they could immediately apply for a certificate of registration and continue to provide child care. By the same token, persons whose certificates of registration were revoked could apply for a day care home license and experience no cessation of child care.

Issues

The purpose of this proposed legislation is to correct this apparent oversight by prohibiting either licensure or registration for a year after legal closure. Thus, child care providers who jeopardize the health and safety of children by serious violations will be prohibited from providing any type of child care for one year following issuance by the secretary of a final order to close.

The benefits of this legislation are primarily for the children and families who are potential users of child care services. Administrative procedures in the department will need very little modification as a result of passage of this bill.

Recommendation

The Kansas Department of Health and Environment recommends passage of this bill.

Presented by: Richard J. Morrissey, Director
Bureau of Adult and Child Care
Kansas Department of Health and Environment
February 6, 1989

PKW
attn. #1
2-6-89

STATE OF KANSAS



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Testimony presented to
House Public Health and Welfare Committee

by

The Kansas Department of Health and Environment

House Bill 2122

Background

In 1986, the legislature amended K.S.A. 65-505 by raising to \$75.00 the maximum fee that could be charged for a child care license. In August of that year the Kansas Department of Health and Environment filed a regulation implementing the amendment by setting the license fees as follows:

\$15.00 for facilities licensed for 12 or fewer children (Licensed day care homes, group day care homes and group boarding homes.)

\$35.00 plus \$1.00 for each child in the license capacity for facilities licensed for 13 or more children (child care centers, preschools and residential centers.)

Currently, centers licensed for 20 children pay a license fee of \$55.00, centers licensed for 30 children pay \$65.00. However, once a center reaches a capacity of 40 children, the maximum fee is reached - \$75.00. Thus, because of the present maximum, centers licensed for 200 children (and there are several in the state) pay the same license fee as centers licensed for 40 children.

Issues

The purpose of this proposed amendment is to revise the maximum child care license fee from \$75.00 to \$300.00 to raise additional revenues, and to make the fee more commensurate with the size of the facility. By raising the cap to \$300, the assessment of \$1.00 per child will apply to facilities licensed for up to 265 children before the maximum fee is reached. This proposed change will not only establish a more equitable fee, but will also increase revenues from license fees by \$5000 to \$10,000 with the recommendation that corresponding additional funds be allocated to aid-to-counties for child care licensing work.

PH+W
attm. # 2
2-6-9

Recommendation

The Kansas Department of Health and Environment recommends passage of this bill.

Presented by: Richard J. Morrissey, Director
Bureau of Adult and Child Care
Kansas Department of Health and Environment
February 6, 1989

The Honorable Marvin Littlejohn, Chairperson
Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse

Dear Representative Littlejohn:

SUBJECT: Fiscal Note for HB 2120 by Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2120 is respectfully submitted to your committee.

Subject act, as introduced, would make any person who violates the provisions of Article 5 of the Child Care Act guilty of a misdemeanor so that unregulated unregistered Family Day Care would be subject to the penalty provisions of the Act.

Subject bill has no fiscal impact.

MFO'Keefe
Michael F. O'Keefe
Director of the Budget

MFO:KW:meh

5076

*PHW
Attn. #3
2-6-9*

The Honorable Marvin Littlejohn, Chairperson
House Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse


Dear Representative Littlejohn:

SUBJECT: Fiscal Note for HB 2121 by Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2121 is respectfully submitted to your committee.

Subject act, as introduced, would prohibit licensure or registration under the Child Care Licensure Act for one year after legal closure of a licensed or registered facility.

Subject act has no fiscal impact.


Michael F. O'Keefe
Director of the Budget

MFO:KW:meh

5071

*PAW
attn #4
2-6-9*