

Approved 5-11-90
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Bunten at
Chairperson

1:40 ~~am~~/p.m. on April 23, 1990 in room 514-S of the Capitol.

All members were present except: All present

Committee staff present: Ellen Piekalkiewicz, Debra Duncan, Legislative Research Department
Jim Wilson, Revisor of Statutes
Sharon Schwartz, Administrative Aide
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Charles Simmons, Chief Counsel, Department of Corrections
Representative Martha Jenkins
Senator Dave Kerr
John Wine, Assistant Secretary of State
Senator Frank Gaines
Senator Ross Doyen
Gene Johnson, Kansas Alcohol and Drug Addiction Counselors Association
Representative Jim Russell
Ron Eisenbarth, Kansas Alcoholism and Drug Addiction Counselor's
Association
Richard Morrissey, Deputy Director, Division of Health, KDHE
Bruce Beale, Kansas Community Alcohol Safety Action Project
Coordinators Association
Milt Fowler, Parallax Program, Wichita, Kansas
Beverly Metcalf, Kansas Alcohol and Drug Program Directors Association
Andrew O'Donovan, Commissioner, Alcohol and Drug Abuse Services, SRS
Representative Marvin Littlejohn
Chip Wheelen, Kansas Psychiatric Society
Rebecca Rice, Legal Counsel, Association of Community Mental
Health Centers
John Peterson, Kansas Association of Professional Psychologists
Nancy Lindberg, Assistant to Attorney General Stephan
Nancy Bolsen, Director, KSU Child Development Center

Others attending: See attached list.

Chairman Bunten announced the Committee will meet tomorrow at 10:00 a.m. to hear an explanation of the GIS proposal adopted by the Senate in the Omnibus bill.

SB 748 - State correctional institutions, consolidation and name changes.

Charles Simmons, Chief Counsel, DOC, explained that SB 748 was introduced to achieve three objectives: (1) to consolidate and rename several correctional institutions; (2) to change the designation of the principal administrator of a correctional facility from director to warden; and (3) to amend imprest fund balances at correctional institutions (Attachment 1). Staff explained that a technical amendment is needed to resolve the conflicts in previously passed bills created by the passage of SB 748. The bills affected are SB 77, HB 2466, SB 213, and HB 2754. In addition, the adjustments in the imprest funds will result in \$6,000 being leftover, which could be lapsed into the State General Fund. Staff advised that subsection (b) on page 25 of SB 748 is no longer necessary and should be deleted. Representative Heinemann moved adoption of the suggested

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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amendments. Representative Fuller seconded. Motion carried. Representative Heinemann moved that SB 748, as amended, be recommended favorably for passage. Representative Fuller seconded. Motion carried.

SB 785 - Municipal bonds; interest rates.

Jim Wilson, Revisor of Statutes, explained that SB 785 designates in statute Muni Week, in place of Credit Markets, as the standard for determining the maximum allowable rate of interest which may be fixed on fixed-rate bonds and variable rate bonds by a municipality or taxing subdivision of the state of Kansas. Representative Heinemann moved that SB 785 be recommended favorably for passage. Representative Gatlin seconded. Motion carried.

Chairman Buntin announced there will be a meeting of the subcommittee chairmen tomorrow, April 24, at 8:30 a.m. in 514-S. The Chairman advised that SB 625 is scheduled for hearing at tomorrow's meeting of the full committee.

SB 791 - Conveyance of land in Leavenworth County to American Heart Association.

Representative Martha Jenkins testified in support of SB 791 noting the bill authorizes the Secretary of State to convey by quitclaim deed, 1,400 acres of land to the Kansas Affiliate of the American Heart Association (Attachment 2). Several members questioned if this land has been appraised. Representative Kline suggested that the Secretary of State might be able to provide details on the origin of this bill. The Chairman requested staff to see if someone from that office is available.

Representative Jenkins asked the Committee to amend the provisions of HB 2797, which previously passed Appropriations, into SB 791. HB 2797 extended a lease between the Department of Corrections and the City of Lansing for the use of Lost 80 Park for five years and also allowed the Department of Corrections to lease property to the Lansing Historical Society for the location of their new museum. The original bill was substantially amended by the Senate and is now deadlocked in Conference Committee. Representative Chronister moved to amend SB 791 by adding the provisions of HB 2797 including extending the lease on Lost 80 Park and allowing the lease of property to the Lansing Historical Society. Representative Heinemann seconded. Motion carried.

Senator Dave Kerr appeared to request that authorization of the exchange of 9 acres of state property for 26 acres of property belonging to Cargill Company of Hutchinson be amended into SB 791. The Department of Corrections would like to do a landscape project on the 26 acres, which has been mined for salt and is exhausted. Cargill wants to do slant drilling on the 9 acres. The value of the 26 acres is approximately \$20,000 and the value of the 9 acres is \$14,000-\$15,000. The exchange would be subject to Finance Council approval.

Staff distributed a copy of the proposed amendments to SB 791 (Attachment 3).

John Wine, Assistant Secretary of State, advised that the 1,400 acres to be deeded to the American Heart Association was privately owned for 100 years and was willed to the Heart Association. A quitclaim deed would disclaim any state interest in the property and thereby clear the title for sale of the property by the Heart Association.

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Representative Heinemann moved that SB 791 be further amended to authorize the exchange of property between the state and Cargill Company as proposed in new section 2 and that the bill be passed as amended. Representative Chronister seconded. Motion carried.

Sub SB 402 - Certification of alcohol and other drug abuse counselors.

Senator Frank Gaines appeared in support of Sub SB 402. He stated that someone needs to be responsible for the credentialing of substance abuse counselors.

Senator Ross Doyen testified in support of Sub SB 402 stating it is not enough to license programs; we need to set standards for the counselors in these programs.

Gene Johnson, Kansas Alcohol and Drug Addiction Counselors Association, testified that Sub SB 402 in its present form provides for the credentialing of alcohol and drug abuse counselors (Attachment 4). In his testimony, Mr. Johnson proposed amending Sub SB 402 to change the concept in the bill to "registration" of alcohol and other drug abuse counselors. His amendments also remove the caveat which gives the Secretary of SRS the authority to establish rules and regulations in order to govern this legislation.

Representative Jim Russell appeared in support of Sub SB 402 stating some control needs to be placed on alcohol and drug abuse counselors to establish a level of professionalism. Representative Shriver would prefer to set realistic standards to be a registered counselor and eliminate the grandfather clause.

Ron Eisenbarth, Kansas Alcoholism and Drug Addiction Counselor's Association, testified in support of Sub SB 402 (Attachment 5). He feels the adoption of this legislation will ensure the quality of alcohol and drug counseling throughout the state. The training procedures required in the bill are 12 core functions of alcohol and drug counselors and training in these procedures is available through the state Association. Mr. Eisenbarth stated his organization has not gone through the credentialing process in the Department of Health and Environment because of the length of time it takes.

Richard Morrissey, Deputy Director, Division of Health, KDHE, provided informational testimony on Sub SB 402 stating the Department did not take a position on this bill because they believe it to be a legislative option (Attachment 6). The alcohol and drug abuse counselor as defined in the bill does clearly fit the definition of health care personnel, thereby putting this group under the credentialing act. Mr. Morrissey noted there are three levels of credentialing, which are defined in his testimony: (1) certification; (2) registration; and (3) licensure. He stated the bill says "certification," but, by definition and provisions, is a "licensure" bill. The credentialing act was created in 1980 in an effort to have an organized process for credentialing in the health care field. Mr. Morrissey stated Sub SB 402 is basically a request to have an exemption from the 1980 credentialing act. In response to a question, Mr. Morrissey stated the credentialing process would take approximately two years. When asked why certain groups would be reluctant to enter the process, he suggested this might occur when there is debate as to what the criteria or standards should be for the profession.

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Bruce Beale, Kansas Community Alcohol Safety Action Project Coordinators Association, testified in support of Sub SB 402 and the amendments proposed by Gene Johnson. Mr. Beale is the director of the DECCA Center in Lawrence, which employs 55 counselors. He supports this bill because currently there are no standards for alcohol and drug abuse counselors. Mr. Beale feels the grandfather clause is necessary for a smooth transition to the standards.

Milt Fowler, Parallax Program, Wichita, testified in support of Sub SB 402 (Attachment 7). He feels this bill is needed to bring qualified persons into the alcohol and drug abuse counseling field.

Beverly Metcalf, Kansas Alcohol and Drug Program Directors Association, appeared in support of Sub SB 402 with the amendments proposed by Gene Johnson stating she has worked in this field for the past 12 years. In response to a question, Ms. Metcalf stated they have not pursued the credentialing process with KDHE because they believed that process would take six years.

Andrew O'Donovan, Commissioner, Alcohol and Drug Abuse Services, SRS, testified in support of Sub SB 402 and provided a written copy of his remarks (Attachment 8). He advised that alcohol and drug counselors of our state are asking for higher academic and competency-based standards for their profession. Sub SB 402 is an effort to assure that quality treatment is provided to Kansans. Commissioner O'Donovan does not feel that costs of these programs will rise substantially with the passage of this bill.

Representative Marvin Littlejohn, Chairman of the House Public Health and Welfare Committee, appeared in opposition to Sub SB 402. He emphasized that the credentialing act of 1980 was adopted to avoid situations like this where individual groups come to the Legislature to be licensed or registered. He feels the credentialing law has worked very well and opposes bypassing that law in this case. In response to a question, Representative Littlejohn stated he did not feel it was urgent that a bill like Sub SB 402 be passed this session. He feels alcohol and drug abuse counselors should go through the credentialing process.

Representative Shriver asked if Representative Littlejohn would favor deleting the prohibition in Sub SB 402 of the Secretary of SRS setting standards for personnel hired at licensed facilities. He stated he would not oppose deletion of that prohibition.

Chip Wheelen, Kansas Psychiatric Society, testified in opposition to Sub SB 402 (Attachment 9). He stated the Psychiatric Society opposes the bill because, under this bill, neither physicians nor other professionals could continue to provide treatment services to patients with addiction disorders. In addition, they oppose the bill because it bypasses the credentialing process. If the Legislature is going to address this issue in a bill, Mr. Wheelen submitted a draft bill attached to his testimony which addresses the problem of underqualified drug and alcohol abuse counselors.

The proposed bill retains the concept of licensure, which achieves accountability and is limited to drugs and alcohol, and limits substance abuse counseling to persons already registered or licensed and persons employed by licensed facilities. The proposed bill would amend current law to allow the Secretary of SRS to establish professional standards for persons who provide substance

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abuse counseling in licensed facilities. Mr. Wheelen stated the bill would eliminate freelance counselors and give the state some control over the millions of dollars being expended on drug and alcohol programs.

Rebecca Rice, legal counsel, Association of Community Mental Health Centers, appeared in opposition to Sub SB 402 and provided written testimony (Attachment 10). She advised that the Association is neutral on the bill as changed by Gene Johnson's amendments, but does have a standing policy that all groups desiring state credentialing should be required to go through the statutory credentialing process. The Association supports the concept and the language presented by the Psychiatric Society.

John Peterson, Kansas Association of Professional Psychologists, appeared in opposition to Sub SB 402 and he provided a chart of all the groups which have sought credentialing under the statutory process (Attachment 11). Mr. Peterson supports the draft bill proposed by the Psychiatric Society.

HB 3010 - Child care facilities in newly acquired, remodeled or constructed state buildings.

HB 3011 - Child care centers in state facilities, no rent or utilities expenses.

Nancy Lindberg, Assistant to Attorney General Stephan, appeared in support of HB 3010 and HB 3011 and provided written testimony (Attachment 12). Ms. Lindberg advised that Attorney General Stephan requested introduction of HB 3010 and HB 3011 on behalf of his Committee on Day Care. He proposed HB 2451 in the 1989 Legislative Session, which provided for a day care center for children of state employees, and this is his major day care bill. HB 3010 provides that when the state constructs, acquires, or receives as a gift any office building for state employees, or when additions, alterations, or repairs are made to existing state-owned buildings, the state should consider the incorporation of a child care facility.

HB 3011 provides that when space in state buildings and facilities are used as child care centers, no rent or charge for utilities shall be required. This would include centers on our university campuses.

Ms. Lindberg requested that if these bills are not recommended for passage this session, that they be considered for interim study. In response to a question, Ms. Lindberg stated the intent is for child care facilities to be rent free even in for-profit agencies such as the KUMC, because funds would then be freed to employ quality staff.

Nancy Bolsen, Director, KSU Child Development Center, appeared in support of HB 3010 and HB 3011 (Attachment 13). She stated that the availability of on-site child care centers will help employers deal with an increasingly tight labor market in the 1990's.

Representative Chronister moved that the minutes of March 26, 27, 28, and 29, 1990 be approved as presented. Representative Heinemann seconded. Motion carried.

The meeting was adjourned at 5:10 p.m.

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY
Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Mike Hayden
Governor

Steven J. Davies, Ph.D.
Secretary

TO: HOUSE APPROPRIATIONS COMMITTEE
RE: SENATE BILL 748

Senate Bill 748 was suggested by the Department of Corrections to achieve three objectives:

- 1) Receive authorization to consolidate and rename several correctional institutions;
- 2) Change the designation of the principal administrator of a correctional facility from director to warden; and
- 3) Amend imprest fund balances at correctional institutions.

Consolidation

Under provisions of S.B. 748, the following institutions would be consolidated for management purposes:

<u>From</u>	<u>To</u>
Kansas State Penitentiary and Kansas Correctional Institution at Lansing	Lansing Correctional Facility
State Reception and Diagnostic Center and Kansas Correctional Vocational Training Center	Topeka Correctional Facility - East
Topeka Correctional Facility and Forbes Correctional Facility	Topeka Correctional Facility - West
Stockton Correctional Facility and Norton Correctional Facility	Norton Correctional Facility

The following institutions would be renamed under provisions of S.B. 748:

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<u>From</u>	<u>To</u>
Kansas State Industrial Reformatory	Hutchinson Correctional Facility
Ellsworth Correctional Work Facility	Ellsworth Correctional Facility
Toronto Honor Camp	Toronto Correctional Work Facility
El Dorado Honor Camp	El Dorado Correctional Work Facility.

The primary objective of the consolidation proposed in S.B. 748 is the more efficient management of the specific correctional institutions involved, as well as the entire department. The consolidation will also result in greater standardization throughout the department.

Director to Warden

The principal administrator of each correctional institution is currently designated by statute as a director. S.B. 748 would change the designation to warden.

Secretary Davies supports this change. The intent is to achieve a designation that is not confusing to that used by other states when referring to the head of the department or the head of a specific institution.

Imprest Funds

Due to the proposed consolidation, name changes, and inmate population fluctuations, the imprest funds currently specified for individual correctional facilities require adjustment. These are set forth in Section 39 of the bill.

The remainder of S.B. 748 is comprised of technical amendments necessary due to the consolidations and name changes.

STATE OF KANSAS

MARTHA JENKINS
REPRESENTATIVE, FORTY-SECOND DISTRICT
LEAVENWORTH COUNTY
ROUTE 1, BOX 47
LEAVENWORTH, KANSAS 66048-9712
STATE CAPITOL, ROOM 426-S
TOPEKA, KANSAS 66612
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: JUDICIARY
MEMBER: AGRICULTURE AND SMALL BUSINESS
FEDERAL AND STATE AFFAIRS
LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
NATURAL AND SCIENTIFIC AREAS
ADVISORY BOARD

April 23, 1990
S.B. 791

Mr. Chairman, Members of the Committee:

Senate Bill 791 authorizes the Secretary of State to convey by quitclaim deed, 1400 acres of land to the Kansas Affiliate of the American Heart Association.

Several years ago, the Army Corps of Engineers changed the river channel of the Missouri River. As a result, accretion (the gradual addition of sediment to one bank along the waterline) has produced roughly 1400 acres adjacent to property already held by the A.H.A.

S.B. 791 simply takes the next step and conveys title to that new land to the American Heart Association. This bill was requested by the Secretary of State's Office and approved by the Department of Corrections.

I would urge this committee's favorable consideration of this measure.

Mr. Chairman, at this time I would like to amend into S.B. 791 the original provisions of H.B. 2797. As you may recall, H.B. 2797 was a simple, noncontroversial bill that extended a lease between the Department of Corrections and the City of Lansing for the use of Lost 80 Park for five years. The bill also allowed the DOC to lease property to the Lansing Historical Society for the location of their new museum.

Unfortunately, this measure was gummed up in the Senate and its fate at this time remains questionable. I would also appreciate your consideration of these amendments.

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PROPOSED AMENDMENTS TO S.B. NO. 791

Be amended:

On page 1, in line 13, before "Section" by inserting "New";

On page 3, after line 24, by inserting the following sections to read as follows:

"New Sec. 2. (a) The secretary of corrections, for and on behalf of the state of Kansas, is hereby authorized to exchange and grant easements and to lease mineral rights in and on the boundaries of certain real property described in subsection (b) to Cargill Incorporated in consideration for which Cargill Incorporated is hereby authorized to exchange and convey (while retaining certain mineral rights and the rights to use brine wells for brine disposal) certain real property and improvements thereon described in subsection (c) to the state of Kansas. The parties to such exchanges, conveyances, leases and grants may negotiate and grant or convey easements, mineral leases or other rights in real property as provided under this section. The exchange and conveyance of easements, mineral and other rights in real property and improvements thereon by the secretary of corrections under this section shall be executed in the name of the state of Kansas and shall be delivered upon receipt of a good and sufficient warranty deed with certain rights retained from Cargill Incorporated to the real property described in subsection (c). Before lease, exchange and conveyance of such property and property rights is entered into under this section, an agreement shall be reached by the parties concerning the following: The time that possession is to be given to the other party, the extent, nature and locations of easements to be granted or retained as a part of the agreement, whether mineral rights or other rights are to be retained by either party, the terms of any mineral lease to be granted and conveyed and other special conditions or particular matters, if any. Such agreements shall be made in writing. The exchange and conveyance of real property

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and improvements thereon and the granting and conveying of easements, mineral leases and the retention of mineral rights and any other agreements authorized under this section shall be made only upon approval of the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. Upon approval of the state finance council and before such real property and improvements thereon, easements, leases and mineral rights retained and other rights affected are exchanged and conveyed, the attorney general shall approve the contractual instruments and other instruments of agreement and conveyance of the secretary of corrections, to Cargill Incorporated, and the instruments of conveyance and retention of rights of Cargill Incorporated to the secretary of corrections and shall approve the title to the real property and improvements thereon exchanged and conveyed by Cargill Incorporated. Such contractual instruments and other instruments of agreement shall include a provision whereby Cargill Incorporated agrees to defend and save harmless the secretary of corrections and the state of Kansas from any and all liability which may at any time arise from damage to property or the environment arising from any accident or other cause whatsoever in relation to the properties described in subsection (b) or (c), and the provisions described in this sentence shall likewise be subject to approval of the attorney general.

(b) In accordance with the provisions of this section, the secretary of corrections is hereby authorized to exchange and grant easements for two brine lines and one gas line along boundaries of and upon state-owned property located west of K-61 highway, east of Severance, south of avenue "G" and north of Blanchard; and to grant and convey the mineral rights and easements to drill and operate equipment on the following described property together with the right to drill a hole from state-owned property to property owned by Cargill Incorporated.

The following is the state-owned property subject to such granting and conveying of mineral rights, easements and other rights: A tract beginning at the northeast corner of the northwest quarter of section 19, township 23 south, range 5 west of 6th P.M., in Reno county, Kansas; thence west 500 feet along the north line of said quarter; thence south parallel to the east line of said quarter 1,000 feet; thence east parallel with the north line of said quarter 500 feet to the east line of said quarter; thence north along the east line to the point of beginning, containing 9 acres, more or less.

(c) In accordance with the provisions of this section, the secretary of corrections is hereby authorized to accept title on behalf of the state of Kansas to the following described real property conveyed (with mineral rights and other rights being retained) at the time agreed upon to the state of Kansas by Cargill Incorporated: A tract of land located in the southwest quarter of section 19, township 23 south, range 5 west of the 6th P.M., in Reno county, Kansas, more particularly described as follows: Commencing at the center quarter corner of said section 19; thence along the east line of the southwest quarter of said section 19 S. $0^{\circ}16'48''$ E. 265.00 feet to the point of beginning; thence S. $89^{\circ}43'12''$ W. 700.00 feet; thence S. $41^{\circ}31'49''$ W. 75.00 feet; thence parallel to and 750.00 feet perpendicular from the east line of the southwest quarter of said section 19 S. $0^{\circ}16'48''$ E. 1433.20 feet; thence S. $42^{\circ}05'24''$ E. 75.00 feet; thence N. $89^{\circ}43'12''$ E. 700.00 feet to a point on the east line of the southwest quarter of said section 19, said point being 818.96 feet N. $0^{\circ}16'48''$ W. of the south quarter corner of said section 19; thence along the east line of the southwest quarter of said section 19 N. $0^{\circ}16'48''$ W. 1545.00 feet to the point of beginning, containing 26.54 acres (1.77 acres existing road right-of-way).

(d) The exchange, lease and conveyance of real property and improvements thereon, the easements and mineral rights authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a and amendments thereto.

Sec. 3. K.S.A. 76-176 is hereby amended to read as follows: 76-176. (a) The secretary of administration is hereby authorized to sell and convey or lease in the manner hereinafter provided the following real estate, or any part thereof, title to which is vested in the state of Kansas and which is held for the use and benefit of a correctional institution, as the same is defined by K.S.A. 75-5202 and amendments thereto, whenever the secretary of corrections shall find and determine that such real estate, or any part thereof, is no longer required for the use or benefit of such institution and the sale and conveyance or lease thereof is in the best interests of the state of Kansas.

(b) The secretary of administration is hereby authorized to sell and convey or lease the following described real estate, or any part thereof, held for the use and benefit of the state ~~industrial-reformatory~~ Hutchinson correctional facility:

All of the east one-half of section 19, township 23 south, range 5 west of the 6th P.M. in Reno county, Kansas.

(c) The secretary of administration is hereby authorized to lease real estate title to which is vested in the state of Kansas and which is held for the use and benefit of correctional institutions and which real estate is utilized for agricultural purposes for a period of not to exceed three years, except that the secretary may lease to the city of Lansing, Kansas, for a period of not to exceed ~~fifteen--years~~ five years, and such additional periods, not in excess of five years each, as the secretary determines appropriate, the following described property for use by such city as a public park: A tract of 93.63 acres, more or less, held for the use and benefit of the ~~Kansas state-penitentiary~~ Lansing correctional facility and located in section 30, township 9, range 23 east of the 6th P.M. in Leavenworth county, Kansas. Such lease shall contain a provision reserving to the state of Kansas the right to the use of such property for use by the ~~Kansas--state--penitentiary~~ Lansing correctional facility.

(d) The secretary of administration is hereby authorized to

lease to the city of Lansing, Kansas, for a period of not to exceed ninety-nine 99 years, the following described property for use by such city for the construction and operation of a wastewater treatment facility: A tract of 14.0 acres, more or less, held for the use and benefit of the Kansas--state penitentiary Lansing correctional facility and located in section 19, township 9 south, range 23 east of the 6th P.M. in Leavenworth county, Kansas, plus necessary acreage for interceptor sewer lines, a more complete legal description of said tract to be contained in the lease agreement. Such lease shall contain a provision granting the city of Lansing all necessary easements for the construction and maintenance of interceptor sewer lines, and shall further provide for continuous use of said such sewer system by the state of Kansas correctional facilities institutions for the duration of and in accordance with the terms of said the lease.

(e) The secretary of administration is hereby authorized to lease real estate, title to which is vested in the state of Kansas and which is held for the use and benefit of Kansas state penitentiary, to the Lansing historical society, inc. for the location and development of a railroad depot as a public museum. The specific site of the lease shall be subject to the approval of the secretary of corrections and shall be consistent with the current and future needs of the department of corrections.

Sec. 4. K.S.A. 76-176 is hereby repealed.";

And by renumbering section 2 as section 5;

On page 1, in the title, in line 9, by striking all after "ACT" and inserting in lieu thereof: "relating to the disposition of certain state property; authorizing the conveyance, exchange or lease of certain real estate and easements or interests therein; relating to certain real estate"; in line 10, after "county" by inserting "and in Reno county; amending K.S.A. 76-176 and repealing the existing section";

And the bill be passed as amended.

Testimony
House Appropriations Committee
Substitute Senate Bill 402
April 23, 1990

Mr. Chairman and Members of the Committee:

Thank you for allowing me the courtesy of presenting testimony today on Substitute Senate Bill 402. I am representing the 400 plus members of the Kansas Alcohol and Drug Addiction Counselors Association, the 50 plus Kansas Association of Alcohol and Drug program Directors and the 30 members of the Kansas Community Alcohol Safety Action Project Coordinators Association. All three of these professional organizations enthusiastically support Substitute Senate Bill 402.

Originally Senate Bill 402 was introduced late in the 1989 Legislative session to require certification of those persons who were evaluating alcohol and drug offenders for the Court systems of Kansas. Other than being introduced, no action was taken by the 1989 legislature on this proposal.

During the summer months of 1989, Proposal No. 53 - State Alcohol and Drug Abuse Programs was studied by a special committee on Ways and Means/Appropriations, which included eight members of this committee. The final report of that special committee, dated November 14, 1989 recommended, and I quote "The committee endorses the concept of a counselor credentialing process for the alcohol and drug addiction counselors. The committee recommends Senate Bill No. 402 be enacted by the 1990 Legislature."

Our organizations responded to a request from Senate President Burke and Speaker of the House Braden on November 22, 1989 as to our legislative priorities for the 1990 session. Our organizations replied to the leadership that our number one priority was credentialing of alcohol and drug abuse counselors. We advised the leadership that in our opinion the best method of accomplish this task was to remove the existing caveat which is found in K.S.A. 65-4016 and place the credentialing process under the direction of the Secretary of Social and Rehabilitation Services.

During the month of December, 1989 our organizations met with representatives of the Governor's Office and the Commissioner of Alcohol and Drug Services to express our support of a credential process for alcohol and drug abuse counselors. This message was carried to the Governor by his staff members who were present. The Governor, in his State of the State message presented to the joint Houses on January 8, 1990, applauded the efforts of the professionals in the State of Kansas insofar as their dedication to the continuum care concept of alcohol and drug addiction. The Governor remarked "I salute the dedication of alcoholism and drug addiction counselors and support their work to further professional standards for this important field." Members of the committee, it appears by these remarks made by the Governor on January 8, 1990 that he is in agreement with our efforts to pursue legislation for the credentialing of alcohol and drug abuse counselors.

This proposed legislation had no opposition in the Senate hearings and passed out as a substitute bill with some suggested amendments by the Commissioner of Alcohol and Drug Abuse. When the legislation came to the Senate floor, a floor amendment was introduced as recommended by the Secretary of Health and Environment. The amendment was accepted favorably and the bill then was passed.

During the recess our organizations have met with representatives of the Mental Health Centers and the Kansas Medical Society. We also have had conversations with

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the Kansas Psychological Association and a representative of the Christian Science Church. After these meetings we have concluded the best course of action would be to amend Substitute Bill 402 further and change the concept to the registration of alcohol and other abuse counselors. Other changes were made to insure protection of other professionals working within the field that presently are licensed or registered. These professionals, under the proposed legislation, would still be able to provide counseling service to the alcoholic and other drug abusers but not address themselves as alcohol and other abuse counselors. These professionals may, if they choose, seek registration as alcohol and other drug abuse counselors through the same procedure under this proposed legislation.

Under the present system, a program that is licensed by the Secretary, qualifies for third party pay. We believe that this proposed legislation will not change that system. In fact, there is the possibility of lowering the cost to third party payors and increasing the quality of care for those persons suffering from alcohol and other drug abuse.

We anticipate that a representative of the Kansas Medical Society will offer substitute amendments to this proposed legislation. We would oppose such amendments as they would affect only those programs that are licensed by the Secretary of Social Rehabilitation Services. Those programs that are licensed by the Department of Health and Environment would not be affected. This change would eliminate hospitals that offer alcohol and other drug treatment programs. Those hospitals could hire other professionals or professionals on staff to provide alcohol and other drug abuse counseling to their patients. These professional staff persons may have little formal training in alcohol and other drug abuse counseling and no formal course work in alcohol and other drug abuse. In addition, these professionals would not be subject to the rules and regulations that the Secretary of Social and Rehabilitation Services will adopt in order to maintain the quality of service for those persons entrusted to their care.

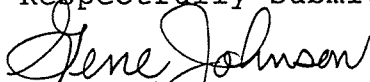
At this time, our organizations wish to express our gratitude to the Commissioner of Alcohol and Drug Abuse Services for his and his staff's contribution to this proposed legislation. We also thank the representatives of the Community Mental Health Centers and the Kansas Medical Society for their advice and contributions.

I have attached a revised version of Substitute Senate Bill 402 which changes the language to a registration bill and removes the caveat which gives the Secretary of Social and Rehabilitation Services the authority to establish rules and regulations in order to govern this legislation.

Thank you for your consideration of this much needed legislation. We hope that you will act favorably and promptly for passage during the 1990 Legislative Session Substitute Senate Bill 402.

I will attempt to answer any questions the committee may have at this time.

Respectfully Submitted,


Gene Johnson
Lobbyist

Kansas Alcohol and Drug Addiction Counselors Association
Kansas Association of Alcohol and Drug Program Directors
Kansas Community Alcohol Safety Action Project Coordinators Association

4-2

Substitute for SENATE BILL No. 402

By Committee on Ways and Means

3-28

10 AN ACT concerning alcohol and other drug abuse treatment and
11 evaluation; providing for certification of certain counselors; amend-
12 ing K.S.A. 65-4016 and repealing the existing section.

the registration of alcohol and other drug abuse
creating the alcohol and other drug abuse counselor fee
fund; providing penalties for violations;

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. As used in this act:

16 (a) "Alcohol and other drug abuse counselor" means any indi-
17 vidual who, for compensation, engages in the treatment or evaluation
18 of alcohol and other drug abuse.

19 (b) "Secretary" means the secretary of social and rehabilitation
20 services.

21 New Sec. 2. (a) On and after January 1, 1991, no person shall
22 ~~act as an alcohol and other drug abuse counselor in this state unless~~
23 ~~such person is certified pursuant to this act [or is specifically ex-~~
24 ~~empted from the provisions of this act].~~

represent that such person is a registered alcohol and
other drug abuse counselor or represent that such person
is an alcohol and other drug abuse counselor unless such
person is registered under this act as an alcohol and
other drug abuse counselor. A violation of this subsec-
tion is a class C misdemeanor

25 (b) The secretary shall adopt by rules and regulations a system
26 for certification of alcohol and other drug abuse counselors. Such
27 rules and regulations shall include qualifications for certification
28 which promote safe and adequate treatment, evaluation and pre-
29 vention of alcohol and other drug abuse ~~and shall provide for cert-~~
30 ~~ification to be carried out by appropriate alcohol and other drug~~
31 ~~abuse organizations, under contract with the secretary].~~ Such rules
32 and regulations ~~may provide for different classes of certification with~~
33 ~~different qualifications for each class; but all such qualifications~~ shall
34 require ~~as a minimum for an alcohol and other drug abuse counselor,~~
35 the following:

registration

36 (1) A bachelor of arts, master of arts or doctorate degree in a
37 social services or health-related field which includes coursework in
38 alcohol and other drug addictions;

bachelors degree, a masters degree or a doctors
counseling, in

39 (2) experience of not less than 3,000 hours of practicum or work,
40 under the supervision of a certified alcohol and other drug abuse
41 counselor, during the three years immediately preceding first cert-
42 ification pursuant to this act; and

and in treatment and evaluation of alcohol and other
drug abuse

43 (3) successful completion of approved training courses in client

registered
or an individual qualified for registration as an alco-
hol or other drug abuse counselor under this act, within
registration under
approved by the secretary

4-9

1 confidentiality, case management and client records, understanding
2 the disease, intake procedures, assessment and treatment planning,
3 crisis intervention skills and basic counseling skills.

4 (c) The secretary shall require each person seeking certification
5 as an alcohol and other drug abuse counselor to successfully complete
6 an examination prescribed by the secretary. A fee shall be required
7 for such examination in an amount sufficient to pay for the costs and
8 administration thereof. Any person desiring to take the examination
9 shall first submit satisfactory proof that the person has the qualifi-
10 cations required pursuant to subsection (b) or (d).

registration

11 (d) A person who does not have the qualifications prescribed
12 pursuant to subsection (b) may qualify for examination and, upon
13 passage of the examination, certification pursuant to this act if the
14 person submits satisfactory proof that, on December 31, 1990, the
15 person:

registration

16 (1) Is practicing as an alcohol and other drug abuse counselor in
17 this state, has an offer of employment as an alcohol and other drug
18 abuse counselor in this state or is an alcohol and other drug abuse
19 counselor living in this state; and

20 (2) ~~has 1,000 hours of experience in alcohol and other drug abuse~~
21 ~~counseling~~ within the immediately preceding 12-month period or has
22 3,000 hours of experience in alcohol and other drug abuse counseling
23 within the immediately preceding 60-month period.

as an
counselor

registration

24 (e) A person may qualify for certification if such person submits
25 satisfactory proof that, on December 31, 1990, the person was prac-
26 ticing as an alcohol and other drug abuse counselor in another state
27 and is certified in accordance with standards which the secretary
28 determines are comparable to those provided pursuant to this act
29 ~~or meets national standards for alcohol and drug abuse counselors.~~

qualified

30 (f) Before January 1, 1999, a person who does not qualify for
31 examination pursuant to subsection (b) or (d) may be issued a pro-
32 visional certificate as an alcohol and other drug abuse counselor. A
33 provisional certificate shall be valid until January 1, 1999, conditioned
34 on the certificate holder's submission of satisfactory evidence of prog-
35 ress toward compliance with the qualifications for examination
36 adopted pursuant to subsection (b). If the secretary determines that,
37 on or before January 1, 1999, there will not be a sufficient number
38 of certified alcohol and other drug abuse counselors to serve those
39 persons in the state requiring the services of such counselors, the
40 secretary may extend the term of provisional certificates for a period
41 of not more than two years. Thereafter, the secretary may continue
42 to extend the term of such certificates for periods of not more than
43 two years until the secretary determines that the issuance of pro-

registration

registered

registrations

visional certificates is no longer necessary to serve the needs of those persons in the state requiring the services of alcohol and other drug abuse counselors. Upon such determination, all provisional certificates shall expire.

registrations

~~The qualifications adopted by the secretary may provide that, if an applicant has only the minimum qualifications in one of the above areas, greater requirements must be met in the remaining areas.~~

Registration under

New Sec. 3. (a) ~~Certification pursuant to~~ this act shall be for a period of two years.

(b) The secretary shall fix by rules and regulations fees for applications for ~~certification; renewal of certification; provisional certification and examination pursuant to~~ this act. Such fees shall be fixed in amounts to cover the costs of administering the provisions of this act, but not to exceed \$50. The secretary shall remit all moneys received from fees collected under this act to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury ~~and credit it~~ to the alcohol and other drug abuse counselor fee fund.

registration, renewal of registration and provisional registration under

shall credit 20% of each such deposit to the state general fund and shall credit the balance

(c) There is hereby created in the state treasury the alcohol and other drug abuse counselor fee fund. Moneys in such fund shall be expended only for the purpose of administering and enforcing the provisions of this act. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or by a person or persons designated by the secretary.

New Sec. 4. (a) ~~The secretary may deny, refuse to renew, suspend or revoke~~ certification or provisional certification pursuant to this act if the certificate holder or applicant:

registration

(1) Has obtained or attempted to obtain certification by means of fraud, misrepresentation or concealment of material facts;

(2) has been convicted of a crime found by the secretary to have a direct bearing on whether the certificate holder or applicant can be entrusted to serve the public in the position of alcohol and other drug abuse counselor;

(3) has violated the standards of professional conduct established by rules and regulations of the secretary;

(4) has used any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(5) has violated any lawful order or rule and regulation of the secretary.

Handwritten marks: a large 'X' and the number '5'.

1 (b) Refusal to renew or suspension or revocation of certification registration
 2 pursuant to this section shall be in accordance with the Kansas
 3 administrative procedure act.

4 New Sec. 5. (a) The secretary shall adopt by rules and regulations
 5 standards of professional conduct for alcohol and other drug abuse
 6 counselors.

7 (b) The secretary shall adopt such rules and regulations as nec-
 8 essary to administer and enforce the provisions of this act. Before
 9 adoption of any such rules and regulations, the secretary shall submit
 10 the proposed rules and regulations to the advisory committee ap-
 11 pointed pursuant to subsection (c). The advisory committee shall
 12 make recommendations to the secretary regarding rules and regu-
 13 lations and other areas concerning the credentialing process.

14 (c) The secretary shall appoint an advisory committee for the
 15 purpose of assistance in promulgating and adopting rules and reg-
 16 ulations pursuant to this act. The advisory committee shall be com-
 17 posed of 11 members and shall include both representatives of the
 18 general public and representatives of the alcohol and other drug
 19 abuse treatment and prevention field. Members of the advisory com-
 20 mittee shall receive amounts provided for in subsection (c) of K.S.A.
 21 75-3223 and amendments thereto for each day of actual attendance
 22 at any meeting of the advisory committee or any subcommittee
 23 meeting authorized by the advisory committee.

24 *[New Sec. 6. The provisions of this act shall not apply to any*
 25 *person who is licensed or registered by this state as a health care*
 26 *provider and who is providing services within the lawful scope of*
 27 *such person's authority, as long as such person does not hold the*
 28 *person's self out to the public as a certified alcohol or other drug*
 29 *abuse counselor.]*

30 Sec. 6 [7]. K.S.A. 65-4016 is hereby amended to read as follows:
 31 65-4016. The secretary shall adopt rules and regulations and stand-
 32 ards with respect to all treatment facilities to be licensed hereunder
 33 as may be designed to further the accomplishment of the purposes
 34 of this law in promoting a safe and adequate treatment program for
 35 individuals in treatment facilities in the interest of public health,
 36 safety and welfare. Boards of trustees or directors of institutions
 37 licensed pursuant to the provisions of this act shall have the right
 38 to select the professional staff members of such institutions and to
 39 select and employ interns, nurses and other personnel and as long
 40 as such personnel is appropriately licensed or certified as required
 41 by state statute. No rules and regulations or standards of the see-
 42 retary, *except rules and regulations and standards adopted pursuant*
 43 *to sections 2 and 5,* shall be valid which, if enforced, would interfere

See attachment

Attachment

Nothing in sections 1 to 5, inclusive, and amendments thereto shall be construed:

(a) To apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, registered nurses, registered professional counselors or social workers performing counseling consistent with the laws of this state, their training and any code of ethics of their professions, so long as they do not represent themselves by any title or description in the manner prohibited under section 2 and amendments thereto;

(b) to apply to the activities, services and use of an official title on the part of an individual employed as an alcohol and drug abuse counselor by any federal agency or public or private educational institution, so long as such individuals are performing counseling or counseling-related activities within the scope of their employment;

(c) to apply to the activities and services rendered by a nonresident individual not more than 30 days during any calendar year, such individual is duly authorized to perform such activities and services under the laws of the state or country of such individual's principal residence;

(d) to apply to the activities and services of an individual providing alcoholism and other drug abuse counseling as a part of alcoholics anonymous, al-anon family groups or other similar alcohol or drug abuse support organizations or groups, so long as such individuals do not represent themselves by any title or description in the manner prohibited under section 2 and amendments thereto;

-2-

(e) to apply to the activities and services of a rabbi, priest, minister or clergy person of any religious denomination or sect, so long as such activities and services are within the scope of the performance of such individual's regular or specialized ministerial duties;

(f) to authorize a person registered under this act to diagnose or treat mental illness or disease.

1 ~~in~~ such selection or employment.

2 Sec. 7 [8]. K.S.A. 65-4016 is hereby repealed.

3 Sec. 8 [9]. This act shall take effect and be in force from and
4 after its publication in the statute book.

Amend K.S.A. 75-3170a to include section 3 of this bill
in the 20% credit to state general fund section listing.
Amend title and repealer section.

8-11

TESTIMONY

Senate Ways and Means Committee

SUBSTITUTE FOR SENATE BILL NO. 402

April 23, 1990

Mr. Chairman and Members of the Committee:

I thank you for being able to present testimony today in support of Substitute Senate Bill No. 402.

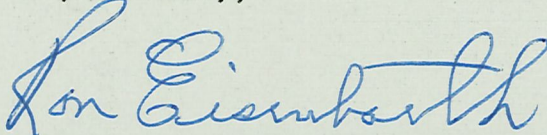
I have worked in the Alcoholism/Drug Addiction field since 1971 as Director of Services for Alcohol Related Problems, for the Shawnee Community Mental Health Center. I have been certified as an Alcoholism/Drug Addiction Counselor since 1976 by the Kansas Alcoholism and Drug Addictions Counselor's Association.

For purposes of today's testimony, I represent the Kansas Alcoholism and Drug Addiction Counselor's Association in support of Substitute SB 402. KADACA has a membership of 450 of which approximately 400 are Certified Counselors. KADACA was founded in 1974 and developed the first testing process for Alcoholism and Drug Abuse Counselor's in Kansas in 1976. This testing process involved a 200 question written test as well as an oral interview. Two years of paid supervised counseling experience in the field of alcohol/drug addiction is required prior to taking the test. In 1984 Kansas became a member of the National Certification Reciprocity Consortium. This consortium has a set of minimum certification criteria that a state must meet prior to membership. Persons certified in a NCRC state can then reciprocate their certification to any of the approximately 40 states in the NCRC. The criteria set forth in Substitute SB402, for registration of Alcoholism/Drug Addiction Counselors, comply with the requirements of the NCRC.

We strongly believe that Kansas should adopt legislation to insure the quality of alcohol and drug counseling throughout the state. We believe the criteria set forth in Substitute SB 402 is state of the art as evidenced by the fact that 80% of the states are currently utilizing this criteria.

We urge you to pass Substitute Senate Bill 402.

Respectfully,



Ron Eisenbarth, Director
Services for Alcohol Related Problems



State of Kansas

Mike Hayden, Governor

Department of Health and Environment

Division of Health

Stanley C. Grant, Ph.D., Secretary

Landon State Office Bldg., Topeka, KS 66612-1290

(913) 296-1343
FAX (913) 296-6231

TESTIMONY PRESENTED TO

THE HOUSE APPROPRIATIONS COMMITTEE

by

THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Substitute for Senate Bill 402

In the 1970s the Kansas legislature was confronted with numerous requests from health care occupations to be licensed by the state. The legislature felt that it needed a mechanism to review all pertinent information in order to determine whether the benefits to society outweighed the societal costs of licensing a certain group. Hence, the credentialing review program was established in 1980 by KSA 65-5001 et seq. The statutes placed the responsibility of administering the program with the Kansas Department of Health and Environment.

"Credentialing" is defined as the formal recognition of professional competence through registration, licensure, or other statutory means. The reasons occupations seek credentialing regulations often include a desire to upgrade the status of the occupation, limit those who can practice in a certain field, enhance earning potential, or obtain third-party reimbursement. At the same time, credentialing can have a negative and/or positive impact on the public. For example, it can provide the public some protection against untrained practitioners through assuring an entry level of competency of practitioners and/or increasing the cost of health care. One emphasis of the review process is to determine whether the unregulated occupation creates a harmful situation to the public and whether credentialing would address the harm.

KSA 65-5002 states that health care personnel seeking to be credentialed by the state shall submit a credentialing application to the Secretary of Health and Environment upon approved forms.

Health care personnel are defined by KSA 65-5001(e) as persons that provide services for remuneration to prevent physical, mental, or emotional illness; detect, diagnose, and treat illness; facilitate recovery from illness or provide rehabilitation or continuing care following illness; and are qualified to do so.

HA

4-23-90

Attachment 6

The substitute for Senate Bill 402 defines alcohol and other drug abuse counselors as individuals who engage in the treatment or evaluation of alcohol and drug abuse for compensation. It appears that alcohol and other drug abuse counselors would fit the definition of health care personnel.

KSA 65-5001(b), (c), and (d) define:

- 1 "Certification" to mean the process by which a nongovernmental agency or the federal government grants recognition to persons who meet predetermined qualifications.
- 2 "Registration" to mean the process by which the state lists on a roster persons who meet predetermined qualifications and who are the only persons permitted to use a designated title.
- 3 "Licensure" to mean a process by which the state grants permission to persons who meet predetermined qualifications to practice a profession, and to engage in the profession without a license is unlawful.

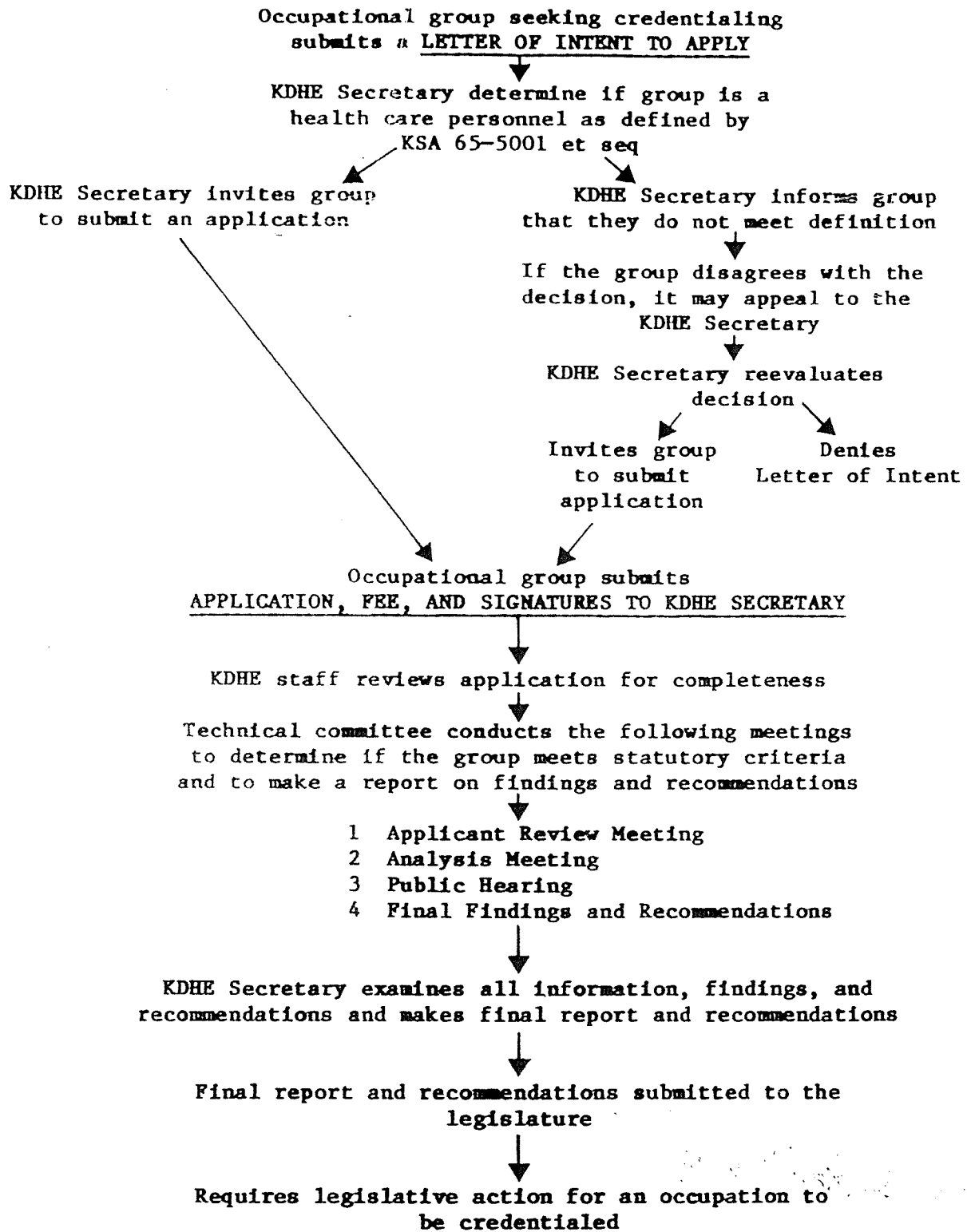
The substitute for Senate Bill 402 makes it against the law for anyone to practice as an alcohol and drug counselor in Kansas unless certified (Section 2(a)). Such a definition appears to constitute a licensure act. This bill also sets the qualifications for the practitioners of the occupation.

It appears that the Credentialing Review Program applies to alcohol and drug abuse counselors since the occupation consists of health care personnel and the occupation is requesting a state credentialing law.

Attachment I is a flowchart depicting the steps in the credentialing review process and Attachment II is the statutory criteria that the review and recommendations are based on.

Presented by: Richard Morrissey, Deputy Director
Division of Health
Kansas Department of Health and Environment
April 25, 1990

Flow Chart: Credentialing Review Program



KDHE - Kansas Department of Health and Environment

Statutory Criteria

I. The following statutory criteria must be found to be met before the technical committee and the Secretary of Health and Environment may recommend credentialing of a health care occupation or profession.

K.S.A. 65-5006. (a) The technical committee and the secretary shall apply the following criteria to each credentialing application:

(1) The unregulated practice of the occupation or profession can harm or endanger the health, safety or welfare of the public and the potential for such harm is recognizable and not remote;

(2) the practice of the occupation or profession requires an identifiable body of knowledge or proficiency in procedures, or both, acquired through a formal period of advanced study or training, and the public needs and will benefit by assurances of initial and continuing occupational or professional ability;

(3) if the practice of the occupation or profession is performed, for the most part, under the direction of other health care personnel or inpatient facilities providing health care services, such arrangement is not adequate to protect the public from persons performing noncredentialed functions and procedures;

(4) the public is not effectively protected from harm by certification of members of the occupation or by means other than credentialing;

(5) the effect of credentialing of the occupation or profession on the cost of health care to the public is minimal;

(6) the effect of credentialing of the occupation or profession on the availability of health care personnel providing services provided by such occupation or profession is minimal;

(7) the scope of practice of the occupation or profession is identifiable;

(8) the effect of credentialing of the occupation or profession on the scope of practice of other health care personnel, whether or not credentialed under state law, is minimal; and

(9) nationally recognized standards of education or training exist for the practice of the occupation or profession and are identifiable.

II. The following alternatives have been established by the Legislature to be used to determine the appropriate level or levels of credentialing. The statutes further state that all of the following criteria must be met and specific findings on the criteria must be addressed in the reports of the technical committee and the Secretary of Health and Environment.

K.S.A. 65-5007. (a) All recommendations of the technical committee and the Secretary of Health and Environment which relate to the level or levels of credentialing regulation of a particular group of health care personnel shall be consistent with the policy that the least regulatory

6-5

means of assuring the protection of the public is preferred and shall be based on alternatives which include, from least regulatory to most regulatory, the following:

(1) Statutory regulation, other than registration or licensure, by the creation or extension of statutory causes of civil action, the creation or extension of criminal prohibitions or the creation or extension of injunctive remedies is the appropriate level when this level will adequately protect the public's health, safety or welfare.

(2) Registration is the appropriate level when statutory regulation under paragraph (a)(1) is not adequate to protect the public's health, safety or welfare and when registration will adequately protect the public health, safety or welfare by identifying practitioners who possess certain minimum occupational or professional skills so that members of the public may have a substantial basis for relying on the services of such practitioners.

(3) Licensure is the appropriate level when statutory regulation under paragraph (a)(1) and registration under paragraph (a)(2) is not adequate to protect the public's health, safety or welfare and when the occupational or professional groups of health care personnel to be licensed perform functions not ordinarily performed by persons in other occupations or professions.

7/2/87
HP/3



PARALLAX

Fighting Dependencies . . . Healing Lives

Testimony for Substitute SB402

DATE: April 23, 1990

TO: House of Representatives Appropriations Committee

FROM: Milt Fowler
C.E.O.
Parallax Program, Inc
1100 North St. Francis
Wichita, KS 67214
(316) 267-3395

I am here to support this bill based on the following: It is time for the Legislators to take a first step toward establishing a state recognized licensing system for the Alcohol and Drug Abuse Counselors across the State of Kansas. I know this is a registration bill, but it is an excellent first step in bringing qualified persons into the field through a set of good standards.

I have been in this field in some manner since 1965. The first six years were spent in law enforcement, the next seven years in the court systems, and since 1978, I have been the founder and Executive Director of Parallax Program, Inc.

The Alcohol and Drug abuse treatment field has grown in all areas of funding, knowledge, expertise and respect. There will be no better time than now to recognize those persons who have given a lot of time and energy to a very difficult problem. They deserve to be recognized through this type of bill. It will help continue our growth in the future, as well as making Kansas proud of its Alcohol and Drug Abuse Treatment Services.



PARALLAX

Fighting Dependencies . . . Healing Lives

Parallax Program, Inc. Historical Data

Parallax Program, Inc. was founded in 1971 by Milt Fowler, then the Chief Probation Officer for the Court of Common Pleas. The need for services was identified by Fowler largely due to the number of parolees he dealt with who were in the criminal justice system because of crimes related to drug or alcohol problems. Although there were programs for the alcoholic, as well as Alcoholics Anonymous, services were desperately needed to meet the needs of the drug or dually addicted individual.

In the beginning, chemical dependency treatment services were provided by volunteers who worked in the Court of Common Pleas Probation Department (before the unification of the Sedgwick County District Court system). Individual and group counseling sessions were offered in the evenings, including not only the primary abuser but also the family or significant other of the abuser. The Honorable Judge Robert Morrison, Tyler C. Lockett, Owen Ballinger and Daniel Dwyer also were instrumental in helping Parallax develop during the early years.

In 1975, Parallax had been contacted by 1,056 individuals seeking drug and alcohol treatment services. To better meet the increasing number of requests for services, Parallax submitted a HUD proposal for a residential drug abuse treatment center. In 1977, funding was approved and Parallax moved into a residential facility located in the 500 block of North Broadway.

The initial funding provided dollars for an alcohol and drug abuse sub-acute residential treatment center for the first year only. The second year, funding was through a contract with Social Rehabilitation Services for Title XIX dollars. Since 1981, funding for indigent drug and alcohol abuse programs has come from a grant program through the ADAS section of SRS.

The Parallax program initially offered residential services of up to six months in duration. Over 85% of the clients served were unemployed when they entered treatment, while over 91% were employed at the time of their discharge. In 1985, the state mandated that the length of treatment be reduced to ninety days, then further reduced to sixty days in 1987. However, Parallax continues to maintain four indigent beds that can be utilized up to 120 days with proper documentation of need.

Parallax moved into its present facility at 1100 N. St. Francis in 1987. The new facility allowed Parallax to further expand its treatment services. Presently, Parallax has eighty treatment beds separated into four modules—32 indigent beds funded by the ADAS branch of SRS; 20 inmate beds funded by the Department of Corrections; 22 private pay beds funded by third party payors or self pay and 6 medical detox beds.

Parallax also has a program at Winfield Correctional Facility and a Department of Corrections funded reintegration program at 800 N. Main. Additionally, the Parallax Alumni Association has two 17-bed boarding houses. Parallax is licensed in six areas--medical detox, intermediate care, inpatient care, day care, reintegration and outpatient diagnostic evaluation--and a certified ADSAP service provider for DUI offenders.

Parallax's basic philosophy is that while drug and alcohol addiction is a disease, each individual is unique and must be treated as such. Parallax believes that the first step to a positive lifestyle is complete abstinence from all mood altering substances. Parallax offers educational, vocational and self help groups such as Alcoholics Anonymous and Narcotics Anonymous as part of the treatment program. Parallax believes in the twelve step program advocated by A.A. and N.A., but does not limit its treatment services to this approach.

Although Parallax has expanded services to include private insurance paid clients, the emphasis is still largely on the indigent population. The fee structure is organized so that no one will be barred from treatment due to financial constraints. Parallax has instituted a sliding fee scale ranging from zero out of pocket expense to the private insurance rate of \$225/day for clients not eligible for other modes of funding. Parallax treats both male and female clients, and all types of substance abuse, misuse and addiction.



STATE OF KANSAS

MIKE HAYDEN, *Governor*

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

ALCOHOL AND DRUG ABUSE SERVICES

300 SW Oakley, Topeka, Kansas 66606-1861

☎ (913) 296-3925

TESTIMONY

**Andrew O'Donovan, Commissioner
Alcohol and Drug Abuse Services**

Kansas Department of Social and Rehabilitation Services

**House Appropriations Committee
Substitute for Senate Bill 402**

WINSTON BARTON
Secretary

THELMA HUNTER GORDON
Special Assistant

TIM OWENS
General Counsel

ANN ROLLINS
*Public Information
Director*

Administrative
Services
J. S. DUNCAN
Commissioner

Adult Services
JAN ALLEN
Commissioner

Alcohol and Drug
Abuse Services
ANDREW O'DONOVAN
Commissioner

Income Maintenance/
Medical Services
JOHN ALQUEST
Commissioner

Mental Health/
Retardation Services
AL NEMEC
Commissioner

Rehabilitation
Services
GABE FAIMON
Commissioner

Youth Services
ROBERT BARNUM
Commissioner

I am Andrew O'Donovan, Commissioner of SRS/Alcohol and Drug Abuse Services and I appreciate the opportunity to testify in support of Substitute SB 402.

Three years ago when I became Commissioner, members of this committee asked me to focus on developing quality programs that meet the needs and make a positive difference in the lives of Kansas consumers. With the leadership of the Governor and the support of the legislature, we have made major strides with the Toward A Drug-Free Kansas Program. In the field of alcohol and drug abuse, especially in the public sector, Kansas is recognized as a leader nationally.

I have testified on many alcohol and drug bills as commissioner but Substitute SB 402 may be the single most important one that will do the most for Kansans who need these services.

As Commissioner of Alcohol and Drug Abuse Services within SRS, I have, through the Secretary, statutory responsibility and oversight for licensing facilities. Hospitals and mental health centers are exempt from this process. However, I am forbidden by statute to require personnel standards.

The alcohol and drug counselors of our state are asking for higher academic and competency based standards for their profession. Substitute SB 402 is an effort by our field to assure quality treatment is provided to Kansans. Alcohol and drug treatment is as good as the people who perform the work.



HA
4-23-90
Attachment 8

Alcoholism and drug addiction personally touches the lives of about one out of every three Kansas families. Substitute SB 402 will help provide these people some consumer protection and reassurance they are receiving quality services. It also provides for better accountability of Kansas tax dollars.

Substitute SB 402's purpose is not to receive third party insurance reimbursement. Kansas statutes already allow licensed alcohol and drug programs to receive insurance payments.

I urge you to favorably consider Substitute SB 402. If you have additional questions after today's hearing, I can be reached at 296-3925. Thank you.

Submitted by: Andrew O'Donovan
Commissioner
SRS/ADAS
April 23, 1990
296-3925



Kansas Psychiatric Society

1259 Pembroke Lane
Topeka, KS 66604
Telephone: (913) 232-5985
or (913) 235-3619

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Wichita, KS 67214

Samuel L. Bradshaw, M.D.
President-elect
3910 Parlington Dr.
Topeka, KS 66610

Cathy Shaffia Laue, M.D.
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Lawrence, KS 66044

Donna Ann Vaughan, M. D.
Treasurer
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Jo Ann Klemmer
Executive Secretary
Telephone: (913) 232-5985

Chip Wheelen
Public Affairs Contact
Telephone: (913) 235-3619

April 23, 1990

TO: House Appropriations Committee

FROM: Kansas Psychiatric Society

SUBJECT: Substitute for Senate Bill 402

Thank you for this opportunity to express our concerns about Sub. SB 402.

1. The substitute bill is not really a "certification" bill; it constitutes de facto licensure of individuals who engage in evaluation or treatment of persons who abuse substances. This would mean that neither physicians nor other licensed or registered professionals could continue to provide treatment services to patients or clients who suffer from addiction disorders. The Senate amendment does not appear to actually remedy this problem.

2. A number of years ago the Legislature established the Kansas Credentialing Act in order to provide a deliberate process for credentialing of health care professions. The alcohol and drug abuse counseling profession would circumvent the credentialing process in spite of established policy.

3. Even if the addiction specialists were to adhere to the Credentialing Act and pursue a reasonable bill for registration or licensure, the Department of SRS would probably not be the appropriate agency to credential and regulate the profession. The Behavioral Sciences Regulatory Board would seem to be more appropriate and capable of administering such a law.

These are the principal reasons that we oppose Sub. SB 402 in its current form. If the Department of SRS wishes to establish standards for addiction counselors employed at treatment facilities licensed by the Department, then we have no objection. Sub. SB 402, however, goes much further and raises serious quality of care concerns. We urge you to recommend that the bill not be passed unless it is amended substantially or substituted entirely. There are other options available to address the problem identified by the 1989 Interim Ways and Means/Appropriations Committee. Attached to this statement is a draft bill which addresses the problem of underqualified, ineffective drug and alcohol abuse counselors and programs. We urge your favorable consideration of this rewrite in lieu of Senate Sub. SB 402.

Thank you for your consideration.

CW:lg

HA

4-23-90

Attachment 9

Proposed Amendments to Substitute for Senate Bill No. 402 (KMS)

Be Amended:

By striking out all the current bill and inserting in lieu thereof the following:

AN ACT concerning substance abuse evaluation and treatment; prohibiting certain individuals from rendering services as substance abuse counselors; providing penalties for violations; amending K.S.A. 65-4016 and 65-4607 and repealing the existing sections.

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

New Section 1. (a) As used in this section:

(1) "Substance abuse counselor" means any individual who, for compensation, renders evaluation, counseling, or any form of treatment to persons who are addicted or otherwise abuse alcohol or other drugs.

(2) "Licensed" means an individual licensed by the state board of healing arts, the state board of nursing or the behavioral sciences regulatory board.

(3) "Licensed facility" means a facility licensed by the secretary of health and environment or the secretary of social and rehabilitation services.

(4) "Registered" means a registered professional counselor.

(b) On and after January 1, 1991, no individual shall render services, for compensation, as a substance abuse counselor unless such individual is licensed or registered, is employed by a licensed facility or is exempted from the provisions of this section under subsection (c).

(c) Nothing in this section shall be construed:

(1) To apply to the activities and services of attorneys performing counseling consistent with the laws of this state, their training and the code of ethics of their profession;

(2) to apply to the activities, services and use of an official title on the part of an individual employed as a substance abuse counselor by any federal, state, county or municipal agency or public or private educational institution, so long as such individuals are performing substance abuse counseling or substance abuse counseling-related activities within the scope of their employment;

(3) to apply to the activities and services of a rabbi, priest, minister or clergy person of any religious denomination or sect, so long as such activities and services are within the scope of the performance of such individual's regular or specialized ministerial duties;

(4) to apply to the activities and services of an individual providing substance abuse counseling as a part of alcoholics anonymous, al-anon family groups or other similar alcohol or drug abuse support organizations or groups;

(5) in any way to restrict any person from carrying on the free expression or exchange of ideas concerning the practice of substance abuse counseling, the application of substance abuse counseling principles, the teaching of such subject matter and the conducting of research on problems relating to substance abuse if such person does not represent such person or such person's services in any manner prohibited by this act;

(6) to limit the practice of substance abuse counseling or services of a student pursuing a degree in a school, college, university or other institution, if such practice or services are supervised as a part of such person's degree program; or

(7) to prevent the employment, by a person, association, partnership or a corporation furnishing substance abuse counseling services for remuneration, of individuals not licensed or registered if such individuals work under the supervision of a licensed or registered individual.

(d) A violation of this section is a class C misdemeanor.

Sec. 2. K.S.A. 65-4016 is hereby amended to read as follows:
65-4016. (a) The secretary shall adopt rules and regulations and

standards with respect to all treatment facilities to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare. Boards of trustees or directors of institutions licensed pursuant to the provisions of this act shall have the right to select the professional staff members of such institutions and to select and employ interns, nurses and other personnel, and no rules and regulations or standards of the secretary shall be valid which, if enforced, would interfere in such selection or employment except that the secretary shall establish by rules and regulations minimum professional standards for individuals employed as substance abuse counselors by such institutions.

(b) As used in this section, "substance abuse counselor" means a substance abuse counselor as defined in section 1 and amendments thereto.

Sec. 3. K.S.A. 65-4607 is hereby amended to read as follows: 65-4607. (a) The secretary shall adopt rules and regulations and standards with respect to all treatment facilities to be licensed hereunder as may be designed to further the accomplishment of the purposes of this act in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare of the public. The secretary shall establish by rules and regulations minimum professional standards for individuals employed as substance abuse counselors by treatment facilities for drug abusers.

(b) As used in this section, "substance abuse counselor" means a substance abuse counselor as defined in section 1 and amendments thereto.

Sec. 4. K.S.A. 65-4016 and 65-4607 are hereby repealed.

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

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS

by: Community Mental Health Centers
Rebecca S. Rice, legal counsel

ON

Sub. for Senate Bill 402

Monday, April 23, 1990

Chairman and members of the Committee, my name is Rebecca Rice and I appear before you today on behalf of the Kansas Association of Community Mental Health Centers. We appear before you today to oppose Substitute for SB 402.

The first point I would like to make is that we believe in the concept that alcohol and drug abuse counsellors should be credentialed but at a level no higher than registration.

Attached is a letter presented to Gene Johnson which addresses many of the problems the CMHC Association has with specific subsections of Sub. for SB 402. A few of the concerns raised are not of particular concern to the association but were raised for the purpose of demonstrating the ambiguous or conflictive nature of the bill.

In response to a joint meeting held Monday, April 16, the alcohol and drug abuse counsellors provided to this Association a balloon draft of the subject bill which presented amendments to change the bill from one of licensure to one of registration. Many of the other concerns which were raised in the attached letter were not addressed.

HA
4-23-90
Attachment 10

The Association of Community Mental Health Centers has adopted a policy to remain neutral on the balloon copy presented to the Association changing the credentialing level to registration. The one deviation from neutrality by the Association is to state that the Association has a standing policy that all groups desiring state credentialing should be required to proceed through the statutorily mandated credentialing process. We again want to stress that we support credentialing of alcohol and drug abuse counsellors and, therefore, so as not to be obstructionistic, the Association does not oppose nor support the registration balloon.

The Association was verbally apprised at its board meeting last week of the amendatory language presented by the Kansas Psychiatric Association. This alternative was discussed at the joint meeting last Monday. The Association supports the concept and the language presented by the Psychiatric Association. We believe this is the most appropriate, cost effective and controllable method for achieving the stated objectives of the supporters of Sub. for SB 402

Thank you for allowing me to testify on this bill. I can stand for any questions.

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April 13, 1990

Mr. Gene Johnson
Alcohol & Drug Abuse Counsellors
112 S.E. 7th
Topeka, Kansas 66603

RE: SB 402

Dear Gene:

Pursuant to our conversation, I have prepared a listing of some of the problems which I believe exist within SB 402. I have listed my concerns numerically below:

1. New Section 2 - I am concerned that this credentialing legislation appears to be a licensure act. As you are aware, licensure is a process typically invoked primarily in the case of highly educated professionals or professions which can cause a great deal of harm to consumers. Such professionals are heavily regulated as a profession by state entities specifically created to perform such function.

It is my understanding that the purpose of this legislation is to ensure that alcohol and drug abuse counselling is provided only by individuals who are "qualified" to provide the service. However, I would propose that registration, rather than licensure, is a much more appropriate level of credentialing considering the level of education required and the type of service being provided. Registration will protect a certain title and can also require a minimum education level. In addition, rules and regulations could be adopted by SRS to reimburse only those individuals who are registered and to only certify those programs utilizing registered individuals.

2. New Section 2(b) - I have numerous concerns about this section. They are set out below:

a. SRS - I am extremely concerned about a department credentialing a care provider when such department has never been involved in credentialing. It is my opinion any

regulation of these counsellors as health care providers should be performed by the Behavioral Sciences Regulatory Board. I recognize your concerns expressed regarding being under the direction of the BSRB. However, the BSRB is the logical, and most qualified, state agency to properly analyze the qualifications of alcohol and drug abuse counsellors and further determine the appropriate rules and regulations for implementing any credentialing of these counsellors.

b. Transfer of Authority - The language on line 29 through 31 regarding transferring the authority for certification to other organizations which are not government agencies is, in my opinion, not possible. Other groups seeking credentialing through the statutory credentialing process have attempted to adopt the standards of their state or national organizations. It has been my understanding that such transfer of authority to non-state agencies is not possible. In addition, allowing an individual's professional organization to determine the credentialing requirements would result in a system no different from the one you have now except that the state would now "bless" those individuals. The purpose of a state sanctioned credentialing procedure is to provide the public with some level of security that the individual from whom they are seeking services has met certain minimum state qualifications. If those minimum standards are ever changing, depending upon the professional organization, the public has a false sense of security. Requiring the secretary of SRS to contract with these various organizations will not change the fact that the independent, private organization is actually making the determination of who will be credentialed rather than the State agency and, therefore, I believe such transfer of power is not possible.

c. Certification - Certification is a term with which I am unfamiliar. If you are going to utilize this term, I would suggest a definition be included in this legislation. It is my understanding, pursuant to a letter provided by Secretary Grant, that certification is simply a recognition granted by a non-governmental agency or the federal government. Therefore, it would appear a new definition for certification would have to be inserted at K.S.A. 65-5001 and that a definition should also be inserted in this legislation. However, I would again submit that registration is the proper level of credentialing for this group of individuals and that creation of a new level of credentialing is inappropriate.

d. Different Classes - As we discussed, the provision to allow SRS to create different classes of certification with different qualifications is troubling. It remains unclear the purpose for such different classes and I am concerned that your organization would turn this decision over to the oversight agency or board, in this case, SRS. Without knowing the purpose of the different classes and what qualifications will be in each class, I would be extremely concerned about future problems with SRS or other agency/board over this one provision. It is my suggestion that if your organization wants different levels of credentialing, that those levels, the qualifications for obtaining such level and the purpose for the segregation be clearly established in the statute.

3. New Section 2(b)(1) - The educational requirement concerns me for the following reasons:

a. Why are you restricting the bachelors degree to a bachelors of arts rather than simply a bachelors degree which would include both a bachelor of arts and a bachelor of science?

b. I am unclear as to the terms "health related field" and "social services". Leaving these terms undefined could result in a very narrow or extremely broad definition by SRS or the oversight agency/board. Either extreme would not result in the purpose of this legislation which I understand to be ensuring only qualified individuals are providing alcohol and drug abuse services.

4. Course Work - Again, the term is left undefined. This term could be interpreted to mean: only course work from an accredited, educational institution, hours spent in continuing education sponsored by a professional organization; or any other number of innovative ways to avoid or require additional higher education classes. In addition, the vagueness of this requirement, if interpreted to require classes at a higher educational institution, could result in SRS, or other oversight entity, requiring anywhere from one hour of pass/fail course work or thirty hours of graduate-level course work.

5. New Section 2(b)(2) - Requiring thirty hours of "practicum or work", is also undefined. The vagueness of these terms could result in requirements which you do not want. The term "supervision" should be defined. This could be interpreted as hands off supervision with a cursory monthly review of work performed or direct supervision including requiring the

supervising counsellor to be present or available at all times while counselling is being provided. A "certified counsellor" also remains undefined. If we are requiring supervision prior to first certification under this act, then the "certified counsellor" could not have been certified by this act. Therefore, some definition of what is meant by "certified counsellor" must be provided.

6. New Section 2(b)(3) - Again, this requirement is unacceptably vague. The legislation does not state who will approve the training courses nor does it explain whether each of the enumerated courses must be completed or whether a combination of certain of those enumerated courses must be completed and the requirements for such courses.

7. New Section 2(d)(1) - I am unaware of any other grandfathering clause which allows an offer of employment to supercede minimum qualifications or an assertion that an individual is an alcohol and drug abuse counsellor living in the state, but not necessarily practicing or employed, to circumvent the minimum qualifications.

8. New Section 2(d)(2) - I am especially troubled by the additional requirement of "experience in alcohol and other drug abuse counselling". It is my opinion that this language does not require experience as a drug and alcohol abuse counsellor but only experience in drug and alcohol abuse counselling. Therefore, if an individual has undergone alcohol and drug abuse counselling for a five year period meeting the hourly requirements and is living in the state on December 31, 1990, than the individual is deemed qualified to be an alcohol and drug abuse counsellor in the State of Kansas. Also, the hourly requirements could be deemed met by in-patient treatment.

I recognize that this is the current practice. Any individual whether or not that individual has any qualifications to be an alcohol and drug abuse counsellor can presently hold themselves out as such. I also understand the State is reimbursing many of these individuals which is a practice by SRS which should possibly be investigated. However, the important difference to remember when considering this legislation is that such individuals are not presently "blessed" by the State and there is no State sanctioning of their practice to for the purpose of assuring the consuming public. Therefore, individuals utilizing the services of an unlicensed or unregistered professional must "beware" of the services to which he has availed himself. Under this legislation, as presently written, those individuals with no more experience than previous alcoholism and

the ability to pass a test, will be sanctioned and held out by the State as qualified to provide counselling services.

9. New Section 2(e) - On line 29 of the legislation there is a grandfathering clause for individuals who are practicing counsellors in another state so long as the counsellor is certified in accordance with standards comparable to this act or which meet national standards. Again, "certified" is an undefined term. Therefore, this legislation does not state whether the certification may be through a private organization or must be some type of credentialing through a state agency. In addition, the term "national standards" is also undefined. It would be my suggestion that the individual must be credentialed by a similar state agency in the state where he is presently practicing or meet the minimum Kansas requirements. Otherwise, the purpose of this legislation is once again not being met.

10. New Section 2(f) - This section allows for a provisional certificate to be issued. I am uncertain as to the definition of "provisional certificate" and am assuming that is similar to a temporary license. However, again I would suggest preciseness rather than vagueness. It is unclear why any individual who does not meet the standards under (b) or (d) would be allowed to continue to counsel. In addition, the provision for the secretary to continue to issue these provisional certificates appears to undermine the very purpose of this legislation.

11. New Section 5 - This section deals with the creation of an advisory committee. The legislation states that the Secretary shall submit any proposed rules and regulations to the advisory committee. The legislation does not state whether the advisory committee must approve of the rules and regulations and other aspects of the credentialing process before the rules and regulations will be allowed to be enforced. The authority of the advisory committee should be stated in the legislation. In addition, the make up of the advisory committee should be specifically stated including a definition of "prevention field".

12. New Section 6 - Upon reviewing the amendment regarding exemptions for health care providers, it is my opinion this amendment does not actually exempt anyone from the act. It is my opinion the actual K.S.A.'s regarding those individuals licensed or registered would be necessary in order to adequately identify the exempt professions. No individuals are licensed or registered in this state as health care providers.

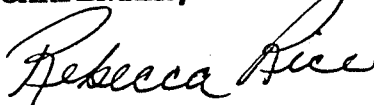
This is an overview, as requested, of my client, the Association of Community Mental Health Centers, and my concerns.

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My client, Paul Klotz, Executive Director of the Association of Community Mental Health Centers, informed me you have called a meeting for 9:00 a.m. on April 16, 1990 in Room 423-S. It is the hope of my client and myself that the issues outlined in this letter can be worked out to the satisfaction of all parties involved.

Sincerely,

CARPENTER, WEIR & MYERS, CHTD.



Rebecca S. Rice

RSR:mep

cc: Paul Klotz

10-8

RECOMMENDATION ON NEED FOR AND LEVEL OF CREDENTIALING BY TECHNICAL COMMITTEE
AND KDHE SECRETARY AND ACTION TAKEN IN THE LEGISLATURE
1981-90

Credentialing Sought For	Level of Credentialing Requested	Technical Committee's Recommendation	KDHE Secretary's Recommendation	Legislative Action
1 Naturopathic Physicians	Licensure	Denied	Denied	No Action
2 Occupational Therapists	Licensure	Approved-Licensure	Approved-Licensure	H.B. 2498 Approved-Registration
3 Respiratory Therapists	Licensure	Denied	Approved-Licensure	H.B. 2533 Approved-Registration
4 Master's Level Psychologists	Licensure	Approved-Registration	Approved-Registration	S.B. 288 Approved-Registration
5 Professional Counselors	Licensure	Approved-Licensure	Approved-Licensure*	S.B. 78 Approved-Registration
6 Dietitians	Licensure	Approved-Licensure	Approved-Licensure*	H.B. 2464 Approved-Licensure
7 Marriage and Family Therapists	Licensure	Approved-Registration	Denied	S.B. 257-Registration (being reviewed)
8 Clinical Laboratory Technologists and Technicians	Licensure	Approved-Licensure Technologists & Registration Technicians	Denied	
9 Opticians	Licensure	Denied	Denied	
10 Athletic Trainers	Licensure	Approved-Registration	Approved-Registration	
11 Speech-Language Audiologists and Pathologist	Licensure	Approved-Licensure	(Being Reviewed)	

*Original recommendation of Secretary Sabol was registration. Acting Secretary Walker, MD, changed the recommendation to licensure.

HA
 4-23-90
 Attachment 11



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
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TESTIMONY OF NANCY LINDBERG
ASSISTANT TO THE ATTORNEY GENERAL
ON BEHALF OF ATTORNEY GENERAL ROBERT T. STEPHAN
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE

RE: House Bills 3010 and 3011

April 23, 1990

Mr. Chairman and Members of the Committee:

Attorney General Bob Stephan on behalf of his Committee on Day Care asked for House Bills 3010 and 3011 to be introduced. Last summer, Attorney General Stephan organized a committee on day care to review a proposal he had made in the 1989 session of the legislature. That bill, House Bill 2451, provided for a day care center for children of state employees.

The Attorney General's Day Care Committee not only made recommendations for amendments to House Bill 2451 which was passed by the House Pensions, Investments and Benefits Committee and rereferred to this committee, but also proposed four new bills. House Bills 3010 and 3011 are two of those bills.

House Bill 3010 provides that when the state constructs, acquires, or receives as a gift any office building for state employees, or when additions, alterations, or repairs are made

HA
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Attachment 12

to existing state-owned office buildings which can accommodate state employees, the state should consider the incorporation of a child care facility.

House Bill 3011 provides that when space in state buildings and facilities are used as child care centers, no rent or charge for utilities shall be required. This is to include centers on our university campuses.

I have provided for you several attachments. Attachment #1 is a February, 1986, memo which reports on a survey of state employees. I have highlighted several items in the document including, on page 5, the recommendations. The first recommendation states: 1) continue to explore the possibilities for making space on state property available to child care centers. Even in 1986 there was a recognition that the state should consider child care centers for children of state employees.

Attachment #2 is an overview of all of the Attorney General's Day Care Committee Bills. I would like to highlight to you that House Bill 2451, that is also in your committee, is our major day care bill. Since the bill was amended in committee, I believe the fiscal note that you have on that bill is inappropriate. I have talked to the Office of Budget about providing an updated fiscal note.

The two cost estimates that are part of Attachment #3 are provided to show you what start up funds are needed for child care centers.

12-2

Attachment #4 is an article which emphasizes the benefits of employers offering on-site day care centers. It highlights the reduced turnover and absenteeism of employees when child care centers are available.

Day care has become an important issue for today's working family. We believe that the state, as an employer, should begin considering how it can invest in a program that can provide such a benefit to its employees.

We would appreciate your support on these bills. Since these bills are being considered this late in the session, it is our hope that you see the value in these concepts and recommend House Bills 3010, 3011, and 2451 for passage or at least for consideration for interim study.

For your information I have attached a copy of the membership of the Attorney General's Committee on Day care to my testimony. Several committee members are present and one member is planning to testify.

12-3

STATE OF KANSAS
DEPARTMENT OF ADMINISTRATION
JOHN CARLIN, Governor
ALDEN K. SHIELDS, Secretary of Administration
Room 283-E, Capitol Building
(913) 296-3011

1

MEMORANDUM

TO: Alden K. Shields

FROM: Faith D. Loretto *FDL*

DATE: February 11, 1986

SUBJECT: Child Care Survey - Summary

Although a few additional reports may be helpful, most of the analysis of the data from the employee child care needs survey has been completed. An exact return rate for the survey is not available as Accounts and Reports' data on the number of state employees working in Topeka was not complete. Approximately 9,000 to 10,000 surveys were distributed and 4,640 completed surveys were returned. The response rate was therefore approximately 45-50%.

It appears from the survey results that the state employee work force in Topeka has a large number of employees within the age groups generally associated with child-bearing and child-rearing. The work force also has a large number of female employees (56%). Therefore, it would be reasonable to expect that child care issues would be relevant to a significant number of employees now or at some time within the next few years. Almost one-third of the employees responding to the survey now have children under the age of 13 and one-fifth of the employees plan to have children within five years.

Employers sometimes implement some type of child-care assistance programs in order to improve their ability to recruit or retain particular groups of employees. Within the sample group, professional employees made up a larger portion of the work force than is true state-wide and were also somewhat more likely to have children than the sample group as a whole. Child care assistance may therefore be particularly useful in recruiting and retaining professional employees. Given the special problems associated with

12-4

24-hour operations and the slightly larger representation of working parents at KNI, as compared to the sample as a whole, child care assistance may also be especially pertinent to KNI employees.

Many employers begin child care assistance initiatives in an attempt to improve employee productivity by reducing some of the effects of child care problems on employees' work. Several questions relating to the effect of child care problems on work seemed to clearly demonstrate that there is indeed a relationship.

Employees with children account for about one-third of all reported instances of missed work or family related work interruptions. Those with children miss work or are interrupted two times as often as those without, and two-thirds of those occasions were related to child care problems or a sick child. Other factors, such as occupation or work schedule, did not have a clear impact on missed work or interruptions.

It is not a surprise then, that "missing work or leaving work" was listed most often as an effect of child care problems on work. Other frequently named work problems are stress, getting to work on time and working desired schedules or overtime. One-fifth of those with children reported that they have considered quitting work due to child care problems.

The effect of child care problems on co-workers is apparently not perceived as a widespread problem. However, about a quarter of all respondents reported that they had experienced either "some" problems or "major" problems in this area. At KNI and Topeka State Hospital/Printing Plant, the number reporting work difficulties related to co-workers child care problems climbs to 46% and 33%, respectively. Therefore, particular attention should be directed to those work sites when further consideration is given to what initiatives the state should take in providing child-care assistance.

Several types of child care assistance were identified prior to beginning this survey. Each of those options is discussed below with respect to the survey findings.

1. Reduced hours positions and flex-time accommodate scheduling needs of parents and allow parents with young children to re-enter the work force gradually. Getting to work on time is considered to be a problem by 40% of the employees with children; increased use of flex-time may be of some help in that area. However, a fair number of parents report that they are already on flex-time (41.4%). The survey results do not give any clear indication as to whether more "reduced hours" or part-time positions would be helpful.

2. Parent education classes, while perhaps helpful to working parents experiencing stress, would not address many of the issues that seem to be of most concern.

3. An information and referral service also seems to be less related to employee concerns. Finding child care did not surface as one of the most significant problems faced by parents. Quality of care did seem to be of some concern; the utility of an information and referral service may be increased if it involved some review of the quality of care provided.

4. As "cost of care" was listed by over half of those surveyed as a problem, a voucher program or discounts with certain providers would provide some valuable assistance. However, such an approach is more likely to generate opposition from co-workers without children, is more costly and has other associated problems.

5. Space reservations are most appropriate when quality care or child care in certain geographic locations is at a premium. The survey did not clearly indicate that either circumstance exists.

6. A sick child care program could be one of the options that would most directly affect child care problems identified by the survey. As noted before, interruptions and missed work are related to child care problems, including sick children. Finding care for sick children topped the respondents' list of child care problems. It would be interesting to share the survey results with hospitals and day care centers in Topeka to see whether it would generate any interest on their part

in initiating such programs. I understand that some hospitals with empty beds in their pediatric wards have begun providing such a service. Cost of sick child care and employee acceptance would need to be investigated further.

7. The survey provides mixed messages about the viability of on-site or near-site child care centers. Most employees are currently using home settings for their child care and indicated that they prefer home care (whether in their own home or a day care home) for children under 2 1/2 years. Child care centers were reported as the preferred form of care for pre-school children over 2 1/2 years old. Many employees surveyed did not report a preference as to location of care for children under school-age, although those that did respond like the idea of having their children at or near work (33% to 38%). For school-age children, however, the preferred form of care was an after school program at or near the child's school.

Despite the fact that there did not appear to be a clear preference for an on-site or near-site center, it is interesting that the employees who are most satisfied with their child care arrangements are those whose children are in child care centers. Furthermore, an on-site or near-site center may have the potential to have some direct impact on several problems reported by employees -- emergency care (child care center care should be more reliable than day care homes), getting to work on time, and possibly stress.

Despite the mixed messages about near-site care, it may be worthwhile to share survey results with other downtown employers, with day care providers and with city planners to encourage cooperative ventures.

8. Before and after school programs, not surprisingly, would be desirable and helpful according to respondents. School-age children make up the largest proportion of children identified by the survey. Thirty percent of school-age children reported in the survey are cared for at home by an older sibling or are "latch-key" children. Parents of these children were clearly not as satisfied with that type of arrangement as those employees using other types of care. As noted

*

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Alden K. Shields
February 11, 1986
Page 5

before, most respondents preferred to have their school-aged child cared for in a before/after school program (51.7%) and they preferred to have their school-age children near their school (48.8%).

It is obviously not practical for the state to sponsor before and after school programs across the city. As suggested before, we may wish to share this information with child care providers and the local school systems to encourage development of additional programs of this type.

These comments represent only a cursory consideration of what types of child care assistance initiatives may be helpful to state employees and do not consider such factors as cost and liability. It is obviously more difficult for the state to directly intervene by subsidizing employees' child care expenses, making space reservations or running a child care center. Expansion of the proposed cafeteria benefits program to include employer-pickup of some child care expenses for tax purposes may provide some indirect relief and should be considered. However, I believe that we should: (1) continue to explore the possibilities of making space on state property available to child care centers; and (2) use the survey results to open dialogues with other employers, child care providers, city planners and school boards in the hopes of encouraging cooperative ventures. *

FDL:cm

12-8

ATTORNEY GENERAL'S DAY CARE COMMITTEE LEGISLATION

The five bills before the Legislature from the 15 member Day Care Committee are:

House Bill 2451 - This bill was introduced last year as a pilot project for a day care facility for children of state employees. As passed out of Pensions, Investments, and Benefits Committee it no longer is a pilot. It provides that the Secretary of Administration implement a program establishing child care centers to accommodate state employees.

- operators selected on the basis of competitive bids.
- centers would have to be licensed by Health and Environment.
- centers would have to meet accreditation requirements of the National Academy of Early Childhood Programs.
- except for start-up costs the centers are to be financially self-sufficient.
- if center is in a state building, the rental fee and utility costs shall be waived.

The bill has now been re-referred to House Appropriations.

House Bill 3009 - This bill amends the statute that requires the Secretary of Administration to convene a negotiating committee to select an architect for state capital improvement projects whose total cost is expected not to exceed \$500,000. Current law is \$250,000. This bill has passed the House and Senate.

House Bill 3010 - This bill proposes that when the state constructs, acquires, or receives as a gift any office building for state employees, or when additions, alterations, or repairs are made to existing state-owned office buildings which can accommodate state employees, the state should consider the incorporation of a child care facility. This bill is in House Appropriations.

House Bill 3011 - This bill proposes that state buildings used for child care centers be made available at no cost. This bill would apply to centers on state university campuses. Example: KU charges their center \$1 a year for rent. At K-State, they are charged \$24,000. This bill is in House Appropriations.

The last bill does not have a number yet. It is a proposal establishing a Child Care Fund to which funds shall be allocated from the amount appropriated in the voluntary contribution on state income tax returns. The Child Care Fund shall be used to encourage development of child care programs. It continues a program that was in place ten years ago that got about 25 community child care centers started. The fund would be administered by the Office of Children and Families. The concept was introduced in House Taxation.



3. a.

TO: KANSAS REPRESENTATIVES

FROM: CHERYL SMITH, CORPORATE KIDS INC.
MEMBER: ATTORNEY GENERALS CHILD CARE TASK FORCE

RE: CASE STUDY ON START UP FUNDS FOR CHILD CARE CENTERS

1. General Services Administration North Office in Kansas City Missouri establish a child care center to serve 70 children at 601 E. 12th Street in September of 1987.

Location: 1st. floor - 2 Conference Rooms
2 existing bathrooms

Cost: Remodeling cost:	\$138,438.52
Toys/playthings	5,793.21 (should be more!)
Equipment/furnishings	6,874.57
Appliances/fixtures	4,278.22
Outdoor play equipment:	\$9,051.20

Total Start-up Cost \$164,435.72

Note: GSA took existing bathrooms and lowered the sinks so children could reach them. The toilets remained the same. The kitchen was installed including a exhaust system that went up 18 stories. The space was divided so the infant toddler rooms are separate from the older children. The classroom space for older children had 8 foot dividing walls. There is a commons area for eating, and art activities.

General Services, Core of Engineers, IRS, U.S. Weather Bureau, and Social Security agencies furnished the start up cost. GSA provides the space, utilities, and cleaning services. A-not-for profit parent corporation was formed and is the governing body. This not for profit corporation contracted with CORPORATE KIDS INC. to manage the center. The operating budget for Corproate Kids Inc. is derived from the parent user fees.

Parents using the center pay the following:

Infants/Toddlers	\$75.00 a week
2 year olds	\$65.00 a week
Pre-Schoolers	\$60.00 a week

The center is full with a waiting list of 37 children.

NOTE: Remodeling of space for a child care center can vary greatly depending on the plumbing and need for fire walls. At GSA only one fire wall was needed and therefore the cost was contained. The most important part of containing cost is to work with a consultant and architect that understand the needs of child care and do not "over build".



Downtown Branch
421 Van Buren
Topeka, KS 66603
913-354-8591

YMCA Mission:
To put Christian
principles
into practice
through programs
that build healthy
body, mind and
spirit for all.

KAN WORK

3. 6

Cost Summary

Renovation and equipping

Building & renovation Costs:

Architect & Engineering fees	\$12,843.53
Outdoor play structure and play-ground preparation	2,817.01
Building renovation contract	95,714.75
Site preparation & permit	2,156.30
Less sales tax refund	<u>(3,749.16)</u>
Total Building & Renovation Costs	<u>\$109,782.43</u>

Equipment Costs:

Toys, classroom aides, linens & initial supplies	\$13,240.73
Office equipment and initial supplies	2,161.01
Janitorial & kitchen equip. & init. supp.	1,617.32
Storage units, tables & chairs, cots, curtains and blinds	14,354.06
Major appliances (2-tv's, 2-vcr's washer/dryer, microwave)	3,235.00
Room partitions	1,185.00
Van	18,304.35
Fire alarm, intercom & phone	559.56
Less sales tax refund	(421.03)
Additional storage, chairs & toys	2,745.92
Bathroom dividers	640.00
Fence for additional playground space	<u>900.00</u>
Total equipment Costs	\$58,521.92

Total Spent \$168,304.35



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12-11

TCT 11-19-89 4

Day-care benefit helps bottomline

Companies find child care programs attract, keep employees

By AUDREY HAAR

L.A. Times-Washington Post Service

It saved a California bank at least \$138,000 in one year. A bank in Virginia says it greatly increased employees' willingness to work overtime and reduced tardiness. And a North Carolina software company credits it with reducing employee turnover to just 15 percent of the industry average.

All these companies offer on-site day care for employees' children. Industry analysts point out that day-care referral services and financial assistance provided by employer-sponsored flexible spending accounts and vouchers are also effective ways of raising the productivity and lowering the stress of working parents while providing bottom-line value to the employer.

Companies that have taken the plunge and established on-site day-care centers rave about the employee response, and though few have conducted a cost-benefit analysis, those that do say they have noticed bottom-line benefits.

A cost-savings study of Union Bank's on-site child care center in Monterey Park, Calif., showed that the bank saved between \$138,000 and \$232,000 during 1987, the first year of the center's operation. The savings came primarily from reduced turnover and absenteeism, and shortened maternity leaves. The bank, which had 1,200 employees at the time of the study, provided \$105,000 in operating support to the center that year, in addition to the total start-up cost of \$430,000 for the center, which has places for 64 children.

Employee retention has been another positive result. At Dominion Bankshares, a Roanoke, Va.-based bank holding company with offices in Maryland and Washington, a 1987 survey one year after establishment of a day-care center at its headquarters showed that 48 percent of the workers said the center was a factor in their decision to stay at Dominion.

SAS Institute Inc., a producer of computer software products in Cary, N.C., established its day-care center in 1981, during a period when the computer-industry employee turnover rate hit 32 percent. Last year, when turnover in the industry averaged 28 percent, SAS' was just 4 percent.

"In the '90s, employers will be bidding for the best people and will use the benefit package as a tool. Child care is now a part of that package," says John Musto, a Pennsylvania consultant to area companies about day care.

The need to attract and retain employees is expected to become more critical as the year 2000 approaches. By then, the U.S. Department of Labor predicts, women will account for 47 percent of the labor force.

A three-year study by the National Council of Jewish Women's Center for the Child in New York has found that women were 9 percent more likely to return to their jobs after childbirth if their employer offered some type of child-care support.

Supervisors at SAS also noted increased productivity from parents who know their children are in a safe place. The children have lunch in the company cafeteria, and parents have the option of eating with them, company spokeswoman Lynne Donges said.

Dominion's survey also documented that, after the establishment of the on-site center, absenteeism for all reasons decreased 31 percent among parents with children in the center. The survey also showed that 63 percent of the parents said they could work more overtime, and 60 percent said their child-care-related tardiness was reduced.

The bottom line has not always been a factor. A pioneer in company-sponsored day care, Stride Rite Shoe Co. in Cambridge, Mass., began its company day-care center 19 years ago because the company president, now chairman of the board, saw a community need.

Stride Rite has expanded its program to include two centers and has a third under construction. The company created its day-care program because "it's the right thing to do," said Karen Leibold, director of program development for Stride Rite's Children's Centers.

People generally equate employer-supported child care with an on-

site child care center because the centers have received the most attention, but there are less expensive alternatives available to companies interested in making a child-care service available to their employees. Those alternatives include:

- Centers funded by a consortium of companies. Several companies can share the costs of a day-care center by contributing seed money for the construction or rehabilitation of a facility, underwriting a center's operating costs or subsidizing tuition costs.

- Community child-care resource and referral. The resource and referral services help parents locate child-care providers in their community, and often they also tell parents how to judge quality child care. This is the most used day-care option because start-up and maintenance costs are lower than for some of the others, and it is popular with compa-

nies that have several locations. The advantage to the employee is that he or she has the option of selecting a child-care provider, while the company pays the cost of the service.

- Alternative work schedules. Alternative work schedules also benefit employees who have elderly parents to care for. These options include "flextime," flexible daily starting and stopping times; compressed time, more hours per day but fewer days per week; task contracting, employee must complete work in a given time frame, but need not specify hours or time worked; job sharing and part-time.

- Sick-child care programs. To address the problem of parents missing work to care for ill children, sick-child care centers are springing up all over the country. In essence, an employer would underwrite the many of the operating costs such a facility for use by its workers.

12-13

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12-14

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12-15

HOUSE APPROPRIATIONS COMMITTEE

TESTIMONY BY: Nancy F. Bolsen
Director, KSU Child Development Center
L-9 Jardine Terrace
Manhattan, KS 66502

HOUSE BILLS: 3010 and 3011

DATE: April 23, 1990
Room 514 South
State Capitol Building

In the 1990's, national forecasts indicate that there will be an increasingly tight labor market, in addition with a larger number of women entering the work force. These facts will spur the need for child care in all labor markets. Currently, at state universities and community colleges in Kansas, child care services are being provided to some student, faculty and staff families affiliated with these entities of higher education.

At recent forums held in Washington, D.C. by a nonprofit, nonpartisan group to address the issue of balancing family and work in the 1990, eighty-two percent of the participants indicated that the employer should change personnel policies to reflect this change and 64% gave support to a \$500 million yearly tax-incentive program to encourage businesses to subsidize employee day care or set up on site centers.

Child care has been put as a priority for the 1990's. House Bills Numbers 3010 and 3011 currently before you, speak directly to this issue on how The State of Kansas can assist some of their employees with child care. As employees of the State of Kansas, university and community college faculty and staff and students, particularly the non-traditional students request and need on-site day care centers and other subsidies to start up centers or continue to exist and provide the quality of care needed at these institutions.

House Bill 3010 allows state agencies, including state universities and colleges to include child care centers for their employees and others in their plans for all newly acquired, remodeled or constructed buildings and facilities. This bill would meet the trend forecast for the child care priorities of the 1990's and assist centers of higher education in their commitment to quality education by recruiting and retaining its faculty, staff and students. As far as other state agencies, let me repeat what was stated in a recent Topeka Capitol Journal (12/31/89) editorial: ". . . As the biggest employer in Kansas, state government must stay on the cutting edge of personnel policy to attract and hold the best and most efficient workers available".

HA
4-23-90
Attachment 13

With this legislation, the State of Kansas demonstrates its commitment to Kansas children and children's need of quality care as a good benefit for their valued State employees. House Bill No. 3011 allows state agencies to have child care provided in their building/facility space, and for the center to use this space in state owned buildings free of rent and utilities. At this point in time child care centers on university and college campus, that I am aware of, have varying kinds of arrangements with state agencies from no rent to \$24,000 a year.

This legislation would allow the state agencies to be consistent in their provision of child care to their employees and assist those centers currently paying rent. Currently, when a center is paying out money for space (a recent study by the Government Accounting Office indicated that about 20% of expenses of centers in the study went to rent/purchase payments of buildings) the Center has to incorporate that cost and normally do so in decreased salaries for the center staff or through increased rates to families.

Many of you are aware of the crisis of the low wages in child care in this nation. Modigliani (1988) stated that professionals that provide care/education for young children in the United States work in the second most underpaid occupation. Providing a rent and utility free space in a state owned building would not only assist state employees but also the early childhood professionals who provide that quality care for their children.

I urge you to put these two bills on your agenda for interim study. They are valuable to those who are employees of the State of Kansas and they will impact on future Kansas Children.

Thank you.