

Approved _____

Date 3-27-90

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at
Chairperson

1:40 a.m./p.m. on March 21, 1990 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Robert C. Barnum, Commissioner of Youth Services, Department of
Social Rehabilitation Services

Chair called meeting to order when quorum was present.

Recorded this date, (Attachment No. 1 is fiscal note on SB 446).
(Attachment No. 2) is proposed amendments from Kansas Medical Society
provided by Chip Wheelen.

SB 434, (Information on Foster child shall be given to foster families.)

Chair requested Mr. Furse explain SB 434 which was scheduled for
hearings this date.

Mr. Furse then gave a comprehensive overview on SB 434. He then
answered numerous questions from committee members.

HEARINGS BEGAN ON SB 434.

Robert C. Barnum, Commissioner of Youth Services, Department of SRS,
offered hand-out, (Attachment No. 3). He began by answering questions
that had been asked earlier. Rates paid to foster parents are different
for different age groups. Ages 0-4 & 7.41 a day is paid. Ages 5-
11 \$10.02 a day is paid, ages 12-18 \$12.70 a day is paid. He noted
there is a difference for residential settings since there are more
medications administered, and care is more acute in some cases.

Mr. Barnum began his testimony on SB 434 noting this legislation
currently reflects SRS policy specified in the SRS Youth Services
Manual regarding what information is to be provided foster parents.
They support the idea that foster parents must be provided information
about the children to be placed by SRS. SB 434 will facilitate this
being done. He noted SRS is beginning a "state of the art" training
program for family foster parents and adoptive parents. We will
emphasize in the training the critical need to provide foster parents
adequate information that is available. With the addition of the
recommended amendment, their Department supports favorable passage
of SB 434. He answered numerous questions, i.e., yes, the information
is vital in regard to specific health related problems; diabetes
history for example is vitally needed; yes, we do obtain school records
in some instances where we feel it is germane, for example, if they
must change schools; yes, we are talking about all types of foster
homes, mom and dad homes, residential homes, group homes, all would
be under this legislation; the reason we have requested this bill
now is because this kind of information has been needed and has not
been reported, yes, there are a few private pay insurance instances,
but very few.

HEARINGS CLOSED ON SB 434.

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.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S Statehouse, at 1:40 /a.m./p.m. on March 21, 1990

Chair drew attention to HB 3003. He noted it is still in sub-committee and that sub committee plans to meet again today and will provide a committee report as soon as they have completed work on the bill.

HB 2802 he stressed discussion on this bill would take more time than we have available today. Committee will work the bill as soon as time allows.

Chair then drew attention to Discussion and action on bills.

SB 639. (Administration of medications in Institutions for Mentally Retarded persons.)

Rep. Cribbs moved to report SB 639 favorably for passage, seconded by Rep. Scott. Discussion ensued, i.e., some felt the State Board of Nursing had good arguments against this legislation, against untrained persons giving out medications. Vote taken, division requested, show of hands indicated 12 in favor, motion carried.

SB 552 (Regulation of laboratories doing certain testing.)

Rep. Shallenburger moved to pass SB 552 favorably and have it placed on Consent Calendar, seconded by Rep. Amos, motion carried.

SB 433 (Reinstatement of license of Social Workers)

Chair invited Rep. Branson to explain amendments proposed by Department of SRS. She noted changes proposed and gave rationale, i.e., on line 36, after "education" insert "within 2 years prior to application for reinstatement"; page 2, line 40, after "license" add language, "unless there are extenuating circumstances approved by the Board". At this point there was discussion in regard to these SRS recommendations, i.e., language should be less broad in regard to extenuating circumstances; committee should make language more specific some felt; there is no limit to times persons can take the examination.

At this point, Rep. Shallenburger moved to amend SB 433 on Page 2, line 40, after "license", to add "unless there are extenuating circumstances approved by the Board. Motion seconded by Rep. Wiard. Discussion ensued, i.e., some felt the Board needs this flexibility; some felt broad language unwise; this would not affect the cost of the examination at all. Question called for, vote taken, motion carried. Rep. Buehler recorded as NO vote.

Rep. Weimer moved to further amend SB 433 on page 3, line 36 after "education" place a comma, then add "within two years prior to application for license". Motion seconded by Rep. Amos. No discussion, Vote taken, motion carried.

To further amend SB 433, Rep. Amos made motion to amend on Page 3, line 11 to strike 10 days and return 15 days, (he gave rationale). Motion seconded by Rep. Buehler. Discussion ensued, i.e., some felt this position had already been added and is in place in budget. Vote taken, motion failed.

On SB 433 as a whole, Rep. Branson moved to pass it favorably as amended out of committee, seconded by Rep. Flower. No discussion, vote taken, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:40 a.m./p.m. on March 21, 1990

SB 529 (Reporting of AIDS to H/E, authorizing physicians to disclose some information.

Rep. Hochhauser made motion to pass SB 529 out favorably, seconded by Rep. Cribbs. Discussion began. It was noted there had been a proposed amendment from Kansas Medical Society which was discussed. Rep. Hochhauser and Rep. Cribbs both withdrew their motions at this point. Staff explained rationale of this proposed amendment from Medical Society. Rep. Wells moved to amend SB 529 on Page 4, line 36, insert, "The information shall be confidential and shall not be disclosed by such spouse or partner to other persons except to the spouse or partner who has had a positive reaction to an AIDS test." (As proposed in Attachment No. 2). Motion seconded by Rep. Buehler. Discussion ensued, i.e., concerns in regard to how can this be enforced. Vote taken, motion carried.

On SB 529 as a whole, Rep. Hochhauser moved to report the bill favorably as amended, seconded by Rep. Cribbs, motion carried.

SB 543. (Treatment of patients by Physical Therapist's Assistants)

There was discussion in regard to italicized language, and it was noted this is a printing correction to made and no motion required.

Rep. Wiard moved to report SB 543 favorably for passage, seconded by Rep. Cribbs, motion carried.

Chair drew attention to SB 446. He noted there is concern in regard to the fiscal note which would add a position, office furnishings, and all this is being challenged. Action on SB 446 will be deferred another day.

Chair noted further that sub-committee report on HB 3003 will be ready for next committee meeting, and HB 2802 will also be worked at the next meeting.

At this time Chair noted it may be the last time this committee will not have to dash out of committee room in order for the room to be prepared for the next committee, and he took this rare opportunity to make announcements. He will relinquish the chair and turn the meeting over to the Vice-Chair when committee works HB 2802.

He expressed his thanks to all members and staff again this year for their patience and interest and cooperation. Chair does not plan to run for re-election, (since his District has been dissolved), and he is hopeful that whoever is appointed as Chairman of the House Public Health and Welfare Committee in the future will be as fortunate as he in having such great members as currently on committee. Chair offered his sincere thanks.

(Committee members applauded Chairman.....)

Meeting adjourned 2:35 p.m.

GUEST REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

Date 3-21-90

| Name | Organization | Address |
|----------------------|--|----------|
| Dave Ramsey | HNS | |
| Kathy R Landis | CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS | TOPEKA |
| ALAN COBB | KS Resp Care Soc. | TOP |
| John Gume | KANA | " |
| Frances Rastrek | Ks Physical Therapy Assn | Topeka |
| Dicky Hummel | Ks Honora Care ASSN | TOPEKA |
| Jack Koen | KATH- | " " " |
| Mark Intermill | Kansas Coalition on Aging | Topeka |
| Marilyn Bradt | KINTH | Lawrence |
| Claire McCurdy | Ks. Sect. on Aging | Topeka |
| THOMAS C (Tim) Owens | SRS | TOPEKA |
| Gus Feld | K-NASW | Jop. |
| Pat Johnson | Board of nursing | Topeka |
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STATE OF KANSAS



DIVISION OF THE BUDGET

MIKE HAYDEN,
Governor
MICHAEL F. O'KEEFE
Director of the Budget

Room 152-E
State Capitol Building
Topeka, Kansas 66612-1575
(913) 296-2436

January 25, 1990

The Honorable Roy Ehrlich, Chairperson
Committee on Public Health and Welfare
Senate Chamber
Third Floor, Statehouse

Dear Senator Ehrlich:

SUBJECT: Fiscal Note for SB 446 by Senators Ehrlich and Anderson

In accordance with KSA 75-3715a, the following fiscal note concerning SB 446 is respectfully submitted to your committee.

This bill would direct the Secretary of Health and Environment to establish a community health center demonstration program to provide health care services to the medically indigent. The program would be established in two counties, one urban and one with a population of less than 20,000. Services provided would include emergency, acute and intermittent care. Eligibility for services and a sliding fee scale would be established by the Secretary. The bill authorizes the Secretary to pursue federal, local and private grants and contracts to establish the program. On or before December 31, 1992 the Secretary would report to the Governor and legislature concerning the operation of the program. The agency estimates that the urban center would serve approximately 4,000 patients per year and the rural center about 1,500.

The Department of Health and Environment estimates that the implementation of the bill's provisions would require additional salaries and wages expenditures totalling \$36,913 for one administrative position in the department, as well as other operating expenditures totalling \$10,839. The position would administer state coordination and evaluation for the program.

In addition to funding for administration, the agency estimates total urban clinic operating expenditures of \$501,190. The amount includes salaries and wages of \$287,000, fringe benefits and insurance of \$76,940 and other operating expenditures of \$137,250. The urban clinic would be staffed

PHW
3-21-90
Attn. #1.

The Honorable Roy Ehrlich
January 25, 1990
Page Two

by one medical doctor, two advanced registered nurse practitioners, two nurses and five support staff members. The agency estimates that operating expenditures for the rural center would be similar on a per patient cost basis.

Under this assumption, operating expenditures for both clinics would total \$689,136. Of that amount, the agency estimates that approximately one third, or \$229,712 would be recovered from patient fees. The remaining \$459,424 would be from aid generated from state, federal or other sources. Sources of funding for aid would depend on the success of the agency in locating funds from the federal government or private sources. Should other sources not be found, funding would be from the State General Fund.

Any additional expenditures from the State General Fund or other funds required as a result of passage of the bill are not included in the *FY 1991 Governor's Report on the Budget*.



Michael F. O'Keefe
Director of the Budget

cc: Laura Epler, Health and Environment
355

P. Hall
3-21-90
Attn #1
pg. 2

county or joint board of health to perform duties required to be performed by the secretary under subsection (a) as specified by such agreement. The confidentiality requirements of subsection (b) shall apply to any duties performed pursuant to such an agreement.

Sec. 3. K.S.A. 1989 Supp. 65-6005 is hereby amended to read as follows: 65-6005. Any person violating, refusing or neglecting to obey any provision of K.S.A. 1988 1989 Supp. 65-6001 through 65-6004, and amendments thereto, or of the rules and regulations adopted by the secretary for the prevention and control of AIDS shall be guilty of a class C misdemeanor.

Sec. 4. K.S.A. 1989 Supp. 65-6006 is hereby amended to read as follows: 65-6006. The secretary shall prepare for distribution to the district courts of the state educational material explaining the nature, causes and effects of HIV and AIDS and other information relating to HIV and AIDS as may be appropriate. The clerks of the district courts or judges thereof, when applied to for a marriage license, shall provide copies of such educational material to the parties to the proposed marriage.

Sec. 5. K.S.A. 1989 Supp. 65-6002, 65-6003, 65-6005 and 65-6006 are hereby repealed.

Sec. 3. K.S.A. 1989 Supp. 65-6004 is hereby amended to read as follows: 65-6004. (a) Notwithstanding any other law to the contrary, a physician performing medical or surgical procedures on a patient who the physician knows has AIDS or has had a positive reaction to an AIDS test may disclose such information to other health care providers or emergency personnel who have been or will be placed in contact with bodily fluids of such patient during such procedures. The information shall be confidential and shall not be disclosed by such health care providers or emergency personnel except as may be necessary in providing treatment for such patient.

(b) Notwithstanding any other law to the contrary, a physician who has reason to believe that the spouse or partner of a person who has had a positive reaction to an AIDS test may have been exposed to HIV and is unaware of such exposure may inform the spouse or partner of the risk of exposure.

(c) Nothing in this section shall be construed to create a duty to warn any person of possible exposure to HIV.

(d) Any physician who discloses information in accordance with the provisions of this section in good faith and without malice shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed in an action resulting from such disclosure. Any such physician shall have the same immunity with

respect to participation in any judicial proceeding resulting from such disclosure.

Sec. 4. K.S.A. 1989 Supp. 65-6001, 65-6002 and 65-6004 are hereby repealed.

Sec. 6 5. This act shall take effect and be in force from and after its publication in the statute book.



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue · Topeka, Kansas 66612 · (913) 235-2383

Chip Wheelen
Director of Public Affairs

The information shall be confidential and shall not be disclosed by such spouse or partner to other persons except to the spouse or partner who has had a positive reaction to an AIDS test.

PHell
3-21-90
Attn. # 2

Department of Social and Rehabilitation Services

Testimony before

House Public Health and Welfare Committee

Regarding

Senate Bill 434

March 21, 1990

Robert C. Barnum
Commissioner of Youth Services
Kansas Department of Social and Rehabilitation Services
(913) 296-3284

*PHedw
3-21-90
Attn. #3*

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Winston Barton, Secretary

Testimony in Support of S.B. 434

An Act concerning foster care children; relating to information available to the foster family from the secretary of social and rehabilitation services.

(Mr. Chairman), Members of the Committee, I am appearing today in support of S.B. 434 which mandates that SRS provide certain information to foster parents on children being placed with them by SRS.

This bill reflects current SRS policy specified in the SRS Youth Services Manual regarding what information is to be provided foster parents. SRS strongly supports the idea that foster parents must be provided the information SRS has regarding children we are placing with them in order for the foster parents to be able to adequately serve these children.

The bill has been amended by the Senate Committee on Public Health and Welfare to mandate the Secretary to seek to obtain certain information, and then provide this information to the foster parents as it becomes available to the Secretary. We believe this amendment facilitates implementation of the bill.

SRS is currently beginning a "state of the art" training program for family foster parents and adoptive parents. We will emphasize in this training the critical need to provide foster parents adequate information that is available to the agency as we place children in family foster homes.

With the addition of the recommended amendment, the Department of SRS supports the enactment of S.B. 434.

Winston Barton
Secretary
Department of Social &
Rehabilitation Services
(913) 296-3271

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3-21-90
Attn #3
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