

Approved _____ Date 3-22-91

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Carol H. Sader at _____
Chairperson

1:30 /a.m./p.m. on March 19, 1991 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:

- John Alquest, Acting Commissioner of Income Support of Medical Services, Department of SRS
- Joseph Kroll, Department of Health/Environment
- Roberta Sue McKenna, Attorney for Youth Services, Dept. SRS

Chair called meeting to order.

Chair announced the appointment of a subcommittee which will be working on credentialling legislation. Rep. Wiard, Rep. White, Rep. Samuelson with Rep. Wiard serving as Chairman.

Chair drew attention to agenda this date, i.e., hearings to be held on HB 2484, HB 2485, HB 2487.

HEARINGS BEGAN ON HB 2485.

Chair requested a staff briefing on HB 2485. Mr. Furse explained the bill in full detail.

Chair noted a fiscal note on HB 2485 was available from Division of Budget. Chair read the fiscal note to members, and noted copies of it will be available tomorrow.

Hearings began.

Joseph Kroll, Bureau of Adult/Child Care, Department of Health/Environment offered hand-out (Attachment No. 1). Mr. Kroll noted this legislation would remove a requirement that an alleged perpetrator be given notice of the proposed agency finding, and an opportunity to reply formally concerning this proposed finding. By removing this requirement, it will allow the alleged perpetrator to move directly to the administrative appeals process. Currently, there is a delay in the fair hearings process. He noted more timely resolution of complaint investigations by SRS will allow for more effectiveness and efficiency for all departments. The Department of Health/Environment supports favorable passage of HB 2485. He answered questions.

Roberta McKenna, Staff Attorney for Youth Services, Department of SRS gave testimony on behalf of Carolyn Risley Hill. (Attachment No. 2). She noted due process procedure was mandated in 1988 including the requirement that an alleged perpetrator be given the opportunity for an informal review of the agency's proposed finding. It was hoped this interim step would reduce the number of cases proceeding to a Fair Hearing, but this has not been the case and has in fact caused confusion. This interim step was created to save the individual time, (and perhaps loss of days of employment). It has been an unsuccessful step in the procedure for both the individual and agencies involved. Passage of HB 2485 would eliminate this step without affecting the due process procedure.

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 1:30 a/m./p.m. on March 19, 1991

HEARINGS CONTINUED ON HB 2485.

She answered numerous questions, i.e., time restrictions on procedure of investigation for alleged child abuse; child can be interviewed in a school setting; every effort made to protect the child from the alleged perpetrator; a list of characteristics describing situations involving child abuse is used in investigative procedures. This grid was detailed noting highest risk to lowest risk.

Ms. McKenna responded to staff, "Yes, it is the opinion of the Department that if this interim step is eliminated they would still be in compliance with an Attorney General's opinion, and would meet constitutional standards." "Yes, the individual in question, would still have the right to a fair hearing under the Administrative Procedures Act".

HEARINGS CLOSED ON HB 2485.

HEARINGS BEGAN ON HB 2484.

Chair requested a staff briefing on HB 2484. Mr. Furse detailed the bill.

John Alquest, Acting Commissioner of Income Support of Medical Services, Department of SRS offered hand-out (Attachment No. 3). He noted HB 2484 would bring the membership of KanWork Council into compliance with the Federal Family Support Act of 1988 with the membership to include a member of the Department of Education. He noted minor additional costs would be created for travel and per diem for one additional member to quarterly meetings. This legislation has been requested by the Department of SRS. He answered questions.

It was questioned whether the addition of a member from the Department of Education representing Vo-Tech education and Community Colleges, would create a bias since there is no representative on the Council from the Universities and Colleges. This view was discussed.

Mr. Alquest noted he would be happy to convey questions to the Department in regard to HB 2484 in order that a response could be made to this Committee by the Department, since this particular legislation is not within his area of expertise.

Chair requested the Department of SRS to relay information to Committee on Public Health/Welfare on the decision to appoint a faculty member engaged in teaching social welfare. He agreed to do so.

HEARINGS CLOSED ON HB 2484.

Chair read the fiscal note for HB 2484 from Division of Budget. Chair noted this fiscal note would be made available to all members.

HEARINGS BEGAN ON HB 2487.

Chair requested a staff briefing on HB 2487. Mr. Furse gave a detailed explanation of the bill. Mr. Furse drew attention to the wordage, "ex officio secretary", noting this language too loose and could be misinterpreted.

Chair read fiscal note on HB 2487 to committee members. She advised this fiscal note would also be made available to each member.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 1:30 /a.m./p.m. on March 19, 1991

HEARINGS CONTINUED ON HB 2487.

John Alquest, Acting Commissioner/Income Support/Medical Services of Department of SRS gave hand-out (Attachment No. 4). Mr. Alquest noted the request for this legislation comes from Department of SRS. The current Advisory Committee is functioning at a low level of influence and visibility. With the major issues of health care and planning that will be required of the Department, it is vital a Commission as proposed in HB 2487 have good thinking, influential people on it. A formally sanctioned committee could assist the Department in the decision-making on health care for the future. He noted language in line 30 and he sees no rationale for wordage "ex officio".

There was discussion held on this reference.

Mr. Alquest answered numerous questions, i.e., the Department makes sure information is available on the services that are available to recipients; definition of recipient; he would encourage involvement of members of the Commission in the health planning meetings; the Department makes recommendations for appointees to the office of the Governor.

Chair suggested the Department might wish to reconsider some of the wording in the bill and come up with alternative language. They might wish to work with the research and revisor's staff when doing so. Chair noted it would be helpful if this were done before discussion was held on HB 2487.

HEARINGS CLOSED ON HB 2487.

Chair opened discussion on HB 2033.

Chair gave background information from last discussion held on HB 2033, i.e., how to define and quantify both the class of persons serving as care-givers and those who would be cared for, and income qualifications. Chair noted there had been a hand-out sent to each member from the Research Department that responded to income categories and average Kansas tax liability within each income category.

Discussion ensued.

A suggestion to change the definition for "disabled person".

Rep. Amos moved to amend HB 2033 by having the bill now read beginning in line 21, "Disabled person" means an individual who: has chronic physical or mental limitations which restrict individual ability to carry out normal activities of daily living and which threaten an individual's capacity to live an independent life; and who is receiving services under the home and community based services program of the department of social and rehabilitation services. Motion seconded by Rep. Praeger. Lengthy discussion continued.

Question called for by Rep. Neufeld, seconded by Rep. Bishop. Vote taken, motion carried.

Rep. Bishop moved to amend HB 2033 on line 14, by striking \$600 and inserting \$1000". Motion seconded by Rep. Love. Discussion held. Vote taken. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on March 19, 1991

DISCUSSION CONTINUED ON HB 2033.

Rep. Neufeld moved to amend HB 2033 on line 21 to strike "disabled" and insert "eligible", and where applicable throughout the bill. Motion seconded by Rep. Bishop. Motion carried.

Rep. Love moved to amend HB 2033 in line 32 to strike \$20,000 and insert \$30,000. Motion seconded by Rep. Cozine. Motion carried.

Rep. Bishop moved to report HB 2033 favorably as amended. Motion seconded by Rep. Cribbs. Discussion held in regard to fiscal note. Some felt concerns about having no idea what the fiscal impact would be in regard to HB 2033. It was suggested a revised fiscal note might be prepared. Further, it was brought out, with amendments placed on HB 2033 today, it will better enable the Budget Division to come up with a more realistic fiscal note. It was determined a revised fiscal note would be beneficial to the Tax Committee in its deliberation of this legislation. Some members felt they could not vote on HB 2033 without knowing the fiscal impact. Some felt a policy statement should be made in this Committee and action should be taken on the motions before Committee. Those making motions chose not to withdraw their motions. Vote taken. Motion carried.

Rep. Wagle and Rep. Amos both abstained from voting on HB 2033 as a whole.

Chair stated she would request a revised fiscal note on HB 2033.

Chair adjourned meeting at 3:10 p.m.

Chair noted HB 2033 is doubly referred, so now it will go to Tax Committee.



State of Kansas

Joan Finney, Governor

Department of Health and Environment Division of Health

Stanley C. Grant, Ph.D.,
Acting Secretary

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FAX (913) 296-6231

Testimony Presented to the
House Public Health and Welfare Committee
on
House Bill 2485

K.S.A. 65-516 is an act which prohibits persons with certain convictions, adjudications, or validated child abuse or neglect from living, working or volunteering in a home for children requiring regulation by the Kansas Department of Health and Environment.

Subsection (f) requires that certain administrative procedures be followed prior to SRS validating abuse or neglect. HB 2485 amends subsection (f) by removing the requirement that the alleged perpetrator be given notice of the proposed agency finding and an opportunity to reply formally concerning the proposed finding. Removing this requirement gives the alleged perpetrator an opportunity to move directly to the administrative appeals process.

The requirement to give notice and an informal review of the proposed finding has created an unnecessary delay in the fair hearings process impeding the timely resolution of complaint investigations. It is anticipated that eliminating this one step will preserve the due process rights of the alleged perpetrator and at the same time better protect children by more timely action. It is not unusual for the current process to take months and sometimes years to achieve resolution.

More timely resolution of complaint investigations by SRS will favorably impact KDHE in the areas of program effectiveness and efficiency. Interagency collaboration will be enhanced and duplication of effort will be reduced.

Department's Position

Support the passage of HB 2485 as written.

Testimony

Presented by: Joseph F. Kroll, Director
Bureau of Adult and Child Care
Kansas Department of Health and Environment

*PHC
3-19-91
atlm #1.*

Department of Social and Rehabilitation Services
Robert C. Harder, Acting Secretary

Testimony in support of H.B. 2485

AN ACT CONCERNING CERTAIN HOMES FOR CHILDREN;
CONCERNING ACTS OF ABUSE OR NEGLECT AS GROUND
FOR PROHIBITING PERSONS FROM MAINTAINING SUCH HOMES;
AMENDING K.S.A. 1990 SUPP. 65-516
AND REPEALING THE EXISTING SECTION

(Mr. Chairman), Members of the Committee, I appear today in support of House Bill 2485.

K.S.A. 65-516 requires SRS to share information with the Department of Health and Environment regarding persons who have been validated by SRS as perpetrators of child abuse or neglect if these persons operate, reside in, are employed or regularly volunteer in a licensed or registered child care facility. Because this action potentially affects such individual's reputation and employment, they are first afforded due process.

The law provides that an individual must be provided an opportunity to be interviewed prior to a proposed finding and the right to appeal following a confirmed finding. The due process procedure was statutorily mandated in 1988 and includes the requirement that a person against whom the Department proposes to confirm a finding of child abuse or neglect be given an opportunity for an informal review of the agency's proposed finding. It was hoped that this interim step would reduce the number of cases proceeding to a Fair Hearing but this has not been the case.

PHW
3-19-91
Attn # 2

In actual practice it has been confusing to the person receiving the informal review notice and simply delays final resolution. A delay which may be costly to the alleged perpetrator and, if the individual is employed in a child care facility, to the employer.

Delays also affect the time when the name of a confirmed perpetrator of abuse or neglect can be placed in the Central Registry. This delay prevents the licensing authority, the Department of Health and Environment, from taking action; adds nothing to the due process protections already afforded by the administrative appeals process; and diminishes the protection K.S.A. 65-516 (a)(3) was intended to provide.

Passage of this bill would streamline government bureaucracy without diminishing the constitutional protection afforded Kansans. Passage of this bill would permit Department efforts to be directed toward protecting children.

I urge favorable consideration of this bill.

Carolyn Risley Hill
Acting Commissioner
Youth and Adult Services
Department of Social and
Rehabilitation Services
(913) 296-3284

PN+CW
3-19-91
Attn # 2-2

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

CONCERNING HOUSE BILL 2484

AN AMENDMENT TO KANWORK INTERAGENCY COORDINATING COMMITTEE MEMBERSHIP

1. Purpose and Brief Analysis:

This bill provides for a technical change in the KanWork Interagency Coordinating Committee membership to include a representative of the State Department of Education who is knowledgeable of vocational-technical education and community colleges to be appointed by the chairperson of the State Board of Education

2. Effect on SRS:

This bill would bring the membership of the KanWork Council into compliance with the Federal Family Support Act of 1988 which requires state welfare reform programs to coordinate with the Department of Education. At the time the KanWork Act was passed, the Federal Welfare Reform Act had not been passed.

3. Fiscal Impact:

Minor costs associated with travel and per diem for one additional council member to quarterly meetings.

4. Comments:

The agency has requested this change to coordinate the KanWork program more closely with the Department of Education programs. The majority of training plans for KanWork clients are provided through the vocational-technical schools and community colleges. By appointing an active education member to the council, any coordination issues may be easily resolved.

Submitted by:

John Alquest
Acting Commissioner
Income Support/Medical Services
Department of Social and
Rehabilitation Services
(913) 296-6750

John Alquest
3-19-90
Att # 3

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Robert C. Harder, Acting Secretary

House Public Health and Welfare Committee
House Bill 2487

This is a Department sponsored bill intended to create in statute an Advisory Committee on Medical Care. Federal Medicaid regulations require such a committee as a condition of federal participation in the Medicaid program. The Department currently has an advisory committee, as is required, but because the Committee is not empowered as an important function of state government, it has had limited visibility and influence. It is our thinking that a formally sanctioned committee could assist the Department and the state in decision making on health care issues and in operation of the state's medical assistance program.

We face numerous challenges in the immediate future in providing for the health care needs of persons dependent upon government assistance. The financial resources of the state are more limited than in years past and choices must be made with respect to medical care coverage and operation of Department programs. It is expected that a strong and well attended advisory committee will provide valuable assistance to the state in sorting through health and medical care issues and by participation in policy development and program administration.

We urge your support of this bill.

John W. Alquest
Acting Commissioner
Income Support/Medical Services
(913) 296-6750

3/19/91

John W. Alquest
3-19-91
Attm #4