

Approved _____

Date

2-18-92
eh ✓

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

1:30 a.m./p.m. on February 3, 1992 in room 423-S of the Capitol

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Commissioner Robert Epps, Department of SRS
Monika Goldsberry, Director of Immunizations, Bureau of Disease Control,
Department of Health and Environment
Joe Kroll, speaking in behalf of Christine Ross, Child Care Licensing
and Registration, Bureau of Adult/Child Care, Dept. of Health/Environment
Elizabeth Taylor, Local Health Departments
Shirley Norris, Ks. Assn. for Education of Young Children (Written
testimony only)
Sydney Hardman, Ks. Association of Children, (Written testimony only)

Chairperson Sader called meeting to order, drawing attention to
Committee minutes. After members had read over these minutes, Rep.
Bishop moved to approve minutes of January 23, and January 27, 1992
as presented, seconded by Rep. Flower. No discussion. Motion
carried.

Chair drew attention to the scheduled agenda.

HEARINGS CONTINUED ON HB 2694.

Commissioner Robert Epps offered hand-out (Attachment No.1). He
noted the Departments support for HB 2694. This Bill will equalize
the mandate for immunizations for all children in day care. Enactment
of this legislation will be in accordance with the statewide attention
being focused on enhancement of preventive health care for Kansas
children. He answered questions. It was noted there would be a
small fiscal impact.

Monika Goldsberry, Department of Health/Environment also answered
questions. Ms. Goldsberry drew attention to (Attachment No.2), a
map indicating an immunization retrospective survey, (Attachment
No.3), an updated Retrospective Report on immunizations by County
for the 1990-91 school year.

Joseph Kroll, Department of Health/Environment gave testimony for
Ms. Christine Ross, Director of Child Care Licensing and Registration,
Bureau of Adult/Child Care. (Attachment No.4). The Special Committee
on Children's Initiatives seek to amend the statutes with the passage
of HB 2694 to require each child cared for in family day care homes,
including those children of the person maintaining the home, to have
current immunizations and that a record be kept on immunizations
and provided to the Secretary of Health/Environment on or after
January 1, 1993. This would not apply if certification from a
licensed physician stated that the child's physical condition is
such that immunization would endanger the child's life or health,
or a written statement signed by a parent or guardian stating that
the teachings of their religious denomination are opposed to
immunizations, is obtained. The Department of Health/Environment
urged support. Mr. Kroll answered questions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 3, 1992

HEARINGS CONTINUED ON HB 2694.

Ms. Deborah Taylor Alfano, Department of Health/Environment also answered questions.

Elizabeth Taylor, Association of Local Health Departments, (had no written testimony). She noted they do support the concept of HB 2694 and are encouraged by immunization activities across the state by cooperative efforts among Local Health Departments, Kansas Action for Children, the Governor's Immunization Task Force, and Kiwanis Groups. Rather than view this bill as a cure-all, they hope it will be viewed as reaching the children at an earlier age for immunizations. She noted concerns in regard to added cost to the Local Health Departments; enforcement issue for family day care homes; costs of that enforcement; workers, i.e., nurses and staff workers in the family day care centers should also be required to be immunized; concerns with funding for an overall program on disease prevention. There is concern for the poor families who do not have children in day care. These families do not have jobs, cars, and they do not have children in day care, so many of this group of children will not be immunized. She repeated again, the Local Health Departments are in support of the concept of this legislation, but ask that Committee look at it realistically and perhaps take a broader approach. Ms. Taylor answered numerous questions.

Concerns were expressed in regard to confidentiality of records; no authorization for inspection of day care homes for children (unless upon complaint); outreach programs are needed to help parents realize the importance of immunizations, since media information isn't enough.

Ms. Taylor was asked for estimated costs to the Health Departments for the immunizations program set out in HB 2694. She agreed to supply those figures tomorrow.

Commissioner Epps answered questions at this point.

There was a lengthy discussion in regard to who has access to the immunization records; data on the number of day care homes licensed, versus registered homes was requested.

At this point Chairperson Sader called attention to hand-out provided by Shirley Norris, Kansas Association for the Education of Young Children, (Attachment No.5). It was requested this letter be made part of the record this date.

There was also written testimony from Sydney Hardman (Attachment No.6).

HEARINGS CLOSED ON HB 2694.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 3, 1992

DISCUSSION BEGAN ON HB 2695:

It was suggested perhaps HB 2695 should be split, having one Bill deal with immunizations only and another dealing with the health assessment of pupils. Discussion began.

It was pointed out the Committee on Children's Initiatives had not seen the bill draft after completion, but in its discussions had spoken only to the question of requiring the health assessments and furnishing the proof of this assessment prior to the child's enrollment in school. This Special Committee did not discuss making the child's immunization a part of this Bill. Some felt the immunization requirements currently in place are working well enough and to add confusion to that program might jeopardize it. Some suggested they didn't view it in that manner. Staff answered numerous questions.

At this point, Chair asked if there were any objections to HB 2695 being redrafted to separate these two issues. There were none. Revisor was requested to draw up the proper language.

Mr. Furse then distributed a balloon on HB 2695 that he had earlier been instructed to draft to include several amendments proposed by members at an earlier meeting. Mr. Furse detailed changes section by section. (Attachment No. 7)

Discussion began on the balloon amendments on HB 2695. Concerns were expressed on what professionals would be authorized to conduct the assessment; specific language should be added to clarify who these professionals would be, i.e., physician, registered nurse, advanced registered nurse practitioners; mid-level medical person, physician extenders, who would be authorized. Lengthy discussion continued.

Rep. Wiard moved to conceptionally amend HB 2695 to broaden the language that would address the concern as to who would be authorized to conduct the assessment, seconded by Rep. Cozine. Discussion continued. It was noted the Department of Health and Environment would be included in discussions for this language.

Chair noted that after the draft is drawn on HB 2695 with the revisions requested, Committee will review it. Vote taken. No discussion. Motion carried.

Discussion continued on HB 2695 in regard to language, "any school" and the questions regarding this concern were addressed in a hand-out provided (Attachment No. 8), statutes on immunizations.

Discussion continued in respect to assessments for children coming from out-of-state; when is the best time to offer this health assessment; concerns with making too many requirements; school nurses being authorized to conduct the health assessment.

Rep. Bishop moved to amend HB 2695 by adding language that school nurses can conduct the assessment under the authority of the medical director of the Local Health Departments, if the school district chooses to allow them to do so. Motion seconded by Rep. Cozine. Discussion continued. Currently there are concerns of school nurses in Wichita regarding not being authorized to do certain medical procedures; some felt it would be beneficial to the school districts to have one or two specific nurses authorized to handle certain specific procedures.

At this point, Rep. Bishop and Rep. Cozine withdrew their motions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 1:30 /a.m./p.m. on February 3, 1992

DISCUSSION CONTINUED ON HB 2695.

Some felt it was time that the County Health Departments and the schools work together more; it was noted in some counties, the Local Health Departments do contract with the school nurses to do certain procedures.

Staff answered questions in respect to language in reference to the assessment and, if or how it could be an endangerment to the life and health of a child; endorsement of section a (2).

At this point there was no further discussion on HB 2695. Chair directed staff to include enforcement language for section a (2), and to complete the suggested changes so Committee can review them after the draft is completed.

Chair recognized Rep. Praeger who introduced her Legislative Intern, John Noltensmeyer, a Desert Storm Veteran who only one year ago was stationed in Saudi Arabia. He was warmly welcomed.

Chair adjourned the meeting at 3:03 p.m.

GUEST REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

Date Feb. 3, 1992

Name	Organization	Address
Marisa J. Goldberry	KDHE	Mills Bldg.
Robin G. Taylor Alfano	KDHE	KDHE - Mills Bldg.
Christine C. Light	Assoc. of Local Health Depts.	Topeka
Robert E. [unclear]	SRS	Topeka
John F. [unclear]		
Charles M. Norman	WV SW Dept.	1700 College
Barbara F. Smith	Student - Washburn U.	2643 S.W. Hawick St. Topeka
Patricia [unclear]	KDEP, CDEP	Topeka
Michelle Linton	KBC	Topeka
Betty Moore	Kansas Action for Children	Topeka

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna L. Whiteman, Secretary

House Public Health and Welfare Committee
Testimony on House Bill 2694

House Bill 2694 proposes that all family day care homes be required to maintain immunization records on all the children in the day care home, including the children of the person maintaining the home, and that all immunizations for the children be current. Current immunizations are already required for the children attending licensed day care centers. This bill will equalize the mandate for immunizations for all children in day care. The Department of Social and Rehabilitation Services is in support of this bill.

Only about 50% of children age 2 and under have completed their immunizations by age 2. The initial series should all be completed by age 2 and boosters before preschool.

Immunizations are a significant component of preventive health care for children. This bill will also provide opportunities to identify children eligible for the KAN Be Healthy Program through the Department of Social and Rehabilitation Services. Enactment of this legislation will be in accordance with the statewide attention being focused on enhancement of preventive health care for Kansas children.

Robert L. Epps
Commissioner
Income Support/Medical Services
(913) 296-6750

1/29/92

PHW
2-3-92
Att #1

IMMUNIZATION 2 YEAR OLD RETROSPECTIVE SURVEY

School Year 1990/91 - Kindergarten Records

(Extracted from Kansas Certificate's of Immunization (KCI's))

CHEYENNE 57	RAWLINS 39	DECATUR 42	NORTON 45	PHILLIPS 47	SMITH 67	JEWELL 79	REPUBLIC 42	WASHINGTON 57	MARSHALL 66	NEMAHA 60	BROWN 53	DONIPHAN 37			
SHERMAN 43	THOMAS 52	SHERIDAN 68	GRAHAM 34	ROOKS 40	OSBORNE 39	MITCHELL 50	CLOUD 36	CLAY 55	RILEY 57	POTTAWA-TOMIE 55	JACKSON 68	ATCHISON 37			
WALLACE 91	LOGAN 4	GOVE 60	TREGO 52	ELLIS 68	RUSSELL 65	LINCOLN 79	OTTAWA 53	DICKINSON 57	GEARY 47	WABAUNSEE 58	JEFFERSON 58	LEAVENWORTH 51	WYANDOTTE 34		
GREELEY 44	WICHITA 47	SCOTT 56	LANE 36	NESS 62	RUSH 44	BARTON 47	ELLSWORTH 54	SALINE 58	MORRIS 54	MCPHERSON 64	MARION 58	OSAGE 52	DOUGLAS 68	JOHNSON 61	
HAMILTON 56	KEARNY 61	FINNEY 45	GRAY 66	HODGEMAN 60	PAWNEE 33	EDWARDS 49	RICE 56	MCPHERSON 64	MARION 58	CHASE 49	MORRIS 54	LYON 44	COFFEY 51	ANDERSON 44	LINN 34
STANTON 62	GRANT 36	HASKELL 53	MEADE 31	FORD 47	EDWARDS 49	STAFFORD 58	RENO 58	HARVEY 52	SEDGWICK 54	BUTLER 48	GREENWOOD 31	WOODSON 45	ALLEN 41	BOURBON 51	
MORTON 31	STEVENS 38	SEWARD 29	CLARK 31	COMANCHE 36	KIOWA 57	PRATT 44	KINGMAN 54	SUMNER 51	BARBER 52	HARPER 43	ELK 47	WILSON 34	NEOSHO 32	CRAWFORD 35	
											CHAUTAQUA 49	MONTGOMERY 36	LABETTE 41	CHEROKEE 36	

The numbers above indicate the percentage of students who were adequately immunized by age 2.
 The total number of KCI's received was 35,258 (does not include USD 259 in Sedgwick County)
 (The State's overall percentage of kindergarten children adequately immunized by age 2 was 51.3%)

PHYS 8-3-92 07#12

Retrospective Report by County
For School Year 1990 - 1991

County	KCI's Received	# of Students adequately immunized at 24 months of age	% of Students adequately immunized at 24 months of age
Allen	235	96	40.9
Anderson	121	53	43.8
Atchison	239	89	37.2
Barber	93	48	51.6
Barton	482	228	47.3
Bourbon	205	104	50.7
Brown	161	86	53.4
Butler	905	437	48.3
Chase	45	22	48.9
Chautauqua	51	25	49.0
Cherokee	280	101	36.1
Cheyenne	60	34	56.7
Clark	35	11	31.4
Clay	133	73	54.9
Cloud	123	44	35.8
Coffey	142	72	50.7
Comanche	28	10	35.7
Cowley	590	293	49.7
Crawford	498	174	34.9
Decatur	59	25	42.4
Dickinson	310	177	57.1
Doniphan	134	50	37.3
Douglas	1004	679	67.6
Edwards	51	25	49.0
Elk	55	26	47.3

*PHW
2-3-92
atlm #3
1-5*

Retrospective Report by County
For School Year 1990 - 1991

County	KCI's Received	# of Students adequately immunized at 24 months of age	% of Students adequately immunized at 24 months of age
Ellis	404	273	67.6
Ellsworth	96	52	54.2
Finney	854	387	45.3
Ford	462	218	47.2
Franklin	405	172	42.5
Geary	858	405	47.2
Gove	53	32	60.4
Graham	50	17	34.0
Grant	147	53	36.1
Gray	109	72	66.1
Greeley	32	14	43.8
Greenwood	102	32	31.4
Hamilton	41	23	56.1
Harper	134	58	43.3
Harvey	456	239	52.4
Haskell	60	32	53.3
Hodgeman	37	22	59.5
Jackson	200	135	67.5
Jefferson	294	171	58.2
Jewell	48	38	79.2
Johnson	5568	3419	61.4
Kearny	120	73	60.8
Kingman	125	68	54.4
Kiowa	53	30	56.6
Labette	347	142	40.9

*PHW
2-3-92
Attn #3-2
2-5*

Retrospective Report by County
For School Year 1990 - 1991

County	KCI's Received	# of Students adequately immunized at 24 months of age	% of Students adequately immunized at 24 months of age
Lane	33	12	36.4
Leavenworth	1015	518	51.0
Lincoln	42	33	78.6
Linn	133	45	33.8
Logan	54	2	3.7
Lyon	557	244	43.8
Marion	187	108	57.8
Marshall	224	148	66.1
Meade	48	15	31.3
Miami	326	128	39.3
Mitchell	123	62	50.4
Montgomery	600	215	35.8
Morris	90	49	54.4
Morton	58	18	31.0
McPherson	445	283	63.6
Nemaha	158	95	60.1
Neosho	293	93	31.7
Ness	84	52	61.9
Norton	78	35	44.9
Osage	208	108	51.9
Osborne	41	16	39.0
Ottawa	79	42	53.2
Pawnee	115	38	33.0
Phillips	94	44	46.8
Pottawatomie	310	171	55.2

*PHW
2-3-92
attn #3-3
3-5*

Retrospective Report by County
For School Year 1990 - 1991

County	KCI's Received	# of Students adequately immunized at 24 months of age	% of Students adequately immunized at 24 months of age
Pratt	135	60	44.4
Rawlins	49	19	38.8
Reno	951	554	58.3
Republic	90	38	42.2
Rice	161	90	55.9
Riley	686	393	57.3
Rooks	77	31	40.3
Rush	75	33	44.0
Russell	115	75	65.2
Saline	785	457	58.2
Scott	79	44	55.7
Sedgwick	2584	1383	53.5
Seward	448	130	29.0
Shawnee	2506	1443	57.6
Sheridan	31	21	67.7
Sherman	103	44	42.7
Smith	58	39	67.2
Stafford	86	50	58.1
Stanton	45	28	62.2
Stevens	81	31	38.3
Sumner	342	174	50.9
Thomas	128	67	52.3
Trego	46	24	52.2
Wabaunsee	113	72	63.7
Wallace	34	31	91.2

*PHW
2-3-92
Attn #3
4-5*

Retrospective Report by County
For School Year 1990 - 1991

County	KCI's Received	# of Students adequately immunized at 24 months of age	% of Students adequately immunized at 24 months of age
Washington	106	60	56.6
Wichita	49	23	46.9
Wilson	166	57	34.3
Woodson	47	21	44.7
Wyandotte	2593	871	33.6
State Totals	35,258	18,096	51.3

PHH
2-3-92
Att #3
5-5



Department of Health and Environment

Azzie Young, Ph.D., Secretary

Reply to:

Testimony presented to

The House Public Health and Welfare Committee

by

The Kansas Department of Health and Environment

House Bill 2694

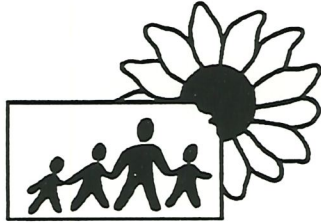
K.S.A. 1991 Supp. 65-519 is an act concerning registered family day care homes. The Special Committee on Children's Initiatives seeks an amendment to ~~this statute~~ to require each child cared for in a family day care home, including the children of the person maintaining the home, to have current immunizations as deemed necessary by the secretary of health and environment on and after January 1, 1993. The person maintaining the family day care home would be required to maintain a record of each child's immunizations and provide immunization information to the secretary of health and environment. The immunization requirement would not apply if certification from a licensed physician stating that the child's physical condition is such that immunization would endanger the child's life or health, OR a written statement signed by a parent or guardian stating that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations, is obtained.

Currently K.S.A. 65-519 (b) mandates that an applicant for a family day care home is to complete and submit a safety evaluation form with the registration application. Immunization information is recorded and submitted on the safety evaluation form. Records for each child are to be kept on file in the family day care home, and they are to be kept current. Enactment of this legislation would give additional support to the enforcement of immunization requirements in registered family day care homes. The Child Care Licensing and Registration Section plans to include immunization regulations as a general regulation for consistency of requirements across the different categories of child care.

The Kansas Department of Health and Environment recommends that the bill be reported favorably for passage.

Presented by: Christine Ross, Director, Child Care Licensing and Registration
Bureau of Adult and Child Care
Kansas Department of Health and Environment
January 29, 1992

PHW
2-3-92
Attn #4



KAEYC

Kansas Association for the
Education of Young Children

February 3, 1992

Representative Carol Sader, Chr.
House Public Health and Welfare Committee
Room 115-S
Statehouse
Topeka, Kansas 66612

Dear Representative Sader:

I was unable to attend the hearing on HB 2694. However, members of the KAEYC Policy Committee wish to go on record as supporting this proposed legislation. Current immunizations are required for all other categories of child care, so that it seems appropriate to require the same protection for children in registered care.

Representing KAEYC, I recommend this bill for passage.

Sincerely,

A handwritten signature in cursive script that reads "Shirley A. Norris".

Shirley A. Norris
Public Policy Advocate
KAEYC
131 Greenwood
Topeka, Kansas 66606

PAW
2-3-92
attn #5



Because all children need someone who cares . . .
**Kansas Action
for Children, inc.**
A non-profit, tax-exempt organization.

715 SW 10th
P.O. Box 463
Topeka, Kansas 66601
(913) 232-0550
Johannah Bryant
Executive Director

BOARD OF DIRECTORS

Barbara Alcantar
Topeka
Howard Barnes
Manhattan
Merle Bolz
Emporia
Joe Chalker
Moran
Kathie Champlin
Shawnee
Charles Crane, M.D.
Manhattan
Janet Fanska
Prairie Village
Judy Frick
Wichita
Marilyn Greathouse
Colby
Kathleen Holt
Cimarron
Aletha Huston
Lawrence
Ann Johnson
Topeka
Bruce Kienapfel
Ulysses
Sue Lockett
Topeka
Diana Loevenguth
Overland Park
Eleanor Lowe
Shawnee Mission
Wanda Macy
Salina
Katie Mallon
Kansas City
Ted Mintun
Salina
Cynthia Martinez Newell
Hutchinson
Michelle Reagan
Wichita
Joyce Romero
Topeka
Sharon Rooney
Minneola
Ninia Smith
Hays
Nancy McCarthy Snyder
Wichita
Marion Springer
Lawrence
Linda Starrett
Overland Park
Mary Tikwart
Shawnee Mission

ADVISORY BOARD

Senator Nancy Kassebaum
(Honorary)
Senator Richard Bond
James Lynn Casey, M.D.
Mark Chamberlin
Ben Craig
SuEllen Fried
Richard A. Guthrie, M.D.
Dr. Robert C. Harder
Nancy Hiebert
Walt Hiersteiner
Betty Keim
Ellen B. Laner
Jo Ann Myers, M.D.
Senator Nancy Parrish
Senator Alicia Salisbury
Patricia Schloesser, M.D.
Roonie Sellers

DATE: February 3, 1992

TO: Representative Carol Sader and Members of the
Public Health and Welfare Committee

FROM: Sydney Hardman, Advocacy Coordinator

RE: HB 2694

As you may know, Kansas Action for Children has been working with KDHE, the local health departments, and others to increase immunization rates for preschoolers. We believe HB 2694 will be very helpful in this effort. While it is not a complete answer for the 49% of two-year-olds who aren't immunized, it is an important piece of the puzzle. The Board of Directors and staff of KAC urge you to report this bill favorably.

PHW
2-3-92
att #6

Att#7
2-3-92
1-2

HOUSE BILL No. 2695

By Special Committee on Children's Initiatives

1-14

8 AN ACT concerning school admission; relating to health assessments
9 of pupils; amending K.S.A. 72-5209 and 72-5210 and repealing
10 the existing sections.
11

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

13 Section 1. K.S.A. 72-5209 is hereby amended to read as follows:
14 72-5209. (a) Subject to the provisions of subsection (c), in each school
15 year, every pupil enrolling or enrolled in any school for the first
16 time in this state, and such other pupils as may be designated by
17 the secretary, prior to admission to and attendance in school, shall
18 present to the appropriate school board:

19 (1) Certification from a physician or local health department that
20 the pupil has received, or is in the process of receiving and will
21 have completed within 90 days after admission to school, such tests
22 and inoculations as are deemed necessary by the secretary by such
23 means as are approved by the secretary; and

24 (2) *on and after July 1, 1993, the results of a health assessment,*
25 *recorded on a form provided by the secretary, which assessment*
26 *shall have been conducted within six months before admission by a*
27 *physician or by a nurse approved by the secretary to perform health*
28 *assessments.*

29 (b) As an alternative to the certification or health assessment form
30 required under subsection (a), a pupil shall present:

31 (1) Certification from a licensed physician stating the physical
32 condition of the child to be such that the tests or inoculations would
33 seriously endanger the life or health of the child; or;

34 (2) a written statement signed by one parent or guardian that
35 the child is an adherent of a religious denomination whose religious
36 teachings are opposed to such tests or, inoculations; or assessments;
37 or

38 (3) a written statement signed by one parent or guardian that
39 such tests or, inoculations or assessments are in the process of being
40 received and will be completed within 90 days after admission to
41 school.

42 (c) Every pupil enrolling or enrolled in any school in this state
43 who has not complied with the requirements of subsections sub-

for any pupil who had not previously enrolled in any school in this state,

¶ 27 and 28 place "physician" after word "assessments"

Enforcement of (a) (2) ?

Fixed
2-3-92
Att#7
2-2

1 ~~section (a) or (b) of this section,~~ shall present evidence of compliance
2 with either of such subsections to the school board upon admission
3 to school.

4 (d) Prior to the commencement of each school year, the school
5 board of every school affected by this act shall give to all known
6 pupils who are enrolled or who will be enrolling in the school, or
7 as designated by the secretary, a copy of this act and any policy
8 regarding the implementation of the provisions of this act adopted
9 by the school board.

10 (e) If a pupil transfers from one school to another, the school
11 board of the school from which the pupil transfers shall forward with
12 the pupil's transcript, upon request of the parent or guardian of the
13 pupil therefor, the certification, *form* or statement showing evidence
14 of compliance with the requirements of this act to the school board
15 of the school to which the pupil transfers.

16 Sec. 2. K.S.A. 72-5210 is hereby amended to read as follows:
17 72-5210. The county, city-county or multicounty health department,
18 upon application of the school board of any school affected by this
19 act shall, at public expense (to the extent that funds are available)
20 and without delay, provide the tests ~~and~~, inoculations *and health*
21 *assessments* required by this act to such pupils as are not provided
22 ~~therewith~~ *with them* by their parents or guardians and who have
23 not been exempted on religious ~~or~~ medical ~~or~~ personal grounds.
24 The local health officer shall counsel and advise school boards con-
25 cerning the administration of this act.

or

26 Sec. 3. K.S.A. 72-5209 and 72-5210 are hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after
28 its publication in the statute book.

purchased or otherwise obtained for use after the effective date of this act, and shall not have retroactive application to disqualify any such device in use on or before the effective date of this act.

History: L. 1967, ch. 408, § 1; L. 1978, ch. 290, § 1; July 1.

IMMUNIZATION

72-5208. Health tests and inoculations; definitions. As used in this act:

(a) "School board" means the board of education of a school district and the governing authority of any nonpublic school;

(b) "school" means all elementary, junior high, or high schools within the state;

(c) "local health department" means any county or joint board of health established under the laws of Kansas and having jurisdiction over the place where any pupil affected by this act may reside;

(d) "secretary" means the secretary of the state department of health and environment;

(e) "physician" means a person licensed to practice medicine and surgery.

History: L. 1961, ch. 354, § 1; L. 1978, ch. 291, § 1; July 1.

72-5209. Health tests and inoculations; certification of completion required, alternatives; duties of school boards. (a) Subject to the provisions of subsection (c), in each school year, every pupil enrolling or enrolled in any school for the first time in this state, and such other pupils as may be designated by the secretary, prior to admission to and attendance in school, shall present to the appropriate school board certification from a physician or local health department that the pupil has received, or is in the process of receiving and will have completed within 90 days after admission to school, such tests and inoculations as are deemed necessary by the secretary by such means as are approved by the secretary.

(b) As an alternative to the certification required under subsection (a), a pupil shall present:

(1) Certification from a licensed physician stating the physical condition of the child to be such that the tests or inoculations would seriously endanger the life or health of the child, or

(2) a written statement signed by one parent or guardian that the child is an ad-

herent of a religious denomination whose religious teachings are opposed to such tests or inoculations, or

(3) a written statement signed by one parent or guardian that such tests or inoculations are in the process of being received and will be completed within 90 days after admission to school.

(c) Every pupil enrolling or enrolled in any school in this state who has not complied with the requirements of subsections (a) or (b) of this section, shall present evidence of compliance with either of such subsections to the school board upon admission to school.

(d) Prior to the commencement of each school year, the school board of every school affected by this act shall give to all known pupils who are enrolled or who will be enrolling in the school, or as designated by the secretary, a copy of this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

(e) If a pupil transfers from one school to another, the school board of the school from which the pupil transfers shall forward with the pupil's transcript, upon request of the parent or guardian of the pupil therefor, the certification or statement showing evidence of compliance with the requirements of this act to the school board of the school to which the pupil transfers.

History: L. 1961, ch. 354, § 2; L. 1965, ch. 412, § 1; L. 1970, ch. 283, § 1; L. 1975, ch. 462, § 107; L. 1978, ch. 291, § 2; L. 1981, ch. 285, § 1; July 1.

CASE ANNOTATIONS

1. Mentioned; terms "physician" and "qualified medical technician" as used in 8-1003 interpreted. *State v. Carter*, 202 K. 63, 65, 446 P.2d 759.

72-5210. Tests and inoculations provided at public expense, when; duties of local health officers. The county, city-county or multicounty health department, upon application of the school board of any school affected by this act shall, at public expense (to the extent that funds are available) and without delay, provide the tests and inoculations required by this act to such pupils as are not provided therewith by their parents or guardians and who have not been exempted on religious or medical or personal grounds. The local health officer shall counsel and advise school boards concerning the administration of this act.

DHAW
2-3-92
ATH #8
1-2

History: L. 1961, ch. 354, § 3; L. 1965, ch. 412, § 2; L. 1978, ch. 291, § 3; L. 1980, ch. 182, § 30; July 1.

Cross References to Related Sections:

Duties of local health officers generally, see 65-202.

72-5211. Duties and authority of secretary; forms and certificates; regulations. The secretary shall prescribe the content of forms and certificates to be used by the school boards in carrying out this act and shall provide, without cost to the school boards, sufficient copies of this act for distribution to pupils. The secretary may adopt such regulations as are necessary to carry out the provisions of this act.

History: L. 1961, ch. 354, § 4; L. 1975, ch. 462, § 108; L. 1978, ch. 291, § 4; July 1.

72-5211a. Exclusion of pupils from school attendance; adoption of policy; notice; hearing; compulsory attendance law not applicable. (a) The school board of every school affected by this act may exclude from school attendance, or by policy adopted by any such school board authorize any certificated employee or committee of certificated employees to exclude from school attendance, any pupil who has not complied with the requirements of K.S.A. 72-5209. A pupil shall be subject to exclusion from school attendance under this section until such time as the pupil shall have complied with the requirements of K.S.A. 72-5209. The policy shall include provisions for written notice to be given to the parent or guardian of the involved pupil. The notice shall (1) indicate the reason for the exclusion from school attendance, (2) state that the pupil shall continue to be excluded until the pupil has complied with the requirements of K.S.A. 72-5209, and (3) inform the parent or guardian that a hearing thereon shall be afforded the parent or guardian upon request therefor.

(b) The provisions of K.S.A. 72-1111 do not apply to any pupil while subject to exclusion from school attendance under the provisions of this section.

History: L. 1978, ch. 291, § 5; L. 1981, ch. 285, § 2; July 1.

HEALTH OF SCHOOL PERSONNEL

72-5212.

History: L. 1963, ch. 358, § 1; Repealed, L. 1975, ch. 370, § 2; July 1.

CASE ANNOTATIONS

1. Mentioned; terms "physician" and "qualified medical technician" as used in 8-1003 interpreted. State v. Carter, 202 K. 63, 65, 66, 446 P.2d 759.

2. Cited; physician qualified to testify as an expert even though not licensed by state. State v. Jones, 209 K. 526, 531, 498 P.2d 65.

72-5213. Certification of health; form and contents; expense of obtaining; alternative certification. (a) Every board of education shall require all persons, whether employees of the school district or under the supervision thereof, who come in regular contact with the pupils of the school district, to submit a certification of health signed by a person licensed to practice medicine and surgery under the laws of any state on a form prescribed by the secretary of health and environment. The certification shall include a statement that there is no evidence of physical condition that would conflict with the health, safety, or welfare of the pupils; and that freedom from tuberculosis has been established by chest x-ray or negative tuberculin skin test. If at any time there is reasonable cause to believe that any such person is suffering from an illness detrimental to the health of the pupils, the school board may require a new certification of health. The expense of obtaining certifications of health may be borne by the board of education.

(b) Upon presentation of a signed statement that he or she is an adherent of a religious denomination whose religious teachings are opposed to physical examinations, any person, to whom the provisions of subsection (a) apply, shall be permitted to submit, as an alternative to the certification of health required under subsection (a), certification signed by a person licensed to practice medicine and surgery under the laws of any state that freedom from tuberculosis has been established.

History: L. 1963, ch. 358, § 2; L. 1974, ch. 300, § 1; L. 1975, ch. 370, § 1; L. 1980, ch. 219, § 1; July 1.

CASE ANNOTATIONS

1. Mentioned; terms "physician" and "qualified medical technician" as used in 8-1003 interpreted. State v. Carter, 202 K. 63, 65, 446 P.2d 759.

Article 53.—MISCELLANEOUS PROVISIONS

72-5301.

Revisor's Note:

Section transferred to 72-850.

PHAW
2-3-92
Att #8
2-2