

Approved 2-25-92
Date sh

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 February 11,, 1992 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Research
Bill Wolff, Research
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Mack Smith, Ks. Board of Mortuary Arts
Jim Snyder, Executive Secretary, Kansas Funeral Director's
Association, speaking on behalf of Larry McElwain and Lanny Kimbrough
Rep. Blumenthal
Sue Steel, Board member of Support Services for Citizens w/autism
Yo Bestgen, Kansas Association of Rehabilitation Facilities
Darvin Hirsch, Director of Mental Retardation Developmental
Disabilities Division, Department of SRS, spoke in behalf of George
Vega, SRS

Chair called meeting to order directing attention to Committee minutes
and asked members to read them carefully.

Rep. Amos moved the minutes of January 29th and 30th, be approved
as presented, seconded by Rep. Wiard. No discussion. Motion carried.

Chairperson Sader drew attention to hearings to be continued on HB
2762.

HEARINGS CONTINUED ON HB 2762.

Mack Smith, Ks. Board of Mortuary Arts offered hand-out (Attachment
No.1). He stated the request for this legislation is an attempt
to show that monies designated for pre-financed funeral plans are
not controlled by the funeral home until such time that death occurs
and appropriate documentation (in the form of a certified death
certificate and a bill from the funeral home for services/merchandise
provided) is presented to the financial institution. The money paid
out for pre-planned arrangements shall be made out to the financial
institution and deposited by the funeral director within 5 days after
receipt. The tightening of this process should eliminate misconduct
by some in the industry that has occurred in past. He answered
questions.

Jim Snyder, Executive Director of Ks. Funeral Director's Association
spoke on behalf of Mr. McElwain who could not return today. (See
Attachment No. 2) for Mr. McElwain's remarks that recommend an
amendment shown in balloon on page 2 of the attachment. This proposed
language would suggest 15 business days as a limit to deposit funds
for the larger firms, not 30 days as suggested by Mr. Newcomer.
Mr. Snyder then noted the amendment does cover anyone who could
prove that a \$100,000 bond exists. This amount is the same as the
maximum insured by various Federal Deposit Insurance Systems in banks,
savings & loans, credit unions. Also recommended by the Funeral
Directors Association was that the smaller funeral home establishments
deposit the pre-arranged contract money within a 7-working-day period.

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 11, 1992

HEARINGS CONTINUED ON HB 2762.

Jim Snyder spoke on behalf of Mr. Lanny Kimbrough, former bank President of Highland Park Bank & Trust for 14 years. Mr. Kimbrough had indicated in his written testimony that the trust for pre-need funeral payment services now exceeds \$10 million state-wide and is growing. There are 75 funeral home participants using the trust on a regular basis. He stated his wholehearted support for the concept that checks used to purchase pre-need funeral services be made payable only to a financial institution. It will help insure the money applied will be for the intended purpose. Currently, there is no way to enforce this procedure. The banks had always encouraged each funeral director to have the clients make checks payable to the banks, but this was not done in all cases. He stated there were cases in which the money never reached the banks, therefore never secured the payments for the pre-arranged funeral expenses. This legislation, if passed in HB 2762, will prevent monies from being misapplied and will strengthen the enforcement process against those who choose not to abide by the law. He encouraged support. Mr. Snyder answered questions. (See Attachment No. 3).

John Peterson, Cemetery Association noted his support for the amendment recommended by Mr. Newcomer yesterday, but has not yet seen the amendment just offered by the Funeral Director's Association, but as it was explained, has no problem with the language he has heard. He feels the two groups are close. He answered questions.

HEARINGS CLOSED ON HB 2762.

Chair requested staff to give briefing on HB 2714.

BRIEFING ON HB 2714.

Ms. Correll gave a comprehensive explanation of HB 2714.

HEARINGS BEGAN ON HB 2714.

Representative Gary Blumenthal stated his support of HB 2714. (Attachment No. 4 was provided after Committee meeting.) It is most important a more clear definition of terms, "mental retardation", "developmental disability", and "severe, chronic disability" be provided in order that individuals in these groups can be offered and served with individualized services/benefits and not placed inappropriately where perhaps they would not and could not be afforded the proper services tailored to their specific needs. He urged support, then answered questions.

Sue Steel, Chairperson/Board of Directors, Support Services for Citizens with Autism, Inc. offered hand-out (Attachment No. 5). She stated she has a 28 year old son disabled by autism. She noted the progress over the years in awareness of the disorder of autism and the types of services needed for these individuals. She cited numerous problems still exist, i.e., the child/adult's condition label should be changed to mental retardation in order that they can be provided services, since these are the only centers that offer services for this group of individuals. This is a disservice to those with autism, and frustrating for the provider since they are not trained to offer help for those with autism. HB 2714 would amend the statutes concerning community services for individuals with developmental disabilities by adding and defining "developmental disabilities." It is also recommended to change the name, "Community Mental Retardation Facility" to "Community Center for Individuals with Mental Retardation or Developmental Disabilities". She urged support for these recommendations, then 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 11, 1992

HEARINGS CONTINUED ON HB 2714.

Joan Strickler, Executive Director, Ks. Advocacy/Protective Services (Attachment No. 7), noted the intent in this legislation is to enlarge the statutory description of "mental retardation" to include mental retardation and developmental disabilities to clarify that the eligibility of people for services would be based on their functional level, and not simply on the level of the disability. This legislation should serve to make clear for these individuals and their families that there are unique needs for services which have in the past not been adequately addressed in community service facilities.

Lila Pasley (Attachment No. 8) noted the members of her Association, (Association of Retarded Citizens) certainly believe that individuals with all disabilities should have access to state funding, but are concerned that by broadening these definitions discussed earlier, and not broadening the state's responsibility fiscally, these services which many have worked so long and hard to offer would be spread over an even larger population and the result would be even longer waiting lists for community services for many more individuals. She noted other concerns. Will the policy set out in HB 2714 be to provide services for all who meet the definition of "developmentally disabled"? Will the services of state institutions be broadened to include those with developmental disabilities? How will all this impact the use of mill levy funds? She urged serious consideration be given to the over-all impact this will have.

Darvin Hirsch, Director of Mental Retardation/Developmental Disabilities Division, spoke on behalf of Commissioner George Vega, Department of SRS. (Attachment No. 9). He noted the amendments suggested by Rep. Blumenthal indicated in Attachment No. 10, would be a positive step in recognizing that we have handicapped citizens whose needs are not being planned for and not currently being met. HB 2714 would broaden the categories of persons on whose behalf the SRS Commission of mental Health/Retardation Services could develop plans with local agencies, requesting funding, disperse funds for those services. This legislation looks into the future and is a step in implementing one of the recommendations of the SRS Task Force, i.e., the amendment is an attempt to put the term "developmental disability" into 4 key statutes concerning: Community Mental Retardation Centers; statutes that enables the Secretary of SRS to disperse state aid funds to individuals; day care services for mentally retarded children; and mental health retardation services. Mr. Hirsch then answered questions.

(Attachment No. 10) is recorded as Rep. Blumenthal's testimony.

At this point Chairperson Sader asked those persons scheduled as conferees on HB 2714 that were not heard because of time constraints to please return tomorrow and their testimony will be heard at that time.

Chair adjourned the meeting at 2:45 p.m.

May it be noted that the early adjournment was to accommodate the Committee members who were required to leave for a Joint Committee meeting of Tax and Education held in the Kansas Expo Center.

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 11, 1992

Note: the following testimony by Ms. Yo Bestgen was inadvertently left out of minutes for this date, now recorded as follows:
Yo Bestgen, Exec. Director, Ks. Assn. of Rehabilitation Facilities offered hand-out (Attachment No.6). She stated before passage of HB 2714 or other possible amendments regarding the definition changes, the impact of these changes should be considered. She is concerned if the name of the centers is changed, it may affect the delivery of services to some. She noted over the past 5-10 years many facilities have broadened their services to include more individuals with other developmental disabilities in addition to mental retardation. However, many facilities are reaching the "breaking point". She cited statistics on needs based upon current definitions and access to existing programs and services, what is needed to respond with services if definitions are changed with a broader population to be served. She cautioned, promises of services should not be made if a commitment from state fund does not accompany the promises. She answered questions.

MEMBERS OF THE BOARD

MR. Y. W. BEDENE,

MR. FRANK L. BRUNER

MR. DAREL D. OLLIFF,

MR. ROBERT L. ROBERTS,

MRS. CECILE A. WEINHEIMER,

OFFICE STAFF

MACK SMITH,

EXECUTIVE SECRETARY

FRANCIS F. MILLS,

INSPECTOR-INVESTIGATOR

TERRY A. BLAND,

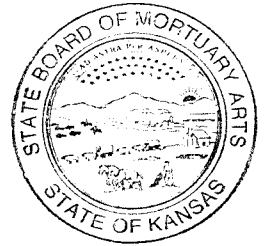
OFFICE SECRETARY

The Kansas

State Board of Mortuary Arts

CREATED AUG. 1, 1907

1200 S. KANSAS AVE., SUITE 2
TOPEKA, KANSAS 66612-1331
(913) 296-3980



H.B. 2762

H.B. 2762 was introduced by the House Public Health and Welfare Committee at the request of the Kansas State Board of Mortuary Arts. In its present form the bill would require that all forms of payment for pre-financed funeral agreements as described in K.S.A. 16-301 et. seq. be deposited in the appropriate financial institution within five business days after receipt by the seller, and the payment made payable only to that particular institution.

This bill is the result of continued problems in the area of prefinanced funeral agreements. The board is attempting to show families that the monies designated for these pre-financed funeral plans are not controlled by a funeral home until such time that death occurs and appropriate documentation (in the form of a certified death certificate and bill from the funeral home for services and merchandise provided) is presented to the financial institution.

By requiring payment to be made out to the financial institution and deposited in a reasonable manner the board is attempting to tighten the belt in the area of prefinanced funerals. There is no denying that if somebody wants to steal that they will find a way to do so. We are attempting to make it harder for that individual to do so, and to make it easier to prove in the hearing process.

I am aware that the possibility of amendments to this this bill exists, and I would be happy to comment on those amendments at the proper time.

*JH+U
2-11-92
Attm #1*

HOUSE BILL 2762

REMARKS OF LARRY MC ELWAIN
KANSAS FUNERAL DIRECTORS ASSOCIATION
FEBRUARY 10, 1992

Thank you Madam Chairwoman. Members of the Committee:

My name is Larry McElwain, of Warren-McElwain Mortuary in Lawrence. I represent the Kansas Funeral Directors Association as a Past President and presently am serving as Chairman of the KFDA Legislative Committee.

Our Association, including the vast majority of its members, has no problem with the concept of House Bill 2762. Recent events have shown that a little better guidance regarding the mechanics and limitations when accepting and depositing preneed funds, would be helpful. We have found, however, since this bill was introduced, a possible hardship which would occur to one of the largest purveyors of preneed in Kansas. Therefore, we propose an amendment to the bill which is attached here and shown as a balloon.

Basically, what our proposed amendment does is cover anyone who could prove a \$100,000 bond exists. The 30 day limit was suggested by the preneed purveyor I mentioned earlier. However, we have recommended this be 15 business days for, with weekends, it still would provide 21 actual days, which should be enough. This amendment also would permit both the Secretary of State's office and the Board of Mortuary Arts to have evidence of this bond

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2-11-92
attm # 2

protection for their files. We recommend this amount as it is the same as the maximum insured by the various Federal Deposit Insurance systems in banks, savings and loans, and credit unions.

In addition, we recommend 7 business days for other firms in the state to comply, as it is felt some periods of time such as holidays, etc., might prove 5 days too restrictive.

I shall be happy to answer any questions.

PNK:W
2-11-92
Att: #2
Pg. 2-4

HOUSE BILL No. 2762

By Committee on Public Health and Welfare

1-23

8 AN ACT concerning prearranged funeral agreements; amending
9 K.S.A. 1991 Supp. 16-302 and repealing the existing section.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 1991 Supp. 16-302 is hereby amended to read
13 as follows: 16-302. Except as authorized by K.S.A. 16-308, and
14 amendments thereto, all such money shall be deposited in such
15 bank, credit union or savings and loan association and shall be
16 payments under any agreement, contract or plan governed by K.S.A.
17 16-301 and amendments thereto shall be:

18 (a) Made in the form of checks, cashiers checks or money orders
19 payable only to the bank, credit union or savings and loan association
20 where deposited;

21 (b) deposited in such bank, credit union or savings and loan
22 association within five business days after receipt by the seller; and

23 (c) held by such bank, credit union or savings and loan association
24 in a separate account in the name or names of the purchaser of the
25 merchandise or services and the name of the seller, until released
26 as herein provided.

27 Sec. 2. K.S.A. 1991 Supp. 16-302 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after
29 its publication in the statute book.

(a) Except as authorized by K.S.A. 16-308, and amendments thereto, all funds received on any agreement, contract or plan governed by K.S.A. 16-301, and amendments thereto, shall be deposited within 15 business days of receipt in such bank, trust company, credit union or savings and loan association and shall be held by a bank, credit union or savings and loan association in a separate account in the name or names of the purchaser of the merchandise or services and the name of the seller, until released as herein provided.

*PH/W
2-11-92
Attn #2
Pg 3-4*

(b) In addition to the requirements set out in paragraph (a) herein, each person, association, partnership, firm or corporation which is not insured by a minimum \$100,000 fidelity bond covering employee dishonesty and which accepts payments under any agreement, contract or plan governed by K.S.A. 65-301, and amendments thereto, shall:

1. require such payments to be made in the form of checks, cashiers checks or money orders payable only to the bank, credit union or savings and loan association where deposited; and

2. deposit such payment in such bank, credit union or savings and loan association within 7 business days after receipt.

(c) Evidence of a fidelity bond maintained for compliance with this section shall be provided to the secretary of state within 10 days of a written request or shall be provided to the Board of Mortuary Arts in accordance with K.S.A. 65-1729 and amendments thereto, by any establishment as defined in K.S.A. 65-1713a and amendments thereto, if funds relating to that establishment are in accordance with paragraph (a) of this act.

(a) Except as authorized by K.S.A. 16-308, and amendments thereto, all funds received on any agreement, contract or plan governed by K.S.A. 16-301, and amendments thereto, shall be deposited within 15 business days of receipt in such bank, trust company, credit union or savings and loan association and shall be held by a bank, credit union or savings and loan association in a separate account in the name or names of the purchaser of the merchandise or services and the name of the seller, until released as herein provided.

Bill

(b) In addition to the requirements set out in paragraph (a) herein, each person, association, partnership, firm or corporation which is not insured by a minimum \$100,000 fidelity bond covering employee dishonesty and which accepts payments under any agreement, contract or plan governed by by K.S.A. 65-301, and amendments there to, shall:

1. require such payments to be made in the form of checks, cashiers checks or money orders payable only to the bank, credit union or savings and loan association where deposited; and

2. deposit such payment in such bank, credit union or savings and loan association within 7 business days after receipt.

(c) Evidence of a fidelity bond maintained for compliance with this section shall be provided to the secretary of state within 10 days of a written request or shall be provided to the Board of Mortuary Arts in accordance with K.S. A. 65-1729 and amendments thereto, by any establishment as defined in K.S.A. 65-1713a and amendments thereto, if funds relating to that establishment are in accordance with paragraph (a) of this act.

*P.H.W.
2-11-92
Attn. #2
Pg 4 of 4*

PRESENTATION TO COMMITTEE ON PUBLIC HEALTH & WELFARE
HOUSE BILL 2762

--BY LANNY KIMBROUGH

Madam Chairwoman, members of the committee.

Thank you for this opportunity to present my views on House Bill 2762. My name is Lanny Kimbrough, and for the past seventeen years I was an officer at Highland Park Bank & Trust, and President of the bank for 14 of those years. I am here to ask you support and favorable recommendation of House Bill 2762.

As President of Highland Park Bank & Trust, I was involved with the Kansas Funeral Directors Association in creating the Kansas Funeral Trust, a pre-need funeral payment service. This trust is sponsored by the Kansas Funeral Directors Association and has been administered for more than 8 years by Highland Park Bank & Trust. The trust now exceed \$10 million in state-wide deposits and is growing at a substantial rate annually. There are now more than 75 funeral home participants across the state using the trust on a regular basis.

I wholeheartedly support the concept that checks used to purchase pre-need funeral services be made payable only to a bank, credit union or savings & loan association. In my opinion, this will help insure that the monies are applied to the purpose intended. The Kansas Funeral Trust, of which I was part for many years, always had this provision in the procedures manual. There was, however, no way to enforce this and we would accept a check from a funeral director to the trust if that's the way it came in. We have always encouraged each funeral director to have the clients check payable to the bank and the trust, but this was not done in every case.

I have personally been involved in situations where monies designated for the Kansas Funeral Trust were never received at the bank and deposited for proper credit. In those instances, the clients checks

*PH&W
2-11-97
Att # 3*

were payable to a certain funeral home and those monies were subsequently put into the funeral home's regular checking account and the paperwork was never processed. I have had people sitting across the desk from me who had made their pre-need checks payable to a funeral home instead of a bank and were wonderdering what would happen upon their death. I have personally witnessed the expressions on their faces when they learned that the funds were not available at the bank and that the designated monies never got out of the funeral home and were never deposited in the trust.

This bill will not totally prevent monies from being misapplied, but in my mind it would certainly help. If HB 2762 were enacted, such conduct would then be a violation of state statutes instead of just a violation of good business practices. This bill strengthens the enforcement process against those who would choose not to abide by the law.

Thank you for your consideration of this matter, and again, I would encourage your favorable support.

If you have any questions, I would be happy to respond.

DH+CW.
2-11-92
pg 2 of # 3

STATE OF KANSAS

GARY H. BLUMENTHAL
REPRESENTATIVE, TWENTY-THIRD DISTRICT
JOHNSON COUNTY
10125 EDELWEISS CIRCLE
MERRIAM, KANSAS 66203-4608
HOME (913) 262-4635
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: GOVERNMENTAL ORGANIZATION
MEMBER: APPROPRIATIONS
EDUCATION
LEGISLATIVE, JUDICIAL AND CONGRESSIONAL
APPORTIONMENT
NATIONAL CONFERENCE OF STATE LEGISLATURES:
TASK FORCE ON DEVELOPMENTAL DISABILITIES

To: House Committee on Public Health and Welfare
From: Representative Gary Blumenthal
Date: February 11, 1992
Subject: House Bill 2714

Madame Chairwoman and Members of the Committee,

I appear before you in support of House Bill 2714, concerning the definitions of the terms, "mental retardation," "developmental disability" and "severe, chronic disability."

As legislators we need to recognize the critical, individual needs of all disabled persons. Many developmentally disabled persons are placed in services for the mentally retarded due to the ambiguity of the definitions. Mentally retarded individuals and developmentally disabled individuals have separate and specific needs. Concise, separate definitions are necessary to ensure that individuals obtain the services appropriate to their needs. The developmentally disabled have just as much as right to individualized benefits as the mental health clients and the mentally retarded.

I believe that serious consideration be given to House Bill 2714. Thank you.

PH&W
2-11-92
Attn #4



**SUPPORT
SERVICES FOR
CITIZENS WITH
AUTISM, INC.**

11201 A WEST 59th TERRACE
SUITE 4
SHAWNEE, KANSAS 66203
(913) 631-7464

A NON-PROFIT CORPORATION DEDICATED TO BUILDING A BETTER LIFE

DATE: Tuesday, February 11, 1992
TO: House Public Health and Welfare Committee
Representative Carol Sader, Chairperson
FROM: M. Sue Steele, Chair
Board of Directors
RE: HB 2714

My name is Sue Steele and I am the mother of a 28 year old man disabled by autism. I serve as chair of the Board of Directors of Support Services for Citizens with Autism, Inc. (SSCA), a non-profit organization which provides direct services to individuals with the disorder. I am a member of the local (Greater Kansas City Chapter), state (Autism Society of Kansas), and national (Autism Society of America) organizations for autism. I am currently on both the COMMISSION ON AUTISM and the Kansas Planning Council for Developmental Disabilities.

On behalf of the SSCA Board of Directors and members of the AUTISM SOCIETY OF KANSAS (ASK), I want to express our appreciation to members of this committee for giving us the opportunity to share our concerns about HB 2714.

Background: SSCA and ASK are grateful that autism has been recognized by the legislature as the unique disability it is through the 1987 TASK FORCE REPORT ON AUTISM and the consequent establishment of the GOVERNOR'S COMMISSION ON AUTISM. There has been some progress in the awareness of the disorder as well as in the delivery of services. However, most of the twelve critical needs of persons with autism and their families identified in the TASK FORCE REPORT still exist.

Problem: Many individuals continue to have a problem receiving a proper diagnosis of autism which results in inappropriate service and many times no service at all. Parents continue to report that it has been suggested to them that when leaving the school system, they should change

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attm. #5
2-11-92*

their child/adult's label autism to mental retardation. The reason being that the community mental retardation centers and the state institutions are usually their only service option. Not only is this a disservice to the individual with autism, but it is very frustrating for the service provider who is not educated or trained to work with this population.

Outcome of bill passage: We commend the 1991 SRS TASK FORCE-MR/DD ISSUES and SRS MH/RS for recognizing the critical needs of all individuals with developmental disabilities. (Refer to pages 2, 15 & 16 of the Report of the Subcommittee on Mental Retardation & Developmental Disability Issues, Dec. 6, 1991)

Based on our interpretation, HB 2714 would amend crucial statutes concerning community services for individuals with developmental disabilities by adding and defining developmental disabilities. We **strongly** support this and think it is most important to list the different conditions under the definition.

In reference to changing "Community mental retardation facility" to "community center for individuals with mental retardation or developmental disabilities"; we also support this only if there is an assurance that state and local funding would be funneled through to affiliates to provide service options. It is our understanding this is the intent.

In closing, we are asking this committee to also recognize the need of all individuals with developmental disabilities with the passage of HB 2714. Thank you very much.

*PHYS.
attm 5 p92.
2-11-92*



Kansas Association of Rehabilitation Facilities

Jayhawk Tower • 700 Jackson • Suite 212 • Topeka, Kansas 66603-3731

(913) 235-5103 • Fax (913) 235-0020

TO: Rep. Carol Sader, Chair
House Public Health & Welfare

FROM: Yo Bestgen
Ex. Director

RE: HB 2714; defining mental retardation, developmental
disabilities and severe, chronic disability

DATE: Feb. 11, 1992

My name is Yo Bestgen and I am the Executive Director of the Kansas Association of Rehabilitation Facilities. I represent forty-one community facilities serving children and adults with mental retardation and developmental disabilities.

House Bill 2714, in its current form, provides definitions that will effect all of the statutory language that includes the words, "mental retardation"; "developmental disability" and "severe, chronic disability". The critical nature of these recommended changes requires serious evaluation as to how and/or if the existing services or the service structure for people with MR/DD will be effected. I have 67 pages reflecting references to the above terms based upon 1990 research.

Furthermore, there has yet to be agreement on the definition for 'developmental disabilities' which is offered in HB 2714, which is different from the federal definition in P.L. 101-496. A major difference is that in the federal law individuals "who are solely, severely, emotionally disturbed or seriously and persistently mentally ill" are included.

This bill also offers fertile ground for the long overdue discussion by the State of Kansas as to its responsibility for services to all individuals with mental retardation and developmental disabilities.

The SRS Task Force, in the Fall of 1991, discussed the issue of services to the developmentally disabled. At that time and today the Kansas Association of Rehabilitation Facilities supports services to all people with mental retardation and developmental disabilities. However, we must strongly recommend that before passage of HB 2714 or other possible amendments that we consider the impact of these changes.

PKW
2-11-92
Attm # 6

Community providers have developed programs and services over the past three decades based upon an historical structure of services to people with mental retardation. The early initiatives in the 1970's and today are for community services to serve individuals who were in State Institutions for the Mentally Retarded or are at risk of institutional placement.

Over the past five to ten years many facilities have broadened their service direction to include more individuals with other developmental disabilities in addition to mental retardation. We have made efforts to respond to that need; however, community facilities are reaching the 'breaking point'. The infrastructure for the community system must be supported to expand the base to meet the service needs.

Recognized service needs based upon current definitions and access to existing programs/services are:

- 1,100 unserved adults/children waiting for community services.
- 200 new special education graduates each year want community services.
- 100 new individuals each year moving from the state MR institution into community programs.
- 200 (approx) in state MI institutions that are dually diagnosed (MR/MI) need community services.

What is needed in the community to respond to existing need and to expand services to meet a broader population?

- Training for community staff to serve new populations.
- Medical support
- Technology for serving individuals with autism, head injured and dually diagnosed.
- Adaptive technology for direct support for clients requiring communication devices and other specialized equipment.
- Service Coordination to access a wide range of supports and services in the community for people we serve and their families.

Equipment needs to be added to the community

The above needs and requests have not changed significantly over the years, except that they were being funded through the state institutional system. Community providers are willing to evaluate program and service expansion, but the kinds of supports listed above must be present for us to respond appropriately and responsibly.

We should not offer a 'false promise' of services to individuals and their families by simply changing a definition or a name of a facility. These changes must come with a commitment from our State to support and fund those services.

*Pg 2 of #6
PHH 5
2-11-92*

Kansas Advocacy & Protective Services, Inc.



513 Leavenworth, Manhattan, KS 66502 (913) 776-1541

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Wichita Area
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Wichita

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Concordia

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Liberal

Jack Shriver
Topeka

Raymond L. Spring
Topeka

Rep. George Teagarden
LaCygne

W.H. Weber
Topeka

Liaison to the Governor
Becky Matin

Executive Director
Joan Strickler

To: The House Committee on Public Health and Welfare
Representative Carol Sader, Chairperson

From: Kansas Advocacy and Protective Services, Inc.
R. C. Loux, Chairperson

Date: February 11, 1992

Re: H.B. 2714

The intent of H.B. 2714, as I understand it, is to enlarge the statutory description of mental retardation to include mental retardation and developmental disabilities. the Legislative Interim Study Report on the Task Force on Social and Rehabilitation Services states:

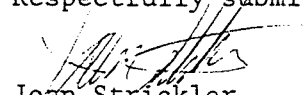
"...the Subcommittee recommends legislation enlarging the statutory description of mental retardation to include mental retardation and developmental disabilities...the Subcommittee believes that people with developmental disabilities and their families have unique needs which are often inadequately addressed by community services. Services which should be available to all disabled individuals are often selectively doled out to those who fit only within a narrow statutory definition."

Passage of H.B. 2714 would correct a misunderstanding stemming from the early 1970's when the Legislature passed a bill and appropriated funds to assist community based centers serving persons with mental retardation. The historical intent of the enabling legislation passed at that time, as I recall, was to provide support for programs serving persons with mental retardation as well as with similarly disabling conditions such as cerebral palsy, autism and other such disabilities occurring in the developmental years.

P.H. [unclear]
2-11-92
Att. # 1

H.B. 2714 provides clarification that the eligibility of people for services can be addressed based on their functional level and not simply on the label of the disability.

Respectfully submitted


Joan Strickler
Executive Director

JS/jw

PAW
2-11-92
Attm #
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February 11, 1992

Hope through understanding

TO: Rep. Carol Sader, Chair
Members of House Public Health and Welfare Committee

FROM: Lila Paslay, Chair
Bob Geers, Coordinator
Legislative Affairs

RE: H.B. 2714

I am here today representing the 5,000 members of the Association for Retarded Citizens of Kansas. The association has not taken a position on this proposed legislation. The association does, however, have questions and issues regarding this bill.

Since the association was formed in 1956, the focus of its efforts have been to advocate on behalf of those individuals who have mental retardation. The work the association did to achieve recognition from the state that there was a responsibility for citizens with mental retardation outside the walls of the institutions is well known. The legislation for the first day care demonstration grants for children with mental retardation, the "649 state aid", and mandated special education were passed after considerable work on the part of the Associations for Retarded Citizens.

Members of the association certainly believe that individuals with all disabilities should have access to state funding. A concern expressed by members is that by broadening the definition and not broadening the state's responsibility fiscally, the services for which we worked so hard would simply be spread over a larger population. This would result in even longer waiting lists for community services.

The most important issue to be addressed is the policy of the State of Kansas. Will the policy be to provide services for all individuals who meet the definition of developmentally disabled? Will the SRS Department of Mental Health and Retardation Services become the Department of Mental Health and Developmental Disabilities? Will the services of state institution be broadened to include those with developmental disabilities?

We believe it is important if the definition of developmental disability is to be included in Kansas statute that the definition be the same as the federal definition.

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There are also other considerations which are important. If this legislation was broadened to also include statutes regarding the community mental retardation center responsibilities to provide services to persons with developmental disabilities, how would that impact on the use of mill levy funds? There would also be the issue of changing names of some facilities.

We believe that serious consideration needs to be given to the overall impact of this change and that some of the concerns the ARC/Kansas has needs to be answered before a decision is made.

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Kansas Department of Social and Rehabilitation Services

Testimony Presented to
House Committee on Public Health and Welfare
Regarding House Bill 2714

February 11, 1992

1:30 p.m.
Room 423-S

Presented by:

George D. Vega, Acting Commissioner
Mental Health and Retardation Services
Department of Social and Rehabilitation Services
Telephone (913) 296-3773

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Thank you for the opportunity to speak on HB 2714. The Department of Social and Rehabilitation Services believes that passage of this bill--with amendments suggested by Representative Blumenthal which enfranchise in state statute persons with developmental disabilities who are not mentally retarded--would be a positive step in recognizing that we have handicapped citizens whose needs are not being planned for and are not being met.

This bill as amended would broaden the categories of persons on whose behalf the SRS Commission of Mental Health and Retardation Services could develop plans with local agencies, request appropriations, and disperse funds for services. This bill does not create any entitlements and does not require that state or local agencies operations on behalf of current clients with mental retardation be readjusted in any way.

This bill does look into the future and is an initial step in implementing one of the recommendations of the Legislative Task Force on Social and Rehabilitation Services. As Kansas moves forward in developing services, all persons with a developmental disability can look to a focal point at the state and local level for planning and implementation. This will require a broader perception on the part of state officials and local agencies and increased responsiveness in service development.

On behalf of the Secretary of SRS, we look forward to the opportunities for service.

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*A. 2/6
Suggested
to be included*

Amend HB 2714 by inserting new:

Sec 5.a) KSA 65-4411 is hereby amended to read as follows: 65-4411 to 65-4415, inclusive, and amendments thereto shall be known and may be cited as the Kansas community centers for individuals with mental retardation or developmental disabilities act.

b) Wherever in this act the phrase "community mental retardation facility" appears, or phrases similar thereto, that phrase shall be amended to read "community center for individuals with mental retardation or developmental disabilities".

Sec 6. Wherever in KSA 39-1001, et.seq. the phrase "the mentally retarded" appears, or phrases similar thereto, that phrase shall be amended to read "individuals with mental retardation or developmental disabilities."

Sec 7.a) Wherever in KSA 19-4001 and 4002 the phrases "community facilities for the mentally retarded" appears, that phrase shall be amended to read "community centers for individuals with mental retardation or developmental disability."

b) Wherever in KSA 19-4001 and 4002 the phrase "facility for the mentally retarded" appears, that phrase shall be amended to read "center for individuals with mental retardation or developmental disability".

c) Wherever in KSA 19-4001 and 4002 the phrase "the mentally retarded" appears, that phrase shall be amended to read "individuals with mental retardation or developmental disabilities".

d) Wherever in KSA 19-4001, 4002, 4001a and 4002b the term "mental retardation" appears, that term shall be amended to read "mental retardation/developmental disability"

and renumber current Sec. 5 and Sec. 6 as Sec. 8 and Sec. 9 respectively.

*PHW
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