

Approved _____
Date 3-16-92 *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 27, _____, 1992 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

- Emalene Correll, Research
- Bill Wolff, Research
- Norman Furse, Revisor
- Sue Hill, Committee Secretary

Conferees appearing before the committee:

Joyce Markendorf, School Adolescent Health Consultant, Bureau of Family Health/Department of Health/Environment
Don Fast, Auburn School District

Written testimony provided by Sue Dame, School Nurse, McPherson, Ks.
Written testimony provided by Dr. Tom Gray, Audiologist, Manhattan, Ks.
Written testimony provided by Sue Bowden, School Nurse, Goddard, Kansas

Chair called meeting to order at 1:30 p.m.

Rep. Samuelson spoke on a point of personal privilege and introduced a group of medical students from St. Joseph's Medical Center and their professor, Mel Raeber. This is a group of hopeful family practitioners.

Chair drew attention to a correction on the agenda for next Tuesday. The bill scheduled is HB 2965 and not HB 2695.

Chair welcomed the students as did committee members and she stated alot of testimony has been given in regard to the need for family practitioners and it is wonderful to see an entire row of them in attendance today. She thanked the students and their professor for attending.

HEARINGS CONTINUED ON HB 2881.

Joyce Markendorf, Bureau of Family Health, School and Adolescent Health Consultant, offered hand-out (Attachment No. 1). She stated support of HB 2881 and offered recommended changes, i.e., on page 2, line 13 to add, "following the Kansas Department of Health/Environment vision screening guidelines". She detailed rationale, noting results of the screening tests for those children who passed the screening tests could be documented on the student health record and that would be adequate. Notification of every parent of every test result is costly and unnecessary. She answered questions.

Don Fast, Special Education, Auburn/Washburn schools, provided no written testimony. He endorses the concept of HB 2881, however, he has concerns. Under the Buckley amendment, schools now are required to keep the test results on record for a specified period of time, i.e., 5 years after they are no longer needed. He noted there is no need for added language in HB 2881 in regard to this issue. There is also a concern with the designation of "approximate date" of notification of the screening. Schools currently are required to provide parents with information on the kinds of screening activities that will be done throughout the course of the school year. He feels these two areas in the bill are redundant. He supports the recommendation by some that the schools would not have to send notice to parents of students who have passed the screening tests.

He answered questions. 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. on February 27, 1992

HEARINGS CONTINUED ON HB 2881.

Recorded as (Attachment No. 2), written testimony by Sue Dame.
(Attachment No. 3) written testimony provided by Dr. Tom Gray.
(Attachment No. 4) written testimony provided by Sue Bowden.
Note:--All these written testimony attachments refer to HB 2881.

Hearings closed on HB 2881.

Discussion began on HB 2759.

Chair drew attention to the fiscal note provided to members, (Attachment No. 5).

Discussion began, i.e., the \$3 million not being included in the Governor's budget; it was determined the state receives federal funds and has since 1986; the Department of Health/Environment contracts early intervention services within the state in limited areas. To fully implement this plan state-wide, would cost \$9,583,836, which the Governor did not include in the budget. The \$3,194,612 item indicated in the fiscal note is the amount that the Agency tried to get for next year for the start of state-wide implementation of the program. There is provided, however, a window of 24 months during which federal funding will continue and services can be continued without committing state general funds in a proportion to increase the federal dollars. What HB 2759 does is put the state in compliance as it should have been at the time we began to receive the federal funding.

Rep. Bishop moved to pass HB 2759 out favorably, seconded by Rep. White.

Discussion continued, i.e., some view the bill as too open-ended; a blank check to allow the Department of Health/Environment through regulations to implement the program without the Legislature knowing how they will implement it. Some felt federal funding wouldn't continue much longer. Some spoke of the positive benefits of the early intervention services for children. Many of these children would be institutionalized if it were not for the programs they are being served by. Statistics are clear that in the long run, these early programs are cost-effective.

Vote taken. Motion carried.

DISCUSSION BEGAN ON HB 2702.

It was noted written testimony on HB 2702 had been made available to members from Dr. Gordon Risk, (see Attachment No. 6).

Fiscal note on HB 2702 was provided to members, (see Attachment No.7).

Discussion began with concerns that residents of adult care homes should not be the ones to suffer because the administrators did not comply with requirements on admitting persons with AIDS/HIV. The punishment should be against the facility and the administrator, not against those residing in the home. Discussion on section 2 of HB 2702 ensued.

Rep. Neufeld moved to amend HB 2702 in section 1, 2 (b) line 18, to include language, "licensed home health agencies, and providers of hospice services", seconded by Rep. Carmody. Discussion continued. Vote taken. Motion carried.

Rep. Carmody moved to amend HB 2702 to include amendments proposed by the Department of Health/Environment and to further amend per Rep. Carmody's recommendation in line 28 by adding, "including repeated violations of Sec. 1 of this act". Motion seconded by Rep. Scott. 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 February 27, 1992

DISCUSSION CONTINUED ON HB 2702.

Concerns were expressed in regard to language being inserted that would place a ban on admissions. A lengthy discussion was held on discretion of the Secretary on which sanctions would apply to an adult care home for noncompliance and a concern of equity for all care homes. Numerous suggestions for language was offered.

At this point, Rep. Praeger made a conceptual motion to amend HB 2702 by adding language to deal with noncompliance in respect to civil penalties, a ban on admissions, and licensing sanctions for noncompliance. Motion seconded by Rep. Amos. Discussion continued. Vote taken. Motion carried.

It was the consensus of members that it would be advisable to review the amendments proposed this date in a final form before a vote is taken to move HB 2702 forward.

Chair requested Mr. Furse draft a balloon on HB 2702 that would reflect amendments proposed today and those recommended by the Department of Health/Environment in the Department's balloon as well.

Chair adjourned the meeting at 3:10 p.m.

Next meeting will be Monday, March 2, 1992. Room 423-S.



Department of Health and Environment
Azzie Young, Ph.D., Secretary

Reply to:

Testimony presented to
House Public Health and Welfare Committee
by
The Kansas Department of Health and Environment
House Bill 2881

The Kansas Department of Health and Environment supports HB 2881. Considerable time is expended by school personnel in notification of the results of vision and hearing screening results. Parental notification of test results is essential for those students who fail the screenings. Most students, however, pass these tests with results documented on the student health record. When students pass vision and hearing screening, documentation on a student health record without parental notification is adequate. This is not only a savings of school personnel time but paper and postage as well.

Recommendation

Support HB 2881 with the following amendment: page 2, line 13 add to the end of this sentence "...following the Kansas Department of Health and Environment vision screening guidelines." There would be no additional cost to local school districts.

Testimony presented by: Joyce Markendorf
School and Adolescent Health Consultant
Bureau of Family Health
February 26, 1992

P Hill
2-27-92
Attm #1

To: Public Health and Welfare Committee

From: Sue Dame, R.N.
USD #418
McPherson, Ks.

Date: February 26, 1992

I am here representing the school nurses in Reno, Rice, and McPherson Counties. We oppose the addition in House Bill 2881 which would require parental notification, prior to screening, to both the hearing and vision screening laws.

For us, notification of initial screening dates of routinely screened grades could be accomplished through school newsletters. But in addition to students in routinely screened grades, we also screen two large groups of students from grades not routinely screened. These are new students and students needing annual hearing screening because of known hearing loss. Due to confidentiality, these student's names could not be listed in a newsletter. Therefore, this would necessitate the need for individual parental notification prior to these student's screenings.

In my district, this year, I screened the hearing of 176 students who were new or annual rechecks and who were not in grades routinely screened. In addition, I routinely screened hearing and vision of 1700 student's. Approximately 10% of these students failed the initial hearing and/or vision screening and required rescreening. Individually notifying the parents of new students, students that failed the initial screening, and students needing annual rechecks would mean contacting 350 parents. The cost of individually contacting these parents would be \$113.00 in postage alone. Additionally, there would other costs involved for notices, envelopes, etc. as well as a significant amount of my time. Our school budgets and schedules do not allow for this expenditure of money or time.

RBW
Written only
yet
to be handed out to
committee
FEB 27 1992
Att #2

February 26, 1992

Pertinent to House Bill 2881

Testimony before Public Health and Welfare Committee
House of Representatives

Presented by:
Dr. Tom Gray, Audiologist
Private Practice
Manhattan, Kansas

Representing the Kansas Speech-Language Hearing Association
Member-a-Large of the KSHA Executive Council
Chair of the Legislative and Licensure Committees

As a representative of KSHA, I am here in opposition to House Bill 2881 as it is currently written. We appreciate the efforts of Rep. Hackler and the co-sponsors of the Bill in their effort to eliminate the requirement that parent's of children who have passed the hearing screening be notified. This is a major step in saving time and money. However, we are opposed to other provisions of the bill.

We feel there are several other issues which need to be addressed in the hearing screening law. K.S.A. 72-1204 through 72-1207. Therefore, we support the efforts of the educational audiologists as referred to by Mrs. McKee. We hope you will consider those efforts as you deliberate HB 2881.

PHW
2-27-92
Attn # 3.

FEB 27 1992

February 26, 1992

TO: Public Health and Welfare Committee
Testimony Regarding HB 2881

FROM: Sue Bowden, R.N.
School Nurse, USD #265
Goddard KS

I have been a school nurse for the past 19 years and have averaged screening 1,200 pair of eyes and 900 pair of ears for each of those years. I would like to testify in support of the portion of HB 2881 that eliminates the reporting of passed screenings to parents, because of the time and expense included in this activity.

I oppose the portion of HB 2881 that requires prior parental notification before screening, for the following reasons:

1. The intent of the provision is good, but the interpretation could be troublesome. If the intent is to provide general information regarding services offered, parents could benefit by requesting screening for children in grades where screening is not routinely offered. It is common practice to inform parents of services provided. Is it necessary to legislate common practice found in recommendations provided by state agencies such as KSDHE and KSBE? Notification for other types of screening are not legislated (e.g. health room assessments for illness and injury, scoliosis and speech and language). If prior notification is intended to assure a parent's consent to screening, a child in need may be denied the opportunity for timely identification of and intervention for a problem.

2. The "approximate date" requirement could be unmanageable. Health service demands are unpredictable. A medical emergency or other crisis situations will frequently interfere with scheduled testing. What are the implications if the schedule is not followed? If a loophole such as the "when possible" wording is necessary, the entire prior notification provision should be eliminated.

1 PHW

FEB 27 1992
Att # 4
1-2

3. In a time when a great deal of focus is on school finance and the value of service for dollars spent, it concerns me that the time and money spent to notify parents in advance of testing will take the place of services currently being performed. Increased paperwork and bureaucracy results in less direct care for the services to our children. With ever increasing student needs, school nurses must constantly prioritize their efforts. The prior parental notification portion of this bill will not fill a vacuum or empty space in a school nurse's day. It will take the place of services such as health room assessments and identification of services or resources to meet needs; pregnancy counseling; crisis intervention counseling; human sexuality and aids education; drug abuse prevention education and intervention; and wellness promotion. Elimination of the prior notification portion of HB 2881 will prevent an interpretation of the law that could interfere with the performance of these services.

Thank you for your consideration of my concerns.

2
PHW
2-27-92
Attn # 4

pg 2 of 2

STATE OF KANSAS



DIVISION OF THE BUDGET

JOAN FINNEY, GOVERNOR
GLORIA M. TIMMER, Director

Room 152-E
State Capitol Building
Topeka, Kansas 66612-1578

(913) 296-2436
FAX (913) 296-0231

February 18, 1992

The Honorable Carol Sader, Chairperson
Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse

Dear Representative Sader:

SUBJECT: Fiscal Note for HB 2759 by Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2759 is respectfully submitted to your committee.

HB 2759 would authorize the Secretary of Health and Environment to adopt rules and regulations for the administration of a program popularly referred to as the Infants and Toddlers Program. The program would provide early intervention services to children less than two years of age who have developmental disabilities. The rules and regulations would include guidelines for service provider contracts, a statistical database, the development of an early intervention system, a procedure for awarding grants, and other services.

The Department of Health and Environment indicates the adoption of rules and regulations would have no fiscal impact. The agency notes, however, that implementation of the program, although not addressed in the bill, would require \$3,194,612 from the State General Fund in addition to FY 1993 expenditures recommended in the *FY 1993 Governor's Budget Report*. Further additions of the same amount would be required in FY 1994 and in FY 1995, bringing the total cost of implementation and maintenance to \$9,583,836 from the State General Fund.

Sincerely,

Gloria M. Timmer
Gloria M. Timmer
Director of the Budget

*AKW
2-27-92
Attn: #5*

cc: Laura Epler, Health and Environment

ACLU on HB 2702
Gordon Risk, M.D.

This legislation is badly needed. Discrimination against HIV infected individuals by adult care homes has been rampant in the state. The discrimination has been based on fear and ignorance and has not been responsive to reason, information, or persuasion. There has never been a documented case of HIV transmission through vomitus, urine, feces, tears or saliva. There are no public health reasons to justify exclusion of HIV infected individuals, including those with AIDS, from adult care homes. Adult care homes receiving substantial amounts of federal and state money are denying HIV infected individuals equal access. This legislation, which would provide equal protection, is badly overdue.

P/H/W
2-27-92
Attm #6

STATE OF KANSAS

115-3



DIVISION OF THE BUDGET

Room 152-E
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JOAN FINNEY, GOVERNOR

GLORIA M. TIMMER, Director

February 25, 1992

The Honorable Carol Sader, Chairperson
Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse

Dear Representative Sader:

SUBJECT: Fiscal Note for HB 2702 by Joint Committee on
Health Care Decisions for the 1990s

In accordance with KSA 75-3715a, the following fiscal note
concerning HB 2702 is respectfully submitted to your committee.

HB 2702 would require the Department of Health and
Environment to deny, revoke, or suspend the license of any
adult care home which receives federal or state funds and which
refuses to admit or treat persons who have tested positive for
human immunodeficiency virus (HIV) or are suffering from
acquired immune deficiency syndrome (AIDS).

The Department of Health and Environment indicates the bill
would have no fiscal impact.

Sincerely,

Gloria M. Timmer
Gloria M. Timmer
Director of the Budget

cc: Karen DeViney, SRS
Laura Epler, Health and Environment

228

*PHW
2-27-92
attm # 7.*