

Approved: March 16, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on March 6, 2000 at the Dillon House.

All members were present except: Representative Dale Swenson, Excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department
Norman Furse, Revisor of Statute's Office
June Evans, Secretary

Conferees appearing before the committee: Debra Jennings, Braiden Maidens
Bob Corkins, Executive Director, KPPI
Sally Finney, Kansas Public Health Association
Mary Lou Davis, Board of Cosmetology
Lou Saadi, Ph. D., KDHE
D. Charles Hunt, MPH, Epidemiologist, KDHE
Jerry Slaughter, Kansas Medical Society
Tom Bell, Kansas Hospital Association
Billie Hall, Kansas Health Institute
Bob Day, SRS

Others attending: See Attached Sheet

The Chairperson opened the hearing on **SB 513 - Concerning Cosmetology.**

Staff gave a briefing stating a licensed cosmetologist can only work in a licensed salon. A person does not need a license if they don't charge a fee.

Debra Jennings testified in support of **SB 513** stating she and her partner, Wendy Moody, purchased Fantasy Hair Weaving, a hair braiding booth at the Kansas City Renaissance Festival from Ms. Suzanne Haney 5 years ago. Ms. Haney had operated the business at The Kansas City Renaissance Festival for the previous 18 years. Wendy had worked for Ms. Haney for 6 years prior. Thousands of heads have been braided at the Festival over these 23 years and there has not been one complaint to us, or Festival management concerning the finished hair weave, the process, or sanitation methods. The hair is not washed, cut, colored or permed. The combs are soaked in soapy water and Barbicide and we only do braiding. Sanitation is a responsibility that is taken very seriously. Our hands are cleansed with an antibacterial gel and baby wipes between each braid (See Attachment #1).

Bob L. Corkins, Executive Director, Kansas Public Policy Institute, testified as a proponent to **SB 513**, stating KPPI is a nonpartisan, nonprofit research firm that educates people about free-market economic principles in the context of today's important public policy debates. Research into the topic of cosmetology regulations upon hair braiding warrants his appearance today to explain the reasons for supporting the cause of the Braiden Maidens and others similarly affected. The Board of Cosmetology has become a bureaucratic conglomeration of rules and regulations that extend far beyond the Board's mission to protect public health. Mandates by the state have become burdensome and irrelevant, entrepreneurship has been stifled and freedoms have been trampled (See Attachment #2).

Representative Tom Sloan provided written testimony supporting the Braiden Maidens and **SB 513** (See Attachment #3).

Representative Ballard was in the audience and stated she supported the Braiden Maidens and **SB 513**.

Sally Finney, M.Ed., Executive Director, Kansas Public Health Association, Inc., testified as an opponent

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MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on March 6, 2000.

to **HB 513**, stating KPHA is dedicated to promoting sound public health policy and programs in Kansas. We do not oppose removing hair braiders from the authority of the Board of Cosmetology. Ours is strictly a public health concern. As is currently written, **SB 513** fails to provide for any protection of the public from transmission of disease that may result from improper sterilization of hair styling tools and a braider's hands as they are used on one person after another. Unsanitary practices place unwitting members of the public at risk for a variety of infections and infestations from such unsavory agents as head lice, scabies, and ring worm.

In order to reduce the risk of transmission of infection, it is suggested a simple change in **SB 513** be made and a provision added to direct the Kansas Department of Health and Environment to prepare a brochure for hair braiders. The brochures would include simple information about appropriate infection control practices. The agency could make the brochure available through their web site and in printed form upon request. Braiders would keep the brochure on file for future reference to document compliance with the law in the event of an outbreak resulting from suspected improper infection control practices. (See Attachment #4).

Mary Lou Davis, Board of Cosmetology, testified as an opponent to **SB 513**, stating the mission of the Kansas Board of Cosmetology is to protect the health and safety of the consuming public by licensing qualified individuals and enforcing standards of practice. Cosmetologists are educated to identify infections and diseases and in turn advise infected individuals to seek proper medical care and treatment. Lack of treatment for lice or ringworm may lead to more seriously secondary infections. Hair braiding is included in the cosmetology curriculum. Hair braiding and the proper braiding techniques and the necessary health and sanitation practices are taught in each of the 24 licensed Kansas schools (See Attachment #5).

The Chairperson closed the hearing on **SB 513**.

The Chairperson opened the hearing on **SB 554 - Health Care Data**.

Staff gave a briefing stating there was no data on morbidity. The data would have to be collected from individual providers.

Elizabeth W. Saadi, Ph.D., testified in support of **SB 554**, stating the language of this bill solidifies the provisions in the enabling legislation for the Health Care Data Governing Board to collect health services utilization data from health care providers. Basic data about health services being delivered in Kansas is needed to understand how sick our population is. These data provide information about specific health conditions that cause significant morbidity and mortality in Kansas. This data, in a non-identifiable manner, would provided the kinds of health problems that occur in Kansas communities. Much of the data sought with this bill is currently available in electronic format. This would minimize the reporting burden for providers (See Attachment #6).

D. Charles Hunt, MPH, Epidemiologist, KDHE, testified as a proponent to **SB 554**, stating violence is a leading public health problem. One third of all injury deaths are intentional. Homicide is the 2nd leading cause of death for persons 15 to 24 years of age. It is important to have data on these health services (See Attachment #7).

Jerry Slaughter, Executive Director, Kansas Medical Society, testified regarding **SB 554**, stating they are not opposed to the state beginning an effort to collect patient level data from individual providers so long as the following conditions were present: (1) the data are collected for a specific purpose which is communicated to the providers who would be asked to supply the data. (2) the data are collected in a manner that does not involve a significant amount of cost, intrusion and administrative hassle for the providers and (3) the data are collected in a manner that assures confidentiality of patient and provider information (See Attachment # 8).

Tom Bell, Kansas Hospital Association, testified they are and have been a strong supporter of the Kansas

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Health Care Data Governing Board and supports the principle of **SB 554**. We continue to encourage the Data Governing Board to (1) if they need to create a new data base, that it include information about the different settings from which health care is provided in today's environment. The existing databases currently available illustrate the types of data that will be requested from providers and provide a significant insight into the possibilities and limitations of the data. In addition, KHA believes only a database that crosses provider settings will provide the information necessary to accomplish the purposes laid out in the enabling legislation (See Attachment # 9).

The Chairperson closed the hearing on **SB 554**.

The Chairperson opened the hearing on **SB 555 Voting status of governmental members of the health care data governing board.**

Staff gave a briefing stating this was a simple repealer.

Elizabeth Saadi, Ph.D., KDHE, stated KDHE supported **SB 555** requesting voting members of the Health Care Data Governing Board seeking voting status for the representatives from the Kansas Department of Health and Environment, Social Rehabilitation Services, and the Kansas Insurance Department (See Attachment #10).

The Chairperson stated the bills would be worked in reverse order.

Representative Gerginger moved and Representative Lightner seconded to move SB 555 out and put on the Consent Calendar.

The motion failed as it was brought to the Committee's attention an amendment was needed.

The Chairperson closed the hearing on **SB 555**.

Representative Landwehr moved and Representative Geringer seconded approval of the minutes of March 2. The motion carried.

The meeting adjourned at 3:15 and the next meeting will be March 7.

Written testimony only was distributed: Bob Day, Department of Social and Rehabilitation Services (Attachment #11); Academy of Hair Design, Inc. (Attachment #12); Terri Roberts, (Attachment #13); Gary H. Spivey, M.D., MPH (Attachment #14); Richard Douglas Iliff, M.D., (Attachment #15)

HEALTH AND HUMAN SERVICES

DATE March 6, 2000

NAME	REPRESENTING
Bob Corkins	Ks. Public Policy Institute
Lou Soudi	KDHE
CHARLES HUNT	KDHE
LuAnn Baumchen	Braiden Maidens
Shirley Leach	Braiden Maidens
Gary Jennings	Braiden Maidens
WENOLYN MOOZY	BRAIDEN MAIDENS
Debra Jennings	Braiden Maidens
John Kiefhaber	Ks. Health Care Assn.
Julia Thomas	DOB
Roger Frazzini	KGC
Kevin Barone	Henn / weir chld.

Mr. Chairman, and members of the committee. I'm Debra Jennings, and I and Wendy Moody, my partner in Braidin' Maidens, thank you for the opportunity to speak to you in support of Bill 513. We understand your time is valuable and I'll be as brief as possible. The introduction of this bill was precipitated by an action of the Board of Cosmetology in 1999 that shut down our braiding booth for three weekends during the 1999 Kansas City Renaissance Festival.

Wendy and I purchased Fantasy Hair Weaving, a hair braiding booth at the Kansas City Renaissance Festival from Ms. Suzanne Haney 5 years ago Ms. Haney had operated the business at The Kansas City Renaissance Festival for the previous 18 years. Wendy had worked for Ms. Haney for 6 years prior to us purchasing the business. We changed the name of the business to Braidin' Maidens Thousands of heads have been braided at the Festival over these 23 years and there has not been one complaint to us, or Festival management concerning the finished hair weave, the process, or sanitation methods.

What do we do? We braid hair. We weave hair. We do 3, 5, 7, and , 9 strand braids. We finish the braid by placing silk flowers in the hair. We do not wash hair. We do not cut hair. We do not color or perm hair. We braid hair. It is a natural process. We soak our combs in soapy water and Barbicide.

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Sanitation is a responsibility that we take seriously. We cleanse our hands with an antibacterial gel and Baby Wipes between each braid.. Our combs are fully immersed in a solution of Barbicide and a separate container of soapy water. Before a customer's hair is woven they are given a sanitized comb with which to comb out their hair. The customer then gives the same comb to the braider to complete the combing out process. Once the hair weave is complete, the comb is returned to the soapy water, and then to the Barbicide solution. We have never received a complaint concerning our sanitary practices from customers. These customers have also included licensed cosmetologists. We have never been cited by the State for any violations.

For 7 weekends, every year, the past 23 years, hair has been braided at the Kansas City Renaissance Festival without incident. For 7 weekends, every year, the past 23 years, hair has been braided, openly, in front of over 100, 000 people-a year without incident.. Over two million people have witnessed hair braiding at the Kansas City Renaissance Festival. Hundreds of licensed cosmetologists have been braided. There have been no complaints. Until September of 1998.

In September of 1998 one licensed cosmetologist filed a complaint with the State Board of Cosmetology alleging that the Braidin' Maidens were practicing cosmetology without a license. The Board of Cosmetology chose to pursue the matter, quickly and aggressively. They demanded that the Kansas City Renaissance Festival shut us down. The Festival management refused. We were able to complete the 1998 show without further incident. We also had our initial phone contact with Ms. Mary Lou Davis, Executive Director of the State Board of Cosmetology.

In early March of 1999, The Kansas City Renaissance Festival, Wendy Moody, and myself received a letter dated March 4, 1999 from Ms. Mary Lou Davis. The letter stated that upon issuance of the letter we had ten (10) calendar days to respond in writing to allegations that we were providing cosmetology services to the public without a license. Both Wendy and I replied within ten (10) days. The Kansas City Renaissance Festival did not respond. Basically our response was that we were not providing cosmetology services. We were only braiding hair.

We did not hear from the State Board of Cosmetology until July 19, 1999. There are one hundred twenty nine (129) days between March 12, 1999 and July 19, 1999. That's over four (4) months. In the letter, the Board elected not to fine us for braiding hair the previous year at the Festival, but did make it clear that if we were found practicing cosmetology at the Kansas City Renaissance Festival, or at any other location without a valid license issued by the Board, we would be issued a summary order assessing a fine. However, by July 19, our Festival fees of 1350 dollars had been paid, supplies had been ordered, arrangements had been made. We were in the Festival.

The Festival opened the first weekend of September. At 6:00pm of the night before opening day we were not sure what we were going to do. We had talked with Festival management and legal counsel. There were differing opinions. Some advised us that the Board could indeed fine us, and fine us heavily. Others suggested we open and see what would happen. Shortly after 6:00pm on September 3, we received a call from Scott Mauck, crafts coordinator of the Festival, advising us that we had been cleared, by someone in the Governor's office, to braid opening weekend. We assumed we had been cleared by to braid for the duration of the Festival. We were mistaken.

On Sunday, September 12, an inspector from the Board arrived at our booth with a camera and tape recorder. She demanded to speak with us. We immediately notified Festival management. Ms. Carrie Shoptaw, General Manager, was soon at our booth. The inspector denied working for the Board. She denied knowing Mary Lou Davis. She denied knowledge of an executive session of the Board scheduled for Monday, September 13, which we were scheduled to attend via conference call. She did say that if we continued braiding, we would be violating a Kansas Statue, and that we were a threat to the health of the general public. When asked, she could not name the statute. She said the paper work was in her car and she would not go get it.

On Monday, September 13, the Board met in executive session. We made arrangements to conference call from the Kansas City Renaissance Festival office. My husband called Ms. Davis that morning. He asked if the meeting would be recorded. She assured him it would. (Later, when he requested minutes of the meeting, he was advised by Ms. Davis by letter that no recordings or minutes of the discussion were made.) The meeting was remarkable. Ms. Shoptaw, the Festival General Manager, made a statement on our behalf. We then offered several compromises but we were summarily rebuffed. Quickly, a motion to issue a cease and desist order was made, seconded, and passed. The cease and desist order was quickly followed by threats of fines. Fines of 1000 dollars per violation. This could be substantiated by the minutes of the meeting. However, according to Ms.

Davis, no minutes were recorded. Judge Eric Rosen, Shawnee District Court 4, later ruled that the cease and desist order carried no force of law.

For the next three weekends we did not braid. Instead we gathered over 3000 names on petitions. We alerted the news media. We called our State Representatives and State Senators. We made hundreds of phone calls. We found an attorney willing to represent us. We filed a restraining order against the Board. Our case was heard in Shawnee District Court 4 by Judge Eric Rosen. In conference with attorneys prior to the hearing the cease and desist order of the Board was declared to carry no force of law. The Board can only issue such orders against licensed cosmetologists. Judge Rosen did not make a final ruling. He did, however, allow us to braid for the final two weekends of the Festival. We have offered to drop the suit against the Board of Cosmetology, but they refuse to drop their appeal. Judge Rosen awaits the decision of the legislature before making a final ruling.

Five points

1 We braid hair. We are not cosmetologists. We do not claim to be cosmetologists. We provide a different service to a different clientele. Recently we called over 200 salons in the Kansas City, Lawrence and Topeka areas and asked if they could do five or seven strand braids. Only 7 answered in the affirmative. Most said they did not braid at all. We are not a threat to the profession of cosmetology. The Board would have you believe that if this bill is passed it would be the beginning of the end of their profession. They would have you believe that we are taking money out of their pockets. However, Sandra Gasser, Chairwomen of the Board of Cosmetology, in her testimony before the Senate Committee on Public Health and Welfare, stated that the market is demanding more cosmetology professionals. Two new cosmetology schools are pending. The Fiscal Note submitted to the Senate Committee on Public Health and Welfare for SB 513 states that the Board of Cosmetology indicates that the passage of this bill would have no fiscal impact on the agency. In the past 23 years of unregulated hair braiding at the Renaissance Festival there has been no financial impact on the profession of cosmetology. The passage of this legislation will not change that.

- 2 This is not a public health issue. We follow the same sanitary procedures as licensed salons. The Board of Cosmetology only considers us a threat to the public health if we are compensated for braiding. This is about money, power, licensing, and control. While the statute, passed in 1927, that established the Board of Cosmetology, was introduced to protect the consumer, it has evolved into a statute that now serves only to preserve and protect the Board and its financial interests.
- 3 We have substantial public support. We would not have made it this far without it.
- 4 The state of Maryland just recently passed a bill that exempts hair braiding from regulation by the State Board of Cosmetology.
- 5 The Board of Cosmetology chose this path. We have only followed it. It has led us here. We trust that common sense and reason will prevail and we urge you to support Senate Bill 513. Thank you for your time.



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Washburn University

March 6, 2000

Testimony before the Kansas Legislature
House Committee on Health & Human Services
Re: Board of Cosmetology, hair braiding

by
Bob L. Corkins
KPPI Executive Director

Honorable Chair and Members of the Committee:

My name is Bob Corkins, president and executive director of the Kansas Public Policy Institute. KPPI is a nonpartisan, nonprofit research firm that educates people about free-market economic principles in the context of today's important public policy debates. KPPI was founded in Wichita in 1996, is now based in Topeka, and continues to decline any government funding of our work.

KPPI's direct involvement with the Legislature is minor, but our research into the topic of cosmetology regulations upon hair braiding warrants my appearance today to explain our reasons for supporting the cause of Debra Jennings and others similarly affected. The proposal before you now would address the plight of hair braiders, but I will gear my comments to the general issues in question rather than the specific language of any given bill.

Regardless of the intent motivating the 1927 Kansas Legislature to create the Board of Cosmetology, the Board has become a bureaucratic conglomeration of rules and regulations that extend far beyond the Board's mission to protect public health. Mandates by the state have become burdensome and irrelevant, entrepreneurship has been stifled and freedoms have been trampled.

The State claimed that Jennings and Wendy Moody -- the "Braidin' Maidens" -- were illegally operating without cosmetology licenses. Braiding hair, as the State defines, is an act of cosmetology, and the braiders were acting as black-market cosmetologists.

This obscure case begs the question of when is government too much government. The Board of Cosmetology's mission is "to regulate the profession of cosmetology, tattooing, and body piercing, including the cosmetology schools and tanning facilities in order to protect the health and safety of the licensees and the general public." But with this recent case and others, one can clearly see that the issue is largely one of protecting economic turf.

As the statutes currently read, if the Maidens had continued braiding hair at the Renaissance Festival for free, they would not have been in violation of the statutes, for the laws only apply if they charge money for their services. What better evidence could there be that the law's real purpose is economic protectionism?

A few years ago, Monique Landers, then a 15-year-old student in Wichita, opened her own hair-braiding business. Although she won an award from the

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National Foundation for Teaching Entrepreneurship for her ingenuity, the State quickly shut her down for practicing without a cosmetology license.

According to Monique, "The [Kansas Cosmetology] Board won't let me earn my own money, and won't let kids like me learn how to take care of ourselves. I think owning your own business is a way of being free. If more kids knew they could grow up to be their own boss they would be more responsible and cause less trouble."

If the Board were simply trying to secure health and safety, then Landers could have stayed in business. Many individuals who perform traditional African-styled hair braiding have also run into obstacles in other states.

Cosmetologist are required by law to complete 1,500 hours of education, including classes in "care of hair pieces", "blow dry styling" and "salesmanship." These state-mandated classes go far beyond the Cosmetology Board's mission of protecting health.

It should also be noted that just because someone has a cosmetology license does not ensure customers will be happy with haircuts they receive. A cosmetology license merely means that the beautician has managed to jump through multiple hoops and spent a lot of money while jumping. Kansas statutes dictate that police officers only need 320 hours of training, emergency medical technicians are required to have 90 hours of training, and a hunting license may be obtained after only a 10- or 12-hour course.

A person wanting to become a beautician can expect to pay thousands of dollars for his or her training. Not including books, supplies or enrollment fees, tuition at a Kansas cosmetology school can cost up to \$8,500 -- education at a licensed school that is mandated by the state of Kansas.

In a case similar to those of Jennings and Landers, JoAnne Cornwell, a professor at San Diego State University who practices a form of ethnic hair braiding, was shut down by the California Board of Cosmetology for braiding hair without a license. In Professor Cornwell's case, however, a U.S. District Judge corrected this stifling of freedom when he said that California's requirement of 1,600 hours is "wholly irrelevant to the achievement of the state's objectives."

While on the surface the Cornwell case may sound like a minor victory for hair braiders, it could have truly profound Constitutional implications, for the ruling held that there was no *rational basis* for California's onerous cosmetology regulations. The *rational basis* test is a critical gauge in deciding whether a law complies with the Constitution's Equal Protection Clause. Historically, the Supreme Court has been extremely liberal in giving state legislatures the benefit of doubt that there is *some good* reason for their enactments. Perhaps now, humble hair braiders can bring some meaningful limit to this presumption.

The Board of Cosmetology may have been created with good intentions, to protect the people of Kansas. The board has evolved, however, with a far broader scope. Classes not related to public health are still quite valuable. Consumers are free to seek out the most well trained stylists available. Cosmetology is an honorable profession and practitioners are right to market the superior skills they've attained, but the state's role in all this is entirely a separate matter.

The best plan, therefore, would be to give authority back to Kansans by eliminating all of the cosmetology board's power to regulate beyond public health. At a minimum, the immediate plight of Kansas hair braiders should be corrected as soon as possible.

Thank you for your time and consideration.

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November 11, 1999

Splitting Hairs over Cosmetology Laws

By Erin Rooney

Splitting Hairs over Cosmetology Laws

By Erin Rooney¹

Executive Summary

Regardless of the intent motivating the 1927 Kansas Legislature to create the Board of Cosmetology, the Board has become a bureaucratic conglomeration of rules and regulations that extend far beyond the Board's mission to protect public health. Mandates by the state have become burdensome and irrelevant, entrepreneurship has been stifled and freedoms have been trampled. "Splitting Hairs over Cosmetology Laws" explains why the State needs to get out of its citizens' hair and allow individuals, such as the Kansas City Renaissance Festival's Braidin' Maidens, the freedom to make an honest living.

Background

Debra Jennings and Wendy Moody never imagined that braiding hair could be considered to be a crime. Especially since a "Braidin' Maidens" booth had been a part of the Kansas City Renaissance Festival for almost 23 years. Jennings and Moody had worked the booth for more than five years each and never had any reason to believe they were criminals.

But the state of Kansas had other ideas. During the second weekend of the fall festival in 1999, the Kansas Board of Cosmetology threatened the women that harsh fines might have to be paid and jail time might have to be served if they did not shut down their booth. Not wanting to go to jail, the women closed up shop and waited for a judge to rule in their case.

The State claimed that the women were illegally operating without cosmetology licenses and were not working in a licensed salon. Braiding hair, as the State defines, is an act of cosmetology, and the braiders were acting as black-market cosmetologists.

This obscure case begs the question of when is government too much government. The Board of Cosmetology's mission is "to regulate the profession of cosmetology, tattooing, and body piercing, including the cosmetology schools and tanning facilities in order to protect the health and safety of the licensees and the general public."² But with the Braidin' Maidens' case, one can clearly see that this is an issue of protecting economic turf, with only a minimal intent of protecting public health.

Many Mandates are Burdensome and Irrelevant

Most mandated hours of course work at cosmetology schools have nothing to do with health and safety, but, instead, teach other skills useful for practicing this career. A licensed

¹Erin Rooney is Director of Policy Studies for the Kansas Public Policy Institute.

²*The Governor's Fiscal Year 2000 Budget Report*, volume 2, p. 513

cosmetologist must complete 1,500 hours of education, including classes in “care of hair pieces”, “blow dry styling” and “salesmanship.”³ These state-mandated classes go far beyond the Cosmetology Board’s mission.⁴

In addition, schools must devote 50 hours of class time simply educating cosmetology students about the laws regulating their profession. To put this into the perspective of a cosmetology student, one hour of class time, each day, for **10 weeks**, is spent learning Kansas cosmetology statutes. If the government didn’t regulate beauticians so heavily, then, instead of spending 50 hours learning statutes, students could actually be learning how to style hair.

It should also be noted that just because someone has a cosmetology license does not ensure customers will be happy with haircuts they receive. A cosmetology license merely means

An individual can learn how to protect life, save life and end life in less than a third of the time that is required to become a beautician.

that the beautician has managed to jump through multiple hoops and spent a lot of money while jumping. Kansas statutes dictate that police officers only need 320 hours of training, emergency medical technicians are required to have 90 hours of training, and a hunting license may be obtained after only a 10- or 12-hour course. Thus, an individual can

learn how to protect life, save life and end life in less than a third of the time that is required to become a beautician.⁵

There are hundreds of provisions in Kansas laws that regulate the cosmetology profession. A few examples demonstrate these laws’ negative impact.

Regulations Stifle Entrepreneurship

The Braidin’ Maidens quickly learned that the laws governing cosmetology in Kansas do not exist solely to protect public health. In fact, as the statutes currently read, if the Maidens had continued braiding hair at the Renaissance Festival for free, they would not have been in violation of the statutes, for the laws only apply if they charge money for their services. What better evidence could there be that the law’s real purpose is economic protectionism?

A number of years ago, Monique Landers, then a 15-year-old student, opened her own hair-braiding business. While she won an award from the National Foundation for Teaching

³Kansas Board of Cosmetology, “Cosmetology School Course Curriculums,” Approved by the Kansas Board of Cosmetology on September 26, 1995, effective June 1, 1996.

⁴*The Governor’s Fiscal Year 2000 Budget Report*, volume 2, p. 513

⁵Kansas Statutes Annotated (K.S.A.) 74-5604a, Kansas Administrative Regulations (K.A.R.) 109-11-7, and an October 18, 1999, interview with the Kansas Department of Wildlife and Safety.

Entrepreneurship for her ingenuity, the State quickly shut her down for practicing without a cosmetology license. According to Monique, "The [Kansas Cosmetology] Board won't let me earn my own money, and won't let kids like me learn how to take care of ourselves. I think owning your own business is a way of being free. If more kids knew they could grow up to be their own boss they would be more responsible and cause less trouble."⁶

If the Board were simply trying to secure health and safety, then Landers could have stayed in business. Many individuals who perform traditional African-styled hair braiding have also run into obstacles in other states. Because cosmetology schools do not teach this form of hair braiding, it should lead Landers to support the eloquent statement by a businessman concerned with similar regulatory burdens in Washington, D.C. "How do you license what you do not teach? How do you teach what you do not know?"⁷

Requirements Harm Both Customers and Cosmetologists, Physically and Financially

Current laws forbid beauticians from being able to visit the residence of a typical senior citizen to cut their hair.⁸ According to Kansas law, a beautician can work only in a licensed beauty shop, nursing home, hospital, or in a rest home or invalid's home. In the middle of January, many Kansans, especially the elderly who live in their own homes, might prefer to stay inside rather than fight the weather in order to get to their beauticians. As

In the middle of January, many Kansans, especially the elderly who live in their own homes, might prefer to stay inside rather than fight the weather in order to get to their beauticians

one beautician observed, "I think there's a lot of business out there. I get a lot of phone calls, not only from invalids, but from people who don't want to get out of their homes."⁹

This regulation also prevents cosmetologists from serving their most lucrative potential client base: men and women who would be willing to pay for the convenience of having someone visit their home or office.

Remove Barriers to Entry

A person wanting to become a beautician can expect to pay thousands of dollars for his or

⁶*Cascade Update*, Cascade Policy Institute, Spring/Summer 1994, p. 2

⁷"Hair Raising," *The Wall Street Journal*, September 1, 1999. Taalib Din-Uqdah is a Washington, D.C. businessman who testified in the United States District Court of Southern California for the case of Cornwell vs. Hamilton. Case No. 97 CV 138-B (POR). Uqdah's quote may be found in footnote 50 of the Judge's ruling.

⁸K.A.R. 69-6-3.

⁹September 1, 1997 interview.

her training. Not including books, supplies or enrollment fees, tuition at a Kansas cosmetology school can cost up to \$8,500.¹⁰ (Remember, the education at a licensed school is mandated by the state of Kansas.) Over the next six years, he or she would also have to pay the Board for a state examination (\$50), a license application fee (\$45), two license renewals (\$90), and possibly two statutes and regulations books to help with the renewal exams (\$10).¹¹ The Board also has authority to increase these fees, subject to limitations.¹²

In contrast, an individual who pursues an Associate's Degree at a community college in Kansas can spend less money on tuition for their two-year program. Furthermore, most Kansas students could complete roughly three full years at a public university for the same price.

Licensure Can Harm Minorities

"Written licensing examinations for cosmetology licenses appear to be biased against the less educated, apprentices, blacks, and non-natives."
— Economist Stuart Dorsey

In 1923, laws that once excluded females from cutting hair were lifted and women flooded into the workforce as hairdressers.¹³ While this was a major victory, some analysts conclude that licensing boards continue to have a discriminatory impact on the profession. According to Dan Hogan, "The reliance of licensing laws on academic credentials — which are less frequently

possessed by the poor, minorities, women, and the elderly — has a deeply pernicious and discriminating effect, especially when evidence does not exist that these credentials are positively correlated with competence."¹⁴

Randall Collins reached a similar conclusion. "Since the evidence strongly shows that credentials do not provide work skills that cannot be acquired on the job, and that access to credentials is inherently biased toward particular groups, the case for discrimination is easy to

¹⁰Telephone survey conducted of a random sampling of cosmetology schools in Kansas by the Kansas Public Policy Institute on October 28, 1999. Tuition costs ranged from \$2,400 to \$8,500. This information, according to the office of the Board of Cosmetology, is not kept on record by the State.

¹¹K.A.R. 69-11-1, and interview with the Kansas Board of Cosmetology October 27, 1999.

¹²1998 Kansas Session Laws, Chapter 160, substitute for House Bill No. 2609.

¹³*Litigation Backgrounder*, Institute for Justice, May 2, 1997, p. 4.

¹⁴Hogan, Dan B., *The Regulation of Psychotherapists, vol. I: A Study in the Philosophy and Practice of Professional Regulation* (Cambridge, Mass.: Ballinger Publishing, 1979), p. 282, in Stanley J. Gross, "Professional Licensure and Quality: The Evidence," *Cato Institute Policy Analysis No. 79*, December 9, 1986, p. 27.

make.”¹⁵ Economist Stuart Dorsey took this one step further and concluded specifically that, “written licensing examinations for cosmetology licenses appear to be biased against the less educated, apprentices, blacks, and non-natives.”¹⁶

Licensure vs. Freedom

The state is also denying individuals the ability to seek an honest living. As U.S. Supreme Court Chief Justice John Marshall concluded in *Ogden v. Saunders*, “Individuals do not derive from government their right to contract, but bring that right with them into society.”¹⁷ In contrast to Chief Justice Marshall’s view that individuals are free to do business with whomever they please, the state cosmetology board routinely denies Kansans the freedom to contract.

In a case similar to that of the Braidin’ Maidens, JoAnne Cornwell, a professor at San Diego State University who practices a form of ethnic hair braiding, was shut down by the

“Individuals do not derive from government their right to contract, but bring that right with them into society.”
— Chief Justice John Marshall

California Board of Cosmetology for braiding hair without a license. In Professor Cornwell’s case, however, a U.S. District Judge corrected this stifling of freedom when he said that California’s requirement of 1,600 hours “may work against the State’s professed interest in health and safety,”¹⁸ a ruling very similar to Chief Justice Marshall’s.

While on the surface the Cornwell case may sound like a minor victory for hair braiders, it could have truly profound Constitutional implications, for the ruling held that there was no *rational basis* for California’s onerous cosmetology regulations.¹⁹ The *rational basis* test is a critical gauge in deciding whether a law complies with the Constitution’s Due Process requirement. Historically, the Supreme Court has been extremely liberal in giving state legislatures the benefit of doubt that there is *some good* reason for their enactments. Perhaps now, humble hair braiders can bring some meaningful limit to this presumption.

¹⁵Collins, Randall, *The Credential Society: An Historical Sociology of Education and Stratification* (New York: Academic Press, 1979), p. 198, in Stanley J. Gross, “Professional Licensure and Quality: The Evidence,” *Cato Institute Policy Analysis No. 79*, December 9, 1986, p. 27.

¹⁶Dorsey, Stuart, “The Occupational Licensing Queue,” *Journal of Human Resources* 15, 1980, p. 432, in Stanley J. Gross, “Professional Licensure and Quality: The Evidence,” *Cato Institute Policy Analysis No. 79*, December 9, 1986, p. 27.

¹⁷As noted by Blevins, Sue A., “The Medial Monopoly: Protecting Consumers or Limiting Competition?” *Cato Institute Policy Analysis No. 246*, December 15, 1995, p. 6.

¹⁸United States District Court, Southern District of California, *Cornwell vs. Hamilton*, Case No. 97 CV 138-B (POR). Ruling by United States Senior District Judge Rudi Brewster.

¹⁹*Ibid.*

Who Does the Board Represent?

While regulatory agencies, such as the State Cosmetology Board, are intended to protect consumers, the reality is very different. For example, membership on the Kansas Board of Cosmetology consists of four licensed cosmetologists, two of whom must operate a salon, a licensed tattoo artist or body piercer, and only two representatives of the general public.²⁰ Not even one public health official has a seat on the board that is supposed to protect the health and safety of the general public.

This lopsided board membership is another way for individuals already in the industry to restrict others from joining their profession. Nobel prizewinning economist Milton Friedman and his wife Rose explain this phenomenon in their book *Free to Choose*. “The *justification* offered is always

the same: to protect the consumer. However, the [real] *reason* is demonstrated by observing who lobbies at the state legislature for the imposition or strengthening of licensure. The lobbyists are invariably representatives of the occupation in question rather than of the customers.”²¹

*Not even one public health official
has a seat on the board that is
supposed to protect the health and
safety of the general public.*

This point is further emphasized by the case of the Braidin’ Maidens. It was not a physically-harmed customer who made a complaint to the board against the hair braiders; rather, it was a licensed cosmetologist who complained that the women were violating state law because they didn’t have a license and weren’t operating in a licensed salon.²²

Empower Cosmetologists and Their Customers

A 1987 review of a wide variety of occupational licensing restrictions found that “licensing has, at best, a neutral effect on quality and may even cause harm to consumers.”²³ When it comes to hair care, surely Kansans are equipped to take care of themselves. As two Arizona researchers observed, “walking down the aisle of any drugstore — or driving past any high school — shows the wide range of dyes, gels, creams and appliances you can use on your hair without the supervision of a government employee or even an adult.”²⁴

²⁰*The Governor’s Fiscal Year 2000 Budget Report*, volume 2, p. 513.

²¹Friedman, Milton and Rose, *Free to Choose* (New York: Harcourt, Brace, Jovanovitch, 1979), p. 240.

²²Peterson, John L., “Legal snag ensnares hairdressers: Without license, Braidin’ Maidens close festival booth,” *The Kansas City Star*, Metropolitan Edition, p. B1. Also confirmed by telephone interview with Mary Lou Davis, Executive Director of the Kansas Board of Cosmetology, October 11, 1999.

²³Young, S. David, *The Rule of Experts: Occupational Licensing in America* (Washington: Cato Institute, 1987), p. 53.

²⁴Franciosi, Robert and Nelson Llumiquinga, “Don’t Raise the Bridge, Lower the Water: How Government Can Really Help Small Entrepreneurs,” *Goldwater Institute Perspective*, February 21, 1997, p. 2.

The Board of Cosmetology may have been created with good intentions, to protect the people of Kansas. The board has evolved, however, into a bureaucratic conglomeration of rules and regulations that go far beyond protecting public health and safety. At the bare minimum, cosmetology laws need to be trimmed so that their authority doesn't extend beyond public health issues. The best plan, though, would be to give authority back to Kansans by eliminating the 1927-era cosmetology board and getting the government out of its citizens' hair.²⁵

²⁵The author would like to thank Bryan Riley and Dr. Myron Calhoun for their assistance with this study.

TOM SLOAN
 REPRESENTATIVE, 45TH DISTRICT
 DOUGLAS COUNTY

COMMITTEE ASSIGNMENTS
 VICE CHAIRMAN: UTILITIES
 MEMBER: ENVIRONMENT
 KANSAS 2000



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Testimony on SB 513 – Concerning Hair Braiding and the Board of Cosmetology

Mister Chairman and members of the Committee, thank you for the opportunity to provide testimony on SB 513. I regret that I cannot be present during the hearing, but the House Kansas 2000 Committee Chairman desires my presence in that committee. Please contact me if you have questions about my testimony in support of the hair braiders.

The Lawrence legislative delegation became interested in the hair braiding issue when the Braiden Maidens contacted us regarding the Board of Cosmetology's action to prevent braiding at the K.C. Renaissance Festival. As the Braiden Maiden testimony reports, they or their predecessors have been braiding at the Festival for 23 years without a complaint from the public or the Board of Cosmetology. Our delegation is convinced that the Maidens, so as to protect the health and safety of the public, utilize appropriate sanitation practices. The Maidens' testimony addresses their sanitary techniques, essentially the same ones employed by cosmetologists.

The legislative delegation was provided in greater detail the same chronological history of the relations between the Braiden Maidens and Board of Cosmetology that is contained in the Maidens' testimony. Several items seem particularly salient:

1. The Board took over 4 months to respond to the Maidens' March letter which was prompt response to the Board's March 4 "show cause" letter. That delay was inexcusable.
2. The Board's July letter threatened to fine the Maidens if they braided hair without a license. In response to my telephone call to Ms. Mary Lou Davis, I was informed that the Board does not have the authority to issue temporary or off-premises licenses. In effect a "Catch 22" situation existed as the Braiden Maidens could not be licensed by the Board to work at the Renaissance Festival, but the Board or staff were requiring the Maidens to be licensed.
3. The Board's July order for the Maidens not to work at the 1999 Festival arrived after the women had paid their Festival fees, ordered supplies, and otherwise prepared to fulfill their contractual arrangements with the Festival organizers.
4. The Board staff person who inspected the Braiden Maidens' booth and operations apparently failed to follow normally expected State agency investigatory practices. The Board conference call hearing on the Maidens' activities also may not have conformed to standards.

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 3-6-2000
 Atch#3

5. A District Court Judge ruled that the Board had exceeded its authority and permitted the Braiden Maidens to resume working at the Festival. While the Judge did not rule on the merits of the case, my layperson's perspective is that the Judge would not have so ruled if he believed the Board's case had merit.
6. The Douglas County legislative delegation, in a show of bi-partisan support, encouraged the Braiden Maidens to file a Claim Against the State to recover their attorney fees. Most of the delegation wrote supporting letters to the Committee. The Committee refused to hear the matter because the Board of Cosmetology will not drop its lawsuit against the Maidens. The Board's action necessitated the Maidens renewing their countersuit against the Board.
7. I have spoken with five licensed cosmetologists who are personally known to my wife or me. Each described the course work and testing they passed to become licensed; they also described the continuing education courses they take. Each cosmetologist stated that hair braiding was not a significant (or in some cases any) part of his or her curriculum. Each stated that she/he did not feel that the Maidens "threatened" their livelihood or professionalism. Furthermore, they unanimously stated that no threat exists to the public health or safety because the Maidens do not color, treat with chemicals, or cut hair. While five cosmetologists do not constitute the basis for a scientific survey, it is indicative of a lack of concern by the cosmetology professionals and belief that the braiders are not cosmetologists.
8. The legislative delegation members have received countless telephone calls, street side conversations, and correspondence from the public stating that those individuals do not view hair braiding as a threat to public health.
9. Because the Douglas County delegation believes that the Braiden Maidens and other hair braiders have not violated the tenets of the Cosmetology Act, we sought the introduction of SB 513 to clearly establish that hair braiding is not cosmetology.

Efforts by several delegation members to facilitate resolution of the impasse between the Board of Cosmetology and the Maidens have been rebuffed by the Board's staff. I do not question that legitimate public policy interests exist to require that hair braiders follow sanitary procedures. However, I side with the District Court Judge that permitted the Braiden Maidens to resume work, the Renaissance Festival staff that wants the Maidens to work, and the public that very vocally has spoken in favor of the hair braiders.

If you perceive no threat to the public health and safety from hair braiding, I ask your support of SB 513.

Again, I regret that my committee schedule precludes my attendance before you. Please do not hesitate to contact me or any other member of the Douglas County legislative delegation about our perception of the issues and support for clarifying that hair braiding is not part of the Board of Cosmetology's responsibility.

**KANSAS
PUBLIC
HEALTH
ASSOCIATION, INC.**

KANSAS PUBLIC HEALTH ASSOCIATION, INC.

AFFILIATED WITH THE AMERICAN PUBLIC HEALTH ASSOCIATION

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Testimony presented by
Sally Finney, M.Ed.
Executive Director
March 6, 2000

The Kansas Public Health Association is a professional organization representing individuals and organizations throughout the state. KPHA is dedicated to promoting sound public health policy and programs in Kansas. I am submitting this testimony on behalf of our members and ask that you oppose Senate Bill 513.

I want to make it clear that we do not oppose removing hair braiders from the authority of the Board of Cosmetology. Ours is strictly a public health concern. As it is currently written, SB 513 fails to provide for any protection of the public from transmission of disease that may result from improper sterilization of hair styling tools and a braiders hands as they are used on one person after another. Unsanitary practices place unwitting members of the public at risk for a variety of infections and infestations from such unsavory agents as head lice, scabies, and ring worm.

In order to reduce the risk of transmission of infection, we suggest a simple change in SB 513. Add a provision to direct the Kansas Department of Health and Environment to prepare a brochure for hair braiders. The brochure would include simple information about appropriate infection control practices. The agency could make the brochure available through the their web site and in printed form upon request. We recommend the brochure include a self-test for hair braiders to check their understanding of the brochure's concepts. Braiders would keep the brochure on file for future reference to document compliance with the law in the event of an outbreak resulting from suspected improper infection control practices.

Thank you for your consideration of this matter.

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3-16-2000
Atch# 4



TESTIMONY ON SENATE BILL 513
BEFORE THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES
Monday, March 6, 2000

Mr. Chair and Members of the Committee:

The mission of the Kansas Board of Cosmetology is to protect the health and safety of the consuming public by licensing qualified individuals and enforcing standards of practice.

This regulatory authority was originally mandated by the legislature in the late 1920's. From the onset of its existence, the law specified that the Board shall conduct examinations for licensure (registration), inspect for "sanitary conditions" of the place of business, and regulate schools and apprentices.

The original intent of this enacted law - health and sanitation - has been the mainstay of the Board's responsibility through eight decades and is even more pertinent today.

As you review Senate Bill 513 you will note that present law defines cosmetology as "the profession of arranging, dressing, permanently curling, curling, waving, cleansing, temporarily or permanently coloring, conditioning or cutting the hair." A cosmetologist is further defined as an individual who practices the profession of cosmetology for compensation. The cosmetology statutes also mandate that cosmetology services be performed within a licensed facility to ensure the health and safety of the general public.

Senate Bill 513 defines braiding and specifies that cosmetology shall not mean braiding. Therefore, individuals who wish to braid hair for compensation would not be under the regulatory authority of the Kansas Board of Cosmetology.

The Board is unanimous in its opposition to this proposed legislation.

Cosmetology is regulated in all fifty states. Most states require 1500 hours or more of cosmetology education and training and the successful completion of a licensure exam. Of these states only five states have a license specific to braiding with four states requiring 300 to 400 education/training hours for a braiding license.

The cosmetology curriculum includes instruction on types of bacteria, classifications of pathogenic bacteria, bacterial growth and reproduction, bacterial infections, infectious agents, immunity, AIDS, decontamination and infection control and anatomy. Obviously the education involves much more than the technical aspect of the profession.

Individuals may view some infections lightly. *Those are the very individuals who must be safeguarded.* Cosmetologists are educated to identify infections and diseases and in turn advise infected individuals to seek proper medical care and treatment. Lack of treatment for lice or ringworm may lead to more serious secondary infections.

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The outbreak of scalp ringworm was so severe in Sedgwick County in 1998 that the Sedgwick County Medical Society enlisted the help of the Kansas Board of Cosmetology and the Kansas Department of Health and Environment. Scalp ringworm is but one serious condition that should not be left untreated. Individuals unable to detect or understand the seriousness of such conditions may unknowingly infect the public.

It has been erroneously stated that hairbraiding is not included in the cosmetology curriculum. Hair braiding - and the proper braiding techniques - and the necessary health and sanitation practices is taught in each of the 24 licensed Kansas schools. Hair braiding is a component of the curriculum and is included in cosmetology textbooks and workbooks. Numerous materials and texts are devoted to the teaching of varying styles of braids. Instructors routinely attend training seminars which include sessions specific to hair braiding.

The Baylor University College of Medicine televises a syndicated medical news report titled TV Healthline. A recent segment was aired about the hazards of hair braiding. Dr. John Wolf, a teaching physician in dermatology at Baylor states that it is common knowledge among individuals in his profession that the tension of hair braids may cause considerable damage and/or side affects - including but not limited to breakage of the hair, scarring of the scalp and headaches.

Some individuals may argue that cosmetologists fear the competition of unlicensed practice. This is not the case. The Boards' primary concern is the health and safety of the consuming public.

The market is demanding more cosmetology professionals. Currently two "new school" licenses are pending. In addition to these pending licenses, one grant has been submitted to the Kansas State Board of Education for opening a cosmetology school in a local school district's secondary education technical track. In western Kansas a local Chamber of Commerce and partnering salons are approaching the local school district and community college offering in-kind contributions of equipment to open a cosmetology school. If competition was feared these efforts would not be occurring.

You may recall the Board was involved in the continuing education controversy during the 1998 legislative session. Although the CE requirement for licensure renewal was discontinued in 1998, *the legislature believed that it was vital to maintain high standards of practice in health and sanitation*. Therefore it enacted the provision that beginning in July 2000 each cosmetologist must successfully complete a "renewal exam" which will address health and sanitation rules and regulations and other current health issues.

The health and safety of the general public was obviously a primary concern of the legislature in 1998 - as it was when the cosmetology act was first enacted. The Board of Cosmetology urges your careful review and deliberation of SB 513.



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

**Testimony Presented to the
House Health and Human Services Committee**

Senate Bill 554

by

Elizabeth W. Saadi, Ph.D.
Kansas Department of Health and Environment
Center for Health and Environmental Statistics and Health Care Data Governing Board
staff

Madam Chair and members of the committee, thank you for the opportunity to provide testimony on behalf of Senate Bill 554. The language in this bill solidifies the provisions in the enabling legislation for the Health Care Data Governing Board to collect health services utilization data from health care providers. In other words, you as policy makers, and those who are health program managers, need to have basic data about health services being delivered in Kansas to understand how sick our population is. Kansas community health planners, providers, researchers and program managers need health services utilization data to assess health status, document needs, and plan for resources. These data provide information about specific health conditions that cause significant morbidity and mortality in Kansas.

The data that will be required by SB 554 will tell us – in a non-identifiable manner – what kinds of health problems occur in Kansas communities. Subsequently, ways to alleviate the suffering from these conditions can be sought and implemented. Kansas has good information about the circumstances of birth and what causes us to die. However, when we look for information about illnesses endured by Kansans, public access to this information is almost non-existent. You will hear a presentation by Mr. Charlie Hunt about how health data could be used to raise awareness and solve problems. We cannot duplicate the work Mr. Hunt has done for Kansas because of the lack of accessibility to the appropriate data.

Utilization data is maintained within the private sector, hospitals, associations and doctor's offices. There is a great need for these data to be made available to the public – not to punish physicians and medical care facilities – but to understand how sick Kansans are and address the conditions that plague us. Most of the work that has been reported in the past has involved extrapolations from national data. **Kansas policy makers need Kansas-specific data upon which to make Kansas-specific decisions.**

You created the Health Care Data Governing Board so that when health issues arise, as in 1993 with health care reform, you can make informed decisions based on Kansas-specific information. In creating the Governing Board, health care providers were made partners so the owners of these health data would be involved in the decision-making process. Providers will assist in making decisions on how to collect the data required by HB 554. Additionally, decisions for data collection will be made based on the following premises:

- Collect data in the least burdensome manner for data providers and
- seek the most cost effective method for data collection.

Much of the data sought with this bill is currently available in electronic format. This would minimize the reporting burden for providers.

I urge you to support HB 554 and encourage sharing of health information for policy decision-making and program planning needs.

Thank you for your time.

Recurrent Assaultive Injury in Missouri: A Retrospective Cohort Study Examining Assault as a Risk Factor for Assault

D. Charles Hunt, MPH
Epidemiologist
Kansas Department of Health & Environment
Bureau of Health Promotion

Introduction

Violence is a Leading Public Health Problem

- One-third of all injury deaths are intentional
 - 40% are homicides
 - 60% are suicides
- Homicide is the 2nd leading cause of death for persons 15 to 24 years of age
- >19,000 deaths annually from homicide
- >130,000 people hospitalized from interpersonal violence
- Minority populations carry greatest burden of violence
 - Homicide is the leading cause of death for African-American and Hispanic youth aged 15-24

Trauma is Not Random

- Trauma is a chronic condition with high rates of recurrence (particularly violent trauma)
- Mostly descriptive studies
- Few studies have examined violent trauma itself as an independent risk factor for subsequent assaultive injury

Magnitude of Recurrent Trauma

- In general, rates of recurrent trauma are high
- Range: 9.3% - 45%
 - Dependent on population and scope of study
- Recurrence tends to be higher among assault trauma victims
- Assault as a Risk Factor for Assault
 - Dowd et al. (RR = 39.5)
 - RR of subsequent hospitalization for assault = 39.5 among those hospitalized for assault compared to non-assaulted group
- Litaker (RR = 4.28)
 - RR of subsequent hospitalization for assault = 4.28 among those hospitalized for assault compared to hospital controls
- Rivara et al. (RR = 8.5)
 - RR of subsequent hospitalization for assault = 8.5 among those hospitalized for assault compared to those hospitalized for motor vehicle crash

Factors Associated with Recurrent Trauma

- Male Gender
 - Mixed results (50/50)
- Minority race - Significant in most studies
- Low socioeconomic status - Significant in most studies
- Substance abuse - Significant in all studies examining substance abuse
- Age NOT associated with recurrent trauma in most (only significant in one study)

Limitations of Current Literature

- Urban trauma centers
- Most studies in the literature are descriptive
 - Lack of comparison populations
- Underestimation of risk due to single study site
- Small sample sizes
- Lack of control for confounding factors
- No population-based studies of problem in U.S.

Population-based Studies on Violence

What is Needed?

- Population-wide *patient* data system to capture violent events and pertinent information
- High sensitivity
- Comprehensive
- E-codes
 - Supplemental coding system to ICD-9
 - Specifies external cause *as well as intent* of injuries

Missouri Patient Abstract System

- Statewide hospital discharge database
- Maintained by Missouri Dept. of Health
- Supported by State statute and rules
- Includes inpatient and emergency department records
- MO residents hospitalized in certain IA, KS, & IL hospitals included
- Sensitivity $\geq 90\%$
- E-codes mandated

Research Questions

- What is the extent to which assaultive injury is a risk factor for subsequent assault?
- Does the severity of assaultive injury influence the risk of subsequent assaultive injury?
- What demographic factors, if any, are associated with the risk of recurrent assaultive injury?

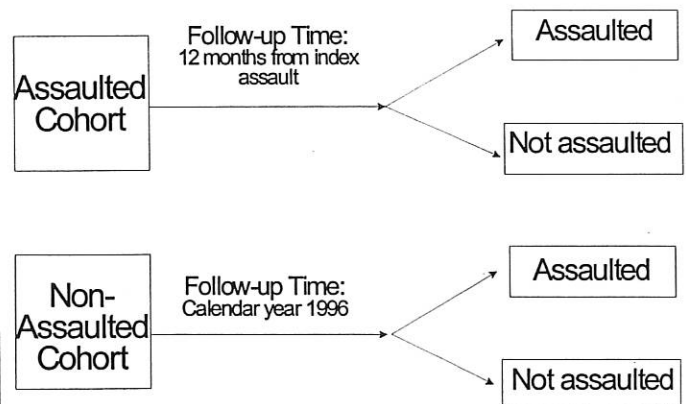
Data Sources

- Missouri Patient Abstract System 1995-96
 - All patients treated in ED or admitted for assault injuries
 - E-codes E960-E968
 - Each record in dataset represented separate encounter
 - Unique patient identification code generated by MDOH using name and social security number
- Missouri vital statistics death file 1995-96
 - Used for follow-up measurement

Study Design

MO Patient Abstract System 1995-1996 Utilized

- Retrospective cohort study
- Cohort 1 (exposed group)
 - MO residents assaulted in 1995
 - Hospitalized or treated at ED for injury (subclassifications)
 - Discharged alive
- Cohort 2 (unexposed group)
 - Population of MO minus exposed group
 - Obtained from census data tables
- Outcome of interest
 - Assault within 12 months resulting in ED visit, hospitalization, or death



Statistical Analyses

- Risk of subsequent assault
 - Mantel-Haenszel age- and gender-adjusted relative risks (stratified analyses)
 - Five age groups
 - Incidence rates
- Kaplan-Meier survival analyses used for:
 - Determining probability of repeat assault among exposed
 - Demographic factors associated with recurrent assault

Descriptive Epidemiology

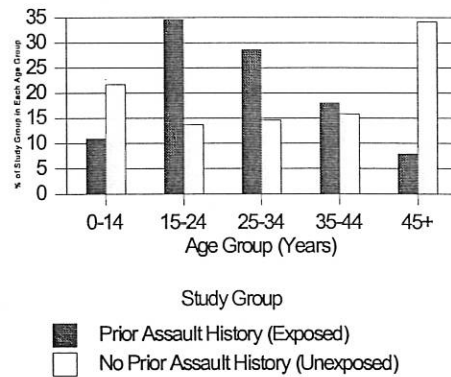
Assaulted Cohort (Exposed)

- n = 26,873
- 93.9% treated in emergency department and released
- 6.1% hospitalized

Causes of Initial Injuries Among Exposed Cohort

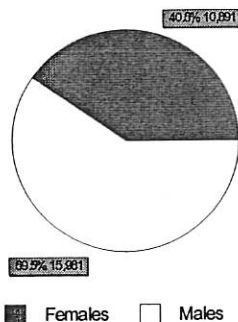
Unnamed fight/brawl	53.4%
Rape	2.9
Firearms	3.7
Cutting/piercing (stabbing)	6.9
Child battering (by parent)	1.2
Child battering (by other person)	1.4
Striking by blunt object	10.9
Bite of human being	7.9

Percentage of Patients in Age Groups, by Assault History (Exposed and Unexposed)

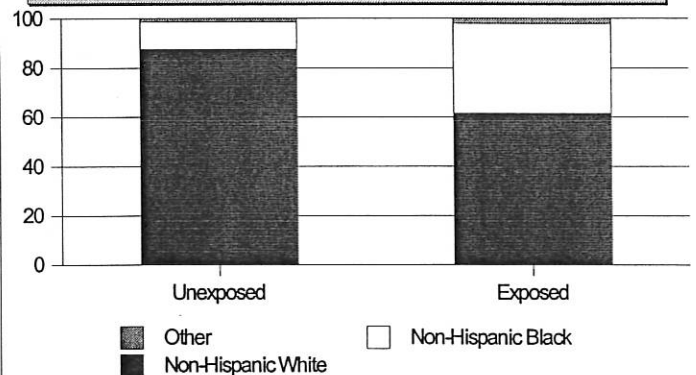


Descriptive Epidemiology

Assaulted Cohort (Exposed)

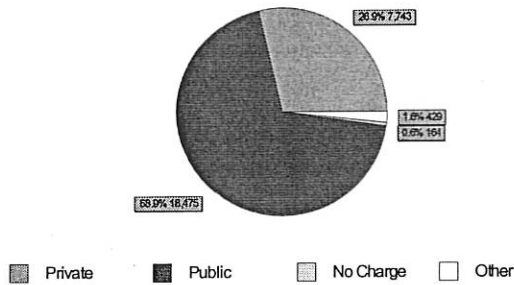


Racial Distribution of Study Groups



Distribution of Primary Payer Status

Assault Cohort



Risk of Subsequent Assault

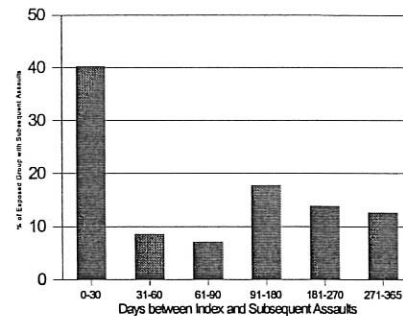
Incidence Rate by Exposure Group

Exposure Group	n	Number Assaulted in Follow-up Period	Incidence Rate/100,000 (Age- and Gender-Adjusted)
None (Unexposed)	5,292,463	25,001	485.77
ED Visit	25,232	2,452	8,681.86
Hospitalization	1,641	134	7,372.61
All Index Assaults	26,873	2,586	8,557.25

Risk of Subsequent Assault

- Relative risk (age- and gender-adjusted) of subsequent assault among patients with assault exposure compared to patients with no prior assault: 11.61 (95% CI = 11.17, 12.06)
- Risk not associated with severity
- Probability of subsequent assault within 1 year among patients with index assault = 0.0962
- Probability of subsequent assault similar between demographic groups

Percentage of Patients with Recurrent Assault Assaulted within Specific Time Intervals



Discussion

Strength of Association between Assault and Subsequent Assault

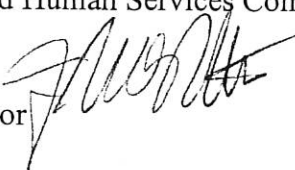
- RRs higher than in other studies
 - ▶ Hospitalized control patients at higher risk of assault than general population
 - ▶ RR of hospitalization for subsequent assault among patients hospitalized for index assault = 39.98 (Dowd et al. = 39.5)
- Overall proportion of recurrence lower than other studies
 - ▶ Study population (general population vs. urban population)

Study Limitations

- Out-of-state hospitalizations
 - ▶ No social security number (16.7% in QC report)
 - ▶ Result in conservative RR calculations
- Immigration and emigration
 - ▶ More conservative RR
 - Fewer patients matched
- Reluctance to ascribe guilt
- Incomplete medical chart
- Differential misclassification by cause
 - ▶ Gunshots and stabbings more likely to be coded intentional than blunt trauma
- Age
- Gender
- Urban vs. rural areas
- Misclassification



KANSAS MEDICAL SOCIETY

Date: March 6, 2000
To: House Health and Human Services Committee
From: Jerry Slaughter
Executive Director 
Subject: **SB 554; concerning the collection of certain health data**

The Kansas Medical Society is pleased to have the opportunity to appear today as the committee considers SB 554, which deals with information collected by the Health Care Data Governing Board.

This legislation was developed by the Board to facilitate its efforts to begin collecting more comprehensive data on patient care issues across the state. Currently, the Data Governing Board does not require individual health care providers to report patient-level data. The data being collected and made available to those who request it is largely summary data from insurance claims and manpower data about various health professions.

We are not opposed to the state beginning an effort to collect patient level data from individual providers so long as the following conditions are present:

- the data are collected for a specific purpose which is communicated to the providers who will be asked to supply the data;
- the data are collected in a manner that does not involve a significant amount of cost, intrusion and administrative hassle for the providers; and
- the data are collected in a manner that assures confidentiality of patient and provider information.

We will work with the Health Care Data Governing Board to assure that adequate privacy protections and sensitivity to costs that will be imposed on providers are built into the process. Additionally, we will urge the Board to develop a written plan addressing these issues prior to implementing the data collection process. While we support efforts to make the state's database more comprehensive, we do not want to burden physicians' offices with costly requests to produce data, particularly if the need for that data has not been clearly communicated to the provider community in advance.

Thank you for the opportunity to offer these comments.

HHS
3-6-2000
Atch #8

Memorandum



Donald A. Wilson
President

March 6, 2000

To: House Health and Human Services Committee
From: Kansas Hospital Association
Subject: Senate Bill 554

The Kansas Hospital Association has been and continues to be a strong supporter of the Kansas Health Care Data Governing Board. We do believe that the authority outlined in SB 554 was provided in the enabling legislation, but we understand the desire to further clarify the intent of that legislation. KHA supports the principle of SB 554.

As the bill was originally introduced, we had two concerns with the language. First, the bill referred to a 90-day limit for developing an agreement with the state for providing data on behalf of providers. The start time and duration of that limitation were problematic. Second, the original bill described the data that will be returned to providers who submit data. We were concerned that this section created a distinction between data access for providers and others who would ultimately have access to the data. Again, we felt this section could be eliminated and dealt within rules and regulations or procedures. We simply had reservations concerning the cost both to the state and our members of implementing new data collection requirements, and we felt that the purpose or use of the requested data should be articulated clearly. Senate committee amendments dealt with both of these concerns.

We continue to encourage the Data Governing Board to 1) fully utilize existing databases prior to implementing new requirements on providers; and 2) if they need to create a new database, that it include information about the different settings from which health care is provided in today's environment. The existing databases currently available illustrate the types of data that will be requested from providers and provide a significant insight into the possibilities and limitations of the data. In addition, KHA believes only a database that crosses provider settings will provide the information necessary to accomplish the purposes laid out in the enabling legislation.

KHA thanks the committee for the opportunity to provide our comments.

Kansas Hospital Association

215 SE 8th Ave. • P.O. Box 2308 • Topeka, KS • 66601 • 785/233-7436 • Fax: 785/233-6955 • www.kha-net.org

HHS
3-6-2000
Atch #9



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

**Testimony presented to the
House Health and Human Services Committee**

Senate Bill 555

by

Elizabeth W. Saadi, Ph.D.
Kansas Department of Health and Environment
Center for Health and Environmental Statistics and Health Care Data Governing Board Staff

Madam Chair and committee, I am presenting to you today on behalf of the Health Care Data Governing Board regarding Senate Bill 555.

Section 1 of this bill amends KSA 65-6803 which describes the membership of the Health Care Data Governing Board. When the original legislation establishing the Governing Board was drafted, there was a concern that this new entity would represent government dictating to the private sector. Governing Board members have been working together for seven years now and a level of trust has developed among the public and private members in which governmental representatives are viewed as major players in health purchasing and health information system development. It is the consensus of the non-governmental members that voting status should be granted to governmental representatives. Therefore, at the request of the voting members of the Health Care Data Governing Board, I am seeking Governing Board voting status for the representatives from the Kansas Department of Health and Environment, Social Rehabilitation Services, and the Kansas Insurance Department.

Thank you for your consideration of this statutory change.



State of Kansas
Department of Social
and Rehabilitation
Services

Janet Schalansky, Secretary

for additional information, contact:

OFFICE OF THE SECRETARY

Laura Howard, Chief of Staff
915 SW Harrison Street, Sixth Floor
Topeka, Kansas 66612-1570
phone: (785) 296-3271
fax: (785) 296-4685

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OFFICE OF FINANCE

Diane Duffy, Deputy Secretary of Finance,
Information Technology, and Administration
915 SW Harrison Street, Sixth Floor
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House Health and Human Services Committee

March 6, 2000

**Voting Status of Governmental Members of the Health Care Data Governing
Board**

Health Care Policy
Lyn Goering, Assistant Secretary
(785) 296-3773

H&HS
3-6-2000
Atch #11

Kansas Department of Social and Rehabilitation Services
Janet Schalansky, Secretary

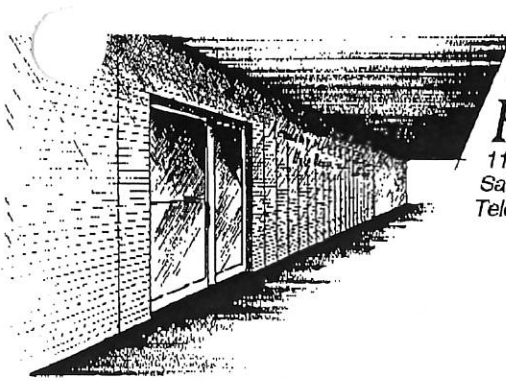
House Health and Human Services Committee
March 6, 2000

Mr. Chairman and members of the committee, thank you for the opportunity to testify on the issue of SRS becoming a voting member of the Health Care Data Governing Board.

The Medical Policy/Medicaid program is proactively working toward creating a Medicaid and HealthWave service delivery system for Kansas that cost-effectively purchases and manages quality medical services that are non-stigmatizing, provide adequate access to health care providers, and encourage long-term health and wellness management. Our approach will be to focus on value-based purchasing of health care services as a method of influencing health care delivery.

In realizing this goal, it is important that we have access to and utilize varieties of data to inform our decision making. As we craft health care policy, we will have the opportunity to, in turn, contribute to that data base. We currently serve as ex-officio members of the Health Care Data Governing Board. We believe that because of our role in administering state health care policy, it would benefit both the Board and the state if the Department of SRS were a voting member of the Health Care Data Governing Board. Therefore, we support this legislation.

11-2



Academy of Hair Design, Inc.

115 South 5th
Salina, Kansas 67401
Telephone (785) 825-8155

03-03-00

Committee of Health & Human Services,

As educators in the field of Cosmetology, we are strongly against allowing unlicensed braiding of hair for profit!

There are many reasons for not allowing this legislation to pass. We only hope that we are able to express the extent that this can hurt, not only the field of Cosmetology, but the general public as well.

First of all, we are licensed for the purpose of protecting the public from unsupervised persons working on the public and for the prevention of disease. The simple act of showing off braiding skills that was learned from your grandmother doesn't sound like a bad thing, but if a law is passed that an untrained person can perform braiding for profit, what is going to prevent someone from turning the art of braiding into a full blown profit making business? What rules are they going to have to follow for sanitation? Who is going to train them for proper sanitation of combs and brushes? Is the Public Health Department going to check out these workplaces for cleanliness and for public safety? How are the "braiders" going to know to look for head lice, scabies, and other transerable disease?

Are we going to have "braiding salons" open to the public? I am sure that unlicensed braiding will go past simple art shows once unlicensed braiding for profit has been open to the public. I can see unlicensed "prom style" salons opening up all over. And believe me, it will go far past simple braiding! Before you know it, they will be picking up the curling iron to curl the bangs just a little. Maybe the bangs are a little to long. A little snip here and there won't hurt! Before long they will be practicing Cosmetology without a license. Where is it going to end?

Please don't allow this to happen! We feel that this will set a president which will not only effect our profession, but will open the same kind of thing to happen with other professions.

Academy of Hair Design Staff:

George Smolich/Director	Cindy Smolich/Instructor	Janet Reynolds/Manager
<i>George Smolich</i>	<i>Cindy Smolich</i>	<i>Janet Reynolds</i>
Cheryl Lundgren/Instructor	Linda Moracco/Instructor	
<i>Cheryl Lundgren</i>	<i>Linda Moracco</i>	



HHS
3-6-2000
Atch #1/2



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the Voice of Nursing in Kansas

Emma Doherty, M.A., R.N.
President

Terri Roberts, J.D., R.N.
Executive Director

March 6, 2000

Testimony provided for
SUB. S.B. 554
HEALTH CARE DATA UTILIZATION

Thank you for the opportunity to offer testimony **supporting** Sub. S.B. 554. The **Kansas State Nurses Association** has representation on the Health Care Data Governing Board and has participated in the development and progress of the Board in its endeavors to provide a useful data base to direct change in health care in Kansas. We realize that without ALL data available comprehensive planning cannot exist.

We hope that with the passage of this bill and its amendments, procedures will be developed that provide a more complete picture of Kansas' citizens' health status/needs, protect client confidentiality and allay provider fears with the least amount of intrusion and cost. The most useful data can then be distributed to those who have the capacity to utilize it for improved approaches to public health.

As the largest group of health care providers in the State, we support the efforts of the Health Care Data Governing Board to clarify and to move toward a plan for gathering inclusive data, and urge your favorable passage of Sub. S. B. 554.

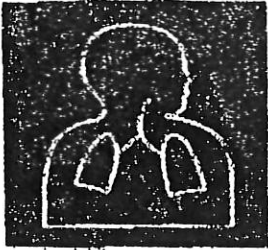
Thank you.

The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a unified voice for nursing in Kansas and to advocate for the health and well-being of all people.

Constituent of The American Nurses Association

Ha HS
3-6-2000
Atch# B

Kansas Asthma Coalition



American Lung Association
of Kansas
Asthma and Allergy Foundation
of America - Greater Kansas
City Chapter
Blue Cross/Blue Shield
of Kansas
Class Wellcome Inc.
Heartland Health Network
Kansas Academy of
Family Physicians
Kansas Department of
Health & Environment
Kansas Department of Social
and Rehabilitation Services
Kansas Foundation for
Medical Care, Inc.
Kansas Health Institute
Kansas Medical Society
Kansas Pharmacists Association
Kansas Respiratory Care Society
University of Kansas School
of Pharmacy

**Partnering
to Improve
Asthma Care**

400 N.W. Century Lane
Topeka, KS 66604-2419
(913) 272-9200
(913) 272-9207 fax

Testimony before the House Health and Human Services Committee, on
Senate Bill 554 (substitute), March 6, 2000

Thank you for the opportunity to present this written testimony in support of
Senate Bill 554, concerning the collection of health care utilization data. The
Kansas Asthma Coalition feels that passage of this bill is critical.

Asthma is a potentially serious chronic disease which *can* be effectively and
safely managed, but frequently is not. At least 10% of Kansans have this
disorder, and an estimated 50% do not know it. Asthma is a leading cause of
school absence and missed work, preventable hospitalizations and emergency
room visits, and respiratory disability. It has a significant financial impact.

The Kansas Asthma Coalition is a statewide group of representatives from
many public, private and health professional associations. The major purposes
of the coalition are to promote screening and identification of undiagnosed
asthmatics, to provide education to health care providers, patients and
families, and to promote the coordination of health care resources to be most
effective.

We need health care data to help focus efforts where they would be most
beneficial, to plan coalition programs, and to assess the impact of coalition
initiatives. Without adequate data, coalition efforts will be less effective and
impossible to adequately assess for impact. Morbidity data, particularly from
hospitals and emergency rooms, are critical to assessing quality of medical
care for asthma, and identifying special populations that are not receiving
adequate care. The Coalition strongly urges the passage of this bill.

Respectfully submitted,

Gary H. Spivey, MD MPH
President

HdHS
3-6-2000
Atch # 14

Richard Douglas Iliff, M.D.
Fellow, American Academy of Family Physicians

**The Jos. Warren Building, Fleming Place
1119 Sage Boulevard, Topeka, Kansas 66604
Telephone (913) 271-6161**

March 2, 2000

Written Testimony RE: SB 513

I am a family physician with 25 years of experience, including 5 years in the United States Army, 6 years in the Stormont-Vail emergency room, and 14 years in private practice. I think I've seen it all at this point, at least among the diseases of primary care.

As I testified in person before the Senate committee, it is my settled belief that hair braiding does not belong under the authority of the board of cosmetology. I recognize that there is a good reason for the board; but I deny that hair braiding represents a threat to public health.

With reasonable care and attention to common-knowledge standards of handwashing and comb sterilization, the chance of disease transmission is close to nil. Please act favorably on this commonsense piece of legislation.

Sincerely,



H & HS
3-6-2000
Atch #15