

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 11, 2003 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department  
Mr. Norm Furse, Revisor of Statutes  
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mrs. Elizabeth Sileo, President, KidsPark  
Ms. Janet Newton, Administrator, Child Care Unit  
Bureau of Child Care Licensing and Regulation,  
Department of Health and Environment

Others attending: See attached guest list

### Approval of Minutes

Upon calling the meeting to order, the January 21, 22, and 23<sup>rd</sup> Minutes distributed on February 4, 2003 are approved as updates were made from Committee members.

### Hearing on SB100 - An act regarding hourly child care facilities exempt from obtaining certain health care and medical records

Upon calling the meeting to order, the Chair announced that the Committee the first order of business would be a hearing on **SB100**. She called on Mr. Norm Furse, Revisor of Statutes, to give a brief overview of the bill. Mr. Furse stated that the bill addresses a child care operation which is variously known as hourly child care and the request for the legislation is basically to exempt these types of facilities which do not provide child care on a continuing basis but provide for an hour or two (ex. the parents go shopping). The bill itself addresses the situation of one of the requirements under Kansas law for a child care facility, for certain medical records. He referred to the definition of child care facility and the hourly child care facility, new material - new law, and exemption to the current law, specifically providing care (lines 22 thru 24).

The Chair then asked the Committee if there were questions of Mr. Furse. Ms. Emalene Correll, Kansas Legislative Research Department and Senator Steineger asked questions ranging from: if this bill was intended to meet standards for licensing, with such a wide range of "irregular and intermittent" facilities available (ex. after school from 4 to 6, church groups, etc.) how do we define, rules and reg adopted, to groups not satisfied.

The Chair then called on the only proponent conferee Mrs. Elizabeth Sileo. President of Kids Park, an intended statewide, licensed child care facility soon to open in the city of Olathe. Ms. Sileo stated that, after discussing the requirements to collect information with local and state childcare licensing teams, they have concluded that legislative change is necessary to exempt hourly drop-in childcare centers from collecting immunization and doctor reports for their new kind of childcare service to be successful. She then gave a brief overview of KidsPark. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced. A copy of her handout is filed in Chairperson Wagle's office.

Next to testify before the Committee was the only opponent conferee, Ms. Janet Newton, Administrator, Child Care Unit, Bureau of Child Care Licensing and Regulation, Department of Health and Environment who stated that the focus of the child care regulatory program is on child care facilities that provide care on a regular, frequent, and ongoing basis. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

CONTINUATION SHEET

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE at on February 11, 2003 in Room 231-N of the Capitol.

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As there was no neutral conferees or written testimony, the Chair asked the Committee if they had questions or comments. Questions from Senators Wagle, Harrington, Brungardt, Barnett, Brownlee, Steineger, Salmans and Ms. Correll ranged from subsidized day care, any feasibility studies made, overnight care, testimony from KDHE, are you in alignment with other exceptions (ex. Multipurpose spaces, smaller areas), how many hours open, what is the volume of children (maximum capacity), medication and administering, is this a franchise, where do you think your problems might be without regulation, to how ready are you to open?

**Adjournment**

As it was going on 2:30 p.m., session time, and further discussion between KDHE and Mrs. Sileo was needed regarding reworking of language and exceptions being made, the Chair asked the two to meet and see if they could decide on their remaining differences that were addressed today. The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for February 12, 2003.



*Senators, Ladies, gentlemen*

Thank you for the opportunity to express how important SB100 is to KidsPark. After discussing the requirements to collect information with local and state childcare licensing teams, we have concluded that legislative change is necessary to exempt hourly, drop-in childcare centers from collecting immunization and doctor reports for our new kind of childcare service to be successful. The exemption will significantly improve our ability to offer short-term, on-demand care to families and will not endanger the children in our care.

KidsPark addresses a specialty niche in childcare – short-term, sporadic, drop-in care – basically babysitting outside the home. We offer families a safe, licensed environment for them to use at their convenience any day, evening or weekend that they need help in order to keep appointments, run errands, attend school, go to work, or whatever it may be. Their children are placed in a fun, supervised recreation play center for a few hours. KidsPark provides parents with pagers so that no matter where they go they can always be reached. Parents relax knowing their children are safe and having fun.

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Our center is located in Olathe, a city with the largest base of children under the age of 12 in Johnson County. Our center is a locally owned small business, incorporated in Kansas with a licensing agreement in place with KidsPark, also a small business, headquartered in northern California. KidsPark has operated in California for 14 years. Each of their 4 centers serves about 5,000 children and they see over 1,000 different children a month. They register about 100 new families a month. We expect similar statistics. As a small company of 12 employees, we do not have the administrative staff to perform the tracking and reporting of the state-required form for this potentially large group and it is not feasible to add more to the overhead of our small business.

In addition, since drop-in, hourly care is elective and sporadic, KidsPark has no control over our client base to force them to bring in the required medical form or enforce immunization schedules. We may not see a family more than 2 times a year and when they drop in they may not remember to bring in the medical form signed by a doctor. We will cooperate fully with existing licensing regulations which require that we post healthy child guidelines provided by the state in a prominent place in our center.

As you can see, we are non-traditional. Current regulations are geared to traditional, full time, childcare centers with a finite enrollment and contracted usage schedules. We need SB100 so we won't have to enforce a regulation that is beyond our ability to successfully enforce, that hinders the families who use our service and that may threaten our ability to be a profitable, stable employer in our area.

Please help us meet our objective of helping families in our communities attain short-term, safe, affordable childcare by supporting SB 100. Thank you.





# K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

**Testimony on SB No. 100**  
**to**  
**Committee on Public Health and Welfare**  
**Presented by**  
**Janet Newton, Administrator, Child Care Unit**  
**Bureau of Child Care Licensing and Regulation**

**February 11, 2003**

Chairperson Wagle and members of the Public Health and Welfare Committee, I am pleased to appear before you today to discuss SB No. 100 concerning hourly child care facilities.

This bill appears to require the Kansas Department of Health and Environment to license child care facilities which operate on an irregular, intermittent, hourly basis and to exempt these child care facilities from obtaining health and medical records on the children in care. The Department does not currently regulate facilities that operate on an infrequent, irregular, intermittent basis. The focus of the child care regulatory program is on child care facilities that provide care on a regular, frequent and ongoing basis. The Department believes this is a reasonable use of limited resources and an effective way to provide appropriate regulatory safeguards for the majority of children in out of home care.

If the intent of the bill is to statutorily exempt child care facilities, currently subject to licensure, which only enroll children on an irregular, intermittent, hourly basis, from obtaining a health and medical history, then the Department recommends that statutory language be added which requires these Licensee's to obtain the name and contact information for the child's physician, parents, at least one more responsible adult in case of emergency, and some basic health information including allergy information and health conditions that may affect the child's care. In addition, the Department recommends that a statutory restriction be enacted to prevent any involvement in medication administration or other activities that make lack of a medical history important for the health of the child. Simply giving a blanket exemption to these hourly child care facilities from obtaining any

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DIVISION OF HEALTH

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*Attachment 2-1*

and a health or medical information on a child in care is not a safe practice.

The requirement for a medical history and basic health information is written in regulation and varies based on the type of child care facility. For example, the school age program regulations simply require basic emergency contact and health information from the parents. In the child care center regulations a health assessment and immunization record is required in addition to basic emergency and health information.

It is the Department's preference that this issue be dealt with through the regulatory process so that broad public input can be obtained. In the meantime, the Department has the authority to grant exceptions to regulations when the exception is in the best interest of the children and their families. The Department is willing to work with child care facilities to look at this issue on an exception basis.

I thank you for the opportunity to appear before the Public Health and Welfare Committee and will gladly stand for questions the Committee may have on this topic.