

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Peggy Long at 1:31 p.m. on February 3, 2004, in Room 526-S of the Capitol.

All members were present except:

Representative Brenda Landwehr- excused
Representative Scott Schwab- excused
Representative Joe McLeland - excused

Committee staff present:

Dr. William Wolff, Legislative Research Department
Renae Jefferies, Office of Revisor of Statutes
Gary Deeter, Secretary

Conferees appearing before the committee:

Representative Patricia Barbieri-Lightner

Others attending:

See Attached List.

The Chair recognized Representative Kirk, who requested the Committee sponsor three bills. She said the first would allow nursing facilities and assisted living facilities to be added to the statutes which list health care providers and all associated benefits.

A motion was made, seconded and passed to sponsor the bill.

Representative Kirk said the second bill would establish a medical review panel, providing a mechanism to handle malpractice claims before they go to court.

A motion was seconded and passed to introduce the proposed legislation as a Committee bill.

Representative Kirk said the third bill assures that the Kansas Department of Health and Environment will provide emergency contraceptive information to women.

The Committee passed the motion to sponsor the bill.

Representative Patterson requested the Committee sponsor a bill defining a fetus as an unborn child, thereby bringing Kansas into alignment with the federal definition addressing the same issue.

After a question regarding possible duplicative legislation on the issue, the Committee passed a motion to sponsor the bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 1:30 p.m. on February 3, 2004, in Room 526-S of the Capitol.

For purposes of hearing **HB 2562**, Representatives Showalter and DeCastro shared responsibility. Representative DeCastro opened the hearing on **HB 2562**, which proposes to create a care-giver's authorization affidavit for children and minors.

Representative Barbieri-Lightner testified as a proponent of the bill. (Attachment 1) She said the bill provides authorization for relatives of minor children, enabling them to enroll children in school and make medical and dental decisions for minor children. She noted that many relatives in Kansas are raising children without being legal guardians.

Answering questions, Representative Barbieri-Lightner said the wording for the proposed legislation came from a California statute. She said certain wording could be tailored to fit Kansas. To another question, she replied that the bill intends to give a care-giver the authority to act in place of a parent. She said it would be possible for a non-custodial parent to take advantage of the law, but the intent of the law is to assist relatives who are not legal guardians to care for minor children

Ernie Kutzley, AARP, did not appear but provided written testimony supporting the bill with (Attachment 2).

The Kansas Department of Social and Rehabilitative Services also did not appear, but provided written testimony regarding an error in the wording of the bill. (Attachment 3)

The Chair closed the hearing on **HB 2562**.

With nothing more to come before the Committee, Chairperson Long adjourned the meeting at 1:50 p.m. The next meeting is scheduled for Wednesday, February 4, at 1:30 p.m.

TO: Health and Human Services Committee,
and Chairman Morrison

FROM: State Representative Patricia Barbieri-Lightner
29th District

RE: House Bill 2562

Thank you for allowing me to testify today in support of HB 2562.

This bill is all about with providing authorization of care for relatives of minor children.

The main issue here for this committee relates to the medical care portion.

Relatives parenting minor children often have difficulty being able to get medical and dental care to children. This bill, while not affecting the rights of the minor's parent(s), will give the relatives authority to provide the medical or dental care upon proper completion of the affidavit.

There are many minor children in the state of Kansas being raised by their relatives, who do not have legal custody of those children. This bill if enacted into law gives a temporary assistance-the affidavit must be renewed yearly, without relatives having to spend hundreds of dollars to go to court for this authorization.

Thank you for your time in hearing this bill.

Sincerely,

Patricia Barbieri-Lightner
State Representative
29th District

Attachment 1
HHS 2-3-04

Kansas

February 2, 2004

Chairman Morrison
Chairman Health and Human Services

Good afternoon Chairman Morrison and Members of the House Health and Human Services Committee. My name is Ernest Kutzley and I am the Director of Advocacy for AARP Kansas. AARP Kansas represents the views of our more than 350,000 members in the state of Kansas. Thank you for this opportunity to express our support and comments for HB 2562.

Grandparents play an increasingly important role in family well being. The number of grandparents and other relatives raising grandchildren has increased rapidly over the past decade. During that 10-year period there was an increase of 43.4 percent or an additional 8,781 children living with grandparents bringing the year 2000 total to 29,026. Kansas ranks #16 in the states when ranked by the percentage increase from 1990 to 2000 for children living in grandparent-headed households. Almost half of the grandparents providing day-to-day care for their grandchildren have done so for three years or more. This is not a temporary situation, but rather creates a stable family structure.

Grandparent caregivers face a myriad of challenges in nearly all aspects of their lives when they assume the role of parent. They are prone to psychological and emotional strain as well as feelings of helplessness and isolation. Many grandparents raising grandchildren face financial difficulties, too. In fact, researchers have reported that grandparent caregivers often neglect their own physical and emotional health because they give priority to the needs of their grandchildren. Often the grandchildren in their care have unmet physical, emotional, and developmental needs that require special assistance.

One area that is of particular concern to older people who are raising their grandchildren is the legal authority they may have as grandparents. Many grandparents have partial or total responsibility for the care of the grandchildren but none of the legal authority necessary to give that care. For example, grandparents raising grandchildren in Kansas do not have the legal authority to enroll a grandchild in school even if he or she resides with the grandparent full time. States such as California have recognized this problem and have imbedded a caregiver's authorization in the California Family Codes (6550-6552) to allow for educational consent.

AARP believes that states should adopt legislation that provides a range of alternatives by which grandparents may obtain and exercise the legal authority to make decisions for grandchildren in their care.

Therefore, AARP supports language in HB2562 that establishes a caregiver's authorization affidavit.

Attachment 2
HHS 2-3-04

Thank you for your consideration in this matter.

Ernest Kutzley



JANET SCHALANSKY, SECRETARY

K A N S A S

KATHLEEN SEBELIUS, GOVERNOR

SOCIAL AND REHABILITATION SERVICES

February 2, 2004

Honorable Jim Morrison, Chair
Health and Human Services Committee
Statehouse, Room 171-W
Topeka, KS 66612

Re: HB 2562 - Caregiver's Authorization

Dear Representative Morrison:

Review of HB 2562 related to creating a caregiver's authorization affidavit revealed an error in the language. SRS suggests the following technical change: Page 4, line 3, #2 to read "If you have any questions, please contact your local health department or Kansas Department of Health and Environment (KDHE)". This change reflects that KDHE is currently the agency who handles licensing responsibilities, not SRS.

Please feel free to contact me at 785-296-3271 if you have questions.

Sincerely,

Janet Schalansky, Secretary

cc: Rep. Patricia Barbieri-Lightner
Jennifer Crow

DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., ROOM 603-N, TOPEKA, KS 66612-1570

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Attachment 3
HHS 2-3-04