

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Brenda Landwehr at 1:30 P.M. on March 22, 2007 in Room 526-S of the Capitol.

All members were present except:

Clark Shultz- excused

Jeff Colyer - excused

Committee staff present:

Jason Thompson, Revisor's Office

Renae Jefferies, Revisor's Office

Melissa Calderwood, Legislative Research

Mary Galligan, Legislative Research

Tatiana Lin, Legislative Research

Patti Magathan, Committee Assistant

Conferees appearing before the committee:

John Peterson, representing Kansas Speech-Language-Hearing Association

Sue McKenna - Department of Social and Rehabilitative Services

Others Attending:

See Attached List.

Chair Landwehr opened the floor to continue work on **SB 201**. She announced that the committee had several amendments in front of them, and asked the committee to address the amendment proposed by Kansas Department of Health and Environment (K.D.H.E.). (Attachment 1)

Representative Flaharty motioned to approve the amendment as presented, which was seconded by Representative Storm. Motion carried.

Chair Landwehr then announced that there were amendments on **SB 201** proposed by Social and Rehabilitative Services and Kansas Department of Health and Environment (S.R.S.) and K.D.H.E. (Attachment 2)

Sue McKenna of Social and Rehabilitative Services reviewed these changes. Representative Neighbor moved to adopt the amendments outlined in attachment 2. Motion seconded by Representative Mast. Motion carried.

Representative Mast moved to pass SB 201 as amended including technical amendments by revisors. (Attachment 3) Seconded by Representative Neighbor. Motion carried.

Chair Landwehr opened the floor for hearings on Hearing on **SB 368 - Professional corporations, allowing licensed audiologists to form.**

Proponent **John Peterson**, representing the Kansas Speech-Language-Hearing Association said that this bill would add a licensed audiologist and a licensed speech pathologist to the Professional Organization Code, allowing them to organize as a professional corporation. The bill would provide additional options to those practicing these professions. (Attachment 4)

Written testimony provided from Triplett, Woolf & Garretson, LLC, Wichita which said that their clients strongly support passage of this bill. (Attachment 5)

Revisor Renae Jeffries requested technical amendments.

Representative Neighbor motioned that the requested changes be adopted. Second by Representative Metsker. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:30 P.M. on March 22, 2007 in Room 526-S of the Capitol.

Chair Landwehr closed the hearings on **SB 368** and asked if there were objections to working the bill. There were none.

Representative Storm moved that we passed **SB 368** favorably as amended. Second by Representative Metsker. Motion carried.

Chair Landwehr then invited Representative Patton to present the subcommittee report on **SB 138 - Autism task force**. Representative Patton announced that the report was presented in a balloon amendment. (Attachment 6) He motioned that the committee adopt the committee report as amended. Motion seconded by Representative Mast. Motion carried.

Representative Mast moved to strike line 3-4 on page 3. Second by Representative Landwehr.

Following a discussion on wording, Legislative Researcher Melissa Calderwood suggested wording that adds the language "benefits currently available for services provided to children with autism" on lines 3-4. The balloon "by other third party payers" would be deleted. Representative Mast withdrew her motion. Representative Landwehr withdrew her second.

Representative Neighbor moved that the changes on lines 3 and 4 as presented be adopted. Second was by Representative Mast. Motion carried.

Representative Patton motioned to adopt the balloon amendment number three (Attachment 7) which added an additional parent, bringing total to 21 member. Representative Metsker seconded the motion. Motion carried.

Representative Storm motioned to move her amendment (Attachment 8) as presented, which deleted the Capper Foundation from the membership list. Motion seconded by Representative Flaharty. Voice vote was unclear so division was requested. Aye was 8 and Nay was 9. Motion failed.

Representative Patton presented balloon amendment 1 (Attachment 9) which deletes the autism registry. A motion was made by Representative Patton to adopt balloon amendment 1. Motion seconded by Representative Mast. Following discussion, Representatives Patton and Mast withdrew their motions.

Representative Trimmer moved to change the word "creation" on line 5 to "study and discussion" of an autism registry." Motion seconded by Representative Patton. Motion carried.

Representative Crum motioned to delete item B, page 3, part 5. Motion seconded by Representative Patton. Motion carried.

Representative Mast motioned to pass **SB 138** as amended favorable for passage. Motion seconded by Representative Kiegerl. Motion carried.

Chair Landwehr announced that this concludes our business for she and thanked the committee for their hard work. She asked members to take their folders when they leave. She then adjourned the meeting at 3:07 P.M.

**HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE GUEST LIST**

DATE: March 22, 2007

| NAME | REPRESENTING |
|----------------------|---------------------|
| <i>Kyle Kester</i> | <i>STS</i> |
| <i>John Peltzman</i> | |
| <i>Sue McKenna</i> | |
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KDHE Amendments
Proposed by Deputy
Director Morrissey

1 gation and to the federal bureau of investigation and receive a reply to
2 enable the secretary to verify the identity of such person and whether
3 such person has been convicted of any crime that would prohibit such
4 person from residing, working or regularly volunteering in a child care
5 facility or family day care home. The secretary is authorized to use infor-
6 mation obtained from the national criminal history record check to de-
7 termine such person's fitness to reside, work or regularly volunteer in a
8 child care facility or family day care home.

9 **(f) The secretary shall notify the child care facility within seven**
10 **days by ~~restricted~~ mail with return receipt requested, when the re-**
11 **sult of the national criminal history record check or other appro-**
12 **pritate review reveals unfitness specified in subsection (a)(1)**
13 **through (7) with regard to the person who is the subject of the**
14 **review.**

15 ~~(f)~~ **(g)** No child care facility or family day care home or the employees
16 thereof, shall be liable for civil damages to any person refused employ-
17 ment or discharged from employment by reason of such facility's or
18 home's compliance with the provisions of this section if such home acts
19 in good faith to comply with this section.

20 ~~(f)~~ ~~(g)~~ **(h)** For the purpose of subsection (a)(3), ~~an act of abuse or~~
21 ~~neglect shall not be considered to have been validated by the department~~
22 ~~of social and rehabilitation services unless the alleged perpetrator a per-~~
23 ~~son listed in the child abuse and neglect central registry shall not be pro-~~
24 ~~hibited from residing, working or volunteering in a child care facility or~~
25 ~~family day care home unless such person has: (1) Had an opportunity to~~
26 ~~be interviewed and present information during the investigation of the~~
27 ~~alleged act of abuse or neglect; and (2) been given notice of the agency~~
28 ~~decision and an opportunity to appeal such decision to the secretary and~~
29 ~~to the courts pursuant to the act for judicial review and civil enforcement~~
30 ~~of agency actions.~~

31 ~~(h)~~ **(i)** In regard to Kansas issued criminal history records:

32 (1) The secretary of health and environment shall provide in writing
33 information available to the secretary to each child placement agency
34 requesting information under this section, including the information pro-
35 vided by the Kansas bureau of investigation pursuant to this section, for
36 the purpose of assessing the fitness of persons living, working or regularly
37 volunteering in a family foster home under the child placement agency's
38 sponsorship.

39 (2) The child placement agency is considered to be a governmental
40 entity and the designee of the secretary of health and environment for the
41 purposes of obtaining, using and disseminating information obtained un-
42 der this section.

43 (3) The information shall be provided to the child placement agency

applicant, licensee or registrant

certified

SENATE BILL No. 201

By Committee on Public Health and Welfare

1-25

SRS and KDHE
Balloon Amendment
March 21, 2007

z201c3
ac201ballNo.3

10 AN ACT concerning restrictions on persons maintaining or residing,
11 working or volunteering at child care facilities or family day care
12 homes; amending K.S.A. 2006 Supp. 65-516 and repealing the existing
13 section; also repealing K.S.A. 2006 Supp. 65-516a.
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2006 Supp. 65-516 is hereby amended to read as
17 follows: 65-516. (a) No person shall knowingly maintain a child care fa-
18 cility or maintain a family day care home if, in the child care facility or
19 family day care home, there resides, works or regularly volunteers any
20 person who *in this state or in other states or the federal government:*

21 (1) (A) Has a felony conviction for a crime against persons, (B) has
22 a felony conviction under the uniform controlled substances act, (C) has
23 a conviction of any act which is described in articles 34, 35 or 36 of chapter
24 21 of the Kansas Statutes Annotated, and amendments thereto or a con-
25 viction of an attempt under K.S.A. 21-3301 and amendments thereto to
26 commit any such act *or a conviction of conspiracy under K.S.A. 21-3302,*
27 *and amendments thereto, to commit such act, or similar statutes of other*
28 *states or the federal government,* or (D) has been convicted of any act
29 which is described in K.S.A. 21-4301 or 21-4301a and amendments
30 thereto or similar statutes of other states or the federal government;

31 (2) has been adjudicated a juvenile offender because of having com-
32 mitted an act which if done by an adult would constitute the commission
33 of a felony and which is a crime against persons, is any act described in
34 articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and
35 amendments thereto, *or similar statutes of other states or the federal*
36 *government,* or is any act described in K.S.A. 21-4301 or 21-4301a and
37 amendments thereto or similar statutes of other states or the federal
38 government;

39 (3) has committed an act of physical, mental or emotional abuse or
40 neglect or sexual abuse ~~as validated~~ *and who is listed in the child abuse*
41 *and neglect registry maintained by the department of social and rehabil-*
42 *itation services pursuant to K.S.A. ~~38-1523~~ 2006 Supp. 38-2226* and
43 amendments thereto and (A) the person has failed to successfully com-

House Health and Human Services

DATE: 3-22-07

ATTACHMENT 2-1

1 plete a corrective action plan which had been deemed appropriate and
2 approved by the department of social and rehabilitation services, or (B)
3 the record has not been expunged pursuant to rules and regulations
4 adopted by the secretary of social and rehabilitation services;

5 (4) has had a child ~~declared in a court order in this or any other state~~
6 to be deprived or a child in need of care based on ~~an allegation of physical,~~
7 mental or emotional abuse or neglect or sexual abuse;

8 (5) has had parental rights terminated pursuant to the Kansas juvenile
9 code or K.S.A. ~~38-1581 through 38-1584~~ 2006 Supp. 38-2266 through 38-
10 2270, and amendments thereto, or a similar statute of other states;

11 (6) has signed a diversion agreement pursuant to K.S.A. 22-2906 et
12 seq., and amendments thereto, or an immediate intervention agreement
13 pursuant to K.S.A. 2006 Supp. 38-2346, and amendments thereto involv-
14 ing a charge of child abuse or a sexual offense; or

15 (7) has an infectious or contagious disease.

16 (b) No person shall maintain a child care facility or a family day care
17 home if such person has been found to be a person in need of a guardian
18 or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095,
19 and amendments thereto.

20 (c) Any person who resides in a child care facility or family day care
21 home and who has been found to be in need of a guardian or a conser-
22 vator, or both, shall be counted in the total number of children allowed
23 in care.

24 (d) In accordance with the provisions of this subsection (d), the sec-
25 retary of health and environment shall have access to any court orders or
26 adjudications of any court of record, any records of such orders or adju-
27 dications, criminal history record information including, but not limited
28 to, diversion agreements, in the possession of the Kansas bureau of in-
29 vestigation and any report of investigations as authorized by subsection
30 (e) of K.S.A. ~~38-1523~~ 2006 Supp. 38-2226 and amendments thereto in

31 the possession of the department of social and rehabilitation services or
32 court of this state concerning persons working, regularly volunteering or
33 residing in a child care facility or a family day care home. The secretary
34 shall have access to these records for the purpose of determining whether
35 or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-
36 508, 65-516 and 65-519 and amendments thereto.

37 (e) In accordance with the provisions of this subsection (e), the sec-
38 retary is authorized to conduct national criminal history record checks to
39 determine criminal history on persons residing, working or regularly vol-
40 unteering in a child care facility or family day care home. In order to
41 conduct a national criminal history check the secretary shall require fin-
42 gerprinting for identification and determination of criminal history. The
43 secretary shall submit the fingerprints to the Kansas bureau of investi-

removed from home based on

pursuant to K.S.A. 2006 Supp. 38-2251, and
amendments thereto, in this state, or a court
order in any other state based upon a similar
statute that finds the child

a finding

and the child has not been returned to the
home or the child reaches majority before
being returned to the home and the person has
failed to satisfactorily complete a
corrective action plan approved by the
department of health and environment

1 gation and to the federal bureau of investigation and receive a reply to
2 enable the secretary to verify the identity of such person and whether
3 such person has been convicted of any crime that would prohibit such
4 person from residing, working or regularly volunteering in a child care
5 facility or family day care home. The secretary is authorized to use infor-
6 mation obtained from the national criminal history record check to de-
7 termine such person's fitness to reside, work or regularly volunteer in a
8 child care facility or family day care home.

9 **(f) The secretary shall notify the child care facility, within seven**
10 **days by restricted mail with return receipt requested, when the re-**
11 **sult of the national criminal history record check or other appro-**
12 **prate review reveals unfitness specified in subsection (a)(1)**
13 **through (7) with regard to the person who is the subject of the**
14 **review.**

15 ~~(f)~~ **(g)** No child care facility or family day care home or the employees
16 thereof, shall be liable for civil damages to any person refused employ-
17 ment or discharged from employment by reason of such facility's or
18 home's compliance with the provisions of this section if such home acts
19 in good faith to comply with this section.

20 ~~(f)~~ ~~(g)~~ **(h)** For the purpose of subsection (a)(3), ~~an act of abuse or~~
21 ~~neglect shall not be considered to have been validated by the department~~
22 ~~of social and rehabilitation services unless the alleged perpetrator a per-~~
23 ~~son listed in the child abuse and neglect central registry shall not be pro-~~
24 ~~hibited from residing, working or volunteering in a child care facility or~~
25 ~~family day care home unless such person has: (1) Had an opportunity to~~
26 ~~be interviewed and present information during the investigation of the~~
27 ~~alleged act of abuse or neglect; and (2) been given notice of the agency~~
28 ~~decision and an opportunity to appeal such decision to the secretary and~~
29 ~~to the courts pursuant to the act for judicial review and civil enforcement~~
30 ~~of agency actions.~~

31 ~~(h)~~ **(i)** In regard to Kansas issued criminal history records:

32 (1) The secretary of health and environment shall provide in writing
33 information available to the secretary to each child placement agency
34 requesting information under this section, including the information pro-
35 vided by the Kansas bureau of investigation pursuant to this section, for
36 the purpose of assessing the fitness of persons living, working or regularly
37 volunteering in a family foster home under the child placement agency's
38 sponsorship.

39 (2) The child placement agency is considered to be a governmental
40 entity and the designee of the secretary of health and environment for the
41 purposes of obtaining, using and disseminating information obtained un-
42 der this section.

43 (3) The information shall be provided to the child placement agency

1 regardless of whether the information discloses that the subject of the
2 request has been convicted of any offense.

3 (4) Whenever the information available to the secretary reveals that
4 the subject of the request has no criminal history on record, the secretary
5 shall provide notice thereof in writing to each child placement agency
6 requesting information under this section.

7 (5) Any staff person of a child placement agency who receives infor-
8 mation under this subsection (h) shall keep such information confidential,
9 except that the staff person may disclose such information on a need-to-
10 know basis to: (A) The person who is the subject of the request for infor-
11 mation, (B) the applicant or operator of the family foster home in which
12 the person lives, works or regularly volunteers, (C) the department of
13 health and environment, (D) the department of social and rehabilitation
14 services, (E) the juvenile justice authority, and (F) the courts.

15 (6) A violation of the provisions of subsection (h)(5) shall be an un-
16 classified misdemeanor punishable by a fine of \$100 for each violation.

17 Sec. 2. K.S.A. 2006 Supp. 65-516 and 65-516a are hereby repealed.

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

SENATE BILL No. 201

Revisor's Technical Amendments

By Committee on Public Health and Welfare

1-25

10 AN ACT concerning restrictions on persons maintaining or residing,
11 working or volunteering at child care facilities or family day care
12 homes; amending K.S.A. 2006 Supp. 65-516 and repealing the existing
13 section; also repealing K.S.A. 2006 Supp. 65-516a.

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15 Be it enacted by the Legislature of the State of Kansas:

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20 person who in this state or in other states or the federal government:

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22 a felony conviction under the uniform controlled substances act, (C) has
23 a conviction of any act which is described in articles 34, 35 or 36 of chapter
24 21 of the Kansas Statutes Annotated, and amendments thereto or a con-
25 viction of an attempt under K.S.A. 21-3301 and amendments thereto to
26 commit any such act or a conviction of conspiracy under K.S.A. 21-3502,
27 and amendments thereto, to commit such act, or similar statutes of other
28 states or the federal government, or (D) has been convicted of any act
29 which is described in K.S.A. 21-4301 or 21-4301a and amendments
30 thereto or similar statutes of other states or the federal government;

31 (2) has been adjudicated a juvenile offender because of having com-
32 mitted an act which if done by an adult would constitute the commission
33 of a felony and which is a crime against persons, is any act described in
34 articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and
35 amendments thereto, or similar statutes of other states or the federal
36 government, or is any act described in K.S.A. 21-4301 or 21-4301a and
37 amendments thereto or similar statutes of other states or the federal
38 government;

39 (3) has committed an act of physical, mental or emotional abuse or
40 neglect or sexual abuse as validated and who is listed in the child abuse
41 and neglect registry maintained by the department of social and rehabil-
42 itation services pursuant to K.S.A. 38-1523 2006 Supp. 38-2226 and
43 amendments thereto, and (A) the person has failed to successfully com-

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ATTACHMENT 3-1

House Health and Human Services
DATE: 3-22-07

1 plete a corrective action plan which had been deemed appropriate and
2 approved by the department of social and rehabilitation services, or (B)
3 the record has not been expunged pursuant to rules and regulations
4 adopted by the secretary of social and rehabilitation services;

5 (4) has had a child declared in a court order in this or any other state
6 to be deprived or a child in need of care based on an allegation of physical,
7 mental or emotional abuse or neglect or sexual abuse;

8 (5) has had parental rights terminated pursuant to the Kansas juvenile
9 code or K.S.A. ~~38-1581 through 38-1584~~ 2006 Supp. 38-2266 through 38-
10 2270, and amendments thereto, or a similar statute of other states;

11 (6) has signed a diversion agreement pursuant to K.S.A. 22-2906 et
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13 pursuant to K.S.A. 2006 Supp. 38-2346, and amendments thereto, involv-
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16 (b) No person shall maintain a child care facility or a family day care
17 home if such person has been found to be a person in need of a guardian
18 or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095,
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20 (c) Any person who resides in a child care facility or family day care
21 home and who has been found to be in need of a guardian or a conser-
22 vator, or both, shall be counted in the total number of children allowed
23 in care.

24 (d) In accordance with the provisions of this subsection ~~(c)~~, the sec-
25 retary of health and environment shall have access to any court orders or
26 adjudications of any court of record, any records of such orders or adju-
27 dications, criminal history record information including, but not limited
28 to, diversion agreements, in the possession of the Kansas bureau of investi-
29 gation and any report of investigations as authorized by ~~(b)(1)~~

30 ~~(b)(1)~~ K.S.A. ~~38-1523~~ 2006 Supp. 38-2226 and amendments thereto, in
31 the possession of the department of social and rehabilitation services or
32 court of this state concerning persons working, regularly volunteering or
33 residing in a child care facility or a family day care home. The secretary
34 shall have access to these records for the purpose of determining whether
35 or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-
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40 unteering in a child care facility or family day care home. In order to
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42 gerprinting for identification and determination of criminal history. The
43 secretary shall submit the fingerprints to the Kansas bureau of investi-



1 gation and to the federal bureau of investigation and receive a reply to
2 enable the secretary to verify the identity of such person and whether
3 such person has been convicted of any crime that would prohibit such
4 person from residing, working or regularly volunteering in a child care
5 facility or family day care home. The secretary is authorized to use infor-
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10 **days by restricted mail with return receipt requested, when the re-**
11 **sult of the national criminal history record check or other appro-**
12 **priate review reveals unfitness specified in subsection (a)(1)**
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36 the purpose of assessing the fitness of persons living, working or regularly
37 volunteering in a family foster home under the child placement agency's
38 sponsorship.

39 (2) The child placement agency is considered to be a governmental
40 entity and the designee of the secretary of health and environment for the
41 purposes of obtaining, using and disseminating information obtained un-
42 der this section.

43 (3) The information shall be provided to the child placement agency

1 regardless of whether the information discloses that the subject of the
2 request has been convicted of any offense.

3 (4) Whenever the information available to the secretary reveals that
4 the subject of the request has no criminal history on record, the secretary
5 shall provide notice thereof in writing to each child placement agency
6 requesting information under this section.

7 (5) Any staff person of a child placement agency who receives infor-
8 mation under this subsection shall keep such information confidential,
9 except that the staff person may disclose such information on a need-to-
10 know basis to: (A) The person who is the subject of the request for infor-
11 mation, (B) the applicant or operator of the family foster home in which
12 the person lives, works or regularly volunteers, (C) the department of
13 health and environment, (D) the department of social and rehabilitation
14 services, (E) the juvenile justice authority, and (F) the courts.

15 (6) A violation of the provisions of subsection (5) shall be an un-
16 classified misdemeanor punishable by a fine of \$100 for each violation.

17 Sec. 2. K.S.A. 2006 Supp. 65-516 and 65-516a are hereby repealed.

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

(i)

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JOHN C. PETERSON
CAPITOL STRATEGIES, LLC

SUITE 200, 212 SW 8TH AVENUE • TOPEKA, KANSAS 66603-3939 • (785) 233-1903 • FAX (785) 233-3518 • john@kansasstatehouse.com

JOHN C. PETERSON
KANSAS SPEECH-LANGUAGE-HEARING ASSOCIATION
TESTIMONY IN SUPPORT OF SENATE BILL 368
HOUSE HEALTH AND HUMAN SERVICES
March 22, 2007

Madame Chair, members of the Committee. My name is John Peterson. I am pleased to appear today in support of Senate Bill 368 on behalf of Kansas Speech-Language-Hearing Association. The Kansas-Speech-Language-Hearing Association is a professional trade association for licensed speech pathologists and licensed audiologists in the State of Kansas, over 1,000 of which are members of this Association.

We appear today in support of Senate Bill 368 which would allow a licensed audiologist or a licensed speech pathologist to organize as a professional corporation under the Kansas Professional Corporation Code. We believe that this alternative would allow greater flexibility for a licensed audiologist or speech-language pathologist who is in private practice and desires to organize in a corporate structure.

We would urge your favorable consideration of Senate Bill 368 as amended by the Senate. Thank you.

ATTACHMENT 4

House Health and Human Services
DATE: 3-22-07



TRIPLETT, WOOLF & GARRETSON, LLC

LAW FIRM

Thomas C. Triplett
John P. Woolf
Thomas P. Garretson
James A. Walker
Timothy E. McKee
Theron E. Fry *
Eric B. Metz
Ron H. Harnden
Tad Patton
Rachael K. Pirner
* Admitted in Kansas & Texas

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Wichita, KS 67226

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Jeffery C. Dahlgren
J.T. Klaus
Jerald W. Rogers
Ross E. Hellwig
Amy Fellows Cline
Jeffrey W. Brown *
Tyler E. Heffron
Paula D. Langworthy
Tania D. Groover
Mary F. Carson, Of Counsel

March 12, 2007

VIA E-MAIL

John C. Peterson
212 SW 8th Avenue, Suite 200
Topeka, Kansas 66603

RE: Senate Bill 368
Our File No. 8973-023

Dear John:

It is our understanding that you will be appearing before the Kansas Senate Committee on Federal and State Affairs on March 13, 2007, to support the enactment of and propose certain amendments to Senate Bill 368. This firm represents certain entities and individuals engaged in the healthcare profession in the state of Kansas. These clients strongly support the enactment of Senate Bill 368, and your proposed amendment thereto, adding licensed audiologists to the list of professionals who may provide professional services on behalf of and maintain an ownership interest in a professional association.

Licensed audiologists hold a minimum of a master's degree and clinical certification, while the profession is currently changing to a doctoral degree as an entry level requirement. Licensed audiologists' education and clinical training make them the best "gatekeepers" for hearing and balance healthcare.

Senate Bill 368 is in the best interest of both the audiology profession and the patients whom they serve. This Bill simply allows a licensed audiologist the same rights other similarly educated and licensed professionals already enjoy regarding professional associations. Moreover, this Bill provides healthcare professionals greater flexibility in organizing entities that offer a broad array of professional healthcare services to patients at one location.

ATTACHMENT 5 -1

House Health and Human Services

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March 12, 2007
Page 2

We invite you to share the contents of this letter and our support of Senate Bill 368 and your proposed amendments thereto with the Committee, and to thank them on our behalf for their consideration of this important Bill.

Very truly yours,

TRIPLETT, WOOLF & GARRETSON, LLC



By Jeffrey W. Brown

JWB:jod

#277657

SENATE BILL No. 138

By Committee on Ways and Means

Subcommittee Recommendations
March 20, 2007

1-22

10 AN ACT establishing the Kansas autism task force; relating to the powers
11 and duties thereof.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) There is hereby established the Kansas autism task
15 force. The task force shall ~~consist of 13-15 members as follows:~~

be made up of the following members

16 (1) ~~Three~~ members appointed by the president of the senate. Of such
17 members, one shall be a member of the Kansas senate; ~~one shall be a~~
18 member of the faculty at the department of applied behavioral science at
19 the university of Kansas with a specialization in the area of autism; and
20 one shall be a behavioral analyst who has been certified by the behavioral
21 analyst certification board with a specialization in the area of autism and
22 shall have at least five years experience in providing early intensive inter-
23 vention to children with autism in a private-practice setting;

Four

one shall be a psychiatrist;

24 (2) ~~two~~ members appointed by the minority leader of the senate. Of
25 such members, one shall be a member of the Kansas senate, ~~and one shall~~
26 be a special education teacher with a specialization in the area of autism
27 and shall have at least five years experience in teaching children with
28 autism;

three

; one shall be a parent of a child with autism;

29 (3) ~~three~~ members appointed by the speaker of the house of repre-
30 sentatives. Of such members, one shall be a member of the Kansas house
31 of representatives; ~~one shall be a member of the faculty of the department~~
32 of special education at an institution of higher education with a speciali-
33 zation in the area of autism; and one shall be a developmental
34 pediatrician;

four

one shall be a parent of a child with autism;

35 (4) ~~two~~ members appointed by the minority leader of the house of
36 representatives. Of such members, one shall be a member of the Kansas
37 house of representatives; ~~and one shall be a clinical child psychologist~~
38 with an expertise in the area of autism; ~~and~~

three

one shall be a parent of a child with autism;

39 (5) ~~three~~ members appointed by the governor; ~~of which. Of such~~
40 ~~members,~~ one shall be a parent of a child with autism; ~~one shall be a~~
41 speech language pathologist; ~~one shall be an occupational therapist~~ ~~or other licensed or~~
42 ~~certified professional who has an expertise in the area of autism and whose~~
43 ~~caseload includes patients who are children with autism;~~ and one shall be

four

;

; one shall be an

;

ATTACHMENT 6-1

House Health and Human Services

DATE: 3-22-07

6-2

1 a member of a board of education of a school district ;

2 **(6) one member appointed by the commissioner. Such member**
3 **shall be a representative of health insurance companies doing busi-**
4 **ness in the state of Kansas;** ~~and~~

of insurance

5 **(7) one member appointed by the chief administrative officer of**
6 **the Capper Foundation located in Topeka, Kansas.**

; and
(8) the secretary of health and environment, the secretary of social and rehabilitation services and the commissioner of education, or such person's designees, who shall serve only as non-voting ex officio members of the task force

7 (b) One of the members appointed by the governor shall be desig-
8 nated by the governor to serve as chairperson of the task force. Members
9 of the task force shall be appointed within 30 days of the effective date
10 of this act. The task force shall meet on call of the chairperson or on the
11 request of six ~~eight~~ or more members of the task force. Six ~~eight~~ mem-
12 bers of the task force shall constitute a quorum.

ten

Ten

13 (c) Any vacancy occurring in the membership of the task force shall
14 be filled in the same manner as the original appointment.

15 (d) The staff of the office of the revisor of statutes, the legislative
16 research department and the division of legislative administrative services
17 shall provide such assistance as may be requested by the task force and
18 authorized by the legislative coordinating council. Upon request of the
19 task force, the department of education, the department of health and
20 environment and the department of social and rehabilitation services shall
21 provide to the task force any information and supporting documentation
22 relating thereto requested by the task force.

23 (e) **Members Except as provided by this subsection, members** of
24 the task force attending meetings of such task force or subcommittee
25 meetings thereof as authorized by such task force, shall be paid amounts
26 as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto,
27 upon vouchers approved by the chairperson of the task force or the chair-
28 person's designee. **No member of the task force shall be paid an**
29 **amount as provided in subsection (e) of K.S.A. 75-3223, and amend-**
30 **ments thereto, if such member receives an amount from another**
31 **governmental or private entity for the purpose for which such**
32 **amount is payable under subsection (e) of K.S.A. 75-3223, and**
33 **amendments thereto.**

34 (f) The task force shall study and conduct hearings on the issues re-
35 lating to, the needs of and services available for persons with autism in-
36 cluding, but not limited to:

37 (1) The re-alignment of state agencies that provide services for chil-
38 dren with autism;

39 (2) the availability or accessibility of services for the screening, di-
40 agnosis and treatment of children with autism and the availability or ac-
41 cessibility of services for the parents or guardians of children with autism;

42 (3) the need to increase the number of qualified professionals and
43 paraprofessionals who are able to provide ~~intensive behavioral therapy~~

evidence-based intervention

6-3

1 and other services to children with autism and incentives which may be
2 offered to meet that need;

3 (4) the availability of insurance and the extent of the coverage under
4 insurance policies for services provided to children with autism;

and by other third-party payors

5 (5) the creation of an autism registry which would (A) provide accu-
6 rate numbers of children with autism, (B) enable the legislature to adopt
7 a more accurate budget as it relates to the cost of providing services to
8 children with autism, (C) improve the understanding of the spectrum of
9 autism disorders and (D) allow for more complete epidemiologic surveys
10 of the autism disorder;

11 (6) the establishment of a hotline that the parents or guardians of
12 children with autism may use to locate services for children with autism;

(7) the creation and design of a financial assistance program for children with autism;
And renumber remaining subsections

13 (7) additional funding sources to support programs that provide evi-
14 dence-based ~~intensive behavioral therapy~~ or treatment of autism, includ-
15 ing funding for the development of regional centers of excellence for the
16 diagnosis and treatment of autism; and

intervention

17 (8) develop recommendations for the best practices for early ~~inten-~~
18 ~~sive~~ behavioral therapy for children with autism.

evidence-based intervention

19 (g) The task force shall submit reports of the activities and recom-
20 mendations of the task force to the legislative educational planning com-
21 mittee. A preliminary report shall be submitted on or before November
22 15, 2007. The final report shall be submitted on or before November 15,
23 2008. Such reports shall include recommendations for legislative changes.

24 (h) As used in this section, "autism" means all disorders within the
25 autism spectrum including, but not limited to, autism, Asperger's syn-
26 drome, ~~PDD???~~ and ~~PDD-NOS~~ **pervasive development disorders and**
27 **pervasive development disorder, not otherwise specified.**

28 (i) The provisions of this section shall expire on December 31, 2008.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.

Rep. Patton
Balloon Amendment #3
March 22, 2007

1 a member of a board of education of a school district; ←
2 **(6) one member appointed by the commissioner. Such member**
3 **shall be a representative of health insurance companies doing busi-**
4 **ness in the state of Kansas; and**

5 **(7) one member appointed by the chief administrative officer of**
6 **the Capper Foundation located in Topeka, Kansas.**

one member appointed by the parents of children with autism
appointed pursuant to subsections (a)(2) through (5). Such
member shall be a parent of a child with autism;

7 (b) One of the members appointed by the governor shall be desig-
8 nated by the governor to serve as chairperson of the task force. Members
9 of the task force shall be appointed within 30 days of the effective date
10 of this act. The task force shall meet on call of the chairperson or on the
11 request of ~~six~~ **eight** or more members of the task force. ~~Six~~ **Eight** mem-
12 bers of the task force shall constitute a quorum.

13 (c) Any vacancy occurring in the membership of the task force shall
14 be filled in the same manner as the original appointment.

15 (d) The staff of the office of the revisor of statutes, the legislative
16 research department and the division of legislative administrative services
17 shall provide such assistance as may be requested by the task force and
18 authorized by the legislative coordinating council. Upon request of the
19 task force, the department of education, the department of health and
20 environment and the department of social and rehabilitation services shall
21 provide to the task force any information and supporting documentation
22 relating thereto requested by the task force.

23 (e) ~~Members~~ **Except as provided by this subsection, members** of
24 the task force attending meetings of such task force or subcommittee
25 meetings thereof as authorized by such task force, shall be paid amounts
26 as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto,
27 upon vouchers approved by the chairperson of the task force or the chair-
28 person's designee. **No member of the task force shall be paid an**
29 **amount as provided in subsection (e) of K.S.A. 75-3223, and amend-**
30 **ments thereto, if such member receives an amount from another**
31 **governmental or private entity for the purpose for which such**
32 **amount is payable under subsection (e) of K.S.A. 75-3223, and**
33 **amendments thereto.**

34 (f) The task force shall study and conduct hearings on the issues re-
35 lating to, the needs of and services available for persons with autism in-
36 cluding, but not limited to:

37 (1) The re-alignment of state agencies that provide services for chil-
38 dren with autism;

39 (2) the availability or accessibility of services for the screening, di-
40 agnosis and treatment of children with autism and the availability or ac-
41 cessibility of services for the parents or guardians of children with autism;

42 (3) the need to increase the number of qualified professionals and
43 paraprofessionals who are able to provide intensive behavioral therapy

ATTACHMENT 7

House Health and Human Services
DATE: 3- 22 -07

Rep. Storm
Balloon Amendment
March 21, 2007

1 a member of a board of education of a school district; ;
2 **(6) one member appointed by the commissioner. Such member**
3 **shall be a representative of health insurance companies doing busi-**
4 **ness in the state of Kansas; and**

5 ~~**(7) one member appointed by the chief administrative officer of**~~
6 ~~**the Capper Foundation located in Topeka, Kansas.**~~

← Strike

7 (b) One of the members appointed by the governor shall be desig-
8 nated by the governor to serve as chairperson of the task force. Members
9 of the task force shall be appointed within 30 days of the effective date
10 of this act. The task force shall meet on call of the chairperson or on the
11 request of ~~six~~ **eight** or more members of the task force. ~~Six~~ **Eight** mem-
12 bers of the task force shall constitute a quorum.

13 (c) Any vacancy occurring in the membership of the task force shall
14 be filled in the same manner as the original appointment.

15 (d) The staff of the office of the revisor of statutes, the legislative
16 research department and the division of legislative administrative services
17 shall provide such assistance as may be requested by the task force and
18 authorized by the legislative coordinating council. Upon request of the
19 task force, the department of education, the department of health and
20 environment and the department of social and rehabilitation services shall
21 provide to the task force any information and supporting documentation
22 relating thereto requested by the task force.

23 (e) ~~Members~~ **Except as provided by this subsection, members** of
24 the task force attending meetings of such task force or subcommittee
25 meetings thereof as authorized by such task force, shall be paid amounts
26 as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto,
27 upon vouchers approved by the chairperson of the task force or the chair-
28 person's designee. **No member of the task force shall be paid an**
29 **amount as provided in subsection (e) of K.S.A. 75-3223, and amend-**
30 **ments thereto, if such member receives an amount from another**
31 **governmental or private entity for the purpose for which such**
32 **amount is payable under subsection (e) of K.S.A. 75-3223, and**
33 **amendments thereto.**

34 (f) The task force shall study and conduct hearings on the issues re-
35 lating to, the needs of and services available for persons with autism in-
36 cluding, but not limited to:

37 (1) The re-alignment of state agencies that provide services for chil-
38 dren with autism;

39 (2) the availability or accessibility of services for the screening, di-
40 agnosis and treatment of children with autism and the availability or ac-
41 cessibility of services for the parents or guardians of children with autism;

42 (3) the need to increase the number of qualified professionals and
43 paraprofessionals who are able to provide intensive behavioral therapy

ATTACHMENT 8

House Health and Human Services
DATE: 3-22-07

Rep. Patton
Balloon Amendment #1
March 20, 2007

1 and other services to children with autism and incentives which may be
2 offered to meet that need;

3 (4) the availability of insurance and the extent of the coverage under
4 insurance policies for services provided to children with autism;

5 ~~(5) the creation of an autism registry which would (A) provide accu-
6 rate numbers of children with autism, (B) enable the legislature to adopt
7 a more accurate budget as it relates to the cost of providing services to
8 children with autism, (C) improve the understanding of the spectrum of
9 autism disorders and (D) allow for more complete epidemiologic surveys
10 of the autism disorder;~~

Strike and renumber
remaining paragraphs

11 (6) the establishment of a hotline that the parents or guardians of
12 children with autism may use to locate services for children with autism;

13 (7) additional funding sources to support programs that provide evi-
14 dence-based intensive behavioral therapy or treatment of autism, includ-
15 ing funding for the development of regional centers of excellence for the
16 diagnosis and treatment of autism; and

17 (8) develop recommendations for the best practices for early inten-
18 sive behavioral therapy for children with autism.

19 (g) The task force shall submit reports of the activities and recom-
20 mendations of the task force to the legislative educational planning com-
21 mittee. A preliminary report shall be submitted on or before November
22 15, 2007. The final report shall be submitted on or before November 15,
23 2008. Such reports shall include recommendations for legislative changes.

24 (h) As used in this section, "autism" means all disorders within the
25 autism spectrum including, but not limited to, autism, Asperger's syn-
26 drome, PDD???, and PDD-NOS ***pervasive development disorders and
27 pervasive development disorder, not otherwise specified.***

28 (i) The provisions of this section shall expire on December 31, 2008.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.

ATTACHMENT 9

House Health and Human Services
DATE: 3 - 22 - 07