

SESSION OF 2010

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2454**

As Agreed to May 3, 2010

Brief*

HB 2454 would amend current law on the use of data contained in vital statistical records, and establish procedures for fingerprinting and acquiring criminal history record checks for any person offered a position of employment in the Office of Vital Statistics of the Kansas Department of Health and Environment (KDHE), subject to a criminal history records check.

Use of Data Contained in Vital Statistical Records

The bill would:

- Require the data secured in connection with medical research studies conducted for the purposes of reducing morbidity or mortality from maternal, perinatal, and anesthetic causes be provided to the Secretary of Health and Environment;
- Clarify that any statistics or tables resulting from such data may be deemed admissible, by the court, as evidence;
- Require the funding of the medical research studies be identified if the medical research studies are referred to a group other than the State of Kansas;

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- Amend current law to provide an exception to the prohibition that no employee of the Secretary of KDHE may interview any patient named in studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal, and anesthetic causes;
- Authorize the Secretary of KDHE to permit the use of birth, death, and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring;
- Authorize the Secretary of KDHE to interview individuals for purposes of maternal and child health surveillance and monitoring, if approved by the Health and Environmental Institutional Review Board;
- Require the Secretary of KDHE to inform the individuals to be interviewed that participation is voluntary;
- Require written consent of the individuals to be interviewed, or if the person is under 18 years of age, the informed consent of a parent or legal guardian; and
- Clarify informed consent is not required if the person who is the subject of the information is deceased.

Fingerprinting and Criminal History Record Checks

The bill would:

- Require any person offered a position in the Office of Vital Statistics be given written notice that a criminal history record check is required as part of the application process;
- Require each such applicant to be fingerprinted and submit to a state and national criminal history record check;

- Require the Secretary of KDHE to submit the fingerprints to the Kansas Bureau of Investigation (KBI) and the Federal Bureau of Investigation;
- Require local and state law enforcement officers and agencies to assist KDHE in taking and processing fingerprints of such applicants;
- Authorize the Secretary to use the information obtained from the fingerprinting and record checks to verify the identity of such applicant and to determine eligibility for employment of such applicant; and
- Require the Secretary to inform such applicant, in writing, if the criminal history record information is used to disqualify an applicant from employment.

The bill would be effective upon publication in the *Kansas Register*.

Conference Committee Action

The Conference Committee put the contents of HB 2454, which would have created a special sentencing provision for felonies committed where the offender wore or used ballistic resistant material, into HB 2435. The Conference Committee then inserted the provisions of SB 488, as further amended by the Senate Committee of the Whole, concerning the use of data contained in vital statistical records, and establishing procedures for fingerprinting and acquiring criminal history record checks for any person offered a position of employment in the Office of Vital Statistics, into HB 2454.

The Conference Committee also amended the bill to:

- Require the data secured in connection with medical research studies conducted for the purposes of reducing morbidity or mortality from maternal, perinatal, and

anesthetic causes be provided to the Secretary of Health and Environment;

- Clarify that any statistics or tables resulting from such data may be deemed admissible, by the court, as evidence; and
- Require the funding of the medical research studies be identified if the medical research studies are referred to a group other than the State of Kansas;

Background

The proponent of SB 488, as introduced, who presented testimony in the Senate Committee hearing was a representative of the Office of Vital Statistics, KDHE. There was no testimony in opposition to the bill in the Senate Committee hearing.

The Senate Committee amended SB 488 to clarify that any person offered a position of employment in the Office of Vital Statistics, subject to a criminal history record check, would be given notice that a criminal history record check is required.

The Senate Committee of the Whole amended SB 488 to:

- Amend current law to provide an exception to the prohibition that no employee of the Secretary of KDHE may interview any patient named in studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal, and anesthetic causes;
- Authorize the Secretary of KDHE to permit the use of birth, death, and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring;
- Authorize the Secretary of KDHE to interview individuals for purposes of maternal and child health surveillance and

monitoring, if approved by the Health and Environmental Institutional Review Board;

- Require the Secretary of KDHE to inform the individuals to be interviewed that participation is voluntary;
- Require written consent of the individuals to be interviewed, or if the person is under 18 years of age, the informed consent of a parent or legal guardian; and
- Clarify informed consent is not required if the person who is the subject of the information is deceased.

SB 488 was rereferred to the Senate Committee on Judiciary. The Senate Committee further amended the bill to remove the provisions added by the Senate Committee of the Whole regarding the use of data contained in vital statistical records.

The Senate Committee of the Whole further amended SB 488 to reinsert the provisions removed by the Senate Committee when the bill was rereferred.

According to the fiscal note on SB 488, as introduced, the passage of the bill would increase expenditures for the Vital Statistics Fee Fund at KDHE by \$540 in FY 2011, and by the same amount in subsequent years. The estimate is based on the assumption that there will be ten applicants annually to fill vacancies, and the cost of each background check is \$54. The Kansas Bureau of Investigation indicates that because of the current fee structure in place, any expenditures for the record checks would be equal to fee revenue received. Any fiscal effect resulting from the passage of the bill would be in addition to amounts recommended in *The FY 2011 Governor's Budget Report*.

Office of Vital Statistics, Vital Statistical Records, Fingerprinting