

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on February 8, 2005 in Room 231-N of the Capitol.

All members were present except:

Susan Wagle- excused

Committee staff present:

Emalene Correll, Kansas Legislative Research Department

Terri Weber, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee:

Gary Daniels, Secretary of SRS

Micheal Donnelly, Disability Rights Center of Kansas

Kevin Graham, Assistant Attorney General Office

Others attending:

See attached list.

**Hearing on SB 115**

**SB 115--Investigation period involving reports of abuse, neglect or exploitation of certain persons.**

Upon calling the meeting to order, the Chair announced there would be a hearing on **SB 115**, an act concerning social and rehabilitation services; relating to investigation of reports of abuse, neglect or exploitation; amending K.S.A. 2004 Supp. 39-1433 and repealing the existing section and asked Mr. Norm Furse, Revisor of Statutes, to give a brief overview of the bill.

As there were no questions for Mr. Furse, Chairperson Barnett called upon the first proponent to testify. Gary Daniels, Secretary of Social and Rehabilitation Services, who stated that this proposal provides a more reasonable time frame for SRS to complete its investigation and ensures the SRS investigation does not interfere with a criminal investigation. It also provides the opportunity for increased collaboration between SRS and law enforcement and ensures at risk adults are protected during criminal investigations. A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair thanked Mr. Daniels for his testimony and asked if the Committee had any questions and/or comments.

Senator Palmer asked when reports of abuse or neglect are reported to SRS does SRS conduct investigation or local authorities. Norm Furse points out that lines 18-20 address Senator Palmer's question.

Chairperson Barnett calls the attention of the Committee to the written testimony provided by Ernest Kutzley, AARP Kansas. A copy of his testimony is (Attachment 2) attached here to and incorporated into the Minutes as referenced.

As there were no opponent or neutral conferees, the Chair then asked the Committee if they would like to work **SB 115**.

Senator Haley motioned to advance the legislation favorably. Senator Brungardt seconded the motion. Motion Passed.

## CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 8, 2005 in Room 231-N of the Capitol.

### Hearing on SB 116

#### SB 116--Injunctive authority to cease operations of unlicensed psychiatric hospital, community mental health centers and facilities for the mentally ill, mentally retarded or other handicapped persons

The next order of business was a hearing on SB 116, an act concerning social and rehabilitation services; providing injunctive authority against unlicensed facilities; amending K.S.A. 75-3307b and repealing the existing section. Chairperson Barnett asked Mr. Norm Furse, Revisor of Statutes, to give a brief overview of the bill.

As there were no questions for Mr. Furse, the Chair called upon the first proponent to testify. Gary Daniels, Secretary of Social and Rehabilitation Services, who stated that SB 116 would add the authority to take injunctive action to current law governing the licensure of these facilities. The addition of this language to the current law will allow the Secretary to seek the closure of facilities and/or providers who do not meet or seek to meet established minimum standards of care and treatment through licensure. The ability to seek closure through an injunction is necessary as other remedial actions related to funding are not an option for SRS with these facilities. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Chairperson Barnett thanked Mr. Daniels for his testimony, then asked the Committee for any questions and/or comments.

A range of questions came from Senators Palmer, Brungardt and Journey including how SRS will change the number to five, what kind of scope is involved in this bill, how many agencies get involved upon violations, and how involved does SRS get in licensing.

The second proponent conferee was Michael Donnely, Director of Policy and Outreach for the Disability Rights Center of Kansas. A copy of his testimony is (Attachment 4 and Attachment 5) attached hereto and incorporated into the Minutes as referenced. Mr. Donnely stated SB 116 gives the state the authority to close down those facilities who either do not meet licensing requirements or who refuse to become licensed. DRC recommends that the Kansas Legislature provide a clear statement of which programs and facilities are required to be licensed. Three amendments were proposed as follows:

- 1) A new section in Kansas law that clearly spells out the state's policy on licensing of group homes and residential programs for people with disabilities.
- 2) It's federal investigatory and access authority to facilities and programs where people with disabilities receive services be placed in state statute.
- 3) Request some technical clean-ups while addressing the issues above.

The Chair thanked Mr. Donnely for his testimony, then asked the Committee for any questions and/or comments.

A range of questions came from Senators Brungardt and Palmer, and Ms. Emalene Correll including if individuals caring for family members would included in this, what other issues might come into play concerning the federal regulations, and does SRS not have authority to check out such instances.

Chairperson Barnett asked Mr. Furse if he has review the proposed amendments. Mr. Furse replied he has briefly reviewed them and recommends that some slight massaging in language occur.

The Chair then asked Mr. Daniels if he would support the proposed amendments. Mr. Daniels stated that he would be able to support the amendments.

Chairperson Barnett called upon the third proponent conferee, Kevin Graham, Assistant Attorney General. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced. Mr. Graham testimony included that on behalf of Attorney General Kline asks the Committee to favorably consider SB 116, with the proposed amendments, and take this opportunity to insure greater protections for

## CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 8, 2005 in Room 231-N of the Capitol.

Kansans with disabilities of all types.

Chairperson Barnett thanked Mr. Graham for his testimony then asked the Committee for any questions and/or comments.

As there were no there were no opponent or neutral conferees or written testimonies, the Chair announced that the hearing was closed.

### **Adjournment**

As there was no further business, the meeting was adjourned. The time was 2:30 p.m.

The next scheduled meeting is Monday, February 14, 2005.