

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 March 12, 2008 in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Emalene Correll, Kansas Legislative Research Department  
Sara Zafar, Kansas Legislative Research Department  
Nobuko Folmsbee, Revisor of Statutes  
Renaë Jefferies, Revisor of Statutes  
Jan Lunn, Committee Secretary

Conferees appearing before the committee:

Senator Anthony Hensley  
Askia Adams  
Pat Eakes, Legislative Liaison, Kansas Commission on Disability Concerns  
Tessa Goupil  
Don Jordon, Secretary, SRS  
Mike Oxford, Executive Director, Topeka Independent Living  
Fred Miller  
Chris Glenn, Service Employees International Union  
Willa DeCastro, American Adoptions  
Gina McDonald, Kansas Children's Service League  
Kyle Kessler, KVC Behavioral Health Care  
Elaine Ptacek, Mental Health Credentialing Coalition  
Steven J. Solomon, PhD, TFI Family Services  
Christine Ross-Baze, Kansas Department of Health & Environment, Director Child Care Licensing and Registration Program  
Bruce Linhos, Executive Director, Children's Alliance  
Melissa L. Ness, JD, MSW, Saint Francis Community Services  
Sky Westerlund, Kansas Chapter National Association of Social Workers

Others attending:

See attached list.

Senator Barnett welcomed all attending the Public Health and Welfare Committee meeting.

**SB 566 - Attendant care workers act; study of wages and benefits for attendant care workers who provide services for individuals in need of long-term in home and community settings.**

Emalene Correll, legislative research department, briefed committee members on **SB 566**. The bill directs SRS to study wages and benefits for attendant care workers who provide services to persons who are beneficiaries under Medicaid, children who are developmentally disabled, individuals with head injuries, the frail elderly, and those who are technology assisted. Findings from the study are to be completed by October 31, 2008, and are to be reported to the Committee on Health Policy Oversight.

**HB 2570 - Persons authorized to make adoption assessments**

**HB 2570** expands the pool of persons authorized to conduct adoption home assessments. Current law allows court-appointed social workers to conduct home assessments; **HB 2570** lists the categories of licensed professionals who would now be allowed to conduct these assessments, explained Emalene Correll, legislative research department. (Attachment 1)

**SB 566 - Attendant care workers act; study of wages and benefits for attendant care workers who provide services for individuals in need of long-term in home and community settings.**

Senator Anthony Hensley presented testimony supporting **SB 566** indicating this bill looks at workforce issues from the attendant care worker's perspective. The study will include evaluation of wage rates, health insurance costs, and other benefits for attendant care workers. Senator

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Hensley's testimony is attached and therefore, incorporated into these minutes (Attachment 2)

Askia Adams, a private citizen who is technology assisted, provided testimony indicating that current state reimbursement rates to attendants do not foster longevity in that attendants are compensated at higher rates in private sector medical settings. Mr. Adams encouraged favorable passage of **SB 566**. Testimony is attached to these minutes. (Attachment 3)

Pat Eakes, legislative liaison for the Kansas Commission on Disability Concerns (KCDC), spoke in support of **SB 566** providing testimony relative to personal experiences in various roles as a case manager. Ms. Eakes urged members to pass **SB 566** out favorably in order to begin the process of investigating pay inequities and benefits for attendant care workers. Ms. Eakes testimony is attached, and therefore, is considered part of the record. (Attachment 4)

Tessa Goupil, a citizen using an attendant worker spoke in support of **SB 566**. Ms. Goupil is part of the Consumer Attendant Action Network, and participated in the writing of the bill. Ms. Goupil's testimony is attached. (Attachment 5)

Rocky Nichols, who was scheduled to speak, was absent. However, Chairman Barnett called committee members' attention to his written testimony. (Attachment 6)

Don Jordan, Secretary of SRS, provided testimony relative to the current bill and also explained that SRS, through the System Transformation Grant, is conducting a study similar to what is proposed in **SB 566**. Secretary Jordan highlighted points contained in the Transformation Grant. Secretary Jordan indicated **SB 566** directs SRS to utilize funding from the Money Follows the Person (MFP) grant for the study or monies from the System Transformation Grant; he stated use of funds from the MFP grant would not be allowed for this type of study. Secretary Jordan suggested the proposed legislation should include a definition of "attendant care worker." Secretary Jordan's testimony is incorporated into these minutes. (Attachment 7)

Mike Oxford, executive director for the Topeka Independent Living Resource Center (TILRC), discussed a survey conducted in September 2008 by his agency. The survey sampled 900 individuals with disabilities, 33% of those responding to the survey indicated the number one priority was better pay and/or health insurance for personal attendants. He further reviewed other reasons for the favorable passage of **SB 566** out of committee. (Attachment 8)

Fred Miller, personal attendant and former high school teacher, discussed the grassroots spirit in favor of **SB 566**. He spoke regarding his desire to make the system stronger for the future of Kansans requiring personal attendant services. His testimony is attached for reference. (Attachment 9).

Chris Glenn, a Service Employees International Union and personal attendant, spoke in favor of **SB 566**, indicating current wages are inequitable and non-sustaining (No written testimony submitted).

Liz Bartow, mother of two sons with disabilities, spoke regarding difficulties in hiring good attendant care workers who are dedicated to staying in that role. Ms. Bartow supported **SB 566**. (No written testimony submitted).

### **HB 2570 - Persons authorized to make adoption assessments**

Willa DeCastro and Shawn Kane from American Adoptions were present to provide testimony. Since there were many conferees, Shawn Kane deferred to Ms. DeCastro to testify. Ms. DeCastro's (Attachment 10) and Mr. Kane's (Attachment 11) written testimonies are attached and are considered part of these minutes. Ms. DeCastro urged Senators to pass **HB 2570** in order to expand the pool of licensed individuals able to conduct home assessments, and thus, eliminating or reducing adoption delays.

Gina McDonald, Kansas Children's Service League, supporting **HB 2570** indicated there is a national shortage of social workers contributing to adoption delays. She discussed the various

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professional individuals who would be able to participate in home assessments for adoption decisions should legislation pass. Ms. McDonald's testimony is attached. ([Attachment 12](#))

Kyle Kessler, KVC Behavioral Health Care, supports strongly **HB 2570**. His main point from his written testimony ([Attachment 13](#)), was that children would benefit from more timely adoptions.

Elaine Ptacek, from Colby, Kansas, with Heartland Rural Counseling Services, Inc, was present to support of **HB 2570** and to call attention to scopes of practice for master's prepared mental health professionals (independent practice level) as compared to bachelor's prepared mental health professionals. In addition, a graph showing the numbers of licensed mental health professionals by Kansas county was provided. ([Attachment 14](#))

Steven Solomon, TFI Family Services, noted ([Attachment 15](#)) that in his professional opinion, the bill contains sufficient provisions to assure home adoption assessment will meet relevant professional standards and will expedite the adoption process.

Christine Ross-Baze, director of Child Care Licensing and Registration Program, KDHE, spoke in support of **HB 2570**, adding the bill provides safeguards to enable families seeking adoption to find competent, qualified professionals to perform adoption assessments. ([Attachment 16](#))

Bruce Linhos, Children's Alliance, shared that his facility believes by expanding the pool of professionals, quality service can be maintained while expediting the adoption process. Mr. Linhos' testimony is attached. ([Attachment 17](#))

Sandra Gasca, LMLP, Youthville, indicated her agency supports the favorable passage of **HB 2570**, indicating the focus should be on expanding the network of professionals allowed to conduct home studies. Ms. Gasca's testimony is considered to be part of this record. ([Attachment 18](#))

Melissa L. Ness, JD, MSW, indicated that the bill is not about a shortage of social workers, it is about expanding a pool of qualified licensed professionals to expedite permanency in a child's life. Ms. Ness' testimony is attached, and therefore, is incorporated into this record. ([Attachment 19](#))

Sky Westerlund, LMSW, executive director of the Kansas Chapter, National Association of Social Workers, stood in opposition to **HB 2570**. Ms. Westerlund indicated that the scope of practice for mental health providers allows diagnosis and treatment of individuals with a mental illness and to work, at the clinical level, independently. She stated an adoption home study is not diagnosis, treatment, or therapy. ([Attachment 20](#))

Chairman Barnett stated the time allotted for the meeting had expired, and Ms. Westerlund had not had adequate opportunity to conclude. Therefore, Ms. Westerlund will continue with her testimony at the meeting on March 19, 2008.

Chairman Barnett adjourned the meeting at 2:34pm