

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on February 4, 2010, in Room 546-S of the Capitol.

All members were present except:
Senator Mary Pilcher-Cook- excused

Committee staff present:
Nobuko Folmsbee, Office of the Revisor of Statutes
Renae Jefferies, Office of the Revisor of Statutes
Iraida Orr, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Amanda Nguyen, Intern, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Conferees appearing before the Committee:

Others attending:
See attached list.

SB 447 - Child care; supervision of children and licensing and inspection of child care facilities.

Senator Barnett opened the meeting reporting several telephone calls had been received related to the proposed legislation and in the opinion of callers, its discriminatory language against those either visually or sight impaired.

Chairperson Barnett recognized Terri Weber to provide information related to the fiscal note. Ms. Weber indicated passage of **SB 447** would have no fiscal effect for the Kansas Department of Health and Environment (KDHE); and that the Department of Social and Rehabilitation Services (SRS) indicated that **SB 447** would increase expenditures for Child Care Assistance by \$275,313 because the payment rate for registered family day care homes would be increased to the licensed provider rate. Currently, SRS has sufficient federal child care funding to cover the increase.

Considerable discussion ensued wherein senators attending provided alternative suggestions for enhancing this legislation. Senator Kelly described her past involvement as executive director with the Kansas Recreation and Parks Association. In this role, she was involved with various agencies such as the YMCA, Boys/Girls Club, and other agencies providing child care programs. Senator Kelly suggested a conceptual amendment which included placing regulations in statute for three years governing what KDHE does related to child care programs provided by entities such as YMCA, Boys/Girls Club, Parks and Recreation Agencies, etc. KDHE would provide initial inspections for the programs. Once initial inspection is completed, each entity will be required to submit to KDHE (annually) a self-evaluation relating to the individual program. At the next stage, resources spent by KDHE on inspecting and licensing these entities would be shifted to home-based child care homes. At that time, "registered" homes would be eliminated and only "licensed" categories would be allowed. Following the initial tier of inspections for programs/agencies and subsequently, home-based child care, a second tier would be created that would re-inspect at less frequent intervals providing no complaints had been received by KDHE.

Senator Schmidt expressed support for the proposed plan. She suggested that self-evaluations occur annually to serve as reinforcement to the provider that the program is operating within approved standards and regulations. Senator Kelly indicated the suggestion should be included in the amendment and further explained that should any complaint be received by KDHE for any entity or program, KDHE would maintain authority to sanction the licensed entity.

Senator Colyer inquired whether Senator Kelly had addressed penalties for entities in violation of proposed regulations. Senator Kelly indicated that penalties should be addressed and included.

Senator Brungardt related that in speaking with proponents of the legislation, they described the importance of inspections; testimony presented also validated the most serious child care adverse events were related to the child during sleep. He indicated inspection isn't only an analysis of physical space but one of on-site visualization. Senator Kelly concurred with Senator Brungardt's statement indicating that a good inspection would include on-site visualization in addition to provider education.

CONTINUATION SHEET

Minutes of the Senate Public Health and Welfare Committee at 1:30 p.m. on February 4, 2010, in Room 546-S of the Capitol.

Michael Byington, Kansas Association for the Blind and Visually Impaired, spoke regarding the fact that he and others within his organization had been monitoring this legislation's progress. He supported legislation creating a safe environment for all Kansans; he reported representatives from KDHE with whom he spoke indicated there had been no recorded death or injury where there was an allegation that a lack of sight or hearing had caused the event. He requested that all work together for solution to safe child care without inadvertently causing negative impact to the blind, visually, or hearing impaired population

Chairperson Barnett inquired how much time Senator Kelly would need to craft the proposed amendment. Senator Kelly requested several weeks due to the complexity of the issue.

Kim Engelman, mother of Lexie Engelman, addressed her concern related to a system of protection for children. A system that would not only prohibit a provider with multiple violations from continuing to provide child care, but also a system that would create substantial penalties or civil fines for those found to have contributed to bodily injury or death of a child.

Senator Barnett indicated a proposed amendment to **SB 447** would be submitted to committee members in several weeks. He adjourned the meeting at 2:08 p.m.