

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 1:30 p.m. on February 23, 2004 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Ms. Emalene Correll, Legislative Research
Mr. Norm Furse, Revisor of Statutes
Mrs. Diana Lee, Revisor of Statutes
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee:

Ms. Diane Kramer, Associate Superintendent of Personnel, USD253
Mr. Jim Edwards, Lobbyist for Kansas Association of School Boards
Ms. Adrienne Woolery, Policy Analyst, Metropolitan Council on Early Learning
Ms. Kathy Damron, representing YMCA's of Kansas
Ms. Crystal Williams, representing Partnership for Children
Ms. Jennie Rose, Kansas Association of Community College Trustees

Others attending:

Please See Attached List.

Hearing on SB453 - regulation of child care facilities

Upon opening the meeting, the Chair announced there would be a hearing on **SB 453**, an act concerning the regulation of child care facilities; relating to exemptions therefrom and called upon Mr. Norm Furse to explain the balloon. His highlights included:

- amends current law;
- provides that the provisions for 65-501, which relates to the regulation by the Secretary of Child care facilities, would not apply;
- in addition to the current law exemptions, it exempts in lines 33 and 34, any facility, program, or service authority to be operated by the Board of Education of the school district. (This is the only change this bill makes in our current law.

A copy of the balloon is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

As there no questions for Mr. Furse, the Chair recognized Senator Barnett, who introduced this bill and stated, he first learned last year of the concerns from his school district in Emporia, who felt like they were being doubly licensed and over regulated. As this is still not resolved and to air concerns from both sides, brings this bill to see if the Committee could find some resolve on the issue.

The Chair then called upon the first of two proponents to testify, Ms. Diane Kramer, Associate Superintendent of Personnel, USD253, who offered questions with answers including:

- what legislative action is requested and what changes are needed to create this change?
- under what authority does KDHE assume control of public school programs?
- why are some public school classrooms considered child care?
- why public schools should be exempt from KDHE day care regulations?

A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

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The second proponent was Mr. Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards who stated that the bill would exempt all programs or services of a local school district from licensure by the Kansas Department of Health and Environment (KDHE) and that school districts are already regulated by the Kansas State Department of Education as well as their respective locally elected boards. A copy of his testimony is ([Attachment 3](#)) attached hereto and incorporated into the Minutes as referenced.

The chair then called upon the first opponent, Ms. Adrienne Woollery, Policy Analyst, Metropolitan Council on Early Learning from Kansas City who stated that this piece of legislation is a problem because these licensing standards provide basic health and safety regulations to keep children in Kansas safe; absent of these standards, children are more likely to be in unsafe care. She also offered a chart showing the "Kansas Child Care Center Licensed Ratio. A copy of her testimony is ([Attachment 4](#)) attached hereto and incorporated into the Minutes as referenced.

The next opponent called upon was Ms. Kathy Damron, representing the YMCA's of Kansas, the largest provider of childcare in the state, she stated. She added the bill is extremely broad in its application, would exempt any child care center operated by a school district or authorized to be operated by a school district, from KDHE regulations and those of us in the private sector who are providing this care should not be held to a higher regulatory standards than those in the public sector. A copy of her testimony is ([Attachment 5](#)) attached hereto and incorporated into the Minutes as referenced.

The final opponent was Ms. Crystal Williams, representing Partnership for Children Lobbyist who stated this was a child advocacy organization and offered two major concerns with the bill:

- an example of lack of regulation as there would be no requirement of criminal history or child abuse background checks for personnel working with young children and youth; and,
- there would no longer be a requirement that there be a standard for staff to child ratio and organizations currently required to adhere to basic health and safety regulations could approach school districts asking them to authorize programs, bypassing basic health and safety regulations.

A copy of her testimony is ([Attachment 6](#)) attached hereto and incorporated into the Minutes as referenced.

The Chair then asked if anyone in the audience would like to testify. Ms. Jennie Rose from the Kansas Association of Community College Trustees asked that community colleges be amended to the bill if the Committee decided to move forward with the bill. Ms. Rose had no written testimony.

As there were no neutral or written testimony, the Chair asked for questions/comments from the Committee. Senators Wagle, Salmans, Barnett, Brownlee, and Jordan posed questions and comments ranging from: does the bill address church based schools, teachers aids, exemptions for on site school based programs, any tragic events in Kansas and the one in Missouri was this before regulation background checks, dissemination of non-factual information, when outside groups come in and lease or rent, conflict of interest (with current outside operators no licensed out-based), any school charges, to right ratio of children.

As there was no further discussion, the Chair closed the hearing.

Action on SB425 - concerning dentistry; relating to administration of sedation & anesthetics

The Chair then referred the Committee to a proposed amendment for SB425. A copy of this is ([Attachment 7](#)) attached hereto and incorporated into the Minutes as referenced. She stated "when we had a hearing on the bill there were no opponents. The Board requested the bill and the Kansas Association of

Dentists also supported the bill". But one thing that she brought up and it was also brought up in the House, was whether or not dentists had liability insurance and currently they are not required to have it.

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She then asked Mr. Furse to explain the amendment they had been working on.

Mr. Furse stated the amend would be a part of the dental practices act requiring a policy of professional liability insurance issued by an insurer who is authorized to transact business in the state and maintained by each licensed dentist actively practicing, except if the dental practice is limited under subsection (f). A copy of the amendment is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

The Chair recognized Senator Brungardt who stated that Senator Barnett, at the hearing, suggested inserting "cardio" in front of "pulmonary" on page 1, line 38. Mr. Furse also offered a technical change on page 1, line 35, inserting "rules" before the word "regulations" to read "rules and regulations."

As there was no further discussion of the bill, Senator Barnett made the motion on line 38, page 1, change "pulmonary" to "cardiopulmonary" and on line 35, page 1, add "rules and" before "regulations." This was seconded by Senator Brownlee and the motion passed.

Senator Haley made a motion to accept the language in the proposed amendment, a requirement for liability insurance except for charitable care. Senator Steineger seconded and the motion passed.

Senator Salmans made a motion to move the bill as amended. It was seconded by Senator Steineger and the motion passed.

Adjournment

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

The next scheduled meeting is Tuesday, February 24, 2004.

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