

## MINUTES OF THE SENATE HEALTH CARE STRATEGIES COMMITTEE

The joint meeting of the Senate Health Care Strategies and the House Health and Human Services Committee was called to order by Chairman Susan Wagle at 1:30 P.M. on January 30, 2007 in Room 231-N of the Capitol.

Committee members absent: Senator Mark Gilstrap- (EA)

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department  
Mrs. Terri Weber, Kansas Legislative Research Department  
Ms. Nobuko Folmsbee, Revisor of Statutes Office  
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee: Mr. Roderick Bremby, Secretary, Kansas Department of Health and Environment  
Mr. Don Jordan, Acting Secretary, Kansas Department of Social and Rehabilitation Services

Others in attendance: Please see attached guest list

### **Overview of Services Provided and Population Served at Larned State Hospital**

Upon calling the meeting to order, Chairperson Wagle called on Ms. Emalene Correll, Kansas Legislative Research Department, to give background on Larned State Hospital. Ms. Correll stated that the hospital serves three distinct populations that are in need of mental health services:

- 1) The traditional role of providing psychiatric evaluation and treatment for persons who require inpatient care;
- 2) The population admitted under the Kansas forensic laws; and,
- 3) Convicted sexual predators who are deemed dangerous to the community but who have completed a prison term.

She explained:

- 1) The procedure of admission to the hospital once the patient has been screened by the community mental health centers that serve the hospital's 59 western county catchment areas that include 28% of the state's population.
- 2) The State Security Program which delivers specialized mental health services to persons committed by the district courts and persons transferred from the Department of Corrections in addition to non-forensic patients having severe behavioral problems and transferred from other hospitals.
- 3) The Sexual Predator Treatment and Transition Program for convicted sex offenders who have completed their prison sentences and who have been civilly committed by the courts for inpatient treatment under the Kansas Sexual Predator Act because they present a continuing danger to the community.

And lastly, she stated that Larned State Hospital provides support services for the Larned Juvenile Correctional Facility, the Larned Correctional Mental Health Facility, and the Kansas Soldiers Home at Fort Dodge. A copy of her testimony is ([Attachment 1](#)) attached hereto and incorporated into the Minutes by reference.

The Chair then called upon Mr. Roderick Bremby, Secretary, Kansas Department of Health and Environment who stated that KDHE, pursuant to the social Security Act as set forth in a contract between CMS and KDHE known as the 1864 Agreement, serves as the survey agent for CMS for hospitals which

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participate in Medicare. He went on to say that this agreement requires KDHE to use only federally recognized surveyors and to follow all CMS survey policies, procedures, and interpretations.

Secretary Bremby then offered a time line beginning May, 2006, after complaints were received, through January 24, 2007, where a formal letter approved a plan of correction that was provided the hospital. He completed his testimony by stating that unless there were additional complaints or CMS directs another visit sooner, KDHE will follow normal protocol and revisit the hospital sometime in the next few months to evaluate correction of the cited violations and general compliance with federal and state regulation. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes by reference.

The Chair thanked Secretary Bremby and called upon Mr. Don Jordan, Acting Secretary, Kansas Department of Social and Rehabilitation Services, who assured the Committees that all of the findings in the survey will be corrected or mitigated. He stated that Larned State Hospital had already made corrections to many of the findings, and has changed or instituted new policies that will improve the oversight of the housekeeping and maintenance functions. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes by reference.

The Chair then announced that handouts were available regarding the Larned State Hospital's "Statement of Deficiencies and Plan of Correction" including citations, patient rights, findings of KDHE's investigation, the surveyors reports, and a how correction has been or will be accomplished. A copy of this is (Attachment 3) attached hereto and incorporated into the Minutes by reference.

Chairperson Wagle thanked all of the conferees and then asked for questions or comments from both Committees. Questions came from Senators Journey, Palmer, Schmidt, Jordan and Wagle, Representatives Landwehr, Colyer, Schroeder, Ward, Mast, Neighbor including:

- were all buildings investigated and is one of the surveyors in attendance today?
- what complaints came from which program, any complaints prior to May, 06 and what was happening between May, 2006 and September, 2006 (4 months)?
- was the legislature notified of this problem and when?
- could this inhibit the recovery of these patients affected?
- are there Medicaid patients at Larned?
- what is normal protocol for inspections, what is the depth of a 3-year survey, are family members interviewed, and are they random or scheduled?
- regarding the enforcement issue, what does this entail?
- is the JCAHO survey public record, are copies available, and why are they unannounced?
- ex. If someone had special needs that were not being met, who would they report this to?
- as these are "regular" maintenance problems, has there been a turnover in management that the legislature is not aware of?
- 10% of the problems were in the children's area, what were these issues and were they in a clean, safe environment?
- concerns with unlocked files (1,000 records) even though limited access and was this the only place you checked?

As it was going on 2:30, the time set for Senate Session, all Senators left for session, but the House Committee remained with questions continuing to come from Representatives, Colyer, Rhoades, Mast, Landwehr, and Tietze including clarification of where all complaints came from and did all of this happen in the last three years?

### **Adjournment**

As there were no further questions or comments and no further business, Representative Landwehr announced that the meeting was adjourned. The time was 2:55 p.m.

The next meeting is scheduled for February 5, 2007.

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