

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Brenda Landwehr at 1:30 p.m. on March 4, 2009, in Room 784 of the Docking State Office Building.

All committee members were present.

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Melissa Calderwood, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Janet Grace, Committee Assistant

Conferees appearing before the Committee:

Robin Clements, Public Solutions, LLC ([Attachment 1](#))
Jennifer Hoppe, State Relations, Business Development; Government and External Relations, (The Joint Commission) ([Attachment 2](#))
Luci Monares, United Methodist Youthville ([Attachment 3](#))
Shannon Roberts, Youthville ([Attachment 4](#))
Steve Solomon, TFI Family Services ([Attachment 5](#))
Kyle Kessler, KVC Behavioral Health Care ([Attachment 6](#))
Melissa Ness, Saint Francis Community Services ([Attachment 7](#))
Bruce Linhos, Children's Alliance of Kansas ([Attachment 8](#))
Deb Crowl, Kansas Association of Education of Small Children ([Attachment 9](#))
Richard Morrissey, Kansas Department of Health and Environment (KDHE) ([Attachment 10](#))
Elaine Edwards, Salina Child Care ([Attachment 11](#))

Others attending:

See attached list.

Chairperson Landwehr called the meeting to order.

The hearing began on **HB 2356 - Child care facilities; inspection.**

Norm Furse, Revisor, explained the proposed changes to the bill.

Robin Clements, Public Solutions, provided proponent testimony for **HB 2356** on behalf of the Child Welfare Companies of Kansas. ([Attachment 1](#)) They believe the changes in the bill maintain high safety standards to insure safety for children through accreditation and contract, but without unnecessary duplication that may deter families from volunteering. They continue to rely upon Kansas Department of Health and Environment (KDHE) and Social and Rehabilitation Services (SRS) as partners to provide the best possible care for children. The Child Welfare companies believe the bill maintains that standard and provides greater efficiency by inviting the state to take advantage of our accreditation.

Jennifer Hoppe, representing State Relations of The Joint Commission, provided proponent testimony for **HB 2356.** ([Attachment 2](#)) The Joint Commission is a private sector, non-profit entity dedicated to improving the safety and quality of health care provided to the public. The Joint Commission standards are the basis of an objective evaluation process for organizations that can help measure, assess and improve organization performance. The standards, components of the survey process, oversight activities, state regulatory agencies communication and Joint Commission accreditation are listed in the attachment. Discussion with the committee members included expansion of terminology (survey, review, inspection), compliance issues and verified complainants need to be corrected within 45 days unless children are in danger which makes the complaint a high priority resulting in a resolution within 24 hours. A definition of a maternity center/care was provided by Melissa Calderwood.

Luci Monares, Director of Licensing, testified as a proponent of **HB 2356.** ([Attachment 3](#)) United Methodist Youthville, is one of the largest nonprofit, child welfare agencies in Kansas specializing in foster care through the State Foster Care Contract, Foster Home Services, Psychiatric Residential Treatment, and Counseling. Safety, permanency, and well-being of children are the primary priorities for their agency. Youthville's accreditation is through The Joint Commission (TJC). The process through KDHE to maintain a State Child

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Placing Agency license is almost identical to the national accreditation process. The accreditation process, standards, regulations and oversights are listed in her written attachment.

Shannon Roberts operates a Youthville child welfare agency home. (Attachment 4) Ms. Roberts, a proponent of **HB 2356**, provided the committee with the details of her experience pertaining to “a positive and detailed” inspection by TJC. It is her opinion there is duplication in services being provided by both KDHE and TJC as each has equivalent standards and regulations. As a foster parent she does not feel the proposed bill would cause any safety or health issues concerning children in their care.

Steve Solomon of TFI Family Services spoke as a proponent for **HB 2356**. (Attachment 5) Their programs include foster care, adoption, child care, mental health, substance abuse treatment, transitional living for young adults, and a Visitation and Exchange Center. They believe strongly in the need to develop and adhere to professional standards to assure the families they work with and the communities that support them that their operations are in compliance with such standards. His testimony provided information on the agencies they work with to maintain their license and accreditation: the Council on Accreditation (COA), which is a private entity; the COA standards; elements of duplication and oversight by COA, KDHE, and SRS; and the cross-walk of regulations.

Kyle Kessler, Vice-President for Administration and Governmental Affairs at KVC Behavioral HealthCare, spoke in favor of **HB 2356**. (Attachment 6) KVC is a private, not-for-profit organization providing medical and behavioral healthcare, social services and education to children and families. KVC believes that greater efficiencies can be achieved for the children and families they serve as well as their organization through the reduction of redundant survey processes currently required by KDHE. There will be no additional cost to the state, and possibly a cost savings. The KVC written testimony provides a list of current KDHE requirements and safeguards currently in place.

Melissa Ness, an Advocacy Coordinator for Saint Francis Community Services, provided proponent testimony for **HB 2356**. (Attachment 7) The services Saint Francis provides troubled youth and families includes: family preservation, reintegration/foster care homes, drug and alcohol services, and residential services and community supports. Her attachment provides information on the support of current public policy of safety, the value and benefit of accreditation, and how the bill will impact community based agencies and the state.

Bruce Linhos provided proponent written testimony for **HB 2356** (Attachment 8).

Deb Crowl, President of the Kansas Association for the Education of Young Children, provided opponent testimony for **HB 2356**. (Attachment 9) Ms. Crowl is in favor of accreditation and regulations. Regulations are based on research and provide essential health and safety guards for children in care. They endorse more frequent inspections and would like more facilities to be inspected and regulated. The standard waiting time to get into their facilities is 3-9 months or longer. Registered home day cares are not inspected, but licensed day care facilities are inspected.

Richard Morrissey, Kansas Department of Health and Environment (KDHE), provided opponent testimony for **HB 2356**. (Attachment 10) This bill exempts maternity centers and child care facilities from being inspected by KDHE if the center or facility is accredited by TJC, Health Care Organization, the COA or the Commission of Rehabilitation Facilities. The bill also deletes requirements that any maternity center or child care facility, even if not accredited, must be in compliance in order to be issued a license. Mr. Morrissey’s attachment provides details on KDHE’s process of licensing requirements, agencies they work with for child care, and their concerns with the provisions in this bill. The lack of inspections significantly weakens the State’s ability to provide consumer protection and safety for Kansas children and families. KDHE does use contractors for inspections. KDHE stated research shows that more regulation implemented leads to compliance.

Elaine Edwards, Executive Director of the Salina Child Care Association, provided opponent testimony for **HB 2356**. (Attachment 11) Their organization is a strong supporter of child care licensing laws (including inspections) and the relationship between safe and healthy learning environments for children. Licensing inspections keep child care providers in check with basic health and safety standards. Legislation that proposes to eliminate licensing inspection for a particular group of programs does not create consistency

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between child care programs. Ms. Edwards believes more research needs to be done about accreditation programs before any decision is made regarding exemption of a particular group of child care programs from KDHE licensing. A waiting list in a child care home is market driven.

The Chairman closed the hearing for **HB 2356**.

The next meeting is scheduled for March 5, 2009.

The meeting was adjourned at 3:15 p.m.