

Approved: March 9, 2005

Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:39 P.M. on March 8, 2005, in Room 526-S of the Capitol.

Committee members absent:

Representative Brenda Landwehr- excused

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department

Mary Galligan, Kansas Legislative Research Department

Renae Jefferies, Revisor of Statutes' Office

Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Gary Daniels, Acting Secretary, Kansas Department of Social and Rehabilitation Services

Mike Donnelly, Director of Policy, Disability Rights Center of Kansas

Kevin Graham, Assistant Attorney General of Kansas

Others attending:

See attached list.

The minutes for Monday, March 7, were approved.

The Chairman opened the hearing on [SB 115](#) and welcomed Gary Daniels, Acting Secretary, Kansas Department of Social and Rehabilitation Services (SRS), who spoke in support of the bill, which, he said, is designed to amend a specific section of the Adult Protective Services statutes to extend the time from 30 days to 90 days for investigation and evaluation of abuse cases when a criminal investigation is ongoing. ([Attachment 1](#)) He explained that the bill only deals with length of time, nothing else. Answering questions, he said that SRS receives 9000 allegations of abuse, 6000 of which involve investigations; less than 10% of the cases involve criminal investigations. He explained that the statute deals only with adult—not child—abuse. He replied that if a criminal investigation is not completed within 90 days, SRS will make a preliminary report and add further findings later.

The hearing was closed on [SB 115](#).

The Chair opened the hearing for [SB 116](#).

Gary Daniels, Acting Secretary, SRS, spoke as a proponent for the bill. ([Attachment 2](#)) He said the bill adds injunctive authority to current law regarding licensure of certain facilities, allowing the agency to act protectively for mentally ill or developmentally disabled individuals under care in a residential facility.

Mike Donnelly, Director of Policy, Disability Rights Center of Kansas, spoke as a proponent. ([Attachment 3](#)) He explained the incident prompting such a bill, saying that the owners of group homes in Newton caring

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for mentally ill individuals had evaded the licensing requirements even though they were known to be abusing those under their care. He suggested amendments to the bill, noting that the amendments addressed concerns brought up in the Senate by cleaning up some of the language and focusing the language to apply only to residential facilities, not schools or hospitals. ([Attachment 4](#)) He said the bill gives access authority for SRS to be involved when there is reason to believe abuse exists. He noted that [Attachment 5](#) includes information about the Newton facility.

Kevin Graham, Assistant Attorney General, testified that his office had assisted in the drafting of the amendments suggested above.

Cindy Luxem, Kansas Health Care Association, provided written testimony in support of the bill. ([Attachment 6](#))

Members directed most questions to Mr. Donnelly, who answered thus:

The bill applies only to mentally ill or developmentally disabled adults, not children. Regarding the amendments, he said the Kansas Attorney General believes the amendments are necessary to clarify that the proposed legislation does not apply to schools, hospitals, or geriatric homes, but only those facilities licensed by SRS that care for mentally ill or developmentally disabled individuals.

Lori Nuebel, representing SRS, stated that the bill would also apply to state psychiatric hospitals.

A member expressed concern that the bill does not clearly identify Mr. Donnelly's federally sanctioned agency (Disability Rights Center of Kansas) and might be used by other groups with fewer scruples or parameters.

Mr. Donnelly explained that one section in the language regarding self-direction was eliminated to protect any two individuals who might be receiving services, but who had freely chosen to live in the same residence. Mr. Donnelly agreed with a member who lamented how long the egregious conditions had existed in Newton without anyone being willing to correct them.

The Chair closed the hearing on **SB 116** and opened discussion on **SB 115**.

A motion was made and seconded to recommend **SB 115** favorable for passage and place it on Consent Calendar. The motion passed unanimously.

Staff provided a briefing for the following bills:

SCR 1604 requests that the State Board of Education take the lead in a study to promote healthy eating and physical activity in public elementary and secondary schools. The study is to be carried out in cooperation with other state agencies and private entities and foundations. The Senate adopted the resolution 40-0.

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SB 183 concerns federally active licenses under the Kansas healing arts act; the bill amends the act to allow a practitioner to engage in professional practice for compensation outside federal employment, enabling him or her to perform administrative functions, peer review, disability determination, utilization review, or render an expert opinion. Under the bill a licensee could also serve as a charitable health-care provider, provide direct professional services, or supervise professional services without compensation. Current law allows such a licensee to perform only charitable health care. The bill passed the Senate 39-0.

The meeting was adjourned at 2:45 p.m. The next meeting is scheduled for Wednesday, March 9, 2005.