



Disability Rights Center of Kansas

Rocky Nichols, Executive Director

635 SW Harrison, Ste 100 ♦ Topeka, KS 66603

785.273.9661 ♦ 877.776.1541 (Voice)

877.335.3725 (TDD) ♦ 785.273.9414 FAX

rocky@drckansas.org ♦ Telephone Ext. #106

House Committee on Health and Human Services

Informational Testimony that is Neutral SB 528

February 16, 2006

Chairman Morrison and the honorable members of the committee, my name is Rocky Nichols. I am the Executive Director of the Disability Rights Center of Kansas, formerly Kansas Advocacy and Protective Services (KAPS). The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As the state designated protection and advocacy system for Kansans with disabilities our task is to advocate for the legal and civil rights of persons with disabilities as promised by federal, state and local laws, including protecting them from potential discrimination.

DRC became interested with SB 528 because some in the disability community began voicing concerns and questions regarding potential discriminatory affects of the bill. Any time people with disabilities are specifically tracked or singled out in legislation, regulations or state programs the disability community will raise appropriate questions as to why this is occurring.

With that back drop, DRC is compelled to ask two very important questions regarding SB 528. We believe the Committee needs to answer and address these questions as you work SB 528.

1. Why does SB 528 only require data involving the specific disabilities of women to be collected regarding termination of a pregnancy? If SB 528 were passed into law, the only demographic information that would be specifically spelled out to be collected in the statute would be disability information. Why is this the case? People with disabilities are a “protected class” under the law, and as such if information is collected in a discriminatory manner then it could have the affect of separating them.

2. Can the Kansas Department of Health and Environment assure women who have disabilities that collection of additional information about their disabilities will not infringe on their right to privacy, or in any way allow any person viewing the information to identify them? Even if the Department can offer these assurances, will the committee put protections in this bill to statutorily require and ensure these privacy protections? For example, if you are the only woman in Palco Kansas who is 30, African American and has cerebral palsy, would you be identifiable as the result of the data collection and reporting? Or is the data collected ONLY statewide, aggregate data? DRC would like assurances placed into statute that clearly states that the raw data and individually answered forms collected is protected information and neither available to the public or available by discovery in any judicial proceeding. A further protection would be defining via the state law in SB 528 that the only information that is available publicly is the statewide data report, and that cross-tabulation of smaller data sets is not public. Without those specific prohibitions, while collecting disability specific information as one characteristic of the women tracked under K.S.A. 65-445, the state may inadvertently narrow the data to the degree that the individual in small town Kansas becomes identifiable. That would be unacceptable to the disability community.

As you debate SB 528, DRC asks the Committee to consider these two questions, the consequences of each issue, and develop statutory protections in the bill to address these two issues.

Thank you.