

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 21, 2000 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Kansas Legislative Research Department
 Dr. Bill Wolff, Kansas Legislative Research Department
 Norman Furse, Revisor of Statute's Office
 June Evans, Secretary

Conferees appearing before the committee: Ron Eisenbarth, Legislative Coordinator, Alcohol Drug Counselors
 Representative Barbara Ballard
 Paula Marmet, Director, Bureau of Health Promotion, KDHE
 Walter Thiessen, Wichita Child Guidance Center
 Jim Gates, Board Member, Wichita Child Guidance Center
 Janet Sisney, Board Member, Wichita Child Guidance
 Sara Lloyd, Board Member, Wichita Child Guidance
 John Roper, Board Member, Wichita Child Guidance
 Tom Winters, Chair, Sedgwick County Board of Commissioners
 Rose Mary Mohr, CEO, South Central Mental Health Centers
 Randy Class, Executive Director, Family Consultation Center
 Eloise Reeves, Wichita NAMI
 Dale Weibe, Executive Director, Johnson County and President, CMHC
 Paul Klotz, Executive Director, Assistant, CMHCs
 Dana Fenton, Lobbyist

Others attending: See Attached Sheet

The Chairperson opened the meeting and announced there was a very busy agenda and would have to limit testimony to 5 on **HB 2760** minutes in order to complete all the items on the agenda.

The Chairperson opened the hearing on **HB 2760 - Enacting the addictions counselor licensure act.**

Ron Eisenbarth, a proponent, legislative liaison, Kansas Alcoholism and Drug Abuse Counselors Association stated there were approximately 500 certified addiction counselors. **HB 2760** provides for combining of the above addressed credentialing processes that would provide both practice and title protection and as a result provide protection to the consumer of counseling services in Kansas. (See Attachment #1)

The Chairperson closed the hearing on **HB 2760.**

The Chairperson opened the hearing on **HB 2932 - Creating council on obesity prevention and management.**

Representative Barbara Ballard, in support of **HB 2932**, testified obesity is classified as a disease in all cases where a person's body mass index (BMI) is 30 kg/m², or where a person's body mass index (BMI) is 27kg/m² or greater, and the person suffers from one or more of the named conditions or diseases in the bill.

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Treating obesity as a disease goes beyond just losing weight. As a state, it is important to look at the big picture which is to review thoroughly the effect of obesity in children and adults, we can save lives, preserve human dignity, and decrease the cost of health care. In addition to any legislative appropriate, the Council may accept and expend grants and private donations from any source, including federal, state, public and private entities, to assist the council to carry out the council's functions (See Attachment #2).

Paul Marmet, Director, Bureau of Health Promotion, KDHE, a proponent to **HB 2932**, testified the growing prevalence of obesity in the general population and its subsequent health impact certainly warrants the attention of state and local policy makers. Establishment of a council whose purpose is to develop a plan that addresses data, intervention resources, funding, education, public awareness and environmental and policy issues related to obesity is a step in the right direction to address this epidemic (See Attachment #3).

The Chairperson closed the hearing on **HB 2932**.

Representative Storm moved and Representative Long seconded to move **HB 2932** out favorably. The motion carried.

Representative Bethell explained Substitute Bill for **HB 2169** and reviewed the changes from the original bill (See Attachment #4).

The Chairperson thanked the Sub-Committee for their work on Substitute **HB 2169**.

Representative Long moved and Representative Morrison seconded to move Substitute **HB 2169** out favorably. The motion carried.

Representative Bethell stated there were two requests made by the Sub-Committee, i.e., (1) a Legislative Post Audit be performed on the Board of Nursing to look at several issues; friendliness, efficiency in handling of application, etc. and (2) request that Health Care Report Oversight Committee look at the background checks within health care across the board. There are some areas, such as the Board of Nursing, that can totally prohibit a person from ever practicing as a nurse again because of an infraction and there are other areas that will do similar things and some that would allow for rehabilitation. Need to get a level playing field.

The Chairperson opened the hearing on **HB 2888 - Concerning mental health centers**.

Walt Thiessen, a proponent for **HB 2888**, Executive Director, Wichita Child Guidance Center, Wichita, introduced some of the Board Members.

Sara Lloyd, a proponent for **HB 2888**, past Chair of the Wichita Child Guidance Center, also a counselor and coach and work with managers and executives and am scared about the issues. Am seeing some educated people coming from very good homes and concerned what is happening to the children of our state. We need accommodation for those children where the tax dollars follow the child. Not everybody merges with every therapist. Some people are afraid to stay in the system. If the dollars follow the child, the child can go wherever to get the funds that they need. We are now seeing very, very clearly that some of these children will be failures. There are problems hiring because people can't read or do math. Have never terminated anyone for this inability. Have terminated people for behavioral issues. There are so many needs among the children. We can either pay now or later but will pay someplace. Would like to advocate that the dollars follow the child. Our issue is to get the most services for the tax dollars to the children of Kansas. Have never been in disagreement about the services, everyone provides good services. We would like to have the free market system with privatization built in, accountability for our children.

Janet Sisney speaking on behalf of the Wichita Child Guidance Center as a proponent to **HB 2888**, testified they had attempted to mediate the issue with ComCare and resolve it at the local level. The Wichita Child Guidance Center is no longer able to serve the children of Wichita and Sedgwick County as

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a Mental Health Center. As a result of this ruling, many children, adolescents and their families are not able to receive the services that are necessary to their mental well-being (See Attachment #5).

John Dee Roper, Chair of Board, The Wichita Child Guidance Center, Inc., testified in support of **HB 2888**, stated the Guidance Center had been the primary provider of community mental health services for children in Sedgwick County for seventy years. That stopped on July 20, 1999 because of the actions taken by the Sedgwick County Commissioners. The Guidance Center has caused a number of papers to be written over the past twelve months. (Booklet in Chairperson's Office)

The Guidance Center has prepared multiple papers concerning comparable costs. Evidence of the inefficiency of COMCARE is overwhelming. This evidence comes from COMCARE's own outside accountant's report and its General ledgers obtained through the discovery process in litigation. The resources of the state to be used for mental health have been wastefully spent or hoarded in unrestricted cash accounts.

Rose Mary Mohr, Ph.D., testified as an opponent to **HB 2888**, and stated (1) local issues should be handled by the local mental health authority, consistent with established policy and state statutes (2) complaints submitted by a single agency in conjunction with a local dispute should not be the basis for state legislation, unless the state is prepared to deal with similar matters in various other locations with respect to hospitals, schools, social service agencies, and others (3) the Sedgwick County Board of County Commissioners has been at the helm in the development of a highly effective system of care; because of their elected positions it is believed they are best suited to respond to citizen needs, with the guidance of the Mental Health Advisory Council (4) if, in fact, Sedgwick County were to become an arena in which the state could determine who would provide mental health services, the issues surrounding integrated care would escalate, without clear definition of the locus of responsibility, without continuing state intervention (5) collaboration among key stakeholders in developing and implementing an effective system of care at the local level is dependent on responsibilities vested in the local mental health authority. To erode that base in Sedgwick County would serve to escalate issues that surround serving children with special needs, including those in SRS care, adjudicated by the courts, and/or requesting emergency mental health services (See Attachment #6).

Randy Class, Executive Director of Family Consultation Service, Wichita, testified as an opponent to **HB 2888**, stating FCS is a licensed mental health center by affiliation with COMCARE, the local mental health authority in Sedgwick County. FCS has provided family and marital therapy under the umbrella of comprehensive community mental health services dating back to 1972. With mental health reform legislation in 1991, FCS contracted with COMCARE to provide intensive in-home therapy as a community wrap-around provider.

The other affiliate mental health center in Wichita has been the Wichita Child Guidance Center and did not sign an updated affiliate contract with COMCARE and ceased being a licensed mental health center July 21, 1999 (See Attachment #7).

Eloise Reeves testified in opposition of **HB 2888**, stating her two children have brain disorders. Wichita Child Guidance Center could not provide adequate services and since ComCare has taken over they have provided appropriate service (See Attachment #8).

David Wiebe, President, Association of Community Mental Health Center of Kansas, was an opponent to **HB 2888**, stating they serve all 105 counties, treat nearly 100,000 consumers each year and collectively are the backbone of the Kansas public mental health system. There is concern about the impact **HB 2888** would have on the ability of local communities and local government to determine what's best for their community.

HB 2888 would do away with the single local governing body concept, and create confusion about who has ultimate responsibility for critical local services, such as gatekeeping into the public mental health system (Attachment #9).

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Paul Klotz, Executive Director, Association of Community Mental Health Centers, stated the story had been told, however, would suggest checking with Secretary Schalansky because an audit was done as part of this conflict in Sedgwick County. The audit was completed in November or December of last year and urge the committee to get a copy of that or ask the Secretary to present it to the committee. There is a major Legislative Post Audit going on; a performance audit, not only for Sedgwick County but for all of the community Health Centers that serve the 105 counties in this state and believe that audit will be useful for all.

Dana Fenton, Intergovernmental Relations Coordinator, testified as an opponent to **HB 2888**, stating their major concern is that it removes the statutory option of the County Commissions in Johnson, Sedgwick and Wyandotte from serving as the governing board of their respective mental health centers. Second, this bill would allow the Kansas Department of Social and Rehabilitation Services to contract directly with, and fund, non-participating mental health centers who do not have a contract with the community mental health center for their service area. This bill would allow for more than one licensed mental health center in a service area without requiring they be tied together through an affiliation agreement or other contract (See Attachment #10).

Testimony by Bob Williams, Executive Director of the Kansas Pharmacists Association was distributed (See Attachment #11).

The Chairman thanked the Sub-Committee for their work on **HB 2888** and closed the hearing.

The meeting adjourned at 2:55 p.m. and the next meeting will be February 22.