

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 4, 2002 in Room 210 Memorial Hall

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

Conferees appearing before the committee: Dr. Lorne Phillips, KDHE
Judy Moler, Kansas Association of Counties
Erik Mitchell, M.D., Shawnee County District Coroner
Nancy Lindberg, Attorney General's Office

Others Attending: See Attached Sheet

The Chairperson announced the **HB 2688 - Addictions Counselor Licensure Act** would be transferred to the Sub-Committee on Credentialing. The Sub-Committee will have a meeting February 5, immediately after the full committee meeting.

The Chairperson opened the hearing on **HB 2666 - Child Autopsies, court ordered,, elimination of unfunded liability for.**

Dr. Wolff gave a briefing on **HB 2666.**

Dr. Lorne A. Phillips, Director, Center of Health and Environmental Statistics, testified as a proponent to **HB 2666**, stating prior to 1988 the public policy required the board of county commissioners to pay for autopsies ordered by coroners. To ensure that autopsies were performed whenever children died in their first year "due to circumstances where death was not anticipated or the cause of death was unknown..." (SIDs) the 1998 Legislature enacted K.S.A. 22a-238. This relieved the board of county commissioners of responsibility for payment and assigned it to KDHE.

The average cost of an autopsy requested by a coroner is slightly less than \$1,000. During the 1994-1998 period, an annual appropriation of approximately \$200,000 would have been needed for KDHE to meet statutory requirements to pay for all coroner ordered autopsies for children less than 18 years of age. Since funds were not appropriated for this purpose since the change in the legislation in 1992 and the number of requests for autopsy reimbursements were small, the department made a decision to charge the autopsy bills to the Coroner Fee Fund. The number of counties requesting reimbursements for autopsies has increased dramatically and the question has been raised as to the legality of use of the Coroner Fee Fund to reimburse under K.S.A. 22a-242(f). An unfunded liability exists and with current revenue conditions and projections, assuming the Legislature would not appropriate funds for KDHE payments, enactment of the proposed amendment of K.S.A. 22a-242(f) would eliminate future unfunded liability (Attachment 1).

Judy Moler, Legislative Services Director/General Counsel, Kansas Association of Counties, testified in strong opposition of **HB 2666**. The bill removes the Kansas Department of Health and Environment from its current statutory obligation to pay for autopsies ordered by county coroners under K.S.A. 22a-242, i.e. death of children of suspicious circumstance or unknown cause (Attachment 2).

Dr. Erik Mitchell, Shawnee County Coroner, testified in opposition of **HB 2666**. In 2001 the onset of the present financial crisis for the State of Kansas, KDHE began to deny payment for claims made for reimbursement, despite the prior consistent pattern of reimbursement for all

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autopsies of children under the age of 17.

The denials of payment began only after the Coroner's Association began to make other Counties aware of the provisions of K.S.A. 22a-242 and bills began to come to the Department of Health and Environment from Counties not previously aware of such an option.

In today's financial climate, KDHE's reluctance to release funds for death investigation was understandable. We let it be known that we would continue to submit bills, but in the short run with the expectation of non-payment. We expressed interest in trying to obtain for KDHE a specific designated appropriation in future budget cycles, and would collect the billing information in anticipation of support for such an attempt (Attachment 3).

Nancy J. Lindberg, State Child Death Review Board, testified opposing **HB 2666** and asked instead to consider leaving the language in the statute and adding a possible amendment. The reimbursement to counties for the cost of autopsies for deaths involving children is of vital importance.

The Board's primary concern is that the result of this legislation, in the long-run, would decline in thorough and quality death investigations. It is impossible to fully investigate child deaths unless autopsies are performed, because underlying causes cannot be discovered. The autopsies are not performed, the Board is limited in its ability to learn enough to prevent future deaths (Attachment 4).

Jaime L. Oeberst, M.D., Deputy District Coroner-Medical Examiner, provided written testimony opposing **HB 2666** (Attachment 5).

The Chairperson closed the hearing on **HB 2666**.

The Chairperson opened the hearing on **HB 2718 - Certified copies of abstracts or vital records**.

Dr. Bill Wolff, Kansas Legislative Research Department, gave a briefing on **HB 2718**.

Dr. Lorne A. Phillips, Director, Center for Health and Environmental Statistics, testified as a proponent for **HB 2718**, stating the 2001 session the Kansas Legislature granted approval to establish a capital improvement project "... for financing facilities, equipment, technology and other capital improvements for the implementation and maintenance of the vital statistics integrated information system... A functional requirement of the re-engineered system is to make it possible to establish records of vital events through application of technological advances, particularly web-based communication and electronic transaction systems. One of the features of the re-engineered system will include capability to electronically capture and store all of the source information of each new vital record. To enhance timeliness of service to customers, this capability will make it possible to create a legal document, a certified abstract.

A certified abstract will make it possible for customers to present a secure, authentic vital record in a format more commonly recognized by officials to establish official documents such as drivers' licenses and passports or to secure services such as airline tickets and boarding passes (Attachment 6).

The Chairperson closed the hearing on **HB 2718**.

Vice Chairperson Morrison asked if it would help if the fee were changed from \$1.00 to \$3.00?

Dr. Phillips replied it would be great.

The Chairperson asked staff for an update on **HB 2057 - Repealing the medical student scholarship program**.

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Norman Furse, Revisor of Statutes, briefed the committee of the changes that have occurred to the bill since it was written and heard in committee last year. He will draft a balloon showing the changes as the committee needs to deal with the bill as it applies to current law. There isn't anything subjective, but need the dates changed and technical changes.

Representative Long moved and Representative Showalter seconded bill introduction to change the makeup of the Board of Cosmetology. The motion carried.

The meeting adjourned at 3:00 and will meet February 5, 2002.