

HOUSE BILL No. 2627

By Committee on Health and Human Services

2-5

1 AN ACT concerning public health; relating to maternity centers; birth
2 centers; amending K.S.A. 65-425, 65-431, 65-433, 65-436, 65-439 and
3 65-501 and K.S.A. 2015 Supp. 59-2123, 65-440, 65-503, 65-504, 65-
4 505, 65-506, 65-507, 65-508, 65-512, 65-513, 65-523, 65-525 and 65-
5 67a10 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. All rules and regulations, orders and directives of the
9 Kansas department of health and environment concerning maternity
10 centers that are in effect on the effective date of this act shall continue to
11 be effective and shall be deemed to be rules and regulations, orders and
12 directives of the Kansas department of health and environment concerning
13 birth centers until revised, amended, revoked or nullified pursuant to law.
14 Each license to operate a maternity center that is in effect on the effective
15 date of this act shall continue to be effective to operate a birth center under
16 the terms of this act until the license expires.

17 Sec. 2. K.S.A. 2015 Supp. 59-2123 is hereby amended to read as
18 follows: 59-2123. (a) Except as otherwise provided in this section:

19 (1) Any person who advertises that such person will adopt, find an
20 adoptive home for a child or otherwise place a child for adoption shall
21 state in such advertisement whether or not such person is licensed and if
22 licensed, under what authority such license is issued and in what
23 profession;

24 (2) no person shall offer to adopt, find a home for or otherwise place
25 a child as an inducement to a woman to come to such person's maternity
26 center during pregnancy or after delivery; and

27 (3) no person shall offer to adopt, find a home for or otherwise place
28 a child as an inducement to any parent, guardian or custodian of a child to
29 place such child in such person's home, institution or establishment.

30 (b) The provisions of subsection (a)(1) shall not apply to the Kansas
31 department for children and families or to an individual seeking to adopt a
32 child.

33 (c) As used in this section:

34 (1) "Advertise" means to communicate by newspaper, radio,
35 television, handbills, placards or other print, broadcast, telephone directory
36 or electronic medium.

1 (2) "Person" means an individual, firm, partnership, corporation, joint
2 venture or other association or entity.

3 (3) "~~Maternity Birth~~ center" means the same as provided in K.S.A.
4 ~~65-502~~ 65-425, and amendments thereto.

5 (d) Any person who violates the provisions of this section shall be
6 guilty of an unclassified misdemeanor and shall be fined not more than
7 \$1,000 for each violation.

8 Sec. 3. K.S.A. 65-425 is hereby amended to read as follows: 65-425.
9 As used in this act:

10 (a) "General hospital" means an establishment with an organized
11 medical staff of physicians; with permanent facilities that include inpatient
12 beds; and with medical services, including physician services, and
13 continuous registered professional nursing services for not less than 24
14 hours of every day, to provide diagnosis and treatment for patients who
15 have a variety of medical conditions.

16 (b) "Special hospital" means an establishment with an organized
17 medical staff of physicians; with permanent facilities that include inpatient
18 beds; and with medical services, including physician services, and
19 continuous registered professional nursing services for not less than 24
20 hours of every day, to provide diagnosis and treatment for patients who
21 have specified medical conditions.

22 (c) "Person" means any individual, firm, partnership, corporation,
23 company, association, or joint-stock association, and the legal successor
24 thereof.

25 (d) "Governmental unit" means the state, or any county, municipality,
26 or other political subdivision thereof; or any department, division, board or
27 other agency of any of the foregoing.

28 (e) "Licensing agency" means the department of health and
29 environment.

30 (f) "Ambulatory surgical center" means an establishment with an
31 organized medical staff of one or more physicians; with permanent
32 facilities that are equipped and operated primarily for the purpose of
33 performing surgical procedures; with continuous physician services during
34 surgical procedures and until the patient has recovered from the obvious
35 effects of anesthetic and at all other times with physician services available
36 whenever a patient is in the facility; with continuous registered
37 professional nursing services whenever a patient is in the facility; and
38 which does not provide services or other accommodations for patient to
39 stay more than 24 hours. Before discharge from an ambulatory surgical
40 center, each patient shall be evaluated by a physician for proper anesthesia
41 recovery. Nothing in this section shall be construed to require the office of
42 a physician or physicians to be licensed under this act as an ambulatory
43 surgical center.

1 (g) "Recuperation center" means an establishment with an organized
2 medical staff of physicians; with permanent facilities that include inpatient
3 beds; and with medical services, including physician services, and
4 continuous registered professional nursing services for not less than 24
5 hours of every day, to provide treatment for patients who require inpatient
6 care but are not in an acute phase of illness, who currently require primary
7 convalescent or restorative services, and who have a variety of medical
8 conditions.

9 (h) "Medical care facility" means a hospital, ambulatory surgical
10 center or recuperation center, but shall not include a hospice which is
11 certified to participate in the medicare program under 42 code of federal
12 regulations, chapter IV, section 418.1 et seq. and amendments thereto and
13 which provides services only to hospice patients.

14 (i) "Critical access hospital" shall have the meaning ascribed to such
15 term under K.S.A. 65-468, and amendments thereto.

16 (j) "Hospital" means "general hospital," "critical access hospital," or
17 "special hospital."

18 (k) "Physician" means a person licensed to practice medicine and
19 surgery in this state.

20 (l) *"Birth center" means an establishment that provides peripartum*
21 *care for low-risk women with uncomplicated singleton term pregnancies*
22 *with a vertex presentation who are expected to have an uncomplicated*
23 *birth, but does not include a medical care facility.*

24 Sec. 4. K.S.A. 65-431 is hereby amended to read as follows: 65-431.

25 (a) The licensing agency shall adopt, amend, promulgate and enforce such
26 rules and regulations and standards with respect to *birth centers and* the
27 different types of medical care facilities to be licensed hereunder as may
28 be designed to further the accomplishment of the purposes of this law in
29 promoting safe and adequate treatment of individuals in *birth centers and*
30 medical care facilities in the interest of public health, safety and welfare.

31 (b) ~~No rule or regulation~~ *rules and regulations* shall be made by the
32 licensing agency which would discriminate against any practitioner of the
33 healing arts who is licensed to practice medicine and surgery in this state.
34 Boards of trustees or directors of facilities licensed pursuant to the
35 provisions of this act shall have the right, in accordance with law, to select
36 the professional staff members of such facilities and to select and employ
37 interns, nurses and other personnel, and no rules and regulations or
38 standards of the licensing agency shall be valid which, if enforced, would
39 interfere in such selection or employment. In the selection of professional
40 staff members, no hospital licensed under K.S.A. 65-425 et seq., *and*
41 *amendments thereto*, shall discriminate against any practitioner of the
42 healing arts who is licensed to practice medicine and surgery in this state
43 for reasons based solely upon the practitioner's branch of the healing arts

1 or the school or health care facility in which the practitioner received
2 medical schooling or postgraduate training.

3 (c) In formulating rules and regulations, the agency shall give due
4 consideration to the size of the *birth center* or medical care facility, the
5 type of service it is intended to render, the scope of such service and the
6 financial resources in and the needs of the community which such facility
7 serves.

8 (d) A hospital consisting of more than one establishment shall be
9 considered in compliance with the rules and regulations of the licensing
10 agency if all basic services required by the agency are available as a part
11 of the combined operation and if the following basic services are available
12 at each establishment: Continuous nursing service, continuous physician
13 coverage on duty or on call, basic diagnostic radiological and laboratory
14 facilities, drug room, emergency services, food service, and patient
15 isolation.

16 Sec. 5. K.S.A. 65-433 is hereby amended to read as follows: 65-433.
17 The licensing agency shall make or cause to be made such inspections and
18 investigations *of each birth center and each medical care facility* as
19 deemed necessary. The authorized agents and representatives of the
20 licensing agency shall conduct inspections of each *birth center and each*
21 *medical care facility* not accredited by the joint commission on
22 accreditation of health care organizations or the American osteopathic
23 association at such intervals as the secretary determines necessary to
24 protect the public health and safety and to carry out the risk management
25 provisions of K.S.A. 65-4921 et seq., and amendments thereto. The
26 licensing agency may prescribe by rules and regulations that any licensee
27 or applicant desiring to make specified types of alteration or additions to
28 its facilities or to construct new facilities shall before commencing such
29 alteration, addition or new construction, submit plans and specifications
30 therefor to the licensing agency for preliminary inspection and approval or
31 recommendations with respect to compliance with the rules and
32 regulations and standards herein authorized. Necessary conferences and
33 consultations may be provided.

34 Sec. 6. K.S.A. 65-436 is hereby amended to read as follows: 65-436.

35 (a) Except as provided in subsection (b), information received by the
36 licensing agency through filed reports, inspections or as otherwise
37 authorized under this act, shall not be disclosed publicly in such manner as
38 to identify individuals.

39 (b) Notwithstanding the provisions of subsection (a) to the contrary,
40 the following information may be disclosed publicly in such a manner as
41 to identify individuals, *birth centers* or medical care facilities: Information
42 received by the licensing agency through filed reports, inspections or as
43 otherwise authorized under this act, in a proceeding involving the question

1 of licensure.

2 Sec. 7. K.S.A. 65-439 is hereby amended to read as follows: 65-439.
3 Any person establishing, conducting, managing, or operating any *birth*
4 *center or* medical care facility without a license under this law shall be
5 guilty of a misdemeanor, and upon conviction shall be fined not more than
6 one hundred dollars for the first offense and not more than ~~fifty dollars~~
7 \$50 for each subsequent offense, and each day of a continuing violation
8 after conviction shall be considered a separate offense.

9 Sec. 8. K.S.A. 2015 Supp. 65-440 is hereby amended to read as
10 follows: 65-440. Notwithstanding the existence or pursuit of any other
11 remedy, the licensing agency may, in the manner provided by law, upon
12 the advice of the attorney general who shall represent the licensing agency
13 in the proceedings maintain an action in the name of the state for
14 injunction or other process against any person or governmental unit to
15 restrain or prevent the establishment, conduct, management or operation of
16 a *birth center or* medical care facility without a license under this law.
17 Such proceedings shall be governed by the provisions of the Kansas
18 judicial review act.

19 Sec. 9. K.S.A. 65-501 is hereby amended to read as follows: 65-501.
20 It shall be unlawful for any person, firm, corporation or association to
21 conduct or maintain a ~~maternity center or~~ a child care facility for children
22 under 16 years of age without having a license or temporary permit
23 therefor from the secretary of health and environment. Nothing in this act
24 shall apply to:

25 (a) A residential facility or hospital that is operated and maintained by
26 a state agency as defined in K.S.A. 75-3701, and amendments thereto; or

27 (b) a summer instructional camp that:

28 (1) Is operated by a Kansas educational institution as defined in
29 K.S.A. 74-32,120, and amendments thereto, or a postsecondary
30 educational institution as defined in K.S.A. 74-3201b, and amendments
31 thereto;

32 (2) is operated for not more than five weeks;

33 (3) provides instruction to children, all of whom are 10 years of age
34 and older; and

35 (4) is accredited by an agency or organization acceptable to the
36 secretary of health and environment.

37 Sec. 10. K.S.A. 2015 Supp. 65-503 is hereby amended to read as
38 follows: 65-503. As used in this act:

39 (a) "Child placement agency" means a business or service conducted,
40 maintained or operated by a person engaged in finding homes for children
41 by placing or arranging for the placement of such children for adoption or
42 foster care.

43 (b) "Child care resource and referral agency" means a business or

1 service conducted, maintained or operated by a person engaged in
2 providing resource and referral services, including information of specific
3 services provided by child care facilities, to assist parents to find child
4 care.

5 (c) "Child care facility" means:

6 (1) A facility maintained by a person who has control or custody of
7 one or more children under 16 years of age, unattended by parent or
8 guardian, for the purpose of providing the children with food or lodging,
9 or both, except children in the custody of the secretary for children and
10 families who are placed with a prospective adoptive family pursuant to the
11 provisions of an adoptive placement agreement or who are related to the
12 person by blood, marriage or legal adoption;

13 (2) a children's home, orphanage, maternity home, day care facility or
14 other facility of a type determined by the secretary to require regulation
15 under the provisions of this act;

16 (3) a child placement agency or child care resource and referral
17 agency, or a facility maintained by such an agency for the purpose of
18 caring for children under 16 years of age; or

19 (4) any receiving or detention home for children under 16 years of
20 age provided or maintained by, or receiving aid from, any city or county or
21 the state.

22 (d) "Day care facility" means a child care facility that includes a day
23 care home, preschool, child care center, school-age program or other
24 facility of a type determined by the secretary to require regulation under
25 the provisions of K.S.A. 65-501 et seq., and amendments thereto.

26 (e) "Person" means any individual, association, partnership,
27 corporation, government, governmental subdivision or other entity.

28 (f) "Boarding school" means a facility which provides 24-hour care to
29 school age children, provides education as its primary function, and is
30 accredited by an accrediting agency acceptable to the secretary of health
31 and environment.

32 ~~(g) "Maternity center" means a facility which provides delivery~~
33 ~~services for normal, uncomplicated pregnancies but does not include a~~
34 ~~medical care facility as defined by K.S.A. 65-425, and amendments~~
35 ~~thereto.~~

36 Sec. 11. K.S.A. 2015 Supp. 65-504 is hereby amended to read as
37 follows: 65-504. (a) The secretary of health and environment shall have
38 the power to grant a license to a person to maintain a ~~maternity center or~~
39 ~~child care facility~~ for children under 16 years of age. A license granted to
40 maintain a ~~maternity center or~~ child care facility shall state the name of the
41 licensee, describe the particular premises in or at which the business shall
42 be carried on, whether it shall receive and care for ~~women or~~ children, and
43 the number of ~~women or~~ children that may be treated, maintained, boarded

1 or cared for at any one time. No greater number of ~~women or~~ children than
2 is authorized in the license shall be kept on those premises and the
3 business shall not be carried on in a building or place not designated in the
4 license. The license shall be kept posted in a conspicuous place on the
5 premises where the business is conducted. A license granted to maintain a
6 day care facility shall have on its face an expiration sticker stating the date
7 of expiration of the license.

8 The secretary of health and environment shall grant no license in any
9 case until careful inspection of the ~~maternity center or~~ child care facility
10 shall have been made according to the terms of this act and until such
11 ~~maternity center or~~ child care facility has complied with all the
12 requirements of this act. Except as provided by this subsection, no license
13 shall be granted without the approval of the secretary for children and
14 families. The secretary of health and environment may issue, without the
15 approval of the secretary for children and families, a temporary permit to
16 operate for a period not to exceed 90 days upon receipt of an initial
17 application for license. The secretary of health and environment may
18 extend, without the approval of the secretary for children and families, the
19 temporary permit to operate for an additional period not to exceed 90 days
20 if an applicant is not in full compliance with the requirements of this act
21 but has made efforts towards full compliance.

22 (b) (1) In all cases where the secretary for children and families
23 deems it necessary, an investigation of the ~~maternity center or~~ child care
24 facility shall be made under the supervision of the secretary for children
25 and families or other designated qualified agents. For that purpose and for
26 any subsequent investigations they shall have the right of entry and access
27 to the premises of the center or facility and to any information deemed
28 necessary to the completion of the investigation. In all cases where an
29 investigation is made, a report of the investigation of such center or facility
30 shall be filed with the secretary of health and environment.

31 (2) In cases where neither approval or disapproval can be given
32 within a period of 30 days following formal request for such a study, the
33 secretary of health and environment may issue a temporary license without
34 fee pending final approval or disapproval of the center or facility.

35 (c) Whenever the secretary of health and environment refuses to grant
36 a license to an applicant, the secretary shall issue an order to that effect
37 stating the reasons for such denial and within five days after the issuance
38 of such order shall notify the applicant of the refusal. Upon application not
39 more than 15 days after the date of its issuance a hearing on the order shall
40 be held in accordance with the provisions of the Kansas administrative
41 procedure act.

42 (d) When the secretary of health and environment finds upon
43 investigation or is advised by the secretary for children and families that

1 any of the provisions of this act or the provisions of K.S.A. 59-2123, and
2 amendments thereto, are being violated, or that the ~~maternity center or~~
3 child care facility is maintained without due regard to the health, safety or
4 welfare of any ~~woman or~~ child, the secretary of health and environment
5 may issue an order revoking such license after giving notice and
6 conducting a hearing in accordance with the provisions of the Kansas
7 administrative procedure act. The order shall clearly state the reason for
8 the revocation.

9 (e) If the secretary revokes or refuses to renew a license, the licensee
10 who had a license revoked or not renewed shall not be eligible to apply for
11 a license for a period of one year subsequent to the date such revocation or
12 refusal to renew becomes final. If the secretary revokes or refuses to renew
13 a license of a licensee who is a repeat, three or more times, violator of
14 statutory requirements or rules and regulations or is found to have
15 contributed to the death or serious bodily harm of a child under such
16 licensee's care, such licensee shall be permanently prohibited from
17 applying for a new license to provide child care or from seeking
18 employment under another licensee.

19 (f) Any applicant or licensee aggrieved by a final order of the
20 secretary of health and environment denying or revoking a license under
21 this act may appeal the order in accordance with the Kansas judicial
22 review act.

23 Sec. 12. K.S.A. 2015 Supp. 65-505 is hereby amended to read as
24 follows: 65-505. (a) The annual fee for a license to conduct a ~~maternity~~
25 ~~center or~~ child care facility shall be fixed by the secretary of health and
26 environment by rules and regulations in an amount not exceeding the
27 following:

28 (1) For a ~~maternity center~~, \$150;
29 ~~(2) for a child placement agency, \$150;~~
30 ~~(3) (2) for a child care resource and referral agency, \$150; and~~
31 ~~(4) (3) for any other child care facility, \$75 plus \$1 times the~~
32 maximum number of children authorized under the license to be on the
33 premises at any one time.

34 The license fee shall be paid to the secretary of health and environment
35 when the license is applied for and annually thereafter. The fee shall not be
36 refundable. No fee shall be charged for a license to conduct a home for
37 children which is a family foster home as defined in K.A.R. 28-4-311, and
38 amendments thereto. Fees in effect under this subsection (a) immediately
39 prior to the effective date of this act shall continue in effect on and after
40 the effective date of this act until a different fee is established by the
41 secretary of health and environment by rules and regulations under this
42 subsection.

43 (b) Any licensee who fails to renew such license within 30 days after

1 the expiration of the license shall pay to the secretary the renewal fee plus
2 a late fee in an amount equal to the fee for the renewal of a license.

3 (c) Any licensee applying for an amended license shall pay to the
4 secretary of health and environment a fee established by rules and
5 regulations of the secretary in an amount not exceeding \$35.

6 (d) The secretary of health and environment shall remit all moneys
7 received by the secretary from fees under the provisions of this section to
8 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
9 and amendments thereto. Upon receipt of each such remittance, the state
10 treasurer, notwithstanding any other law to the contrary, shall deposit the
11 entire amount in the state treasury to the credit of the ~~maternity centers and~~
12 ~~child care licensing fee fund.~~ All expenditures from the ~~maternity centers~~
13 ~~and child care licensing fee fund~~ shall be made only for the purposes of
14 article 5 of chapter 65 of the Kansas Statutes Annotated, *and amendments*
15 *thereto*, in accordance with appropriation acts upon warrants of the
16 director of accounts and reports issued pursuant to vouchers approved by
17 the secretary of health and environment or by a person or persons
18 designated by the secretary. Notwithstanding any other law to the contrary,
19 no moneys shall be transferred or otherwise revert from this fund to the
20 state general fund by appropriation act or other act of the legislature.
21 Moneys available under this section by the creation of the ~~maternity~~
22 ~~centers and child care licensing fee fund~~ shall not be substituted for or
23 used to reduce or eliminate moneys available to the department of health
24 and environment to administer the provisions of article 5 of chapter 65 of
25 the Kansas Statutes Annotated, *and amendments thereto*. Nothing in this
26 act shall be construed to authorize a reduction or elimination of moneys
27 made available by the state to local units of government for the purposes
28 of article 5 of chapter 65 of the Kansas Statutes Annotated, *and*
29 *amendments thereto*.

30 Sec. 13. K.S.A. 2015 Supp. 65-506 is hereby amended to read as
31 follows: 65-506. The secretary of health and environment shall serve
32 notice of the issuance, limitation, modification, suspension or revocation
33 of a license to conduct a ~~maternity center or~~ child care facility to the
34 secretary for children and families, ~~juvenile justice authority~~ *department of*
35 *corrections*, department of education, office of the state fire marshal,
36 county, city-county or multi-county department of health, and to any
37 licensed child placement agency or licensed child care resource and
38 referral agency serving the area where the ~~center or~~ facility is located. A
39 ~~maternity center or~~ child care facility that has had a license limited,
40 modified, suspended, revoked or denied by the secretary of health and
41 environment shall notify in writing the parents or guardians of the
42 enrollees of the limitation, modification, suspension, revocation or denial.
43 Neither the secretary for children and families nor any other person shall

1 place or cause to be placed any ~~woman or~~ child under 16 years of age in
2 any ~~maternity center or~~ child care facility not licensed by the secretary of
3 health and environment.

4 Sec. 14. K.S.A. 2015 Supp. 65-507 is hereby amended to read as
5 follows: 65-507. (a) ~~Each maternity center licensee shall keep a record~~
6 ~~upon forms prescribed and provided by the secretary of health and~~
7 ~~environment and the secretary for children and families which shall~~
8 ~~include the name of every patient, together with the patient's place of~~
9 ~~residence during the year preceding admission to the center and the name~~
10 ~~and address of the attending physician.~~ Each child care facility licensee
11 shall keep a record upon forms prescribed and provided by the secretary of
12 health and environment which shall include the name and age of each
13 child received and cared for in the facility; the name of the physician who
14 attended any sick children in the facility, together with the names and
15 addresses of the parents or guardians of such children; and such other
16 information as the secretary of health and environment or secretary for
17 children and families may require. ~~Each maternity center licensee and each~~
18 ~~child care facility licensee shall apply to and shall receive without charge~~
19 ~~from the secretary of health and environment and the secretary for children~~
20 ~~and families forms for such records as may be required, which forms shall~~
21 ~~contain a copy of this act.~~

22 (b) Information obtained under this section shall be confidential and
23 shall not be made public in a manner which would identify individuals.

24 Sec. 15. K.S.A. 2015 Supp. 65-508 is hereby amended to read as
25 follows: 65-508. (a) Any ~~maternity center or~~ child care facility subject to
26 the provisions of this act shall: (1) Be properly heated, plumbed, lighted
27 and ventilated; (2) have plumbing, water and sewerage systems which
28 conform to all applicable state and local laws; and (3) be operated with
29 strict regard to the health, safety and welfare of any ~~woman or~~ child.

30 (b) Every ~~maternity center or~~ child care facility shall furnish or cause
31 to be furnished for the use of each resident and employee individual towel,
32 wash cloth, comb and individual drinking cup or sanitary bubbling
33 fountain, and toothbrushes for all other than infants, and shall keep or
34 require such articles to be kept at all times in a clean and sanitary
35 condition. Every ~~maternity center or~~ child care facility shall comply with
36 all applicable fire codes and rules and regulations of the state fire marshal.

37 (c) (1) The secretary of health and environment with the cooperation
38 of the secretary for children and families shall develop and adopt rules and
39 regulations for the operation and maintenance of ~~maternity centers and~~
40 ~~child care facilities.~~ The rules and regulations for operating and
41 ~~maintaining maternity centers and~~ child care facilities shall be designed to
42 promote the health, safety and welfare of any ~~woman or~~ child served in
43 such facilities by ensuring safe and adequate physical surroundings,

1 healthful food, adequate handwashing, safe storage of toxic substances and
2 hazardous chemicals, sanitary diapering and toileting, home sanitation,
3 supervision and care of the residents by capable, qualified persons of
4 sufficient number, after hour care, an adequate program of activities and
5 services, sudden infant death syndrome and safe sleep practices training,
6 prohibition on corporal punishment, crib safety, protection from electrical
7 hazards, protection from swimming pools and other water sources, fire
8 drills, emergency plans, safety of outdoor playground surfaces, door locks,
9 safety gates and transportation and such appropriate parental participation
10 as may be feasible under the circumstances. Boarding schools are excluded
11 from requirements regarding the number of qualified persons who must
12 supervise and provide care to residents.

13 (2) Rules and regulations developed under this subsection shall
14 include provisions for the competent supervision and care of children in
15 day care facilities. For purposes of such rules and regulations, competent
16 supervision as this term relates to children less than five years of age
17 includes, but is not limited to, direction of activities, adequate oversight
18 including sight or sound monitoring, or both, physical proximity to
19 children, diapering and toileting practices; and for all children, competent
20 supervision includes, but is not limited to, planning and supervision of
21 daily activities, safe sleep practices, including, but not limited to, visual or
22 sound monitoring, periodic checking, emergency response procedures and
23 drills, illness and injury response procedures, food service preparation and
24 sanitation, playground supervision, pool and water safety practices.

25 (d) Each child cared for in a child care facility, including children of
26 the person maintaining the facility, shall be required to have current such
27 immunizations as the secretary of health and environment considers
28 necessary. The person maintaining a child care facility shall maintain a
29 record of each child's immunizations and shall provide to the secretary of
30 health and environment such information relating thereto, in accordance
31 with rules and regulations of the secretary, but the person maintaining a
32 child care facility shall not have such person's license revoked solely for
33 the failure to have or to maintain the immunization records required by
34 this subsection.

35 (e) The immunization requirement of subsection (d) shall not apply if
36 one of the following is obtained:

37 (1) Certification from a licensed physician stating that the physical
38 condition of the child is such that immunization would endanger the child's
39 life or health; or

40 (2) a written statement signed by a parent or guardian that the parent
41 or guardian is an adherent of a religious denomination whose teachings are
42 opposed to immunizations.

43 Sec. 16. K.S.A. 2015 Supp. 65-512 is hereby amended to read as

1 follows: 65-512. (a) It is hereby made the duty of the secretary of health
2 and environment to inspect or cause to be inspected *every child care*
3 *facility* at least once every ~~15 months prior to July 1, 2012, and once every~~
4 ~~12 months thereafter, every maternity center or child care facility, unless~~
5 ~~otherwise provided in subsections (b) and (e).~~ For the purpose of
6 inspection the secretary or the secretary's authorized agent shall have the
7 right of entry and access thereto in every department and to every place in
8 the premises, shall call for and examine the records which are required to
9 be kept by the provisions of this act and shall make and preserve a record
10 of every inspection. The licensee shall give all reasonable information to
11 the authorized agent of the secretary of health and environment and shall
12 afford every reasonable facility for viewing the premises and seeing the
13 ~~patients or children therein.~~ No such ~~patient or child~~ without the consent of
14 the ~~patient or child~~ shall be required to be interviewed by any agent unless
15 the agent is an authorized person or a licensed physician.

16 ~~(b) (1) On or after the effective date of this act, the secretary of health~~
17 ~~and environment shall commence the inspection of registered family day~~
18 ~~care homes pursuant to K.S.A. 2015 Supp. 65-533, and amendments~~
19 ~~thereto.~~

20 ~~(2) The secretary of health and environment shall conduct an~~
21 ~~inspection of any child care facility upon receiving a complaint. Any new~~
22 ~~child care facility shall be inspected prior to issuance of a license. The~~
23 ~~secretary may conduct an inspection of any child care facility that has a~~
24 ~~record of repeated complaints or serious violations at any time. The~~
25 ~~secretary shall inspect any child care facility that provides services to~~
26 ~~military families receiving military assistance for child care every 12~~
27 ~~months.~~

28 ~~(c) (1) Except as provided in subsection (b)(2), the following~~
29 ~~categories of child care facilities which were in compliance on the~~
30 ~~effective date of this act are not required to be inspected until July 1, 2011:~~
31 ~~Day care homes, as defined in K.A.R. 28-4-113; group day care homes, as~~
32 ~~defined in K.A.R. 28-4-113; child care centers, as defined in K.A.R. 28-4-~~
33 ~~420; preschools, as defined in K.A.R. 28-4-420; school-age programs, as~~
34 ~~defined in K.A.R. 28-4-576; and drop-in programs, as defined in K.A.R.~~
35 ~~28-4-700.~~

36 ~~(2) The provisions of this subsection shall expire on July 1, 2011.~~

37 ~~(b) The secretary of health and environment shall conduct an~~
38 ~~inspection of any child care facility upon receiving a complaint.~~

39 Sec. 17. K.S.A. 2015 Supp. 65-513 is hereby amended to read as
40 follows: 65-513. Whenever an authorized agent of the secretary of health
41 and environment or secretary for children and families finds a ~~maternity~~
42 ~~center or child care facility~~ is not being conducted according to law, it shall
43 be the duty of such agent to notify the licensee in writing of such changes

1 or alterations as the agent determines necessary in order to comply with
2 the requirements of the law, and the agent shall file a copy of such notice
3 with the secretary of health and environment. It shall thereupon be the duty
4 of the licensee to make such changes or alterations as are contained in the
5 written notice within five days from the receipt of such notice. Notice shall
6 be given in accordance with the provisions of the Kansas administrative
7 procedure act.

8 Sec. 18. K.S.A. 2015 Supp. 65-523 is hereby amended to read as
9 follows: 65-523. The secretary may limit, modify or suspend any license
10 or temporary permit issued under the provisions of K.S.A. 65-501 through
11 65-516, and amendments thereto, upon any of the following grounds and
12 in the manner provided in this act:

13 (a) Violation by the licensee or holder of a temporary permit of any
14 provision of this act or of the rules and regulations promulgated under this
15 act;

16 (b) aiding, abetting or permitting the violating of any provision of this
17 act or of the rules and regulations promulgated under this act;

18 (c) conduct in the operation or maintenance, or both the operation and
19 maintenance, of a ~~maternity center or~~ child care facility which is inimical
20 to the health, safety or welfare of any ~~woman or~~ child receiving services
21 from such ~~maternity center or~~ child care facility, or the public;

22 (d) the conviction of a licensee or holder of a temporary permit, at
23 any time during licensure or during the time the temporary permit is in
24 effect, of crimes as defined in K.S.A. 65-516, and amendments thereto;
25 and

26 (e) a third or subsequent violation by the licensee or holder of a
27 temporary permit of ~~subsection (b) of~~ K.S.A. 65-530(b), and amendments
28 thereto.

29 Sec. 19. K.S.A. 2015 Supp. 65-525 is hereby amended to read as
30 follows: 65-525. (a) Records in the possession of the department of health
31 and environment or its agents regarding child care facilities ~~or maternity~~
32 ~~centers~~ shall not be released publicly in a manner that would identify
33 individuals, except individual names of licensees, applicants; *and* facilities
34 ~~and maternity centers~~ may be released. Nothing in this section prohibits
35 release of any information as required by law.

36 (b) Records in the possession of the department of health and
37 environment or its agents regarding child care facilities ~~or maternity~~
38 ~~centers~~ may be released to: (1) An agency or organization authorized to
39 receive notice under K.S.A. 65-506, and amendments thereto; (2) any
40 local, state or federal governmental entity or subdivision thereof; (3) any
41 child and adult care food program sponsoring agency; or (4) any disaster
42 or emergency entity.

43 (c) The secretary of health and environment shall prohibit the release

1 of the name, address and telephone number of a ~~maternity center~~ or child
2 care facility when the secretary determines that prohibition of the release
3 of the information is necessary to protect the health, safety or welfare of
4 the public or the ~~patients~~ or children enrolled in the ~~maternity center~~ or
5 child care facility.

6 (d) Any records under subsection (a), (b) or (c) shall be available to
7 any member of the standing committee on appropriations of the house of
8 representatives or the standing committee on ways and means of the senate
9 carrying out such member's or committee's official functions in accordance
10 with K.S.A. 75-4319, and amendments thereto, in a closed or executive
11 meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of
12 such committee, records received by the committee shall not be further
13 disclosed. Unauthorized disclosure may subject such member to discipline
14 or censure from the house of representatives or senate. Such records shall
15 not identify individuals but shall include data and contract information
16 concerning specific facilities.

17 (e) In any hearings conducted under the licensing or regulation
18 provisions of K.S.A. 65-501 et seq., and amendments thereto, the
19 presiding officer may close the hearing to the public to prevent public
20 disclosure of matters relating to persons restricted by other laws.

21 Sec. 20. K.S.A. 2015 Supp. 65-67a10 is hereby amended to read as
22 follows: 65-67a10. Every ~~maternity birth~~ center and medical care facility
23 licensed by the department of health and environment to operate in the
24 state shall adopt written policies and inform parents regarding their options
25 for disposition or taking of fetal remains in an event of a fetal death.

26 Sec. 21. K.S.A. 65-425, 65-431, 65-433, 65-436, 65-439 and 65-501
27 and K.S.A. 2015 Supp. 59-2123, 65-440, 65-503, 65-504, 65-505, 65-506,
28 65-507, 65-508, 65-512, 65-513, 65-523, 65-525 and 65-67a10 are hereby
29 repealed.

30 Sec. 22. This act shall take effect and be in force from and after its
31 publication in the statute book.