

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on January 24, 2005 in Room 231-N of the Capitol.

Committee members absent: Pete Brungardt- excused
Susan Wagle- excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Norm Furse, Office of Revisor of Statutes
Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee: Gary Daniels, Acting Secretary of the Kansas Department of Social and Rehabilitation Services
Mark Desetti, Kansas NEA
Jerry Slaughter, Kansas Medical Society
Mark Tallman, Kansas Association of School Boards
Judy Keller, American Lung Association

Others attending: Please See Attached List

Presentation on “Kansas Department of Social and Rehabilitation Services Agency Overview”

Upon calling the meeting to order, Chairperson Barnett introduced Gary Daniels, Acting Secretary of SRS, who began by stating he would be giving the Committee a brief overview of the Kansas Department of Social and Rehabilitation Services. A copy of his presentation is (Attachment 1) is attached hereto and incorporated into the Minutes as referenced. Highlights of his presentation include:

- 1) SRS Program Divisions
- 2) Prevalence of Mental Illness in Adults and Adults Served by Community Mental Health Centers (CMHC)
- 3) Prevalence of Mental Illness in Youth and Youth Served by Community Mental Health Centers (CMHC)
- 4) Community Supports and Services
- 5) SRS Addiction and Prevention Services
- 6) Medicaid Expenditures and Beneficiaries FY 2004
- 7) State Mental Health Hospitals Overview
- 8) State Developmental Disability Hospitals Overview
- 9) SRS Access Points
- 10) Return on Investment
- 11) Child Welfare FY2004
- 12) Adult Protective Services
- 13) Child Support Enforcement
- 14) Food Distribution Services
- 15) 2005 Legislative Proposals

Chairperson Barnett thanked Mr. Daniels for his presentation and asked the Committee for questions and/or comments.

Senator Palmer asked what percentage of funding goes towards child welfare.

SB 10- an act concerning schools and school districts; relating to the self-administration of medication; amending K.S.A. 2004 Supp. 72-8252 and repealing the existing section.

The next order of business was a hearing on **SB 10**, an act concerning schools and school districts; relating to the self-administration of medication; amending K.S.A. 2004 Supp. 72-8252 and repealing the existing section. The Chair asked Emalene Correll, Legislative Research, to give an overview of the bill.

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Ms. Correll stated that the **SB 10** deals with the use of self-medication by children in schools. These amendments come from the Legislative Educational Planning Committee in order to conform Kansas Law with Federal Legislation. She states that there are not very many major policy changes but there are a few and they are as follows:

- 1) In paragraph 1, the deletion of persons who can prescribe anaphylactic or asthma medication, which are made into a separate definition later in Sec. 2.
- 2) SB 10 requires school districts to obtain yearly authorization from parents
- 3) Requires that if a back up prescription is available it be kept in a location with immediate access
- 4) Extending under Kansas Law from June 30, 2005 to June 30, 2006

As there were no further questions of Ms. Correll, the Chair called upon the first proponent, Mark Desetti, Kansas NEA. A copy of his testimony is (Attachment 2) attached hereto and incorporated in the Minutes as referenced. Mr. Desetti stated that:

- 1) The intent behind this bill is simply to ensure that students, in emergency situations, receive medical attention that is life-saving. In emergency situations, we agree with the intent.
- 2) Other liability questions need to be addressed. First, what will protect the school or school personnel should these items be exchanged or not disposed of properly? Secondly, while the bill required that statements from health care providers and students be kept on file in either the nurse's office or the principal's office, there is no requirement that the teachers with whom the student comes in contact be informed of the permission to self-medicate.
- 3) We support **SB 10** and believe that it has the potential to save lives. We only ask that the committee look carefully at all liability issues and make sure you pass the best possible bill.

With no further questions for Mr. Desetti, Chairperson Barnett called the Committee's attention to written testimony from Jerry Slaughter, Executive Director of the Kansas Medical Society, who provided comments in proposition to the bill stating: **SB 10** represents a common sense approach to administration of medications at school facilities in situations where time is of the essence. This is helpful legislation that eliminates unnecessary administrative and legal barriers between children and their receipt for easily administered potentially life-saving medications. His testimony was received today. A copy of his written testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

The third proponent conferee was Mark Tallman, Assistant Executive Director/Advocacy of the Kansas Association of School Boards. Reasons he gave for supporting **SB 10** are as followed:

- 1) The most important reason for KASB's support of this bill is it provides liability protection for school district officers and employees for damages resulting from self-administration of medication.
- 2) **SB 10** maintains the ability of local boards to set additional requirements to insure the safety of students and school district employees.
- 3) **SB 10** applies this law to all students in the grades K-12, rather than setting a requirement for grades 6-12 and an option for grades K-5.

Other comments include **SB 10** extends this legislation for one additional year. KASB does not object to this one year extension, but based on our policies, we would support the removal of the "sunset" altogether.

Chairperson Barnett asked the Committee for any questions and/or comments for Mr. Tallman.

Questions and comments came from Senator Palmer and Emalene Correll including the awareness of teachers and noting the legislation originally came from a Representative.

A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

The fourth and final proponent conferee to testify was Judy Keller, Executive Director of the American Lung Association of Kansas. Her testimony stated: **SB 10** is sound policy and it will allow Kansas to be eligible for federal funding of asthma education programs. One request they do have of the Committee is that is

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consider deleting the sunset provision. The legislation was in effect for one year; it was studied by Legislative Educational Planning Committee; and federal law is consistent with its content, so they do not anticipate the need to review the bill again in one year.

A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

As there were no opponents or neutral conferees, the Chair announced this would conclude the hearing of the above bill.

Bill Introductions

Chairman Barnett then called for any bill introductions. Barbara Conant , Director of Communications/Legislative Liaison introduced an act relating to the department of aging; concerning duties thereof; amending K.S.A. 2004 Supp. 39-1404 and repealing the existing section. A copy of her bill introduction is (Attachment 6) attached hereto and incorporated into the Minutes as referenced

Senator V. Schmidt motioned to adopt the proposed bill. Senator Gilstrap seconded the motion. Motion passed.

Bobbi Silver, Administrative Officer for the Kansas Dental Board, introduced an act concerning fees; amending K.S.A. 65-1447 and repealing the existing section. A copy of her testimony is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

Senator Gilstrap motioned to adopt the proposed bill. Senator Palmer seconded the motion. Motioned passed.

Adjournment

As there was no further business, the meeting was adjourned. The time was 2:35 p.m.

The next meeting is scheduled for January 25, 2005.