

MINUTES OF THE HOUSE AGING AND LONG TERM CARE COMMITTEE

The meeting was called to order by Chairman Bob Bethell at 3:30 p.m. on March 19, 2009, in Room 711 of the Docking State Office Building.

All members were present except:

Representative Deena Horst- excused
Representative Scott Schwab- excused

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Judith Holliday, Committee Assistant

Conferees appearing before the Committee:

Matt Zenner, Widower of Teri Zenner, Social Worker murdered by Client
Sky Westerlund, Executive Director, Kansas Chapter, National Association of Social Workers
Candy Shively, Deputy Secretary, Social and Rehabilitation Services
Gilbert Cruz, State Ombudsman

Others attending:

See attached list.

The Chairman brought the minutes of the March 17 meeting before the Committee for approval. Representative O'Brien made a motion to approve the minutes, seconded by Representative Furtado. The motion carried.

Hearing on SB 31 - Behavioral sciences; continuing education requirements.

Chairman Bethell opened the hearing on **SB 31** and called on Legislative Research to explain the bill. This bill provides that social workers would be required to complete six hours of safety training as part of their continuing education requirements at the time of their first licensure renewal. There is a fiscal cost to the bill.

Matt Zenner testified as a proponent of **SB 31**. (Attachment 1) Mr. Zenner is the widower of Teri Zenner, a social worker who was murdered by a client in Overland Park in 2004. Mr. Zenner recounted the events surrounding his wife's death and told the Committee that safety and self-defense training could have possibly saved her life. He has made it his mission to push for safety measures to protect social workers as they perform their jobs.

Sky Westerlund, Executive Director, Kansas Chapter, National Association of Social Workers, testified as a proponent on **SB 31**. (Attachment 2) Ms. Westerlund stated that there is an increase in frequency of violence in all social work settings, especially against new social workers who are more vulnerable to violence than the more experienced practitioners.

Ms. Westerlund told the Committee that **SB 31** provides a pro-active preparation for workplace safety by equipping the new social worker with an acute level of knowledge and skills to prevent violence. The required six hours of safety training does not add to the forty Continuing Education Units (CEU) already required for social workers, but is a one-time only requirement for a specific type of training.

There was discussion among the Committee that the bill creates a mandate that is prescriptive, and the desired results could be achieved without putting it into a statute; that the six hours of safety training could be included within the curriculum for the CEU requirements of forty hours; and that providing the safety training before social workers go out on the job, rather than after two years, would seem appropriate.

Candy Shively, Deputy Secretary, Social and Rehabilitation Services (SRS), testified as a proponent of

CONTINUATION SHEET

Minutes of the House Aging and Long Term Care Committee at 3:30 p.m. on March 19, 2009, in Room 711 of the Docking State Office Building.

SB 31. (Attachment 3) SRS is one of the largest employers of social workers in the state. Ms. Shively told the Committee that SRS staff conducts business in the community and private homes. This involves close contact with individuals not receptive to intrusive, in-home visits for investigations of allegations of adult or child abuse, and staff often does not know ahead of time which homes pose the greatest risks. In addition, SRS contracts with other child welfare providers who must visit family homes, so these staff members are also at risk.

There were questions from the Committee regarding requirements currently in place regarding safety training at SRS. Ms. Shively commented that there are no current requirements but there is a handbook which each social worker is given, and she recommends more training in self-protection. The question was asked whether this training could be part of the curriculum through SRS, and Ms. Shively responded that it could.

The hearing was closed on **SB 31**.

The Chairman referred to the report previously submitted by the Subcommittee on Fiduciary Abuse chaired by Representative Schwab. Each Committee member was handed a copy of a draft bill, **House Substitute for SB 43.** (Attachment 4) The Chairman noted that **SB 43** has not been heard by this Committee. Representative Hill made a motion to remove the contents of SB 43, insert the language of the Subcommittee report as House Substitute for SB 43, and pass out favorably as amended. Representative Myers seconded the motion. The motion carried.

Chairman Bethell asked Gilbert Cruz, State Ombudsman, to explain the balloon amendment to **HB 2242-State long-term care ombudsman; expanding the authority of the state long-term care ombudsman to advocate for otherwise qualified individuals not in long-term care facilities.** (Attachment 5) Mr. Cruz explained that the amendment would change the definition of the word "facility;" would allow residents of the Kansas Soldier's Home and the Kansas Veteran's Home to receive services; and would establish the Long-Term Care Ombudsman Advisory Committee. This committee will study and analyze advocacy options within the home and hold public hearings on these options. The committee will report its findings to the House Committee on Aging and Long-Term Care and the Senate Committee on Public Health and Welfare during the 2010 regular session of the Legislature.

Chairman Bethell told the Committee that the original **HB 2242** had a large fiscal note due to the requirement for twelve more ombudsmen in the State, but the pilot would have no fiscal note if done internally.

Chairman Bethell asked the Committee what action they wished to take regarding the amendment to **HB 2242.** Rep. Williams moved to amend HB 2242 per the balloon and the study. Representative Phelps seconded the motion. The motion carried.

Chairman Bethell told the Committee they will discuss **HB 2242** at the rail at 10:15 on Friday morning.

The meeting was adjourned at 5:00 p.m.