

Approved: March 15, 2012

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on March 5, 2012 in Room 546-S of the Capitol.

All members were present except:

Senator Mary Pilcher-Cook, excused

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes

Renae Jefferies, Office of the Revisor of Statutes

Iraida Orr, Kansas Legislative Research Department

Melissa Calderwood, Kansas Legislative Research Department

Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Rachel Berroth, Kansas Department of Health and Environment

Sarah Vore

Others attending:

See attached list.

The Chair opened the hearing on **HB 2660—Licensure of maternity centers and child care facilities.** The Committee was informed that this legislation would add the definitions of “day care facility” and “maternity center” to the list of definitions in statute regarding child care facilities that are administered through the Kansas Department of Health and Environment (KDHE). It would also make the following changes:

- Limit the licenses that would need to have a sticker identifying the expiration date of the license to day care facilities;
- Remove the requirement that anyone maintaining a child care facility be a high school graduate or the equivalent; and
- Allow KDHE the flexibility to utilize limits and modifications on licenses to bring providers into compliance with regulations rather than suspending the entire license.

The Chair welcomed Rachel Berroth, Kansas Department of Health and Environment. She stated that this bill amends the Child Care Act and that the changes are consistent with the state’s, providers and parents interest in protecting children. The ability to issue non-expiring licenses to all 24-hour residential facilities, including family foster homes, avoids disrupting placements. She stated that removing the requirement that an applicant be a high school graduate eliminates a potential barrier to an individual that may otherwise be qualified. She also stated that the applicant is not necessarily the person providing the care. At present, KDHE has no authority to grant an exception to a statutory requirement. Aligning administrative sanctions currently available increases KDHE’s ability to utilize intermediate sanctions and follow a more logical protocol of progressive enforcement (Attachment #1).

CONTINUATION SHEET

The minutes of the Public Health and Welfare Committee at 1:30 p.m. on March 5, 2012, in Room 546-S of the Capitol.

The Chair asked if members of the BEST Team, who included the parents of Lexie Engelman, and for whom the original legislation was named, were consulted before this legislation was introduced in the House. The response was that they were not; however it was discussed briefly on January 17, 2012 in a BEST Team meeting, less than three weeks prior to the introduction of the legislation.

Sarah Vore, owner and operator of child care facilities in Kansas, spoke in opposition to the proposed changes. She specifically opposed the revisions to the statutes which would allow the limitation or modification of a facility's operational license prior to any hearing. She concluded her presentation stating that this legislation retracts the accomplishments of Lexie's Law and ignores the findings of the BEST team (Attachment #2).

After all questions from the committee had been addressed, the Chair closed the hearing on **HB 2660**.

There being no further business, the meeting was adjourned at 2:21 p.m.

The next meeting of the Committee is March 6, 2012.