

Approved: February 29, 2012

MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on February 15, 2012, in Room 546-S of the Capitol.

All members were present except:

Senator Laura Kelly, 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:

Kathy Lobb, Self Advocate Coalition of Kansas

Sophia Tolentino, Manhattan

Rocky Nichols, Disability Rights Center of Kansas

Kerie Bacon, Kansas Council on Development Disability

Jane Rhys, Disability Advocate

Tim Wood, End the Wait

Others attending:

See attached list

The Chair began the meeting by asking for approval of the minutes for January 23, 2012, January 25, 2012, and January 26, 2012. *Moved by Senator Kelsey, seconded by Senator Brungardt that the minutes be approved as presented. Motion passed.*

The Chair opened the hearing on **SB 397—terminology change from mental retardation to intellectual disability.** Staff explained that this bill would change statutory references to “mental retardation” and similar terms to “intellectual disability” and similar terms making them similar to recent changes in federal law.

The Chair welcomed Kathy Lobb to the Committee. Ms. Lobb works for the Self Advocate Coalition of Kansas (SACK). SACK is a statewide advocacy group made up of adults with developmental disabilities, the majority of whom receive services through the Kansas Developmental Disabilities Service System. She stressed that she is a person with an intellectual disability, and that she is not mentally retarded. She feels strongly that it is time for the state to recognize that she is a person first and, although she may have a disability, it does not define who she is (Attachment #1).

CONTINUATION SHEET

The minutes of the Public Health and Welfare Committee at 1:30 p.m. on February 15, 2012, in Room 546-S of the Capitol.

Sophia Tolentino, a senior at Manhattan High School and the reigning Miss. Manhattan, shared with the committee that her 22 year old brother has an intellectual disability and would never be able to live independently. He has aged out of the school system and currently resides at home. She is in full support for **SB 397** because it is a simple change of language that takes a big step in showing respect to persons with intellectual disabilities (Attachment #2).

Representing the Disability Rights Center of Kansas (DRC), Rocky Nichols commended the committee for helping Kansas join most of the other states in the country who have adopted similar legislation. For people with intellectual disabilities, the R-Word is incredibly offensive. He suggested three improvements to the bill: (1) Use first person language. Something that is “disabled” is broken or will not operate and the wordage should be “disability”; (2) Set a policy that whenever the “R” word is used in rules and regulations, the term intellectual disability be considered in its place. Nothing in the policy would require state agencies to change all rules and regulations immediately as these changes could take place as they are naturally updated; and (3) there is some confusion in the new Section 1 regarding age of onset as being 18 when the federal law says it is 22, and it uses two of nine standards as a predetermining factor, where other laws use three of seven. They would suggest this new section be stricken (Attachment #3).

Kerrie Bacon, representing Kansas Council on Developmental Disabilities, said the Council was supportive of this new legislation and is in full agreement with the proposed changes suggested by the Disability Rights Center of Kansas (Attachment #4).

Jane Rhys, speaking in favor of the bill, said that overall she was in agreement but suggested several technical changes. She favored “persons with an intellectual disability” stating this would put emphasis on the person and not the disability and would be consistent with the use of person first language. She also noted the use of “educable” and reminded the Committee that under federal law schools must educate everyone, they cannot determine who can or cannot be educated (Attachment #5).

Appearing on behalf of End The Wait, Tim Wood stated that with the changes being proposed by the DRC, all Kansans will be treated with the dignity and respect they deserve (Attachment #6).

Written testimony in favor of **SB 397** was also submitted by Craig Knutson, Self Advocate Coalition of Kansas (Attachment #7) and Robyn Herzog (Attachment #8).

There being no further discussion, the hearing on **SB 397** was closed.

The Chair called for final action on **SB 326—Dental hygiene; services for school children.** Staff noted there were two technical amendments. *Senator Steineger moved to adopt the amendments, Senator Huntington seconded. Motion carried. It was moved by Senator*

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*Steiniger, seconded by Senator Reitz, that **SB 326**, as amended, be moved out favorably. Motion carried.*

The Chair proceeded to call for final action on **SB 328—Electronic prescription**. Due to the numerous amendments and the need for clarification of the term “reasonable time”, the chair asked that staff work with the concerned parties to come up with the appropriate language and return the corrected bill back to the committee for final action.

The meeting adjourned at 2:30 p.m.

The next meeting of the committee is February 16, 2012.