

SENATE BILL No. 349

By Joint Committee on Administrative Rules and Regulations

1-11

9 AN ACT concerning birth centers; amending K.S.A. 65-501, 65-502, 65-
10 504, 65-505, 65-506, 65-507, 65-508, 65-512 and 65-513 and K.S.A.
11 2009 Supp. 39-923, 59-2123, 65-525 and 65-67a10 and repealing the
12 existing sections.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2009 Supp. 39-923 is hereby amended to read as
16 follows: 39-923. (a) As used in this act:

17 (1) "Adult care home" means any nursing facility, nursing facility for
18 mental health, intermediate care facility for the mentally retarded, as-
19 sisted living facility, residential health care facility, home plus, boarding
20 care home and adult day care facility, all of which classifications of adult
21 care homes are required to be licensed by the secretary of aging.

22 (2) "Nursing facility" means any place or facility operating 24 hours
23 a day, seven days a week, caring for six or more individuals not related
24 within the third degree of relationship to the administrator or owner by
25 blood or marriage and who, due to functional impairments, need skilled
26 nursing care to compensate for activities of daily living limitations.

27 (3) "Nursing facility for mental health" means any place or facility
28 operating 24 hours a day, seven days a week caring for six or more indi-
29 viduals not related within the third degree of relationship to the admin-
30 istrator or owner by blood or marriage and who, due to functional im-
31 pairments, need skilled nursing care and special mental health services
32 to compensate for activities of daily living limitations.

33 (4) "Intermediate care facility for the mentally retarded" means any
34 place or facility operating 24 hours a day, seven days a week caring for
35 six or more individuals not related within the third degree of relationship
36 to the administrator or owner by blood or marriage and who, due to
37 functional impairments caused by mental retardation or related condi-
38 tions need services to compensate for activities of daily living limitations.

39 (5) "Assisted living facility" means any place or facility caring for six
40 or more individuals not related within the third degree of relationship to
41 the administrator, operator or owner by blood or marriage and who, by
42 choice or due to functional impairments, may need personal care and
43 may need supervised nursing care to compensate for activities of daily

1 living limitations and in which the place or facility includes apartments
2 for residents and provides or coordinates a range of services including
3 personal care or supervised nursing care available 24 hours a day, seven
4 days a week for the support of resident independence. The provision of
5 skilled nursing procedures to a resident in an assisted living facility is not
6 prohibited by this act. Generally, the skilled services provided in an as-
7 sisted living facility shall be provided on an intermittent or limited term
8 basis, or if limited in scope, a regular basis.

9 (6) "Residential health care facility" means any place or facility, or a
10 contiguous portion of a place or facility, caring for six or more individuals
11 not related within the third degree of relationship to the administrator,
12 operator or owner by blood or marriage and who, by choice or due to
13 functional impairments, may need personal care and may need supervised
14 nursing care to compensate for activities of daily living limitations and in
15 which the place or facility includes individual living units and provides or
16 coordinates personal care or supervised nursing care available on a 24-
17 hour, seven-day-a-week basis for the support of resident independence.
18 The provision of skilled nursing procedures to a resident in a residential
19 health care facility is not prohibited by this act. Generally, the skilled
20 services provided in a residential health care facility shall be provided on
21 an intermittent or limited term basis, or if limited in scope, a regular
22 basis.

23 (7) "Home plus" means any residence or facility caring for not more
24 than eight individuals not related within the third degree of relationship
25 to the operator or owner by blood or marriage unless the resident in need
26 of care is approved for placement by the secretary of the department of
27 social and rehabilitation services, and who, due to functional impairment,
28 needs personal care and may need supervised nursing care to compensate
29 for activities of daily living limitations. The level of care provided residents
30 shall be determined by preparation of the staff and rules and regulations
31 developed by the department on aging. An adult care home may convert
32 a portion of one wing of the facility to a not less than five-bed and not
33 more than eight-bed home plus facility provided that the home plus fa-
34 cility remains separate from the adult care home, and each facility must
35 remain contiguous.

36 (8) "Boarding care home" means any place or facility operating 24
37 hours a day, seven days a week, caring for not more than 10 individuals
38 not related within the third degree of relationship to the operator or
39 owner by blood or marriage and who, due to functional impairment, need
40 supervision of activities of daily living but who are ambulatory and essen-
41 tially capable of managing their own care and affairs.

42 (9) "Adult day care" means any place or facility operating less than
43 24 hours a day caring for individuals not related within the third degree

- 1 of relationship to the operator or owner by blood or marriage and who,
2 due to functional impairment need supervision of or assistance with ac-
3 tivities of daily living.
- 4 (10) "Place or facility" means a building or any one or more complete
5 floors of a building, or any one or more complete wings of a building, or
6 any one or more complete wings and one or more complete floors of a
7 building, and the term "place or facility" may include multiple buildings.
- 8 (11) "Skilled nursing care" means services performed by or under the
9 immediate supervision of a registered professional nurse and additional
10 licensed nursing personnel. Skilled nursing includes administration of
11 medications and treatments as prescribed by a licensed physician or den-
12 tist; and other nursing functions which require substantial nursing judg-
13 ment and skill based on the knowledge and application of scientific
14 principles.
- 15 (12) "Supervised nursing care" means services provided by or under
16 the guidance of a licensed nurse with initial direction for nursing proce-
17 dures and periodic inspection of the actual act of accomplishing the pro-
18 cedures; administration of medications and treatments as prescribed by
19 a licensed physician or dentist and assistance of residents with the per-
20 formance of activities of daily living.
- 21 (13) "Resident" means all individuals kept, cared for, treated,
22 boarded or otherwise accommodated in any adult care home.
- 23 (14) "Person" means any individual, firm, partnership, corporation,
24 company, association or joint-stock association, and the legal successor
25 thereof.
- 26 (15) "Operate an adult care home" means to own, lease, establish,
27 maintain, conduct the affairs of or manage an adult care home, except
28 that for the purposes of this definition the word "own" and the word
29 "lease" shall not include hospital districts, cities and counties which hold
30 title to an adult care home purchased or constructed through the sale of
31 bonds.
- 32 (16) "Licensing agency" means the secretary of aging.
- 33 (17) "Skilled nursing home" means a nursing facility.
- 34 (18) "Intermediate nursing care home" means a nursing facility.
- 35 (19) "Apartment" means a private unit which includes, but is not
36 limited to, a toilet room with bathing facilities, a kitchen, sleeping, living
37 and storage area and a lockable door.
- 38 (20) "Individual living unit" means a private unit which includes, but
39 is not limited to, a toilet room with bathing facilities, sleeping, living and
40 storage area and a lockable door.
- 41 (21) "Operator" means an individual who operates an assisted living
42 facility or residential health care facility with fewer than 61 residents, a
43 home plus or adult day care facility and has completed a course approved

1 by the secretary of health and environment on principles of assisted living
2 and has successfully passed an examination approved by the secretary of
3 health and environment on principles of assisted living and such other
4 requirements as may be established by the secretary of health and envi-
5 ronment by rules and regulations.

6 (22) “Activities of daily living” means those personal, functional ac-
7 tivities required by an individual for continued well-being, including but
8 not limited to eating, nutrition, dressing, personal hygiene, mobility,
9 toileting.

10 (23) “Personal care” means care provided by staff to assist an indi-
11 vidual with, or to perform activities of daily living.

12 (24) “Functional impairment” means an individual has experienced
13 a decline in physical, mental and psychosocial well-being and as a result,
14 is unable to compensate for the effects of the decline.

15 (25) “Kitchen” means a food preparation area that includes a sink,
16 refrigerator and a microwave oven or stove.

17 (26) The term “intermediate personal care home” for purposes of
18 those individuals applying for or receiving veterans’ benefits means resi-
19 dential health care facility.

20 (27) “Paid nutrition assistant” means an individual who is paid to feed
21 residents of an adult care home, or who is used under an arrangement
22 with another agency or organization, who is trained by a person meeting
23 nurse aide instructor qualifications as prescribed by 42 C.F.R. 483.152,
24 42 C.F.R. 483.160 and paragraph (h) of 42 C.F.R. 483.35, in effect on
25 October 27, 2003, and who provides such assistance under the supervision
26 of a registered professional or licensed practical nurse.

27 (b) The term “adult care home” shall not include institutions oper-
28 ated by federal or state governments, except institutions operated by the
29 Kansas commission on veterans affairs, hospitals or institutions for the
30 treatment and care of psychiatric patients, child care facilities, ~~maternity~~
31 *birth* centers, hotels, offices of physicians or hospices which are certified
32 to participate in the medicare program under 42 code of federal regula-
33 tions, chapter IV, section 418.1 et seq. and amendments thereto and
34 which provide services only to hospice patients.

35 (c) Nursing facilities in existence on the effective date of this act
36 changing licensure categories to become residential health care facilities
37 shall be required to provide private bathing facilities in a minimum of
38 20% of the individual living units.

39 (d) Facilities licensed under the adult care home licensure act on the
40 day immediately preceding the effective date of this act shall continue to
41 be licensed facilities until the annual renewal date of such license and
42 may renew such license in the appropriate licensure category under the
43 adult care home licensure act subject to the payment of fees and other

1 conditions and limitations of such act.

2 (e) Nursing facilities with less than 60 beds converting a portion of
3 the facility to residential health care shall have the option of licensing for
4 residential health care for less than six individuals but not less than 10%
5 of the total bed count within a contiguous portion of the facility.

6 (f) The licensing agency may by rule and regulation change the name
7 of the different classes of homes when necessary to avoid confusion in
8 terminology and the agency may further amend, substitute, change and
9 in a manner consistent with the definitions established in this section,
10 further define and identify the specific acts and services which shall fall
11 within the respective categories of facilities so long as the above categories
12 for adult care homes are used as guidelines to define and identify the
13 specific acts.

14 Sec. 2. K.S.A. 2009 Supp. 59-2123 is hereby amended to read as
15 follows: 59-2123. (a) Except as otherwise provided in this section:

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

21 (2) no person shall offer to adopt, find a home for or otherwise place
22 a child as an inducement to a woman to come to such person's ~~maternity~~
23 *birth* center during pregnancy or after delivery; and

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

27 (b) The provisions of subsection (a)(1) shall not apply to the depart-
28 ment of social and rehabilitation services or to an individual seeking to
29 adopt a child.

30 (c) As used in this section:

31 (1) "Advertise" means to communicate by newspaper, radio, televi-
32 sion, handbills, placards or other print, broadcast, telephone directory or
33 electronic medium.

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

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

38 (d) Any person who violates the provisions of this section shall be
39 guilty of an unclassified misdemeanor and shall be fined not more than
40 \$1,000 for each violation.

41 Sec. 3. K.S.A. 65-501 is hereby amended to read as follows: 65-501.
42 It shall be unlawful for any person, firm, corporation or association to
43 conduct or maintain a ~~maternity~~ *birth* center or a child care facility for

1 children under 16 years of age without having a license or temporary
2 permit therefor from the secretary of health and environment. Nothing
3 in this act shall apply to:

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

7 (b) a summer instructional camp that:

8 (1) Is operated by a Kansas educational institution as defined in
9 K.S.A. 74-32,120, and amendments thereto, or a postsecondary educa-
10 tional institution as defined in K.S.A. 74-3201b, and amendments thereto;

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

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

14 (4) is accredited by an agency or organization acceptable to the sec-
15 retary of health and environment.

16 Sec. 4. K.S.A. 65-502 is hereby amended to read as follows: 65-502.
17 ~~“Maternity center”~~ *“Birth center”* means a facility which provides delivery
18 services for normal, uncomplicated pregnancies but does not include a
19 medical care facility as defined by K.S.A. 65-425 and amendments
20 thereto.

21 Sec. 5. K.S.A. 65-504 is hereby amended to read as follows: 65-504.

22 (a) The secretary of health and environment shall have the power to grant
23 a license to a person to maintain a ~~maternity~~ *birth* center or child care
24 facility for children under 16 years of age. The license shall state the name
25 of the licensee, describe the particular premises in or at which the busi-
26 ness shall be carried on, whether it shall receive and care for women or
27 children, and the number of women or children that may be treated,
28 maintained, boarded or cared for at any one time. No greater number of
29 women or children than is authorized in the license shall be kept on those
30 premises and the business shall not be carried on in a building or place
31 not designated in the license. The license shall be kept posted in a con-
32 spicuous place on the premises where the business is conducted. The
33 secretary of health and environment shall grant no license in any case
34 until careful inspection of the ~~maternity~~ *birth* center or child care facility
35 shall have been made according to the terms of this act and until such
36 ~~maternity~~ *birth* center or child care facility has complied with all the
37 requirements of this act. Except as provided by this subsection, no license
38 shall be granted without the approval of the secretary of social and re-
39 habilitation services. The secretary of health and environment may issue,
40 without the approval of the secretary of social and rehabilitation services,
41 a temporary permit to operate for a period not to exceed 90 days upon
42 receipt of an initial application for license. The secretary of health and
43 environment may extend, without the approval of the secretary of social

1 and rehabilitation services, the temporary permit to operate for an ad-
2 ditional period not to exceed 90 days if an applicant is not in full com-
3 pliance with the requirements of this act but has made efforts towards
4 full compliance.

5 (b) (1) In all cases where the secretary of social and rehabilitation
6 services deems it necessary, an investigation of the ~~maternity birth~~ center
7 or child care facility shall be made under the supervision of the secretary
8 of social and rehabilitation services or other designated qualified agents.
9 For that purpose and for any subsequent investigations they shall have
10 the right of entry and access to the premises of the center or facility and
11 to any information deemed necessary to the completion of the investi-
12 gation. In all cases where an investigation is made, a report of the inves-
13 tigation of such center or facility shall be filed with the secretary of health
14 and environment.

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

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

26 (d) When the secretary of health and environment finds upon inves-
27 tigation or is advised by the secretary of social and rehabilitation services
28 that any of the provisions of this act or the provisions of K.S.A. 59-2123
29 and amendments thereto are being violated, or that the ~~maternity birth~~
30 center or child care facility is maintained without due regard to the health,
31 comfort or welfare of the residents, the secretary of health and environ-
32 ment, after giving notice and conducting a hearing in accordance with the
33 provisions of the Kansas administrative procedure act, shall issue an order
34 revoking such license. The order shall clearly state the reason for the
35 revocation.

36 (e) If the secretary revokes or refuses to renew a license, the licensee
37 who had a license revoked or not renewed shall not be eligible to apply
38 for a license or for a certificate of registration to maintain a family day
39 care home under K.S.A. 65-518 and amendments thereto for a period of
40 one year subsequent to the date such revocation or refusal to renew be-
41 comes final.

42 (f) Any applicant or licensee aggrieved by a final order of the secretary
43 of health and environment denying or revoking a license under this act

1 may appeal the order in accordance with the act for judicial review and
2 civil enforcement of agency actions.

3 Sec. 6. K.S.A. 65-505 is hereby amended to read as follows: 65-505.

4 (a) The annual fee for a license to conduct a ~~maternity birth~~ center or
5 child care facility shall be fixed by the secretary of health and environment
6 by rules and regulations in an amount not exceeding the following:

7 (1) For a ~~maternity birth~~ center, \$75;

8 (2) for a child placement agency, \$75;

9 (3) for a child care resource and referral agency, \$75; and

10 (4) for any other child care facility, \$35 plus \$1 times the maximum
11 number of children authorized under the license to be on the premises
12 at any one time.

13 The license fee shall be paid to the secretary of health and environment
14 when the license is applied for and annually thereafter. The fee shall not
15 be refundable. No fee shall be charged for a license to conduct a home
16 for children which is a family foster home as defined in K.A.R. 28-4-311,
17 and amendments thereto. Fees in effect under this subsection (a) im-
18 mediately prior to the effective date of this act shall continue in effect on
19 and after the effective date of this act until a different fee is established
20 by the secretary of health and environment by rules and regulations under
21 this subsection.

22 (b) Any person who fails to renew the person's license within the time
23 required by rules and regulations of the secretary shall pay to the secretary
24 a late renewal fee of \$10.

25 (c) Any licensee applying for an amended license shall pay to the
26 secretary of health and environment a fee established by rules and reg-
27 ulations of the secretary in an amount not exceeding \$35.

28 (d) The secretary of health and environment shall remit all moneys
29 received by the secretary from fees under the provisions of this section
30 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
31 and amendments thereto. Upon receipt of each such remittance, the state
32 treasurer shall deposit the entire amount in the state treasury to the credit
33 of the state general fund.

34 Sec. 7. K.S.A. 65-506 is hereby amended to read as follows: 65-506.

35 The secretary of health and environment shall serve notice of the issu-
36 ance, suspension or revocation of a license to conduct a ~~maternity birth~~
37 center or child care facility or the issuance, suspension or revocation of a
38 certificate of registration for a family day care home to the secretary of
39 social and rehabilitation services, juvenile justice authority, department
40 of education, office of the state fire marshal, county, city-county or multi-
41 county department of health, and to any licensed child placement agency
42 or licensed child care resource and referral agency serving the area where
43 the center or facility is located. A ~~maternity birth~~ center or child care

1 facility that has had a license suspended, revoked or denied by the sec-
2 retary of health and environment or a family day care home that has had
3 a certificate of registration suspended, revoked or denied by the secretary
4 of health and environment shall notify in writing the parents or guardians
5 of the enrollees of the suspension, revocation or denial. Neither the sec-
6 retary of social and rehabilitation services nor any other person shall place
7 or cause to be placed any maternity patient or child under 16 years of
8 age in any ~~maternity birth~~ center or child care facility not licensed by the
9 secretary of health and environment or family day care home not holding
10 a certificate of registration from the secretary of health and environment.

11 Sec. 8. K.S.A. 65-507 is hereby amended to read as follows: 65-507.

12 (a) Each ~~maternity birth~~ center licensee shall keep a record upon forms
13 prescribed and provided by the secretary of health and environment and
14 the secretary of social and rehabilitation services which shall include the
15 name of every patient, together with the patient's place of residence dur-
16 ing the year preceding admission to the center and the name and address
17 of the attending physician. Each child care facility licensee shall keep a
18 record upon forms prescribed and provided by the secretary of health
19 and environment which shall include the name and age of each child
20 received and cared for in the facility; the name of the physician who
21 attended any sick children in the facility, together with the names and
22 addresses of the parents or guardians of such children; and such other
23 information as the secretary of health and environment or secretary of
24 social and rehabilitation services may require. Each ~~maternity birth~~ center
25 licensee and each child care facility licensee shall apply to and shall re-
26 ceive without charge from the secretary of health and environment and
27 the secretary of social and rehabilitation services forms for such records
28 as may be required, which forms shall contain a copy of this act.

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

31 Sec. 9. K.S.A. 65-508 is hereby amended to read as follows: 65-508.

32 (a) Any ~~maternity birth~~ center or child care facility subject to the provi-
33 sions of this act shall: (1) Be properly heated, plumbed, lighted and ven-
34 tilated; (2) have plumbing, water and sewerage systems which conform
35 to all applicable state and local laws; and (3) be operated with strict regard
36 to the health, comfort, safety and social welfare of the residents.

37 (b) Every ~~maternity birth~~ center or child care facility shall furnish or
38 cause to be furnished for the use of each resident and employee individual
39 towel, wash cloth, comb and individual drinking cup or sanitary bubbling
40 fountain, and toothbrushes for all other than infants, and shall keep or
41 require such articles to be kept at all times in a clean and sanitary con-
42 dition. Every ~~maternity birth~~ center or child care facility shall comply
43 with all applicable fire codes and rules and regulations of the state fire

1 marshal.

2 (c) (1) The secretary of health and environment with the cooperation
3 of the secretary of social and rehabilitation services shall develop and
4 adopt rules and regulations for the operation and maintenance of ~~matern-~~
5 ~~nity~~ *birth* centers and child care facilities. The rules and regulations for
6 operating and maintaining ~~maternity~~ *birth* centers and child care facilities
7 shall be designed to promote the health, safety and welfare of the resi-
8 dents who are to be served in such facilities by ensuring safe and adequate
9 physical surroundings, healthful food, supervision and care of the resi-
10 dents by capable, qualified persons of sufficient number, an adequate
11 program of activities and services and such appropriate parental partici-
12 pation as may be feasible under the circumstances. Boarding schools are
13 excluded from requirements regarding the number of qualified persons
14 who must supervise and provide care to residents.

15 (2) *All rules and regulations for operating and maintaining maternity*
16 *centers, birth centers and child care facilities in existence on the effective*
17 *date of this act shall continue to be effective and shall be deemed to be*
18 *duly adopted rules and regulations of the secretary of health and envi-*
19 *ronment until revised, amended, revoked or nullified pursuant to law.*

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

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

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

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

38 Sec. 10. K.S.A. 65-512 is hereby amended to read as follows: 65-512.
39 It is hereby made the duty of the secretary of health and environment to
40 inspect or cause to be inspected at least once every 12 months every
41 ~~maternity~~ *birth* center or child care facility, and for that purpose it shall
42 have the right of entry and access thereto in every department and to
43 every place in the premises, shall call for and examine the records which

1 are required to be kept by the provisions of this act and shall make and
2 preserve a record of every inspection. The licensee shall give all reason-
3 able information to the authorized agent of the secretary of health and
4 environment and shall afford every reasonable facility for viewing the
5 premises and seeing the patients or children therein. No such patient or
6 child without the consent of the patient or child shall be required to be
7 interviewed by any agent unless the agent is an authorized person or a
8 licensed physician.

9 Sec. 11. K.S.A. 65-513 is hereby amended to read as follows: 65-513.
10 Whenever an authorized agent of the secretary of health and environment
11 or secretary of social and rehabilitation services finds a ~~maternity birth~~
12 center or child care facility is not being conducted according to law, it
13 shall be the duty of such agent to notify the licensee in writing of such
14 changes or alterations as the agent determines necessary in order to com-
15 ply with the requirements of the law, and the agent shall file a copy of
16 such notice with the secretary of health and environment. It shall there-
17 upon be the duty of the licensee to make such changes or alterations as
18 are contained in the written notice within five days from the receipt of
19 such notice. Notice shall be given in accordance with the provisions of
20 the Kansas administrative procedure act.

21 Sec. 12. K.S.A. 2009 Supp. 65-525 is hereby amended to read as
22 follows: 65-525. (a) Records in the possession of the department of health
23 and environment or its agents regarding child care facilities, ~~maternity~~
24 *birth* centers or family day care homes shall not be released publicly in a
25 manner that would identify individuals, unless required by law.

26 (b) Records containing the name, address and telephone number of
27 a child care facility, ~~maternity birth~~ center or family day care home in the
28 possession of the department of health and environment or its agents
29 shall not be released publicly unless required by law.

30 (c) Records that cannot be released by subsection (a) or (b) may be
31 released to: (1) An agency or organization authorized to receive notice
32 under K.S.A. 65-506, and amendments thereto; (2) a criminal justice
33 agency; (3) any state or federal agency that provides child care services,
34 funding for child care or child protective services; (4) any federal agency
35 for the purposes of compliance with federal funding requirements; (5)
36 any local fire department; (6) any child and adult care food program
37 sponsoring agency; or (7) any local disaster agency.

38 (d) Any state or federal agency or any person receiving records under
39 subsection (a) or (b) shall not disseminate the records without the consent
40 of the person whose records will be disseminated unless required by law.
41 Any state or federal agency or any person receiving records under sub-
42 section (e) may disseminate the information contained in the records
43 without the consent of the person whose records will be disseminated.

- 1 (e) The secretary of health and environment may release the name,
2 address and telephone number of a ~~maternity~~ *birth* center, child care
3 facility or family day care home when the secretary determines that the
4 release of the information is necessary to protect the health, safety or
5 welfare of the public or the patients or children enrolled in the ~~maternity~~
6 *birth* center, child care facility or family day care home.
- 7 (f) Any records under subsection (a) or (b) shall be available to any
8 member of the standing committee on appropriations of the house of
9 representatives or the standing committee on ways and means of the
10 senate carrying out such member's or committee's official functions in
11 accordance with K.S.A. 75-4319, and amendments thereto, in a closed or
12 executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the
13 members of such committee, records received by the committee shall not
14 be further disclosed. Unauthorized disclosure may subject such member
15 to discipline or censure from the house of representatives or senate. Such
16 records shall not identify individuals but shall include data and contract
17 information concerning specific facilities.
- 18 (g) In any hearings conducted under the licensing or regulation pro-
19 visions of K.S.A. 65-501 et seq. and amendments thereto, the presiding
20 officer may close the hearing to the public to prevent public disclosure
21 of matters relating to persons restricted by other laws.
- 22 Sec. 13. K.S.A. 2009 Supp. 65-67a10 is hereby amended to read as
23 follows: 65-67a10. Every ~~maternity~~ *birth* center and medical care facility
24 licensed by the department of health and environment to operate in the
25 state shall adopt written policies and inform parents regarding their op-
26 tions for disposition or taking of fetal remains in an event of a fetal death.
- 27 Sec. 14. K.S.A. 65-501, 65-502, 65-504, 65-505, 65-506, 65-507, 65-
28 508, 65-512 and 65-513 and K.S.A. 2009 Supp. 39-923, 59-2123, 65-525
29 and 65-67a10 are hereby repealed.
- 30 Sec. 15. This act shall take effect and be in force from and after its
31 publication in the statute book.