

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 488

As Further Amended by Senate Committee of the Whole

Brief*

SB 488, as amended, would amend current law on the use of data contained in vital statistical records, and establish procedures for fingerprinting and acquiring criminal history record checks for any person offered a position of employment in the Office of Vital Statistics of the Kansas Department of Health and Environment (KDHE), subject to a criminal history records check.

Use of Data Contained in Vital Statistical Records

The bill would:

- Amend current law to provide an exception to the prohibition that no employee of the Secretary of KDHE may interview any patient named in studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal, and anesthetic causes;
- Authorize the Secretary of KDHE to permit the use of birth, death, and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring;
- Authorize the Secretary of KDHE to interview individuals for purposes of maternal and child health surveillance and monitoring, if approved by the Health and Environmental Institutional Review Board;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Require the Secretary of KDHE to inform the individuals to be interviewed that participation is voluntary;
- Require written consent of the individuals to be interviewed, or if the person is under 18 years of age, the informed consent of a parent or legal guardian; and
- Clarify informed consent is not required if the person who is the subject of the information is deceased.

Fingerprinting and Criminal History Record Checks

The bill would:

- Require any person offered a position in the Office of Vital Statistics be given written notice that a criminal history records check is required as part of the application process;
- Require each such applicant to be fingerprinted and submit to a state and national criminal history record check;
- Require the Secretary of KDHE to submit the fingerprints to the Kansas Bureau of Investigation (KBI) and the Federal Bureau of Investigation;
- Require local and state law enforcement officers and agencies to assist KDHE in taking and processing fingerprints of such applicants;
- Authorize the Secretary to use the information obtained from the fingerprinting and record checks to verify the identity of such applicant and to determine eligibility for employment of such applicant; and

- Require the Secretary to inform such applicant, in writing, if the criminal history record information is used to disqualify an applicant from employment.

The bill would be effective upon publication in the *Kansas Register*.

Background

The proponent of the bill, as introduced, who presented testimony in the Senate Committee hearing was a representative of the Office of Vital Statistics, KDHE.

There was no testimony in opposition to the bill in the Senate Committee hearing.

The Senate Committee amended the bill to clarify that any person offered a position of employment in the Office of Vital Statistics, subject to a criminal history records check, would be given notice that a criminal history records check is required.

The Senate Committee of the Whole amended the bill to:

- Amend current law to provide an exception to the prohibition that no employee of the Secretary of KDHE may interview any patient named in studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal, and anesthetic causes;
- Authorize the Secretary of KDHE to permit the use of birth, death, and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring;
- Authorize the Secretary of KDHE to interview individuals for purposes of maternal and child health surveillance and monitoring, if approved by the Health and Environmental Institutional Review Board;

- Require the Secretary of KDHE to inform the individuals to be interviewed that participation is voluntary;
- Require written consent of the individuals to be interviewed, or if the person is under 18 years of age, the informed consent of a parent or legal guardian; and
- Clarify informed consent is not required if the person who is the subject of the information is deceased.

The bill was rereferred to the Senate Committee on Judiciary. The Senate Committee further amended the bill to remove the provisions added by the Senate Committee of the Whole regarding the use of data contained in vital statistical records.

The Senate Committee of the Whole further amended the bill to reinsert the provisions removed by the Senate Committee when the bill was rereferred.

According to the fiscal note on the bill, as introduced, the passage of the bill would increase expenditures for the Vital Statistics Fee Fund at KDHE by \$540 in FY 2011, and by the same amount in subsequent years. The estimate is based on the assumption that there will be ten applicants annually to fill vacancies, and the cost of each background check is \$54. The Kansas Bureau of Investigation indicates that because of the current fee structure in place, any expenditures for the record checks would be equal to fee revenue received. Any fiscal effect resulting from the passage of the bill would be in addition to amounts recommended in *The FY 2011 Governor's Budget Report*.