

MINUTES

JOINT COMMITTEE ON CHILDREN'S ISSUES

November 16-17, 2006
Room 514-S—Statehouse

Members Present

Representative Willa DeCastro, Vice-Chairperson
Senator Laura Kelly
Senator Roger Reitz
Representative Marti Crow
Representative Frank Miller
Representative Sue Storm

Members Absent

Senator Kay O'Connor, Chairperson
Senator Susan Wagle
Senator David Haley
Representative Bonnie Huy

Staff Present

Susan Kannarr, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Mike Corrigan, Office of Revisor of Statutes
Florence Deeter, Committee Secretary

Conferees

Marcia Nielsen, Executive Director, Kansas Health Policy Authority
Bob Finuf, Children's Mercy Family Health Partners
Linda Steinke, UniCare
Sam Donaldson, Cenpatico Behavioral Health
John Anzivino, MAXIMUS
Judge Tim Henderson, 18th District, Wichita
Judge Steven Roth, 2nd District, Westmoreland
Melissa Ness, Chairperson, Kansas Children's Cabinet
Jim Redmon, Executive Director, Kansas Children's Cabinet and Early Learning Coordinating Council Member

Jackie Counts, Project Coordinator, Kansas Early Childhood Comprehensive Systems Project,
and Assistant Director, Institute for Educational Research and Public Service, University of
Kansas

Bob Maile, Superintendent, Kansas State School for the Deaf

Dr. Petra Horn, Bilingual Specialist, Kansas State School for the Deaf

Carol Busch, M.S., Teacher of the Deaf, Kansas State School for the Deaf

Allison Emerson, Parent of a Child with a Hearing Loss

Tammy Stallbaumer, Parent of a Child with a Hearing Loss

Teresa Nix, Parent of a Child with a Hearing Loss

Kim Sykes, Kansas Department of Health and Environment

Bob Maile, Representing Kansas State Department of Education

Joe Lawhon, Legislative Division of Post Audit

Others Attending

See attached list.

Thursday, November 16 Morning Session

The Vice-Chairperson called the meeting to order and reviewed the meeting's agenda.

The Vice-Chairperson introduced Marcia Nielsen, Executive Director, Kansas Health Policy Authority (KHPA), who updated the Committee regarding the State Children's Health Insurance Program (SCHIP), known as HealthWave in Kansas. She presented an overview of the managed care organizations, the eligibility clearing house, modifications in the dental program, the behavioral health contract agreement, and future directions of the agency ([Attachment 1](#)).

In response to Committee questions, Dr. Nielsen commented on the following:

- The new federal requirements for citizenship implemented on July 1, 2006, require specific additional documentation when a person is making application for medical benefits. Beneficiaries are confused and have difficulty accessing documents which has resulted in an increase in phone calls, e-mails, and faxes. Dr. Nielsen commented that trying to comply is a major focus of Medicaid directors around the country.
- The KHPA is working to ameliorate the problems dental providers experience in billing for services with the hope that it will encourage additional dentists to become Medicaid providers.
- Although no official position has been taken, Dr. Nielsen indicated that the KHPA Board will likely recommend to the 2007 Legislature that the Mental Health portion of health care not be transferred from the Department of Social and Rehabilitation Services to KHPA at this time.
- With regard to presumptive eligibility, Dr. Nielsen indicated that once they have been determined presumptively eligible, applicants have 30 days to complete the

application process. During that time, Medicaid coverage is granted and providers will be reimbursed for services provided before a final determination is made.

- Issues regarding federal Medicaid audits being addressed by an inter-agency worker, cabinet members, and the Executive Director of KHPA. Additionally, the KHPA has hired an additional staff person to coordinate the state's responses to the federal audits and correct issues cited in the Medicaid program.

Bob Finuf, Chief Executive Officer, Children's Mercy Family Health Partners, presented an overview of his organization and the services provided for participants in the Kansas SCHIP (Attachment 2). Mr. Finuf highlighted the areas of service and responded to Committee questions as follows:

- With regard to the ways his organization can operate with lower administration costs, Mr. Finuf indicated that it is partially due to the association with Children's Mercy Hospital.
- Although it is a not-for-profit company, it does not accept charitable contributions.
- Transportation in the rural areas is provided by a third-party vendor that contracts with parties in all communities.
- Web-based training is utilized for preparing staff to carry out responsibilities in rural areas.
- Lead testing of newborns in Kansas is an area in which increased awareness is necessary to prevent future health concerns of children.
- Follow-up calls from the Nurse Call program are tracked to check on the outcome of advice given for care.
- School-based educational programs on nutrition are coordinated through the resident school nurses.

Linda Steinke, a representative of UniCare, provided testimony to the Committee about the company and the services it provides to participants in the Kansas SCHIP (Attachment 3).

Sam Donaldson, CEO and President, Cenpatico Behavioral Health, presented testimony to the Committee regarding his company and the services it provides to participants in the Kansas SCHIP (Attachment 4).

John Anzivino, Vice-President and Project Manager, MAXIMUS, provided testimony to the Committee the regarding HealthWave Clearinghouse Project and recent performance challenges at the Clearinghouse due to increased federal citizenship verification requirements (Attachment 5). Mr. Anzivino responded to Committee questions about the impact of the verification requirements. The Clearinghouse project, in cooperation with the KHPA, is attempting to find more automated ways to meet verification requirements.

Afternoon Session

Judge Tim Henderson, 18th District Court, Wichita, outlined the changes in the Child in Need of Care (CINC) code made by the 2006 Legislature ([Attachment 6](#)). He discussed in detail the various definition changes in the statutes and advised the Committee about the effect of the changes.

The Judge explained that additional openness in the process might eliminate some of the negative attitudes and increase people's trust in the CINC process. He discussed with the Committee what parts of the court proceedings are open and which are closed. From the time a child is removed from the home to the conclusion of adjudication, the hearing process is presumed to be open; from disposition to the case being closed, the hearing is presumed closed. The caveat in both examples is, if it is in the best interest of the child, the judge can close or open any proceeding. He responded to the question of the presence of media in the courtroom by stating that print media are not excluded, but in order to protect the identity of the child and the family, no electronic media are permitted in his courtroom.

Judge Henderson expressed his concerns regarding a client's limitation in understanding all the implications of the laws and their consequences. He gave a description of an 18-month calendar used in Sedgwick County which includes providing definitions of terms, contact information, as well as reminder sections for appointments and drug tests to be taken. He also stated that it is very important to explain to the parents all the potential pitfalls for non-compliance.

Other subjects Judge Henderson addressed were: public notification, the "interested party," adjudication time limits, rules of evidence, "kinship care," authorized dispositions, change of placement, runaways, the secure care options, and permanent custodians.

In answer to questions from the Committee, Judge Henderson responded as follows:

- There are specified areas in which the custodial parent cannot give consent with regard to medical procedures.
- Entities providing secure care for girls in Sedgwick County is being terminated as of January 1, 2007 apparently due to changes being made in the Title XIX (Medicaid) program.
- Rights that existed under the status of the grandparent as an "interested party" that exist before January 1, 2007 will not be taken away but the rights will change for cases which occur after that date.
- Provisions requiring the appointment of an attorney are in place to protect parents' rights to legal counsel. Parents may request an extension to the 72-hour window in order to prepare their case. Parents must understand, however, that given continuance, their child may be put in temporary foster care or kinship care. It is unknown what the effect of the extensions would be on the workload of appointed attorneys.

Sue McKenna, a representative from the Department of Social and Rehabilitation Services (SRS), gave a response to the Committee's question on the time restraints of DNA testing by stating that early in the process tests are possible for establishing paternity through Child Support Enforcement contracts. Waiting until later for the purpose of determining parental rights could delay the results of DNA testing because those contracts are not available. Committee members

expressed concern about the issue of Kansas taxpayer money being spent out-of-state in determining DNA results. The Vice-Chairperson requested that the Committee Report indicate these concerns be addressed in the Social Services Budget during the 2007 Legislative Session.

Judge Steven Roth, 2nd District, Pottawatomie County, updated the Committee regarding the changes made in Judicial Committee meetings on the CINC program and the Juvenile Offender Code (Attachments 7 and 8). He stated that the purpose for the changes were primarily to simplify the language, to bring Kansas statutes into compliance with the Federal guidelines, and to make recommendations regarding any substantive changes. He spoke in detail regarding numerous word changes, delineating information line-by-line for the Committee.

At this juncture, both Judge Henderson and Judge Roth entertained questions from the Committee, with the following responses:

- If a juvenile is being tried as an adult, the jury pool is composed of adults.
- Juvenile sentences can be modified to be either more stringent or more relaxed and is so ordered by the judge.
- Upon registration of the offense, juvenile DNA testing “may” be taken as opposed to “shall” be taken depending on the offense.

The minutes of the September 27-28, 2006 meeting were corrected and approved as corrected.

The Committee discussed various topics to be included in the Committee Report. Staff reminded the Committee of decisions made at the September meeting. A document was provided summarizing suggestions by conferees at the September meeting for changing adoption laws and regulations (Attachment 9). The Committee recommended that the following items regarding adoption be put into the Committee Report:

- Comments regarding the discussion of unknown fathers, particularly instances where fathers are not notified because of dishonest mothers. Specific language regarding penalties for mothers who give false information that was suggested in September should be noted.
- Note suggestions for expanding the pool of people who are allowed to perform adoption home studies and caseworker qualifications.
- Note that fathers who contest adoptions but who cannot afford an attorney are appointed an attorney in order to protect their parental rights. These costs are now assessed against the adoptive parents, potentially causing financial hardships for them. The Committee recommends that the Legislature should consider changing the statutes so that these costs are paid by the counties in the same way that criminal cases are handled. In addition, these charges should be paid at a bid rate and not at the attorney’s normal fees.
- Note the proposal from the Kansas Children’s Service League for an expanded adoption website presented at the September meeting. Recommend that the Legislature fund this project.

- Note suggestions to include language about egg donors not having parental rights in current statutes which speak only to sperm donors.

The Vice-Chairperson informed the Committee that the report will be e-mailed or mailed to members for their review and approval.

The meeting was recessed at 4:30 p.m.

Friday, November 17 Morning Session

The meeting was called to order by the Vice-Chairperson to address the topic of school readiness programs for children ages 0-5. Melissa Ness, Chairperson, Kansas Children's Cabinet and Trust Fund, addressed the Committee to provide a brief introduction to evaluation activities undertaken by the Children's Cabinet over the last year. Ms. Ness told the Committee that the Cabinet has been evaluating the Children's Initiatives Fund (CIF) dollars that are used in the community program. An accountability framework is being put in place with the University of Kansas to determine whether or not the monies spent are in accordance with the Cabinet's priorities. Agencies using the CIF dollars for early childhood learning will be told that unless they are following the guidelines and meeting the designated outcomes, the Cabinet will recommend the CIF dollars be withdrawn and the programs will need to find other sources of funding.

Jim Redmon, Executive Director, Kansas Children's Cabinet and Early Learning Coordinating Council member, and Jackie Counts, Project Coordinator of Kansas Early Childhood Comprehensive Systems (KECCS) Project, and Assistant Director, Institute for Educational Research and Public Service, University of Kansas, jointly presented information regarding the project (Attachments 10 and 11). During her summary, Ms. Counts indicated that the vision of the KECCS project is based on coordinating information, resources, and services to ensure that Kansas children are fully equipped to enter school. Kansas received a \$50,000 federal grant to organize efforts in early childhood development.

The Vice-Chairperson introduced Bob Maile, Superintendent, Kansas State School for the Deaf, who introduced the topic of addressing the needs of families of children identified with hearing loss. Mr. Maile stressed the importance of early intervention for toddlers in order for proper language acquisition to occur. Kansas School for the Deaf has been in Olathe since 1866 and has acquired a vast number of resources for parents of deaf children. Using these resources, an early intervention comprehensive program could be made available statewide. Service providers need on-going training, in-service meetings on a monthly basis, and a coaching scenario to model various strategies.

Carol Busch, M.S., Teacher of the Deaf, Kansas State School for the Deaf, presented information about the work of the Sound Start Committee (Attachment 12). She stated that the national incidence for deafness is 2-3 percent per thousand and approximately 120 babies are born with permanent hearing loss each year. A comprehensive, systematic program that would provide resources and support for families is necessary for educating children who are deaf. Across the state, there is a shortage of role models and mentors for the deaf. Additional training is needed by those who administer assessments, others need access to current strategies in communication development, and some need training in improved techniques for auditory and visual learning.

Ms. Busch presented information on a shared reading project in which trained tutors sit down and sign a book for the parents, then leave an instructional video, the book which was read to the deaf child, and contact information in the event more assistance is needed. This is an excellent literacy program and a valuable resource but is available only in limited areas of the state.

Ms. Busch presented information on a budget enhancement being requested for FY 2008 which would divide the state into eight regions each with a regional consultant with knowledge and skills in hearing loss. Consultants would be placed in various regions based on geography. Training in new technology for consultants and network service providers is being recommended by the committee involved in the vision casting process. In addition, the committee will work to coordinate the Kansas Parent-to-Parent Hands and Voices program on a national level, and work with international groups so that all deaf children have access to hearing and learning.

Dr. Petra Horn, Bilingual Specialist, Kansas State School for the Deaf, emphasized for the Committee the importance of early intervention for young children. She stated that it is imperative for families having a deaf child to be able to make qualified decisions on all the options available to facilitate total communication. Choosing the correct form of language to meet the child's needs, meeting with other families for a support network, and providing training for parents and other family members to be able to converse are all important factors to be considered for the deaf community.

Attending the Joint Committee on Children's Issues were three parents of hearing impaired children. Each of them expressed concern regarding the challenges of finding services near their homes and the amount of monies required for services, surgeries and hearing aids or implants. According to the parents, hearing aids are available as "loaners" in some areas, but most areas do not have this resource. Some insurance plans provide coverage for cochlear implants, which may cost as much as \$40,000, which count against the child's lifetime benefits. Cochlear implants are a one-time surgery with the necessary length of wires put in place; as the child grows, the wiring is sufficient.

Kim Sykes, a representative from the Kansas Department of Health and Environment, spoke to the Committee in support of the budget enhancement proposal (Attachment 13). A group of professionals and parents have developed a statewide plan under the name of Sound START. The program is designed to provide specific information to parents and service providers about the needs of children with hearing loss. The proposal is based on the Colorado model but there are a number of other states working to coordinate this system nationally. Finally, New Mexico and Florida offer effective programs.

Dr. Bob Maile summarized the report by stating that this information has been presented to the State Board of Education; they stand in full support of this proposal.

Afternoon Session

Joe Lawhon, Legislative Division of Post Audit, presented an overview of a recently released audit titled *Foster Care: Reviewing Decisions to Remove Children from Their Homes* (Attachment 14). Mr. Lawhon stated that in general, cases reviewed were handled reasonably, however, some problems were revealed regarding the actions taken by SRS, the courts, and some attorneys. In response to a Committee member's question, Mr. Lawhon indicated that the oldest case considered was from about 2002. He did not know whether that child had aged out of the system or was returned to the family but indicated he would research the questions and present it to the Committee.

The Committee asked questions of the SRS representatives, Kyle Kessler and Sandra Hazlett, who were present at the hearing. Ms. Hazlett indicated that all relevant SRS staff and contractors have copies of the audit and have been requested to begin addressing the areas identified as problematic. Supervisors of case workers have been apprised of the need to thoroughly cover all aspects of the training packet for new and existing case workers. In addition, procedures are in place to monitor quality assurance. According to Ms. Hazlett, approximately 5,000-6,000 children are in foster care at some point in time during the year. She roughly estimated that the agency receives approximately 400-500 complaints about the process per year.

In response to questions about a particular judicial district cited in the report as having a significantly higher proportion of foster care children placed for adoption as compared to other counties, the SRS representatives indicated that the SRS regional director and management staff have worked with the judge and judicial oversight to address issues in that district. However, there is a limited amount they are able to influence the behaviors of judicial personnel. Members of the Committee urged the agency to provide documentation to the Kansas Commission on Judicial Qualifications.

The Committee identified items to be included in the Committee Report to be given to the 2007 Legislature.

Early Childhood Programs: First, the Committee encourages that newborn screenings, including hearing screenings, be included in the school readiness plan. Second, the Committee notes that the Early Childhood Comprehensive Systems plan is in its second year of implementation and requests a progress report next year. Finally, the Committee notes the importance of cognitive and non-cognitive skills and suggests that both should be measured and used to evaluate school readiness. The Committee encourages providers of early childhood services to use the proven school readiness indicators that are used by local school districts and determine how their program can help children reach those goals.

Committee Membership and Authority: The Committee notes that it has been required to operate as a special committee authorized by the appropriations bill for the 2005 and 2006 Interim sessions because of appointments made in violation of the statute governing membership of the Joint Committee on Children's Issues. According to KSA 46-3001(a) the following committees are to be represented: House Insurance; House Health and Human Services; House Appropriations; Senate Public Health and Welfare; Senate Ways and Means; and Senate Financial Institutions and Insurance. Members discussed the value of having certain committees represented and determined that the existing representation should remain but that the Judiciary committees should be included. After discussion, the Committee concluded that Education committee representation would not be needed. The Committee notes that its importance is reflected in the number of issues addressed over the years that are not addressed by any other interim committee.

Based on the above, the Committee recommends the introduction of legislation for the 2007 Session which would: add representation from the Judiciary committees and give the Committee the authority to introduce legislation directly.

State Children's Health Insurance Program. First, the Committee notes the changes in managed care organizations for physical health services that will be effective January 1, 2007. Second, the Committee recommends a review of the contract renewal for the behavioral health contract based on concerns to members about the revision of the contract this summer. Finally, the Committee notes concern about the low participation by dentists in the HealthWave program. The Committee suggests the KHPA find out from the Dental Association what needs to be done to encourage additional participation and assess the real reasons so many dentists do not participate. The

Committee acknowledges the general shortage of dentists in Kansas, particularly in some areas of the state and encourages the KHPA to work with the dental director at the Kansas Department of Health and Environment to see what can be done about improving dental services.

Changes to the Child in Need of Care and Juvenile Offender Codes. First, the Committee recommends that the House and Senate Judiciary committees look at the issues pointed out by the two conferees. Second, the Committees notes with concern the information it received that secure care for girls in Sedgewick County will be unavailable after January 1, 2007. The Committee recommends that SRS and the Juvenile Justice Authority ensure that those types of services will be available under the new structure being implemented.

Services for Young Children with Hearing Loss. The Committee notes the testimony it received about the need for a coordinated program for early identification and provision of services to help children acquire language appropriately. The Committee was presented with a budget enhancement request for a regionalized system to ensure services across the state and recommends the 2007 Legislature appropriate this additional funding.

Legislative Post Audit Report. The Committee makes four recommendations with regard to the audit report:

- The Committee notes information in the Legislative Post Audit report that child support billing practices were not consistent as to which method of calculation was used to calculate the amount of support owed. The Committee recommends that the system of assessing child support obligations for foster care cases receive further study by the Legislature.
- The Committee recommends that the Legislature study the timely appointment of attorneys for families so that they receive adequate representation.
- The Committee recommends further study on communication issues between SRS and the Kansas Department of Health and Environment cited in the report regarding child care facilities.
- The Committee requests that SRS compile all complaints since the beginning of FY 2006 and report a summary of those complaints to the 2007 Legislature.

The meeting was adjourned at 4:00 p.m.

Prepared by Florence Deeter
Edited by Susan Kannarr

Approved by Committee on:

December 19, 2006

(date)