



KPHA E-NEWS UPDATE

Ph: 233-3103
Fax: 233-3439
Email: director@kpha.us
<http://www.kpha.us>

March 5 , 2007

Questions? director@kpha.us

Table of Contents

Legislative Update

Coming Soon: 2nd Annual Governor's Public Health Conference!

KU Hospital Produces Electronic Newsletter

Call for Presentations (Speaker sessions)

According to KC Star Article Kansas Ranks Near the Bottom in . . .

Governor Supports Walk Kansas

Legislative Update



Health Day at the Capitol, March 8 th! Plan to come to the Capitol Building Thursday and show your support for Health Advocates in the first floor Rotunda. There will be free healthy snacks, free health screenings and a lunch with Legislators. You can still sign up the lunch, cost is \$8. If you do, try and email your legislators and tell them you will be there. This is the way to ensure that Legislators come down for their free lunch. Email Sonja Armbruster: sarmbrus@sedgwick.gov.

Here's the schedule:

8:00-9:00am Walk the Halls and Invite Legislators and Staff to the Health Fair

9:00-11:30am Health Fair, encouraging screenings and health information of all kinds

11:30-1:30pm Luncheon

Boxed lunches will be provided free to legislators, sponsored by the Kansas Health Consumer Coalition and the Association of Community Mental Health Centers of Kansas, Inc. Advocates are encouraged to call your legislators to personally invite them to come talk with you and enjoy their free lunch! Lunch Cost for Advocates= \$8.

AHA Meets for Stuffing Party

Thanks to Steve Armbruster with Centene, Inc. we have some terrific Legislator's Health Packets to be passed out to all Legislators on Thursday. Other staff stuffers included Linda DeCoursey with the Heart Assn., Corrie Edwards, with KHCC, Mary Jayne Hellebust with TFKC, Ira Stamm, and Shelli Sweeney with AMHCK. The Health bags contain terrific health advocacy information. Thanks, to all those who made it possible. We also discussed the current bill activity. [Click here](#) to see this week's activity.

Lawrence Journal World Articles Worth Repeating



City Not Alone in Defending Smoking Ban

By [Chad Lawhorn](#) ([Contact](#))

Monday, February 26, 2007

Lawrence Journal World

Smoking Ban

The city is getting legal help in the Kansas Supreme Court case challenging the constitutionality of the city's smoking ban.

The League of Kansas Municipalities — the statewide organization that lobbies for issues on behalf of cities — has been allowed to join the lawsuit, said Sandy Jacquot, the league's general counsel.

Jacquot said the league decided to join the lawsuit as a "friend of the court" because the lawsuit brought by Dennis Steffes, owner of Last Call and Coyotes nightclubs, has the potential to damage city smoking bans and ordinances across the state.

"We believe it would pretty much do away with any kind of smoking ban if the plaintiffs win the case," Jacquot said.

Jacquot said smoking bans are becoming more of a priority for cities.

“Many of our cities have smoking ordinances, and many more want to have them,” Jacquot said.

Toni Wheeler, the city’s interim director of legal services, said the city welcomes the league joining the case.

“They are very knowledgeable about municipal law,” Wheeler said.

Steffes is arguing that the city’s smoking ban — which began in July 2004 and made it illegal to smoke inside bars, restaurants and virtually all other workplaces — is unconstitutionally vague. He has said the law does not provide sufficient instructions on what business owners are required to do if a person is smoking in their businesses.

Steffes also has argued the Lawrence law illegally supersedes state law. Steffes interprets the state law as only allowing governments to require businesses to provide smoke-free areas but does not allow a city to completely ban smoking within a business.

“I believe the city of Lawrence basically went far above and beyond what it was allowed to do,” said William Rork, the attorney for Steffes. “And the enforcement is very arbitrary and capricious, which makes it unconstitutional.”

The city and the league dispute both arguments. Jacquot said the city has the power to adopt a ban based on its home-rule authority and that the ban is not vague because it puts both businesses and the public on notice about what activities are illegal. Plus, she said the ban cuts to the heart of what cities are empowered to do.

“Cities regulate for the health, safety and welfare of their citizens, and this is a classic example of a city attempting to do that,” Jacquot said.

The Supreme Court has not set a date for the case to be heard, but Wheeler expects oral arguments will begin later this spring.

News from the Kansas Statehouse

Monday, February 26, 2007

Health Care Frustration

Republicans and Democrats seeking legislation aimed at getting health coverage to some of the 300,000 uninsured Kansans say their attempts are being frustrated by the insurance industry.

“We need everyone at the table giving a little in order for Kansans to win big,” said Sen. Jim Barnett, R-Emporia, who is a physician and chairman of a Senate committee and task force focused on health care reform.

Barnett has proposed a “connector” model that he said would allow a person to buy insurance with tax-free dollars, and take that policy with them should they change jobs.

Major insurers have testified against the plan, saying it will increase the cost of coverage. Barnett has asked the insurance industry to provide alternatives if they have any.

Meanwhile, House Democratic Leader Dennis McKinney of Greensburg said proposals offered by Democrats also are getting shot down. Those include guaranteeing health care for children from birth to age 5, and helping small businesses purchase plans for their workers.

"We appoint task forces and still do nothing. It's always wait until next year," McKinney said.

Lawrence Senators Energized

At the midpoint of the 2007 legislative session, Lawrence Sens. Marci Francisco, a Democrat, and Roger Pine, a Republican, said the Legislature has made some progress on energy legislation.

Both serve on the Senate Utilities Committee, and pointed to advancement of **Senate Bill 128** as positive for the state.

The bill, sent to the House on a 40-0 vote in the Senate, requires electric utilities to provide information to consumers on the best way they can conserve energy.

"That's a good education program for the general public that could be beneficial for all of us," Pine said.

Secret of Budget Profiles

When lawmakers argue against the size of a certain expenditure or tax cut, they usually claim that the cost will harm the state budget in future years.

They provide a "budget profile" that shows how the state's ending balances will fall to dangerous levels.

But when confronted with "budget profiles" that show Republican-supported business tax cuts will break the budget, House Speaker Melvin Nefueled, R-Ingalls, stated: "I can show you a budget profile that is going to show you whatever I want to show you."

Garden City Casinos

Senate President Steve Morris, R-Hugoton, explained last week that he used to be opposed to expanded gambling in Kansas, but sees the benefits casinos are having in other states.

A recent explosion in the number of casinos in Oklahoma is helping its budget, and Morris points out that thousands of Kansans go to other states to spend their money on gambling.

The point is always brought home, he said, when he flies into Garden City and sees a sign for "casino parking." Those lots are reserved for travelers departing on chartered flights to Las Vegas and other casino destinations.

"To me that says a lot," he said.

Quote of the week

We've given a lot of attention to the issues affecting the biggest corporations in Kansas, and we've done very little for working families in Kansas." — *House Democratic Leader Dennis McKinney of Greensburg, summing up his view of the first half of the legislative session.*

KHI News Service Articles



Organ Donation Bill Moving Towards Passage

By Sarah Green
KHI News Service

TOPEKA, Feb. 28 — A bill that supporters say will help increase organ donations has cleared the House and is expected to gain Senate approval as well.

House Bill 2010 updates the state's Uniform Anatomical Gift Act, which regulates organ donations. The bill was recommended by the Interim Special Committee on Judiciary; passed by the House 120-0, and was heard in the Senate Judiciary Committee on Wednesday.

It's important to have uniform laws across state lines because donors and recipients rarely live in the same state, said Ron Hein, a lobbyist who represents the Midwest Transplant Network and the National Kidney Foundation. Hein had a kidney transplant about 10 years ago.

"I think this is beneficial to the process," Hein said of the proposed changes.

About 6,000 people die nationwide each year waiting for an organ transplant, according to the Midwest Transplant Network.

The bill would allow people other than a deceased person's next of kin to decide if the organs could be donated; among those allowed to decide would be grandchildren, caretakers or persons with medical-care power of attorney. It also establishes an order of precedence among them.

The bill also would provide immunity for "good faith" efforts to comply with the law, allowing organ procurers to rely on the word of the authorizing individual with respect to the individual's relationship with the deceased.

The House amended the bill to make it a felony offense to purchase or sell body parts.

Sen. Terry Bruce, R-Hutchinson, was a member of the interim committee that studied the bill and is vice-chairman of the Senate Judiciary Committee. He predicted the bill would pass the Senate.

"We'll probably have pretty smooth sailing," he said.

The revised act has been introduced but not yet passed in 26 states this year, said Rob Linderer, chief executive officer of the Midwest Transplant Network, based in Westwood.

The National Conference of Commissioners on Uniform State Laws drafted the legislation, which was made available to states in September.

"I think it's great PR for Kansas to be leading the country to adopt the revised UAGA," Linderer said. "It's not a competition, but I think it's an indication that the people of Kansas support organ and tissue donations in public policy, and recognize how important life-saving organ donations are."

-Sarah Green is a staff writer for KHI News Service, which specializes in coverage of health issues facing Kansans. She can be reached at sgreen@khi.org or at 785-233-5443, ext. 118.

Mental Health Changes Have Advocates On Edge

By Dave Ranney
KHI News Service

TOPEKA, Feb. 28 — Concerned that plans for major changes in the state's mental health system are being rushed, the Kansas Mental Health Coalition announced plans Wednesday for an informational forum next month.

Plans call for inviting Ray Dalton, deputy director for health care policy at the state Department of Social and Rehabilitation Services, and Mike Hammond, executive director of the Association of Community Mental Health Centers of Kansas.

"They're two of the key players in developing the new plan — a plan that starts July 1," said Mary Ellen Conlee, vice chairwoman of the coalition. "There are a lot of unanswered questions out there and this, we hope, will be an opportunity to get some answers."

Conlee is a lobbyist for Via Christi Health Systems in Wichita.

The one-hour forum will start at 11 a.m. on March 28 at the Topeka and Shawnee County Public Library, Room 202. The meeting is open to the public but seating is limited.

Last year, federal auditors questioned the state's use of Medicaid dollars to pay for mental health services that were not considered medically necessary. The auditors also directed the state to either start or hire a managed care company to run the mental health system.

SRS, in turn, has announced its intent to hire Kansas Health Solutions, a managed care company started by the Association of Mental Health Centers of Kansas. Hammond will serve as the company's interim CEO.

Managed care is expected to reduce expenditures. Some services likely will not be funded; others may be funded at lower rates.

The uncertainty has mental health advocates dreading cuts in services.

"I've told my board of directors that I'll stand by our budget until July 1 — after July 1, I have no idea what's going to happen," said Walt Hill, executive director of the High Plains Mental Health Center in Hays.

Jane Adams, executive director at Keys for Networking, objected to the notion of having to tell families with mentally ill children that much-needed services will no longer be provided.

"If we were planning a July 1 wedding, we'd be making all kinds of arrangements," Adams said. "But this is

a huge change and none of us know how it's going work or how it's going to affect us.”

Hammond is a member of the coalition but was unable to attend the meeting Tuesday.

-Dave Ranney is a staff writer for KHI News Service, which specializes in coverage of health issues facing Kansans. He can be reached at dranney@khi.org or at 785-233-5443, ext. 128.

Sell the KU Hospital?



Sen. Chris Steineger, D-Kansas City, wants the state to sell Kansas University Hospital and use the proceeds to pay for repairs at state universities and boost the state KPERS pension system. Steineger said independent analyses show that KU Hospital has a market value of at least \$800 million.

The State Board of Regents has asked for funding to address an estimated \$660 million in deferred maintenance and repairs at the six regents universities. Legislative leaders say they believe a \$100 million per year increase for maintenance would eventually resolve the backlog of projects. The Kansas Public Employees Retirement System has a \$5.1 billion gap between the value of its assets and its future pension obligations.

Steineger says that the sale of the hospital would complete a privatization process started in 1998 when the Legislature split the hospital from KU Medical Center and placed its governance under a private authority. He said he hoped legislators would “think outside the box” and consider his idea. He said most hospitals in major cities are owned by private entities or nonprofit organizations. However, he conceded the idea would likely run into opposition. “Once you get past the emotional attachment (to KU Hospital), it’s just a business decision,” Steineger said.

Rep. Paul Davis, D-Lawrence, opposes the plan. “KU Hospital is an important resource to the state and critically involved with the medical center,” Davis said. The hospital is an integral part of the K U Medical Center's medical school mission

The Kansas University Hospital officially opened in 1979. In 1998, the hospital became an independent Hospital Authority, which receives no state funding. A sixth-floor was added to the hospital in 2003 to meet a growing demand for patient services. An expanded and renovated Cancer Center and new Breast Center, both featuring the latest technology and many patient amenities, opened that same year. Also in 2003, construction began on the Center for Advanced Heart Care, an expertly designed cardiac complex focused on serving the needs of patients and families, from curbside to bedside. The hospital is our region’s premier academic medical center. The American Heart Association (AHA) has given the Primary Stroke Center at The University of Kansas Hospital its Annual Performance Achievement Award for stroke care. That makes the Hospital the first Annual Achievement Hospital for Stroke in a six-state region. The Hospital boasts physicians representing more than 200 medical specialties and services. Among the top specialists in their fields, they care for patients, collaborate in breakthroughs in prevention, diagnosis and treatment of disease, and pass along their knowledge to the next generation of health care professionals.

Under Steineger's plan, the state would retain the University of Kansas Medical Center, which is a nationally recognized biomedical research center. KUMC offers educational programs through its Schools of Medicine, Nursing, Allied Health, and Graduate Studies. KUMC is funded and governed by the State Board of Regents. It is difficult to understand how the sale of the hospital would benefit the state, except for a quick influx of one-time money.

An academic medical center consists of two basic elements: a medical school and its primary hospital. The medical school is where the research and the teaching take place; further research and teaching by the medical faculty and the delivery of cures take place at the hospital. The quality of an academic medical center is determined by the quality of its medical school, its allied health and nursing schools and its hospital and the extent to which all focus on discovery and delivery of cures.

Unlike community and for-profit hospitals, an academic medical center hospital must re-invest its profits into the medical school and its faculty to promote the basic research and teaching that give rise to the discovery of cures. Kansas state statute requires this re-investment. In every academic medical center there is a tension in striking the right balance between meeting the financial needs of the hospital and investing in the medical school. The best administrators and the best hospital boards understand this and find that right balance. Without the hospital, there must be increased state funding for the medical school. The KU Hospital is self supporting and provides funding for the medical school

In the last few years, the University of Kansas Hospital has become financially and administratively sound. The creation of a KU Hospital Authority Board and restructuring of the hospital in 1998 put into place an administrative team that has carefully managed the hospital. The KU Hospital has gone from a place with serious problems to a financially successful hospital with a proud record of superb care. KUMC medical students benefit from the KU Hospital and other hospitals that are affiliated with the medical school. KUMC currently has multiple affiliates, including the two largest hospitals in Kansas — Wichita's Via Christi Regional Center and Wesley Medical Center.

In Kansas City, the medical center has decided to affiliate with additional hospitals to train more doctors and better educate them.

Some legislators are opposed to the plans to affiliate with more hospitals, notably St. Luke's, which is based in Missouri. They fear that the affiliations will result in Kansas funding supporting out of state hospitals.

Broad affiliation also is necessary if the KU Medical Center is to achieve its goal of becoming a National Cancer Institute-designated cancer center — the gold standard for cancer care. Expanding the research effort to seek cures for cancer is KU's No. 1 goal and its leaders have told the legislature that expanding affiliations with other hospitals, like St. Luke's, is a vital part of their strategy.

State Employees Pay Raise in Jeopardy

Gov. Sebelius' proposal to raise state workers' pay by 4% has hit a snag in the Republican-controlled Legislature, with an influential senator questioning whether the state can afford to be so generous.

Senate Ways and Means Committee Chairman Dwayne Umbarger, R-Thayer, said yesterday that he wants to postpone a decision on pay raises until the end of the legislative session in late April. Umbarger

said he and his colleagues need to know whether approving the raises this year would leave the state short of money in 2010.

The Republican leadership of the House Appropriations Committee also is likely to tinker with Sebelius' plan, but for a different reason.

Republican leaders want to overhaul the system that determines what civil service employees are paid, and they're hoping to consider some small changes within the next two weeks. State government has about 42,000 employees, making their pay raises a key budget decision for legislators each year. The governor's proposals would increase state spending by more than \$86 million a year.

Senate Minority Leader Anthony Hensley, D-Topeka, said he is frustrated that state employees would have to wait until the end of the session. He said state workers shouldn't come last in the budgeting process. Carl Hill, lobbyist for the Kansas Association of Public Employees, took Umbarger's statements in stride. He said what's important is that legislators improve longevity bonuses and give civil service employees a cost-of-living increase, as well as a raise for completing a year on the job satisfactorily. He said that, in the final analysis, it really doesn't matter when the pay plan is put together, whether it's now or toward the end of the session, just as long as those components are there.

The governor proposed a \$12.4 billion budget for the state's 2008 fiscal year, which begins July 1. The legislative budget committees are working on their own versions of bills containing the bulk of that spending, with the House committee planning to finish its work by March 9 and the Senate panel, a week later. Then the two state budget bills go to the respective houses for debate and amendment. Once the two chambers have each passed a budget bill, a conference committee of House and Senate members will put together a negotiated final version to take back to the two houses for an up or down vote. If the conference report passes both houses, the budget bill goes to the governor in early April. Lawmakers then plan to take a break and return April 25 for the veto session when we will wrap up work on the budget in what is called the "Omnibus Reconciliation Bill." That bill must address any costs and revenue created by bills passed this session and reconciles those with the budget for the next fiscal year.

The governor proposed giving civil service employees a 2.5% "step" increase in their pay, compensating them for another satisfactory year on the job, as well as an additional 1.5% cost-of-living increase. Employees not in the civil service would receive an average 4% merit raise. She also proposed larger longevity bonuses. After working 10 years, an employee receives a lump sum payment, \$40 for each year, up to \$1,000. The governor's proposal would make the bonus \$50 per year, up to \$1,250.

Governor Sebelius' proposed budget depends on the state eating into its cash reserves to sustain the spending she is proposing into the future. The Legislature's staff projects that, even with better-than-expected revenue collections, those reserves would drop from \$839 million on June 30 to below \$121 million on June 30, 2010. Budget Director Duane Goossen says that legislator's concern that the state will be in the red by 2010 is legitimate, but he added that every item in the budget, not just state employee salaries, contributes to that scenario. Goossen said that it is not necessary to put budget decisions off until the end of the session. "Clearly, there's enough information to make budget decisions as we go along."

In the House, GOP leaders have appointed a special committee to study the civil service pay system to determine which state jobs have pay matching private sector wages and which do not. While an overhaul is likely to require a study this summer and fall, the committee will recommend some short-term alternatives, said Speaker Melvin Neufeld, R-Ingalls. [Back to top](#)

Coming Soon: 2nd Annual Governor's Public Health Conference!



Click here to download the brochure for The Governor's Public Health Conference: "New Frontiers in Public Health" April 30 - May 2, 2007, Hutchinson, KS, at the Grand Prairie Hotel and Convention Center.

See important registration information in the brochure by following the link below.

Registration is now available at: <http://ks.train.org>

There is additional content on the KRHIS website that you can read by clicking [here](#). [Back to top](#)

KU Hospital Produces Electronic Newsletter



KUMC has begun an electronic newsletter! **Click here** to read the first issue.

To sign up for future issues email: newsletter@kumc.edu. [Back to top](#)

Call for Presentations (Speaker Sessions)



Cyndi Treaster is once again the Session Chair for the Fall Conference. Be sure to talk your favorite speakers into signing up for a session, including yourself! [Click here](#) for the Call. [Back to top](#)

According to KC Star Article Kansas Ranks Near the Bottom in Nationwide Survey on Childcare Centers

Childcare Survey Faults Kansas

The state lands near the bottom in nationwide ranking of regulation, standards and oversight.

Staff and wire reports Kansas ranks near the bottom of the 50 states in its regulation and oversight of child-care centers, according to a new nationwide survey.

Missouri, while faring better at 29th, still fell in the bottom half.

The survey and rankings cited among the low-performing states such problems as infrequent inspections, deficient safety requirements and flawed hiring standards — including lack of full criminal background checks — for employees.

“State child-care standards and oversight in this nation are not protecting our children and are not preparing them for success in school,” said Linda Smith, executive director of the National Association of Child Care Resource and Referral Agencies, which released the first-of-its-kind ranking Thursday.

She urged action by Congress and state legislatures. An estimated 12 million children under age 5 are in nonparental childcare each week.

Joe Blubaugh, Kansas Department of Health and Environment spokesman, called the survey “definitely eye-opening. And we are obviously looking through the study to see if there are some areas where we can improve.”

However, he cautioned that national studies of this sort often “have an agenda they’re trying to get at.” In addition, he said, “they’re usually using pie-in-the-sky numbers.”

For example, the study compares the states’ systems to that of the Department of Defense, a very high-quality system according to Smith, which can charge clients on a sliding scale because the rest of the needed revenue is provided by federal taxpayers.

The study's authors urge states to require child-care centers to run fingerprint checks of applicants, a technology that apparently is much more reliable than reviewing criminal records and child-abuse checks based on the name and Social Security number provided by the applicant. Neither Kansas nor Missouri does fingerprint checks.

The reason: Fingerprint checks cost \$44 each.

"It would be great to be able to strive towards the things they set out in this report," Blubaugh said. "The question is, 'How do you pay for that?' We're trying to find that good balance that gives us availability, affordability, quality and safety."

In Missouri, Laurie Hines of the Department of Health and Senior Services said she was relatively pleased with the state's ranking. If the survey were done three months from now, she said, "We'd have a completely different score."

Changes are afoot in Missouri's childcare inspection system, said Hines, deputy director of the health department's division of regulation and licensure. The state soon will make available on the Web the latest inspection and complaint information about child-care centers. That's one of the factors that went into the report's calculations.

The survey grades state inspection systems on two factors: the standards by which the states grade child-care centers and the nature of the inspection system. For example, the frequency of inspections or the level of education for inspectors.

Hines said that Missouri's standards for child-care centers are outdated, and that Gov. Matt Blunt has called for a revision. Teams are being assembled and will work on the matter all summer, she said.

The association reviewed policies and regulations for all 50 states, the District of Columbia and the Defense Department, which ranked No. 1 overall and led both subcategories — one measuring standards now in place, the second measuring how vigorously the standards are enforced.

Criteria for the rankings included caseloads for center inspectors, frequency of inspections, health and safety requirements, background checks, staff qualifications and activities offered to children.

The report, "We Can Do Better," said eight states do not require annual inspections of centers, let alone conduct them quarterly as the association recommends.

Highs and lows

A national survey ranks child-care regulation

The top five:

1. Department of Defense
2. New York (tie)
2. Illinois
4. Washington (tie)
4. Maryland

At the bottom:

52. Idaho

- 51. Louisiana
- 50. Nebraska
- 49. Kentucky
- 47. California (tie)
- 47. Kansas

On The Web: www.naccrra.org.

The Star's Karen Uhlenhuth and the Associated Press contributed to this report. [Back to top](#)

Governor Supports Walk Kansas



TOPEKA, March 2 - Gov. Kathleen Sebelius' HealthyKansas initiative and Kansas State University Research and Extension are teaming up to promote physical activity.

"Walk Kansas" is a team-oriented, eight-week walking program beginning March 11 and concluding May 5. The goal is for team members to walk a combined 423 miles – the distance across the state.

"Walk Kansas is a great way to include physical activity in your daily routine, and develop personal health habits that will last beyond the eight weeks of this event," Sebelius said. "I encourage Kansans of all ages to form teams and get walking."

Teams of six will walk daily to reach the goal, and other forms of physical activity such as running, biking, swimming, etc. can be counted towards the team's mileage. Each team member's daily mileage would need to average approximately 2 miles over the eight-week event to meet the goal.

Teams are formed and registered in Walk Kansas through local K-State Research and Extension offices. Registration is \$5 per team member in most counties. Registration information can be found at county or district extension offices. The deadline for most counties is prior to March 11.

"Our goal for 2007 is to register 20,000 walkers of all age groups – students, adults and seniors," Mike Bradshaw of K-State said.

This is the 6th year for the Walk Kansas program. Bradshaw says the event continues to grow each year as Kansans see the benefit of regular physical activity and eating healthy.

The HealthyKansas initiative was started in 2004 to encourage children in schools, adults in the workplace and seniors to take more responsibility for improving their health by increasing their level of physical activity, eating better and avoiding tobacco. Walk Kansas teams will receive a HealthyKansas pledge card

and other activity and nutrition support materials in their registration kits.

More information on the Healthy Kansas initiative can be found at www.healthykansas.org, and registration information for Walk Kansas can be found at www.walkkansas.org. [Back to top](#)



Visit our site at <http://ks.train.org>.



Visit our site at <http://phpartners.org/>.

Copyright 2006. Kansas Public Health Association. All rights reserved.