



**Proponent Testimony on HB 2777 – Written Only
House Committee on Health and Human Services
February 14, 2024**

Chair Landwehr, Vice Chair Eplee, Ranking Member Ruiz, and Members of the Committee, my name is Rachel Marsh, CEO of the Children's Alliance of Kansas. The Alliance is an association of 19 private, non-profit child welfare agencies that collectively provide a full array of services for children and families in child abuse and neglect prevention, family preservation, foster care, adoption, independent living, and parent, youth, and child skill-building, mental health, human trafficking prevention, and substance use treatment. Thank you for the opportunity to testify in support of HB 2777.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires certain care providers and facilities, including those identified in HB 2777, to "appropriately safeguard" patients' protected health information. The actions of the state fire marshal or their representatives collecting visual and/or audio recording of facilities and any otherwise protected health information captured during that event is not covered by HIPAA and therefore is not protected from additional disclosure. HIPAA places the onus of protecting clients' information on the facility. HB 2777 offers patient care facilities the means to "appropriately safeguard" patient information as required by HIPAA.

Members of Children's Alliance operate qualified residential treatment programs defined by K.S.A. 38-2202, psychiatric residential treatment facilities defined by 42 C.F.R. 441, subpart D, secure facilities defined by K.S.A. 38-2202, shelter facilities defined by K.S.A. 38-2202, staff secure facilities defined by K.S.A. 65-535, and youth residential care facilities defined by K.A.R. 28-4-123-132 as well as supplying care for many youth residing in those facilities. The HIPAA protections outlined above also apply to these residential and care facilities. As such we would ask for HB 2777 to be amended to include these facilities in the definition of patient care facilities.

The current practice of utilizing body cameras during on-site inspections fringes upon the privacy rights of patients, whose consent is not sought, may capture sensitive private information of those patients, and offers no compelling reason for this infringement. The facilities outlined offer services to some of our most vulnerable populations. We should make every effort to protect them while they are in care.

The Children's Alliance believes that HB 2777 will protect clients' privacy rights as well as their dignity. We ask that you support HB 2777 to protect patient privacy in Kansas.

Rachel Marsh
rmarsh@childally.org
(620) 951 4110

Members of the Children's Alliance of Kansas:

CALM, Emporia
Cornerstones of Care, Kansas City
DCCCA, Lawrence
Eckerd Connects, Wichita
EmberHope Youthville, Wichita
Florence Crittenton, Topeka
FosterAdopt Connect, Olathe
Gathered, Derby
ICTSOS, Wichita
KidsTLC, Olathe

KVC Kansas, Olathe
O'Connell Children's Shelter, Lawrence
Rainbows United, Wichita
Restoration Family Services, Wichita
Saint Francis Ministries, Salina
TFI Family Services, Topeka
The Villages, Topeka
Wichita Children's Home, Wichita
Zoe's House, Kansas City