

Approved _____ Date 3-20-85
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin Littlejohn at _____
Chairperson

1:30 a/m/p.m. on March 19, 1985 in room 423-S of the Capitol.

All members were present except:

Representative Ed Bideau, excused.

Committee staff present:

Emalene Correll, Research
Bill Wolff, Research
Norman Furse, Revisor
Sue Hill, Secretary to Committee

Conferees appearing before the committee:

None

Visitor's register, see (Attachment No.1).

Chairman called meeting to order, and recognized Emalene Correll who will speak to committee on the background on Credentialing.

She began with descriptions of terms that would often be used in the information, i.e., credentialing meaning licensing, registration, or certification that affects particular providers of health care. Early on, many states began to license doctors, and required them to have a standardized education, next came professional nurses, pharmacists, dentists, and this of course evolved to include other groups. The advancing technology in medicine brought a need for further licensing, i.e., lab techniques became vastly improved and consequently there were concerns that other groups needed to be licensed. Increased health care costs was also a major reason for credentialing. Recommended in early years of the credentialing, 1970's, were follow-up reports, and reports given in 1971 really began initial legislation in regard to credentialing.

Health, Education, and Welfare (HEW), developed 3 definitions in their reports, i.e., accreditation, (graduates from accredited schools); licensure meaning, process by which an agency of government grants permission to persons by certifying through licensing to give an "exclusive right" to practice certain services; certification of registration is the third definition meaning the process by which a non-governmental agency grants recognition to an individual who has met certain pre-determined qualifications specified by the agency or association. Licensing was done to protect the public from dishonest, or poorly qualified health care providers.

Medicare and Medicaid care also had an affect on the credentialing process coming along as it did because of economic effects. Whenever there is an increase of exposure of care, there is an increase in cost of that care and the cost of insurance, Ms. Correll said.

Ms. Correll then spoke to several disciplines that are now licensed, but many others who will be requesting licensure in the future. She then answered numerous questions from committee.

Norman Furse of the Revisor's office then cited the credentialing law from statutes, (see Attachment No. 2.), for details. Statutes are in Article 50, 65-5001 through 65-5010 inclusive. Mr. Furse indicated an important factor shown in 65-5005, (c) page 361, "No group of health care personnel shall be credentialed except by an act of the legislature". He continued the explanation of each statute, and answered a few questions from committee.

Meeting adjourned at 2:35 p.m.

GUEST REGISTER

DATE Mar. 19, 85

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
Steven E. Curtis	Ks. Respiratory Therapy Soc.	1825 Washington Blvd. Kansas City, Ks 66102
Mary Ann Steel	BSRB	214 W-6th, Bm 201
Marilyn Bradt	KINH	Lawrence
Tom Bell	Ks. Hosp. Assn.	Topeka
J.D. Slaughter	KMS	Topeka
Gary Robbins	Ks Optometric	Topeka
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	" "
Rosemary O'Leary	KDHE	Forbes Field
Cathy Rooney	KDHE	" "
Elizabeth Taylor	Ks. Occupational Therapy Assn.	Topeka

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statute of limitations and such statute of limitations shall remain tolled until thirty (30) days after the screening panel has issued its written recommendations.

History: L. 1976, ch. 249, § 8; July 1.

LIABILITY LIMITATIONS

65-4909. Limited liability for certain associations of health care providers, review organizations and committee members thereof; good faith requirement. (a) There shall be no liability on the part of and no action for damages shall arise against any state, regional or local association of health care providers, any state, regional or local association of licensed adult care home administrators or any organization delegated review functions by law, and the individual members of any committee thereof (whether or not such individual members are health care providers or licensed adult care home administrators), which in good faith investigates or communicates information regarding the quality, quantity or cost of care being given patients by health care providers or being furnished residents of adult care homes for any act, statement or proceeding undertaken or performed within the scope of the functions and within the course of the performance of the duties of any such association, organization or committee if such association, organization or committee or such individual member thereof acted in good faith and without malice.

(b) As used in this section, "health care provider" means a person licensed to practice any branch of the healing arts, or engaged in a postgraduate training program approved by the state board of healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, licensed optometrist, registered podiatrist, registered pharmacist or registered physical therapist.

History: L. 1976, ch. 267, § 2; L. 1978, ch. 262, § 1; July 1.

Cross References to Related Sections:

Limited liability for medical care facilities and certain officials, see 65-442.

Immunity from liability in civil actions for reporting or investigating certain information, including alleged malpractice incidents, see 65-1127, 65-1462, 65-1515, 65-1652 and 65-2898.

Law Review and Bar Journal References:

Cited in "KMS Impaired Physician Program—Statement of Purpose," 80 J.K.M.S. 27, 29 (Aug. 1979).

MALPRACTICE STUDY COMMISSION

65-4910 to 65-4913.

History: L. 1976, ch. 327, §§ 1 to 4; July 1.

Revisor's Note:

This act expired on December 31, 1978, see L. 1976, ch. 327, § 4.

Article 50.—CREDENTIALING

65-5001. Credentialing health care personnel; definitions. As used in this act unless the context requires otherwise, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Credentialing" or "credentialed" means the formal recognition of professional or technical competence through the process of registration or licensure.

(b) "Registration" means the process by which the state identifies and lists on an official roster those persons who meet predetermined qualifications and who will be the only persons permitted to use a designated title.

(c) "Licensure" means a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in an occupation or profession, and that to engage in such occupation or profession without a license is unlawful.

(d) "Health care personnel" means those persons whose principal functions, customarily performed for remuneration, are to render services, directly or indirectly, to individuals for the purpose of: (1) Preventing physical, mental or emotional illness;

(2) detecting, diagnosing and treating illness;

(3) facilitating recovery from illness; or

(4) providing rehabilitative or continuing care following illness;

and who are qualified by training, education or experience to do so.

(e) "Council" means the statewide health coordinating council created by K.S.A. 65-4705.

(f) "Secretary" means the secretary of health and environment.

History: L. 1980, ch. 181, § 1; July 1.

65-5002. Same; credentialing applications. Health care personnel seeking to be

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credentialed by the state shall submit a credentialing application to the secretary upon forms approved by the secretary. The secretary shall not accept a credentialing application signed by less than one hundred (100) Kansas resident proponents of credentialing the health care occupation or profession seeking to be credentialed. All credentialing applications accepted by the secretary shall be referred to the council for review and recommendation in accordance with the provisions of this act.

History: L. 1980, ch. 181, § 2; July 1.

65-5003. Same; appointment of technical committees; hearings; evidence; criteria; findings; recommendations; reports. (a) A separate technical committee shall be appointed by the chairperson of the council to examine and investigate each credentialing application referred by the secretary. Not more than seven (7) persons shall be appointed to each technical committee. The chairperson of each technical committee shall be a member of the council and shall be appointed by the chairperson of the council.

(b) As soon as possible after appointment of its members, each technical committee shall organize and review the credentialing application assigned to it by the council chairperson. Each technical committee shall conduct fact-finding hearings and shall otherwise investigate the credentialing application.

(c) Technical committees shall make findings based on the criteria established in K.S.A. 65-5006. Credentialing applicants shall have the burden of bringing forth evidence upon which findings may be made. Each technical committee shall detail its findings in a report and shall file the report with the council. A technical committee may recommend that an application for credentialing be denied. If a technical committee determines that an occupational or professional group of health care personnel should be credentialed by the state, there shall be included in the committee's report a recommendation of the level or levels of credentialing. This recommendation shall be based on the criteria established in K.S.A. 65-5007.

History: L. 1980, ch. 181, § 3; July 1.

65-5004. Same; review by council of technical committees' reports. Upon receipt

of a technical committee's report, the chairperson of the council shall arrange for a meeting of the council to review and discuss the report. The council shall apply the criteria established in K.S.A. 65-5006 and 65-5007. Upon completion of its review the council shall submit its own report, together with the technical committee's report, to the secretary. The council's report shall include findings and recommendations.

History: L. 1980, ch. 181, § 4; July 1.

65-5005. Same; reports to legislature.

(a) As soon as possible after receiving the reports of the council and of the technical committee which examined a credentialing application, the secretary shall prepare a final report for the legislature. The final report shall be submitted to the speaker of the house of representatives, to the president of the senate and to the chairpersons of the committees on public health and welfare for consideration by their respective committees. The secretary shall include the reports of the technical committee and the council in the final report prepared for submission to the legislature. ~~The secretary need not be bound by the recommendations of a technical committee or of the council.~~

(b) ~~The secretary may recommend that no legislative action be taken on a credentialing application. If the secretary recommends that an occupational or professional group of health care personnel be credentialed, the secretary shall recommend an agency to be responsible for the credentialing process and the level or levels of credentialing.~~

(c) No group of health care personnel shall be credentialed except by an act of the legislature.

History: L. 1980, ch. 181, § 5; July 1.

65-5006. Same; credentialing criteria.

(a) Technical committees appointed pursuant to K.S.A. 65-5003, the council and the secretary shall apply the following criteria to each credentialing application:

(1) The unregulated practice of the occupation or profession can harm or endanger the health, safety or welfare of the public and the potential for such harm is recognizable and not remote or dependent upon tenuous argument.

(2) The practice of the occupation or profession requires specialized skill and

training, and the public needs and will benefit by assurances of initial and continuing occupational or professional ability.

(3) The public is not effectively protected from harm by means other than credentialing.

(b) Reports of technical committees, the council and the secretary shall include specific findings on the criteria set forth in subsection (a).

History: L. 1980, ch. 181, § 6; July 1.

65-5007. Same; criteria applicable to levels of credentialing regulation. All recommendations of technical committees, the council and the secretary, which relate to the level or levels of credentialing regulation of a particular group of health care personnel, shall be based on criteria which include the following:

(a) Registration is the appropriate level of regulation for occupational or professional groups of health care personnel when it is found that the public's health, safety or welfare can be protected by identifying practitioners who possess certain minimum occupational or professional skills so that members of the public may have a substantial basis for relying on the services of such practitioners. Registration is the appropriate level of regulation unless it can be shown that registration will not adequately protect the public's health, safety or welfare.

(b) Licensure is the appropriate level of regulation for occupational or professional groups of health care personnel who perform functions not ordinarily performed by persons in other occupations or professions and when protection of the public's health, safety or welfare cannot be accomplished by a lesser degree of regulation.

History: L. 1980, ch. 181, § 7; July 1.

65-5008. Same; periodic review of credentialing status of health care person-

nel. In cooperation with the council the secretary shall periodically schedule for review the credentialing status of health care personnel who are credentialed pursuant to existing laws. The procedures to be followed, the criteria to be applied and the reports to be submitted for credentialing applications filed pursuant to K.S.A. 65-5002 shall apply to credentialing reviews conducted pursuant to this section.

History: L. 1980, ch. 181, § 8; July 1.

65-5009. Same; records; duties of secretary; rules and regulations; compensation of technical committees. (a) The secretary shall provide all necessary professional and clerical services to the technical committees and to the council. Records of all official actions and minutes of all business coming before the technical committees and the council shall be kept. The secretary shall be the custodian of all records, documents and other property of technical committees and the council.

(b) The council shall advise and consult with the secretary on the administration of the provisions of this act and the adoption of rules and regulations. The secretary may adopt such rules and regulations as are necessary to implement the provisions of this act.

(c) Members of technical committees appointed pursuant to K.S.A. 65-5003 shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto when in attendance at a meeting of a technical committee authorized by the council.

History: L. 1980, ch. 181, § 9; July 1.

65-5010. Same; title of act. This act shall be known and may be cited as the Kansas act on credentialing.

History: L. 1980, ch. 181, § 10; July 1.