

Approved \_\_\_\_\_ Date 2-20-86  
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at \_\_\_\_\_  
Chairperson

1:30 /a.m./p.m. on February 17, 1986 in room 423-S of the Capitol.

All members were present except:

- Committee staff present:
- Emalene Correll, Research
  - Bill Wolff, Research
  - Norman Furse, Revisor
  - Sue Hill, Secretary to Committee

Conferees appearing before the committee:

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

Chairman called meeting to order asking members to note technicalities on HB 2731 brought to Chair's attention by Revisor Mr. Furse. This committee passed as amended HB 2731 on February 13, 1986. Chair asked Mr. Furse to explain technical problems in regard to this bill.

Mr. Furse gave hand-outs to members, (see Attachment No. 2,) a balloon copy of HB 2731, and (Attachment No.3,) details of statutes 65-1427. He explained in great detail the reasons for conflict in language in creating categories or specialties in the practice of psychology. Noted necessary changes are; New Sec. 1, Sub. (3), (b), line 43, change "shall" to "may". Page 2, line 43, add language, "any such fee shall be in addition to other fees collected by the board under the certification of psychologists act". Further, in line 53, the Board of Behavioral Sciences had recommended adding language, "or to practice or offer to practice in such specialty", however Mr. Furse explained the conflict this would present and recommended this language be ommited from line 53. He believes the board does not care to create this conflict.

At this point, Rep. Foster moved that committee reconsider action on HB 2731, seconded by Rep. Friedeman, motion carried.

Rep. Foster made a motion to amend HB 2731 as Revisor deems correct as just advised, seconded by Rep. Williams, discussion ensued, vote taken, motion carried.

On HB 2731 as a whole, Rep. Friedeman moved it be passed out favorably as amended, seconded by Rep. Foster, motion carried.

Briefings began on HB 2756:--

Mr. Furse gave a very comprehensive briefing section by section on HB 2756. This bill relates to reporting of certain conditions of children to the Secretary of H&E, these conditions being adaptive behavior, handicap or chronic disease, mental illness, mental retardation. This reporting is done on preschool children under 6 years of age. He spoke to the confidentiality of record keeping, that this act shall not authorize the Secretary to restrict the right of a physician's recommended treatment, and gave line by line briefing. He answered few questions.

Briefing began on HB 2788:--

Mr. Furse explained HB 2788 is an act that relates to adult care homes and their participation in the state medical systems program as intermediate care facilities for mental health. This bill would require that before the SRS authorizes this kind of adult care home to participate, hearings would be required to be held in the location of the proposed location within a period of time, prior to the approval of the home, and notice of same would be 10 days prior to such hearing. Also the Secy. is required to give notice to area newspapers that such facility has applied for certification. He answered a few questions from members.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 17, 1986.

Briefing on HB 2808:--

This act relates to smoking in food service establishments. No food service establishment which provides seating for customers shall be required to provide a no smoking area, except that if the food service establishment provides seating for 10 or more and someone requests a no smoking area, it shall be provided, and also a sign shall be conspicuously displayed, stating, "NON-SMOKING AREA AVAILABLE UPON REQUEST".

Briefing began on HB 2498:--

Mr. Furse explained HB 2498 will provide for licensure of occupational therapists and occupational therapy assistants by the Board of Healing Arts, establishing an occupational therapist council, declaring certain acts to be unlawful and providing penalties for violations. He gave a comprehensive briefing, section by section; Occupational therapy is a health care profession employed under the supervision of a person licensed to practice medicine and surgery, and the specifics to the practice were defined. He had members note that occupational therapy assistants would also be licensed, thus 2 levels are addressed in this bill. This is a policy issue on whether or not the committee wants to go down another level or not in licensing procedures. He noted there were several other groups that appeared before the Interim Committee stating it was their feeling their scope of practice would be affected by the language in New Section 5 of HB 2498.

Further, a policy question arises in lines 130-135, "shall" appoint, shown in line 33. Section 8 sets down requirements on education, experience, and examination. He felt lines 153-157 were confusing. He questions New Section 10, saying it may need to be modified to make it constitutional. He noted language in line 214 might be too broad, and perhaps some standards shall be included. New Section 16 does not speak to the scope of practice as was done in earlier section. He answered numerous questions and Ms. Correll of Research also interjected comments and answered questions from members.

Briefing began on HB 2533:--

Mr. Furse noted language and basic specifics are alike in most cases to HB 2498, except of course for the transposition of the name respiratory therapists from occupational therapists. The respiratory therapy bill follows very closely to the occupational therapy bill and has some of the same problems.

Meeting adjourned .

GUEST REGISTER

DATE 2/17/86

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
Steven E. Costo	Respiratory Therapy Society	Kansas City, KS
Mabel R. Goring	Kans Med Society	Caldwate, KS
Andrea L. Lomario	Kansas Hospital Assoc.	Topeka, KS
SUSAN T. MIRINGOFF	KS State Nurses Assn	Topeka, KS
Robt. C. Hand	SRS	Topeka, KS
KEITH R. LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	"
GEORGE PUCKETT	KANSAS RESTAURANT ASSOCIATION	WICHITA, KS
Cinda Lauen	KS Dept SRS	Topeka, KS
DICK HAMMEL	KS HEALTH CARE ASSN	TOPEKA
Marsha Hutchison	KS Medical Society	Topeka
BARB REINERT	Planned Parenthood	"

Attachment 1  
2-17-86  
Hs. PHW

# HOUSE BILL No. 2731

By Joint Committee on Administrative Rules and Regulations

1-23

0017 AN ACT concerning psychologists; authorizing the establish-  
0018 ment of specialties within the practice of psychology and  
0019 providing for endorsement of psychologists in such special-  
0020 ties; amending K.S.A. 74-5341 and repealing the existing  
0021 section.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 New Section 1. (a) In accordance with the provisions of this  
0024 section, the board may establish specialties within the practice of  
0025 psychology and provide for the endorsement of certified psy-  
0026 chologists in such specialties. The board shall adopt rules and  
0027 regulations applicable to the endorsement of specialties which:

0028 (1) Establish categories of specialties within the practice of  
0029 psychology which are consistent with specialties recognized by  
0030 the profession of psychology;

0031 (2) establish education, training and qualifications necessary  
0032 for endorsement for each category of specialty established by the  
0033 board at a level adequate to assure the competent performance  
0034 by certified psychologists of the specialty such person is autho-  
0035 rized to perform; and

0036 (3) define each category of specialty established under this  
0037 section and establish limitations and restrictions on each cate-  
0038 gory, as appropriate. The definition of each category of specialty  
0039 established under this paragraph (a)(3) shall be consistent with  
0040 the education, training and qualifications required to obtain an  
0041 endorsement in that category of specialty and shall be consistent  
0042 with the protection of the public health and safety.

0043 (b) The board may fix by rule and regulation an application  
0044 fee for endorsement in a specialty and shall fix a biennial  
0045 renewal fee for endorsement in a specialty. The application fee

may

Hs. PHW

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0046 and biennial renewal fee shall not exceed \$100. \_\_\_\_\_

0047 (c) A certified psychologist holding an endorsement from the  
0048 board in a specialty within the practice of psychology may  
0049 represent to the public that such person is endorsed in such  
0050 specialty. It shall be unlawful for any person not endorsed in a  
0051 specialty within the practice of psychology to intentionally rep-  
0052 resent to the public that such person is endorsed in such spe-  
0053 cialty.

Any such fee shall be in addition to other fees collected by the board under the certification of psychologists act.

0054 (d) This section shall be part of and supplemental to the  
0055 certification of psychologists act of the state of Kansas.

0056 Sec. 2. K.S.A. 74-5341 is hereby amended to read as follows:  
0057 74-5341. Except as hereinafter provided in K.S.A. 74-5344 and  
0058 amendments thereto, after July 1, 1968, any person who violates  
0059 K.S.A. 74-5340 and amendments thereto or subsection (c) of  
0060 section 1 shall be punished by imprisonment in the county jail  
0061 for not more than one (1) year or by fine not exceeding five  
0062 hundred dollars (\$500), or by both such fine and imprisonment  
0063 guilty of a class A misdemeanor.

0064 Sec. 3. K.S.A. 74-5341 is hereby repealed.

0065 Sec. 4. This act shall take effect and be in force from and  
0066 after its publication in the statute book.

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(b) The board shall approve only those dental schools or colleges which require the study of dentistry and dental surgery and which the board determines have standards of education not less than that required for accreditation by the commission on dental accreditation of the American dental association or its equivalent.

(c) Notwithstanding the provisions of subsection (a), the board shall consider an application of any graduate of a dental school which has not been approved by the board if the applicant successfully completes a course of remedial or refresher instruction offered by a dental school or college where both the course and the school have been approved by the board.

(d) The board is hereby authorized and empowered to adopt such further rules in regard to the qualifications of applicants for licensure, not in conflict with this section, as it from time to time may deem necessary and proper.

**History:** L. 1943, ch. 221, § 9; L. 1978, ch. 237, § 1; L. 1981, ch. 246, § 1; L. 1983, ch. 209, § 1; July 1.

**Source or prior law:**  
65-1404.

**Cross References to Related Sections:**  
Rules and regulations, see 74-1406.

**Research and Practice Aids:**  
Application for license, Vernon's Kansas Forms § 8621.

**65-1427. Specialists; standards and qualifications; certificate fee; limiting practice; misdemeanor; suspension or revocation of license.** (a) No dentist shall announce or hold out to the public that such dentist is a specialist, or is specially qualified in any particular branch of dentistry, or as giving special attention to any branch of dentistry, or limiting such dentist's practice to any branch of dentistry, unless such dentist has complied with additional requirements established by the board, and has been issued a certificate of qualification authorizing such dentist to do so.

(b) The board is hereby empowered to establish higher standards and additional requirements for any dentist who desires to announce or hold out to the public that such dentist is specially qualified in any particular branch of dentistry. The board is hereby empowered to give such examination as it may deem necessary to determine the qual-

ifications of applicants, and may secure such assistance as the board may deem advisable in determining the qualifications of applicants.

(c) Upon application to the board of any licensed dentist in this state, the board may issue a certificate of qualification to such dentist authorizing the applicant to hold out, or to announce, to the public that such dentist is specially qualified in, or limits such dentist's practice to, or gives special attention to any one of the recognized branches of dentistry. The application to the board shall be upon such form and contain such information as the board may require and shall be accompanied by a certificate fee to assist in defraying the expenses in connection with the issuance of such certificates of qualification fixed by the board pursuant to K.S.A. 65-1447.

(d) Any dentist holding a certificate of qualification under this section of the act may announce the limitation of practice by using such terms and in such manner as the board may approve, together with the name of such branch of dentistry for which such dentist is authorized to hold out to the public that such dentist has special qualifications. Any dentist who shall hold out, or announce in any manner, by the use of any terms signifying or indicating to the public that such dentist's practice is limited, or is specially qualified in any particular branch of dentistry, or that such dentist gives special attention to any particular branch of dentistry, or shall use equivalent words or phrases to announce the same, without having obtained a certificate of qualification therefor, shall be guilty of a misdemeanor, and the license such dentist to practice dentistry shall be subject to suspension or revocation. Any announcement in the manner indicated in this section shall be prima facie evidence that such dentist is practicing in one branch of dentistry.

**History:** L. 1943, ch. 221, § 10; L. 1953, ch. 289, § 1; L. 1980, ch. 189, § 1; July 1.

**Research and Practice Aids:**  
Physicians and Surgeons—4, 6(2), 11(2);  
C.J.S. Corporations § 956; Physicians and Surgeons §§ 10, 17, 23.

**65-1428. Examination of applicants; examination subjects and results; licenses.** (a) Each applicant for licensure as a dentist shall be examined by the board or by a national testing organization or an organi-

*Attn #3*

*2-17-86*

*Hs. PHW*