

Approved _____

3-17-86
Date ak

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 March 5, 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:

None

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

Chairman called meeting to order when quorum was present. He asked members to note that Representative Cribbs has requested this committee hold hearings on HB 2917 and Dr. Ulig from Board of Healing Arts requested committee hold hearings on HB 3023. Chair asked wishes of members in this regard.

Rep. Buehler made a motion that we hold hearings on HB 2917 and HB 3023 only, meeting scheduled for tomorrow. Motion seconded by Rep. Green, motion carried.

Chair directed attention to HB 2888, Butyl Nitrite and asked wishes of members in regard to this bill. Rep. Friedeman noted there was a hand-out before each, (see Attachment No. 2), that includes amended language in HB 2888. The spelling was corrected in line 163 from "Nitrate" to "Nitrite", and a penalty section has been added. Rep. Friedeman made a motion to accept these amendments to HB 2888, motion seconded by Rep. Neufeld, no discussion, vote taken, motion carried

HB 2888 as a whole, Rep. Friedeman moved to pass out HB 2888 as amended favorable for passage, seconded by Rep. Branson, motion carried.

Chair directed attention to HB 3061, and (Attachment No.3.), additional information from Ks. assn. of Osteopathic Medicine, and (Attachment No.4), additional information from Ks. Physical Therapy Association, and asked members read these hand-outs now and action would be taken on this bill. Rep. Neufeld made a motion to amend HB 3061 by striking in lines 33-34, the words, "see all patients initially". Having the language in sub section (c) to read, "shall mean that the physical therapist shall give instructions to physical therapist assistants on all patients and see and evaluate them periodically." Motion seconded by Williams, motion carried. Short discussion ensued.

HB 3061 as a whole, Rep. Branson moved to pass out HB 3061 as amended favorable for passage, seconded by Rep. Blumenthal. Short discussion ensued as Revisor Mr. Furse asked committee to note that a technical point, line 35, "physician" should be struck, and language added to read, "by the orders of a person licensed to practice medicine and surgery". Rep. Bideau made a substitute motion to make these amendments as recommended by Mr. Furse, seconded by Rep. Williams, motion carried.

Hb 3061 as a whole, Rep. Branson moved to pass out HB 3061 as amended favorable for passage, seconded by Rep. Blumenthal, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 /// p.m. on March 5, 19 86

Chair called attention to HB 3084 and asked wishes of members.

HB 3084.

Rep. Friedeman made a motion to table HB 3084 and ask for an Interim Study on this bill. Motion seconded by Rep. Blumenthal. No discussion, vote taken, motion carried.

HB 2533

Chair asked Revisor Mr. Furse to explain all changes in HB 2533. There were numerous changes and Mr. Furse explained the revisions section by section. (See Attachment No. 5), for details of all amendments proposed. Chair then asked wishes of committee in regard to amendments. It was the consensus of committee members these editorial changes be made. Rep. Green made a motion to amend HB 2533 per consensus of committee members the changes recommended as the bill was considered section by section to be a bill for registration. This motion was seconded by Rep. Pottorff.

HB 2533 as a whole, Rep. Neufeld made a motion to pass 2533 out as amended favorable for passage, as registration, seconded by Rep. Cribbs. Discussion ensued, i.e., it appears registration is the appropriate level at this time; unfair to have some groups under license and others under registration; conferees all asked for licensure and only the Hospital Association opposed licensure; Interim Study had discussion in regard to licensure being the highest form, so perhaps registration would be a good way to begin. At this point vote taken, motion carried.

HB 2498

Chairman asked members to note, the same amendments just carefully gone over in HB 2533 would also pertain to HB 2498, for either licensure or registration. He asked wishes of members in regard to HB 2533.

Rep. Bideau made a motion to amend HB 2498 in the same manor and to have this bill be a registration bill as well. Motion seconded by Rep. Neufeld. Lengthy discussion ensued, i.e., perhaps licensure is appropriate since the OT's have been recommended by Secy. of H&E; and in credentialing process; protection of public is vital and second best is not the way to go.

A substitute motion was made at this time by Rep. Blumenthal to amend HB 2498 in the same manner as described above, but for licensure rather than for registration. Motion seconded by Rep. Cribbs. Discussion ensued, i.e., impact caused in regard to availability problems of having RT's, PT's, and Ot's available; some feeling that all these diciplines should be on the same footing; should not be credentialed in a different manner; licensure restricts practice; there are differences in the scope of practice.

At this time Rep. Neufeld made a motion to adjourn the meeting. No second.

Chair recognized Rep. Bideau who stated he feels that if licensure was to be the form of credentialing, the scope of practice should be more clearly defined.

At this point, Rep. Blumenthal moved to adjourn the meeting, seconded by Neufeld. Chair then adjourned the meeting at 3:16 p.m.

GUEST REGISTER

DATE 3/5/86

HOUSE

PUBLIC HEALTH AND WELFARE

Date 3-5-86

NAME	ORGANIZATION	ADDRESS
Joanne Hill	KS Physical Therapy Assn	Topeka
Thomas Kastner	KAPTA	Topeka
Susan Amelbe	KAPTA	Topeka
Andrea Lavarro	KS Hosp. Assoc.	Topeka
Elizabeth C. Taylor	KS OT Association	Topeka
Bob Sabel	KDHE	Topeka
KS Pharmacists		
Ken Schafermeyer	KS Pharmacists Assoc.	Topeka
Harold Riem	KS OSTEOPATHIC ASSN	"
Kathy Apps	KS Dental Assn.	Topeka
Michael Hinkel RRT	KS Resp. Therapy Society	Topeka
Steven Curtis	KS Resp. Therapy Soc.	KCK
Val Smith	KS Occupational Therapy	Topeka
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	"
Barb Remeit	Planned Parenthood	"

Attachment 1
3-5-86
Hs. PHW

Proposed Amendment to HOUSE BILL NO. 2888

Be Amended:

On page 3, in line 163, by striking "nitrate" and inserting in lieu thereof "nitrite"; following line 174, by inserting the following:

"Sec. 2. K.S.A. 65-4127b is hereby amended to read as follows: 65-4127b. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to manufacture, possess, have under such person's control, prescribe, administer, deliver, distribute, dispense or compound:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and any amendments thereto;

(2) any stimulant designated in subsection (d) or (f) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and any amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, and any amendments thereto; or

(4) any substance designated in subsection (c), (d), (e) ~~or~~, (f) or (g) of K.S.A. 65-4111, and any amendments thereto.

Any person who violates this subsection shall be guilty of a class A misdemeanor, except that upon conviction for a second or subsequent offense, such person shall be guilty of a class D felony.

(b) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to sell, offer for sale or have in such person's possession with the intent to sell:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c)

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of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and any amendments thereto;

(2) any stimulant designated in subsection (d) or (f) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and any amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, and any amendments thereto; or

(4) any substance designated in subsection (c), (d), (e) ~~or~~, (f) or (g) of K.S.A. 65-4111, and any amendments thereto.

Any person who violates this subsection shall be guilty of a class C felony.

(c) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to manufacture, possess, have under such person's control, prescribe, administer, deliver, distribute, dispense, compound, sell, offer for sale or have in such person's possession with intent to sell any controlled substance designated in K.S.A. 65-4113 and any amendments thereto. Any person who violates this subsection shall be guilty of a class A misdemeanor.";

And by renumbering sections accordingly;

Also on page 3, in line 175, by striking "is" and inserting in lieu thereof "and 65-4127b are";

On page 1, in the title, line 19, by inserting before "and" the following: "and 65-4127b"; also in line 19, by striking "section" and inserting in lieu thereof "sections";

ADDITIONAL INFORMATION ON HB 3061 - FROM THE KANSAS ASSN. OF OSTEOPATHIC MEDICINE

If Committee members are a bit confused after testimony on Tuesday, it is understandable. To clarify what is being sought in HB 3061, please note the following:

- (1) This is an effort to insure immediate physical therapy treatment as ordered by a physician if and when a physical therapist cannot be contacted by a physical therapist assistant. It is to address problems often found in rural areas where hospitals have only part time PT staff, but often have PTAs available.
- (2) The Board of Healing Arts has adopted the following resolution:
 "The Board supports that doctors can issue orders to physical therapist assistants to do physical therapy without prior approval of the physical therapist."
 KAOM supports that resolution.
- (3) However, knowing the strong feelings of PTs in maintaining the integrity of the relationships between PTs and PTAs, a compromise was agreed to by KAOM and the Physical Therapy Examining Committee. This compromise constitutes the contents of HB 3061, along with the amendments offered by KAOM.
- (4) The Physical Therapists Association wants to retain the word "initially" and delete the last sentence (see below). Since this would still require the PTA to contact the PT by phone or some other way before therapy could commence, we think it is not an acceptable resolution to the problem. It is appropriate that an effort be made to contact the PT, but if that cannot be done, treatment should begin.
- (5) We respectfully urge your approval of the Bill, with amendments as suggested by KAOM. The original Bill, incorporating the KAOM amendments, appears below.

HB 3061 - Paragraph (c) with Amendments offered by KAOM:

- (c) A person certified under this act as a physical therapist assistant shall not treat ailments or other health conditions of human beings except under the direction of a physical therapist duly registered under this act. The word "direction" as used in this subsection (c) shall mean that the physical therapist shall see-all-patients initially give instructions to physical therapist assistants on all patients and see and evaluate them periodically. If the physical therapist is not available for immediate contact, the physical therapist assistant may initiate treatment by the orders of a physician licensed to practice medicine and surgery, according to written protocol established by the physical therapist, with minimum weekly review of the patient care by the physical therapist.

To retain the word "initially" here, and to delete the last sentence--as testified to by the Physical Therapists Assn.--would still require contacting the PT in some way before any treatment could begin, possibly causing delays of several hours or days.

KAOM thinks that the requirement for written protocols and the continuing requirement for the PT to see and evaluate all patients periodically, maintains ample safeguards.

KAOM opposes the suggestions of the PT Association.

Attn. # 3

3/5/86

Hs. PHW

KANSAS PHYSICAL THERAPY ASSOCIATION

HOUSE BILL #3061

March 5, 1986

Language that should be amended into the bill and is supported by the Kansas Physical Therapy Association.

0031 The word "direction" as used in this subsection (c) shall mean
0032 that the physical therapist shall initially give instructions to
0033 physical therapist assistants on all patients and see and eva-
0034 luate them periodically.

This language will resolve the problem currently seen in Western Kansas.

If the committee feels further language is necessary in the event that a physical therapist cannot be reached, the following sentence was added by the Board of Healing Arts and is current language in HB #3061:

0033 If the phys-
0034 ical therapist is not available for immediate contact, the physi-
0035 cal therapist assistant may initiate treatment by the physician's
(licensed to practice medicine and surgery)
0036 orders, according to written protocol established by the physi-
0037 cal therapist, with minimum weekly review of patient care by
0038 the physical therapist.

This statement is not supported by the Kansas Physical Therapy Association because we feel it is unnecessary and creates some tremendous concerns for our Physical Therapist Assistants.

I apologize for the misunderstanding of language in committee yesterday. The bill was not printed like our Association was led to believe so we are very unhappy with the way the bill currently stands and are at least asking the committee for the language that was "inadvertently" omitted.

Thank you for your interest and continued support of Physical Therapy.

Susan Hanrahan, RPT
Legislative Chairperson

kb/L.SH.2

Attn. #4
3/5/86
Hs. PHW

Policy Considerations - HOUSE BILL NO. 2533

By Committee on Public Health and Welfare

AN ACT concerning respiratory therapy; providing for ~~license~~ registration of respiratory therapists by the state board of healing arts; establishing a respiratory therapist council; declaring certain acts to be unlawful and providing penalties for violations; amending K.S.A. 75-3170a and repealing the existing section.

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

New Section 1. This act shall be known and may be cited as the respiratory therapy practice act.

New Sec. 2. As used in sections 1 to 18, inclusive:

(a) "Board" means the state board of healing arts.

(b) "Respiratory therapy" is a health care profession whose practitioners are employed under the supervision of a ~~person licensed-by-the-board-to-practice-medicine-and-surgery~~ physician in the therapy, management, rehabilitation, diagnostic evaluation and care of patients with deficiencies and abnormalities which affect the pulmonary system and associated aspects of cardiopulmonary and other systems functions, and includes all of the following:

(1) Direct and indirect pulmonary care services that are safe, aseptic, preventative and restorative to the patient.

(2) Direct and indirect respiratory care services, including but not limited to, the administration of pharmacological and diagnostic and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative or diagnostic regimen prescribed by a ~~person-licensed-to-practice-medicine--and-surgery~~ physician.

(3) Observation and monitoring of signs and symptoms,

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Hs. PHW

general behavior, general physical response to respiratory care treatment and diagnostic testing, determination of whether such signs, symptoms, reactions, behavior or general response exhibit abnormal characteristics and implementation based on observed abnormalities of appropriate reporting or referral or respiratory care protocols, or changes in treatment regimen, pursuant to a prescription by a ~~person--licensed--to--practice--medicine--and--surgery~~ physician on the initiation of emergency procedures.

(4) The diagnostic and therapeutic use of any of the following, in accordance with the prescription of a physician and surgeon: Administration of medical gases, exclusive of general anesthesia; aerosols; humidification; environmental control systems and baromedical therapy; pharmacologic agents related to respiratory care procedures; mechanical or physiological ventilatory support; bronchopulmonary hygiene; cardiopulmonary resuscitation; maintenance of the natural airways; insertion without cutting tissues and maintenance of artificial airways; diagnostic and testing techniques required for implementation of respiratory care protocols; collection of specimens of blood; collection of specimens from the respiratory tract; analysis of blood gases and respiratory secretions.

(5) The transcription and implementation of the written and verbal orders of a physician and--surgeon pertaining to the practice of respiratory therapy.

(c) "Respiratory therapist" means a person who is ~~licensed~~ registered to practice respiratory therapy as defined in this act.

(d) "Person" means any individual, partnership or unincorporated organization of corporate body.

(e) "Physician" means a person licensed to practice medicine and surgery.

New Sec. 3. The board, in the manner hereinafter provided, shall administer the provisions of this act.

New Sec. 4. (a) On and after January 1, 1987, no person shall ~~practice-respiratory-therapy--or~~ hold oneself out as a

respiratory therapist, ~~or hold oneself out as being able to practice respiratory therapy or to render respiratory therapy services in the state,~~ unless such person is ~~licensed~~ registered in accordance with the provisions of this act.

(b) Only an individual may be ~~licensed~~ registered under this act.

New Sec. 5. Nothing in this act shall be construed as preventing or restricting the practice, services or activities of:

(a) Any person employed as an respiratory therapist by the government of the United States, or any agency thereof, if such person provides respiratory therapy solely under the direction or control of the organization by which such person is employed;

(b) any person pursuing a supervised course of study leading to a degree or certificate in respiratory therapy in an educational program approved by the board if such activities and services constitute a part of a supervised course of study and if such person is designated by a title which clearly indicates such person's status as a student or trainee;

(c) any person fulfilling the supervised field work experience requirements of section 8, if such activities and services constitute a part of the experience necessary to meet the requirements of that section;

~~(d) any person employed by or working under the supervision of a respiratory therapist as a respiratory technician;~~

(e) any person performing respiratory therapy services in this state who is not ~~licensed~~ registered under this act, if such services are performed for no more than 90 days in a calendar year in association with a respiratory therapist ~~licensed~~ registered under this act and if: (1) Such person is registered or licensed under the law of another state which has licensure requirements recognized by the board of this state as equal to or greater than the ~~licensure~~ registration requirements of this state, or (2) such person meets the requirements for certification as a respiratory therapist or a certified

respiratory technician established by the national board of respiratory care; or

(f) (e) persons licensed to practice any branch of the healing arts, licensed professional nurses, licensed practical nurses, or physical therapists, ~~from using respiratory therapy procedures incidental to their profession~~ when practicing their profession under the statutes applicable to their profession.

~~New Sec. 6. The board may grant a limited permit to persons who have completed the education and experience requirements of this act. This permit shall allow the person to practice respiratory therapy in association with a licensed respiratory therapist and shall be valid until the date on which the results of the next qualifying examination have been made public. This limited permit may be renewed by appeal to the board if the applicant has failed the examination.~~

New Sec. 7 6. There is established a respiratory therapist council to assist the board in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas. ~~One~~ appointed as follows: One member shall be a physician licensed by the board to practice medicine and surgery. ~~One; one~~ member shall be the secretary of the board of healing arts. ~~Three; and three~~ members shall be respiratory therapists or, prior to January 1, 1987, persons qualified under this act to be registered as respiratory therapists. The board shall appoint persons to membership on the council for terms of four years and until their successors are appointed and qualified except that of the three respiratory therapist members first appointed one shall be appointed for a term of two years, one shall be appointed for a term of three years and one shall be appointed for a term of four years. The board ~~may delegate powers and duties granted to the board under this act to the council as it deems proper, including the examination of applicants and the carrying out of the mechanics and procedures necessary to administer this act.~~ No member shall serve more than two successive terms on the council. When a

vacancy occurs on the council, the Kansas respiratory therapy association shall recommend respiratory therapists to the board governor in a number equal to at least twice the vacancies to be filled, and the ~~board shall~~ governor may appoint members to fill the vacancies from the submitted list. The ~~board~~ governor, insofar as possible, shall appoint persons from different geographical areas and persons who represent various types of respiratory therapy treatment.

New Sec. 7. The board shall pass upon the qualifications of all applicants for examination and registration, provide for and conduct all examinations, determine the applicants who successfully pass the examination, duly register such persons and adopt rules and regulations as may be necessary to administer the provisions of this act. The board shall keep a record of all proceedings under this act and a roster of all persons registered under this act. Except for the power to adopt rules and regulations, the board may delegate powers and duties granted to the board under this act to the council as the board deems proper, including the examination of applicants and the carrying out of the mechanics and procedures necessary to administer this act.

New Sec. 8. An applicant applying for a license registration as a respiratory therapist shall file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

(a) Education: The applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in respiratory therapy recognized by the board.

(b) Experience: The applicant shall submit to the board evidence of having successfully completed a period of supervised field work at a minimum recognized by the board.

(c) Examination: An The applicant ~~for--license--as-a respiratory-therapist~~ shall pass an examination as provided for

in section 9 of this act.

(d) Fees: The applicants shall pay to the board all applicable fees established under section 11.

New Sec. 9. (a) Each applicant for license registration under this act shall be examined by written examination required by the board to test the applicant's knowledge of the basic and clinical sciences relating to respiratory therapy, and respiratory care theory and practice, including the applicant's professional skills and judgment in the utilization of respiratory therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice.

(b) Applicants for license registration shall be examined at a time and place and under such supervision as the board may determine. Examinations shall be given at least twice each year at such places within this state as the board may determine and the board shall give reasonable public notice of such examinations at least 60 days prior to their administration.

(c) Applicants may obtain their examination scores and ~~may review their papers in accordance with rules and regulations established by the board.~~

New Sec. 10. (a) The board shall waive the examination and grant a ~~license~~ registration to any person who applies for registration on or before ^{July 1, 1987} January 1, 1987, and who was registered immediately prior to the effective date of this act as a respiratory therapist by the ~~nation~~ national board of respiratory care or who was employed as a respiratory therapist for the purpose of providing respiratory therapy immediately prior to the effective date of this act. *2 of last 3 yrs.*

(b) The board may waive the examination, education or experience requirements and grant a ~~license~~ registration to any applicant who presents proof of current licensure or registration as a respiratory therapist in another state, the District of Columbia or territory of the United States which requires standards for licensure or registration determined by the board

to be equivalent to or exceed the requirements for license registration under this act.

(c) At the time of making an application under this section, the applicant shall pay to the board the application fee as required under section 11.

New Sec. 11. The board shall ~~issue a license to any person who meets the requirements of this act upon payment of the license fee prescribed by the board.~~ charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

<u>Application fee, not more than.....</u>	<u>\$40</u>
<u>Examination fee, not more than.....</u>	<u>40</u>
<u>Biennial registration renewal fee, not more than.....</u>	<u>40</u>
<u>Registration late renewal fee, not more than.....</u>	<u>80</u>
<u>Registration reinstatement fee, not more than.....</u>	<u>40</u>
<u>Certified copy of registration, not more than.....</u>	<u>20</u>

New Sec. 12. (a) The board may deny, refuse to renew, suspend or revoke a license registration or may impose probationary conditions where the licensee registrant or applicant for license registration has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a ^{registration} license by means of fraud, misrepresentation or concealment of material facts;

(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board or violating the code of ethics adopted and published by the board;

(3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a respiratory therapist;

(4) violating any lawful order or rule and regulation rendered or adopted under this act; and

(5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon a license registration may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. One year from the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement shall be accompanied by the registration reinstatement fee established under section 11.

New Sec. 13. Foreign trained respiratory therapists shall satisfy the examination requirements of section 8. The board shall require foreign trained applicants to furnish proof of completion of educational and supervised field work requirements, substantially equal to or greater than those contained in section 8 prior to taking the examination.

New Sec. 14. (a) Licenses Registrations issued under this act shall be effective for a period of ~~time-established-by-the-board~~ ^{One} two years and shall expire at the end of such period of time unless renewed in the manner prescribed by the board, upon the payment of ~~a-renewal-fee-prescribed-by-the-board~~ the biennial registration renewal fee established under section 11. The board may establish additional requirements for license registration renewal which provide evidence of continued competency. The board may provide for the late renewal of a license registration upon the payment of a late fee established under section 11, but ~~not~~ no such late renewal of a license registration may be granted more than five years after its expiration.

(b) A person whose license registration is suspended shall not engage in ~~the-licensed-activity,-or-in-any-other~~ any conduct or activity in violation of the order or judgment by which the license registration was suspended. If a license registration revoked on disciplinary grounds is reinstated, the licensee

registrant, as a condition of reinstatement, shall pay the biennial registration renewal fee and any late fee that may be applicable.

New Sec. 15. ~~{a}-The-board-shall-fix-by-rule-and-regulation fees--in--amounts--determined--by--the--board--for--the--purposes authorized-in-this-act-and-may-adopt-such-rules--and--regulations as--may--be-necessary-to-carry-out-the-purposes-of-this-act.--The board-shall-keep-a-record-of-all-proceedings-under-this-act-and-a roster-of-all-persons-licensed-under-the-act.--The-roster--shall show--the--name, address, date-and-number-of-the-original-license and-the-renewal-thereof.~~

{b} The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person designated by the president of the board.

New Sec. 16. (a) ^{July 1, 1987} On and after January 1, 1987, it shall be unlawful for any person who is not ~~licensed~~ registered under this act as a respiratory therapist or whose ~~license~~ registration has been suspended or revoked to use, in connection with such person's name or place of business, the words "respiratory therapist," "~~licensed~~ registered respiratory therapist," "respiratory care practitioner" or any other words, letters, abbreviations or insignia indicating or implying that such person is a respiratory therapist or who in any way, orally, in writing, in print or by sign, directly or by implication, represents oneself as a respiratory therapist.

(b) Any violation of this section shall constitute a class C misdemeanor.

New Sec. 17. When it appears to the board that any person is violating any of the provisions of this act, the board may bring an action in a court of competent jurisdiction for an injunction against such violation without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

New Sec. ~~17~~ 18. All state agency adjudicative proceedings under sections 1 to ~~18~~ 19, inclusive, shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.

New Sec. ~~18~~ 19. If any section of this act, or any part thereof, is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.

Sec. ~~19~~ 20. K.S.A. 75-3170a is hereby amended to read as follows: 75-3170a. (a) The 20% credit to the state general fund required by section 15 and K.S.A. 1-204, 2-2609, 2-3008, 9-1703, 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701, 20-1a02, 20-1a03, 34-102b, 44-926, 47-820, 49-420, 55-131, 55-155, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-2011, 65-2418, 65-2855, 65-2911, 65-4610, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-2902a, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1509 and acts amendatory of any of the foregoing including amendments by other sections of this act is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a) of this section, shall be deemed to authorize remittances to be made less frequently than

is authorized under K.S.A. 75-4215 and amendments thereto.

(c) Notwithstanding any provision of any section referred to in or amended by this act or referred to in subsection (a) of this section, whenever in any fiscal year such 20% credit to the state general fund in relation to any particular fee fund is \$200,000, in that fiscal year the 20% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund, except as otherwise provided in subsection (d) of this section.

(d) Notwithstanding any provision of K.S.A. 2-2609 and 2-3008 and amendments thereto or any provision of any section referred to in subsection (a) of this section, the 20% credit to the state general fund no longer shall apply to moneys received from sources applicable to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund, as specified for each such fund by this subsection, and for the remainder of a fiscal year the full 100% of the moneys so received shall be credited to the appropriate fund of such funds, whenever in any fiscal year:

(1) With respect to the wheat commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the wheat commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year;

(2) with respect to the Kansas corn commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas corn commission fund during the preceding fiscal year

bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding year;

(3) with respect to the Kansas grain sorghum commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas grain sorghum commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year; and

(4) with respect to the Kansas soybean commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas soybean commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year.

Sec. 20 21. K.S.A. 75-3170a is hereby repealed.

Sec. 21 22. This act shall take effect and be in force from and after its publication in the statute book.