

Approved 4-2-86
Date

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 24, 1986 in room 423-S of the Capitol.

All members were present except:

Rep. Blumenthal, Rep. Runnels, Rep. Wagnon, Rep. Bideau, excused.

Committee staff present:

Emalene Correll, Research
Norman Furse, REvisor
Sue Hill, Secretary to Committee

Conferees appearing before the committee:

David O'Brien, Grants Administrator for Youth Services, Dept. of SRS
Bill McGuire, Asst. Director of Physician Assistant Program Wichita State Univ.
Jerry Slaughter, Kansas Medical Society
Tom Bell, Kansas Hospital Association

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

Chairman called meeting to order, asking members to note that SB 501 passed out of committee on March 18th and placed on consent calendar had been withdrawn from consent calendar. He asked Rep. Friedeman if he would carry the bill to the Floor of the House, he agreed to do so.

Chair drew attention to a proposed Resolution, (see attachment No.2), that speaks to issues and concepts in HB 2466, HB 2491, and HCR 5015. This is an all new replacement for other Bills that committee had directed Staff to have drawn up. Chair asked wishes of members. Rep. Harder made a motion to have this Resolution be introduced, seconded by Rep. Cribbs, motion carried.

Hearings began on:

SB 670:
Rep. Hassler explained the bill in detail. At the present time there has been a staff member of the SRS office to sit in on the meetings of the Advisory Committee Board and provide minutes for these meetings. It has been the wishes of this Board that a part-time or full-time person be made available for these duties, and to maintain an office to dispatch necessary mailings, and to coordinate activities of the several State Departments in-put to this Board. Page 2 of SB 670 speaks to Advisory Committee employing said coordinator and to have salary fixed by this Committee and approved by the Governor. She answered a few questions, i.e., the work load would determine whether or not the job would be part-time or full-time.

Mr. David O'Brien, Department of SRS spoke to the Department's support of SB 670. They are well aware that the charges to this Advisory Committee are massive, and that help from a Coordinator will help immensely. As Grants administrator for Youth Services in Department of SRS, he sits in on the Advisory Committee's meetings and also sees the need for a Coordinator.

Hearings closed on SB 670.

Hearings began on HB 3023:--

Chair invited Larry Buening, council for Ks. Board of Healing Arts to speak to members in regard to position of their Board in respect to HB 3023. This bill was requested by Mr. Don Strole, General Council for the Board of Healing Arts, who no longer is employed by the Board.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on March 24, 1986

Hearings continued on HB 3023:

Mr. Larry Buening stated he was attempting to have minutes of their February Board meeting when this bill request was discussed made available to members of Public Health and Welfare Committee. Mr. Buening stated that Mr. Strole's resignation had been submitted the day before the February 8th meeting, to be effective immediately, and so Mr. Buening was asked to serve their Board as active General Council at that February 8th meeting. There was no definitive action taken in the regard to this bill request, however they did approve the concept of increasing fees for PA, from \$10 and not to exceed \$50, and also approved the concept set forth in lines 180-184, but took no real position on this. They liked the idea, and felt protocol should be developed by the hospitals in this respect, but also felt it was up to the legislature as to whether or not mandate such procedures relating to PA's working in medical care facilities. On the issue of disciplinary action for PA's as opposed to doctors disciplining them, their Board had varying opinions and Board did remain somewhat neutral on a decision. He said the minutes of that February 8th meeting should indicate as to whether their Legislative Committee submitted to their entire Board as a whole in December and what action was taken at that time. He stated, he believed their Legislative Committee felt this was an appropriate piece of legislation, but whether there was formal action taken he could not say. He answered questions.

Mr. Bill McGuire, Asst. Director of PA program at Wichita State University gave a hand-out to members, (see Attachment No.3), for details. He gave his credentials, then stated they began working on this project last year because of the concerns Mr. Strole had about disciplinary action for PA's. He followed his hand-out, noting the first 5 are housekeeping type changes. The latter two are items that should have been included in the original act. He gave a detailed explanation of these recommendations, i.e., change throughout the act "Physicians' Assistants" to Physician Assistants". It is a grammatical error; also to increase renewal fee to "not more than \$50."; to delete lines 43-45 to submit proof of high school graduation; to delete lines 53-56 that speak to experience received in armed forces in relation to PA's; insert requirement on Page 2, (b), the PA notify Board of termination or change of employment; add language on Page 3, Sub. (b), line 116, a provision for removing registration of PA who has not worked for 5 years, acting outside scope of authority given PA's or because of the request of physician. The last recommendation is, to add subsection (c), Page 5, lines 180-184, "a medical care facility employing physician assistants pursuant to this section shall adopt policies and protocol establishing scope of employment of the PA and identifying those acts which can be performed by a PA. Mr. McGuire said this is a restatement of current American Medical Association and American Hospital Association policy. He then answered questions from members, i.e., the requirements for a PA are, graduating from an approved Medical Association program, and passing the examination. Informally trained personnel could take this examination up through 1985, but those with informal training no longer can become a PA without the training program now required.

There was some discussion at this point in regard to, the law does not say that the PA applicant has to pass the exam given by the Ks. Board of Healing Arts, it could be an examination given by the National Organization or recommended by them would also be within the law. There was discussion in regard to those informally trained in the Military Forces; also, the current act allows for hospital to hire a PA, but they are required to have a supervising physician be responsible for the PA.

At this point discussion ensued in regard to the liability issue in HB 3023.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 a.m./p.m. on March 24, 1986.

Hearings continue on HB 3023:

Jerry Slaughter, Kansas Medical Society spoke to HB 3023, saying their Society would have wished the PA's would have contacted them before making these recommendations in request of HB 3023. The Medical Society takes issue with language in lines 180-184. This subsection seems to give the hospital authority to establish what the PA may or may not do, and this is contrary to the original intent of duties of a PA. We believe language in lines 175-179 give hospitals adequate authority to govern what PA's do in a hospital. Also subsection (b) also provides adequate protection in the case of PA's and we feel giving hospitals specific authority to establish what PA's may do or may not do is inappropriate. He stated again that lines 180-184 are in their views, unnecessary. He answered questions, i.e., yes, I think this language blurs the relationship between the PA and the physician as it relates to what goes on in the hospital; no, he was not aware of any judgements against PA's, but of course there is against the physicians. The point I am trying to make he said, is that Sub. (c), instead of trying to clarify the law, muddies the law; also, when a physician wants to utilize a PA in the hospital setting he generally works in consultation with the medical staff or the administration as to what is appropriate and they work out a policy to follow. He stated their Society has been very supportive of PA program and PA's in general, and they endorse the concept here, he said, but do not want the original intent of the bill to be changed.

Tom Bell, Kansas Hospital Association spoke to HB 3023, saying he agreed with Mr. Slaughter in that Sub. (c) appears to be unnecessary to the extent that the PA's duties are already defined by law, and it also holds the potential to conflict with other parts of the law. He answered questions.

Discussion at this point about termination of a PA. If a PA is terminated from working with a physician, because of improper work, or activity, he would not be de-certified, but could not work until he was properly employed by another physician.

Hearings closed on HB 3023.

Chair asked wishes of committee in regard to SB 670. It was determined there is some work on amendments forthcoming, so members will wait until this is available before taking any further action on the bill.

Meeting adjourned at 2:35 p.m.

GUEST REGISTER

DATE 3-24-86

HOUSE

PUBLIC HEALTH AND WELFARE

Date 3-24-86

NAME	ORGANIZATION	ADDRESS
David O'Brien	SRS-Youth Services	Topeka
Julie Williams	WSU PA program	Wichita, Ks
Susan Parker	WSU PA program	Wichita
Bill McGuire	Ks Acad. of PA / WSU / PA Prog	Wichita
Russell McGuire		Wichita
Joe Moore	WSU PA prog / Ks Acad. of PA	Wichita
Charlene Abbott	Bd. of Healing Arts	Topeka
Belva Ott	PPK	Wichita
Nickie Stein RN	KSNB	Topeka

Attachment 1
3-24-86
Hs. PHW

HOUSE CONCURRENT RESOLUTION NO. _____

A CONCURRENT RESOLUTION directing the secretary of aging, the secretary of health and environment and the secretary of social and rehabilitation services to jointly develop a plan for providing community long-term care services for the elderly in Kansas.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the secretary of aging, the secretary of health and environment and the secretary of social and rehabilitation services shall jointly develop a comprehensive plan for providing community alternative long-term care services for the elderly through the various state and community agencies, which plan shall include: (a) An analysis of the need for community alternative long-term care services in the state; (b) the goals and objectives for community long-term care services; (c) recommendations for implementation, including methods for enhancing family support; (d) analysis of gaps in programs and service; (e) methods of coordination of efforts among the appropriate state agencies and between the state agencies and community agencies; (f) an estimate of the costs of such services; and (g) any anticipated cost savings and efficiencies; and

Be it further resolved: That services to be considered and analyzed shall include, but not be limited to, the following: (1) Respite services; (2) long-term care; (3) adult day care; (4) companion and sitter; (5) physical, occupational and speech therapy; (6) nutrition services; (7) home health aide services; (8) handyman services; (9) chore and homemaker services; (10) counseling services; (11) transportation for care; (12) adult day health services; and (13) family support services; and

Be it further resolved: That the secretary of aging,

*Attn. # 2
3-24-86
Hs. PHW*

secretary of health and environment and secretary of social and rehabilitation services shall prepare and submit to the governor and the legislature prior to December 31, 1987, a report concerning the comprehensive plan developed pursuant to this resolution; and

Be it further resolved: That the secretary of state be directed to transmit a copy of this resolution to the secretary of aging, the secretary of social and rehabilitation services and the secretary of health and environment.

1. Change throughout the act Physicians' Assistants to Physician Assistants, i.e. delete the "s'" from the title. This is a grammatical error and is no more correct than Dentals' Hygienist would be. This also falls in line with what is being done by the national organization and most other states already.

2. Increase renewal fee in 65-2896 to "not more than \$50.00." All the other groups under the Board of Healing Arts have already been increased and this simply keeps up with inflation. The Board has already approved an increase to \$25.00 for renewals.

3. Delete a(1) of K.S.A. 65-2896a, which requires applicants to submit proof of high school graduation. This apparently was required mainly for those Physician Assistants that were informally trained, however now that they can no longer take the Certifying examination given by the National Commission for Certifying Physician Assistants, they would be ineligible for Registration in any case.

4. Delete last clause from K.S.A. 65-2896a(2) "or presented to the state board of healing arts proof that the applicant has acquired experience while serving in the armed forces of the United States which experience meets the minimum requirements established by the state board of healing arts." As stated in item #3 above these people can no longer meet other requirements for registration. There has been more than adequate time for all these people to have become registered already, and the Military now have their own training programs for PAs.

*Attn. # 3
3-24-86
Hs. PHW*

5. In K.S.A. 65-2896a(b) insert a requirement that the RPA notify the Board of termination or change of employment. This is just to help with bookkeeping and keeping up with changes, it will make both the Physician and the RPA responsible for this in the hope that at least one of them will do it.

6. In K.S.A. 65-2896b(b) add at the end of the section "or has committed an act which would constitute a violation of K.S.A. 65-2836, or 65-2837, if the act had been committed by a licensee of the Board.

Currently there is no provision for removing the registration of a Physician Assistant other than as stated in 65-2896b which includes;

-A request by the Physician Assistant.

-A person who has not worked as a PA for five years.

-Acting outside the scope of authority given that PA by his/her responsible Physician or this act.

Thus a PA can commit murder, rape, sell drugs, etc. and the board of healing arts cannot remove his/her registration.

7. Add subsection (c) to K.S.A. 65-2896h

"(c) a medical care facility employing physician assistants pursuant to this section shall adopt policies and protocol establishing the scope of employment of the physician assistants and identifying those acts which can be performed by a PA. This is just a restatement of current American Medical Association, and American Hospital Association policy.