

Approved 1-28-86  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at  
Chairperson

10:00 a.m. ~~xxx~~ on January 23, 19 86 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Norman Furse, Clarene Wilms

Conferees appearing before the committee:

Barbara Sabol, Secretary, Department of Health and Environment  
Everett L. Willoughby, Executive Director, State Board of Pharmacy  
Gary Robbins, Executive Director, Kansas Optometric Association

Others attending: See attached list

Secretary Barbara Sabol appeared to request a committee bill relating to maternity hospitals or homes for children; also license and registration fees. Attachment I Senator Francisco made a motion to accept this bill. Senator Anderson seconded the motion and the motion carried.

Everett L. Willoughby, Executive Director, State Board of Pharmacy appeared to request a committee bill or bills covering a spectrum of eight items. Attachment II Due to the numerous objections to individual items it was ruled by Chairman Ehrlich that each of the eight items proposed be handled individually and a rough bill draft for each be brought back to the committee for consideration.

Senator Morris requested a committee bill dealing with the children and youth trust fund that would permit a portion of the fund be used to hire a co-ordinator on approved projects. It would take statutory language to accomplish this. Senator Morris made the motion to accept this bill. Senator Francisco seconded the motion and the motion carried.

Gary Robbins, Executive Director, Kansas Optometric Association requested a committee bill for legislation that would up date the optometric practice act. This could allow optometrists to use topically applied pharmacological agents for treatment of primary red eye problems and to remove foreign bodies. A requirement of additional continuing educational hours would also be included. Attachment III Senator Francisco made the motion to accept the bill; Senator Riley seconded the motion. The motion carried.

Meeting adjourned.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 1-23-86

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

JERRY JAWCZAK

HHS

Gary Robbins

Ks Opt Assn

Jay Hauer

Ks Opt Assoc

HAROLD P. TTS

KCOA

Marilyn Bracht

KINH

Steven E. Curtis

Ks. Respiratory Therapy Society

Kevin McFarland

KS. ASSOC OF HOMES FOR AGING

PAT SWANER

DIVISION OF THE BUDGET  
CHRISTIAN SUNDAY SCHOOL  
ON PUBLICATION FOR KANSAS

KEITH R. LINDIS

Ks HEALTH CARE ASSN.

DICK HUMMEL

KS Pharmacists Assoc.

Ken Schattemeyer

KDH+E

Richard Morrissey

Ks Nursing Society

Theresa Hutchison

BILL NO. \_\_\_\_\_  
BY \_\_\_\_\_

AN ACT relating to maternity hospitals or homes and homes for children; license and registration fees; amending K.S.A. 65-506, and 65-521; K.S.A. 1985 Supp. 65-505, <sup>and</sup> 65-519 and repealing the existing sections.

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

Section 1. K.S.A. 1985 Supp. 65-505 is hereby amended to read as follows: 65-505. (a) Except as otherwise provided in this section, the fee for a license to conduct a maternity hospital or home, or home for children shall be fixed by the secretary of health and environment by rules and regulations. Such fee shall not exceed ~~\$12.50~~ \$15.00 except that for a hospital or home which is licensed to care for ~~five~~ 13 or more residents such fee shall not exceed ~~\$35~~ \$75.00. Such fee shall be paid to the secretary of health and environment when the license is applied for and is not refundable. ~~No fee shall be charged for a license to conduct a home for children which is a family foster home as defined in K.A.R. 28-4-311 and amendments thereto.~~ The secretary of health and environment shall remit all moneys received by the secretary from fees under the provisions of this section 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, and such amount shall be credited to the state general fund.

(b) The fees established by this section immediately prior to July 1, ~~1982~~ 1986, shall continue in effect until different fees are fixed by rules and regulations in accordance with subsection (a) of this section.

Sec. 2. K.S.A. 65-506 is hereby amended to read as

follows: 65-506. The secretary of health and environment shall serve written notice to the secretary of social and rehabilitation services ~~and to the judge of the district court~~ and to the county, city-county and multi-county department of health in every city and county in which a maternity hospital or home, or home for children is located, of the issuance of a license to conduct such hospital or home, or the revocation of such license; and the secretary of social and rehabilitation services, ~~the judge of the district court or other officer~~ or any person shall not place or cause to be placed any maternity patient or child under sixteen (16) years of age in any maternity hospital or home, or home for children not licensed by the secretary of health and environment.

Sec. 3. K.S.A. 1985 Supp. 65-519 is hereby amended to read as follows: 65-519. (a) The secretary shall issue a certificate of registration to any person who applies for registration on forms furnished by the secretary, who attests to the safety of the family day care home for the care of children, who submits a fee not to exceed \$5.00 payable to the secretary of health and environment, and who certifies that no person described in paragraph (1), (2), (3), (4), (5) or (6) of subsection (a) of K.S.A. 65-516 and amendments thereto resides, works, or volunteers in the family day care home.

(b) The secretary shall furnish each applicant for registration a family day care home safety evaluation form to be completed by the applicant and submitted with the registration application.

(c) The certificate of registration shall be renewed annually in the same manner provided for in this section.

(d) The secretary of health and environment shall remit all moneys received by the secretary from fees under the provisions of this act to the state treasury at least monthly. Upon receipt of such any such remittance the state treasurer shall

deposit the entire amount thereof in the state treasury, and such amount shall be credited to the state general fund.

Sec. 4. K.S.A. 65-521 is hereby amended to read as follows: 65-521. The secretary may deny, revoke or refuse to renew a certificate of registration upon determination by the secretary that the registrant falsified information on the application or willfully and substantially has violated K.S.A. 65-516 to 65-522, inclusive. The secretary shall not revoke or refuse to renew any certificate without first giving notice and conducting a hearing in accordance with the provisions of the Kansas administrative procedure act.

Sec. 5. K.S.A. 65-506, and 65-521; K.S.A. 1985 Supp. 65-505 and 65-519 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

KANSAS STATE BOARD OF PHARMACY

Everett L. Willoughby  
Executive Secretary

- 1) Amend K.S.A. 65-1629 to allow for inspection of out-of-state pharmacies.
- 2) Amend K.S.A. 65-1631(f) to eliminate the one-year waiting period for reciprocity into Kansas after previous failure of examination in Kansas.
- 3) Amend K.S.A. 65-1637a to broaden the Board of Pharmacy's authority to regulate institutional drug rooms, i.e. labeling, distribution.
- 4) Establish a new section authorizing the Board of Pharmacy to regulate nuclear pharmacies.
- 5) Amend K.S.A. 65-1633 to require pharmacists to notify the Board of Pharmacy within 30 days of any change of principal place of employment.
- 6) Amend K.S.A. 65-1645 to establish the Board of Pharmacy's statutory authority to charge a fee for the registration of pharmacies in county health departments/family planning clinics.
- 7) Amend K.S.A. 65-1648(d)(1) to clarify the Board of Pharmacy's authority to regulate the labeling and distribution of drugs by county health departments/family planning clinics.
- 8) Amend K.S.A. 65-4122 to clarify requirements for using the controlled substances order form.

1/23/86

Attachment II  
S. PH&W

Attachment II

65-1501. Practice of Optometry Defined.

The practice of optometry means: The examination of the human eyes and their adnexae and the employment of objective or subjective means or methods including topical pharmacological agents for the purpose of diagnosing the refractive, muscular, or pathological condition thereof; the prescribing use or adapting of lenses, prisms, orthoptic exercises, and visual training therapy for the relief of any insufficiencies or abnormal conditions of the human eyes and their adnexae; the prescribing or use of topical pharmacological agents for the relief of any insufficiencies or abnormal conditions of the human eyes and their adnexae; and the removal of foreign bodies that are not intraocular from the human eyes and their adnexae. The practice of optometry shall not include the use of topical pharmacological agents for diagnostic or therapeutic purposes by a person licensed to practice optometry unless such person successfully meets and completes the requirements of K.S.A. 65-1505.

65-1501a. Definitions.

For the purposes of this act the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:

- (a) "Board" means the board of examiners in optometry for the state of Kansas.
- (b) "License" means a license to practice optometry granted under this act.

(c) "Licensee" means a person licensed under this act to practice optometry.

(d) "Diagnostic Certified Licensee" means a person licensed under this act certified by the board to use topical pharmacological agents for diagnostic purposes.

(e) "Therapeutic Certified Licensee" means a person licensed under this act certified by the board to use topical pharmacological agents for therapeutic purposes.

(f) "Adapt" means the determination, selection, fitting or use of lenses, prisms, orthoptic exercises or visual training therapy for the aid of any insufficiencies or abnormal conditions of the eyes after or by examination or testing.

(g) "Lenses" means any type of ophthalmic lenses, which are lenses prescribed or used for the aid of any insufficiencies or abnormal conditions of the eyes.

(h) "Prescription" means the specifications and directions for lenses, prisms, orthoptic exercises or visual training therapy to be used for the aid of any insufficiencies or abnormal conditions of the eyes, including instructions necessary for the fabrication or use thereof and the directions for use of topical pharmacological agents. All prescriptions shall contain an expiration date.



65-1505. Qualifications of Practitioners; Examinations; Fees; exceptions.

(a) Persons entitled to practice optometry in Kansas shall be those persons heretofore lawfully licensed and every person who is hereafter licensed in accordance with the provisions of this act. Every optometrist holding a valid license in effect at the time this act takes effect shall be deemed to be a licensed optometrist under this act, and every licensed optometrist certified or authorized by the board to use topical pharmacological agents for diagnostic purposes at the time this act takes effect shall be deemed to be a diagnostic certified licensee under this act. A person shall be deemed qualified to be licensed and to receive a license as an optometrist: (1) Who is of good moral character; and in determining the moral character of any such person, the board may take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure; (2) who has graduated from an accredited school or college of optometry; and (3) who successfully passes an examination given by the board.

(b) All applicants for licensure on or after July 1, 1986, shall be required to take and successfully pass an examination required by the board to topical pharmacological agents for diagnostic and therapeutic purposes before being licensed to practice optometry and certified to use topical pharmacological agents for diagnostic and therapeutic purposes.

All licensees on or after July 1, 1986, desiring to use topical pharmacological agents for diagnostic and therapeutic purposes shall be required to take and successfully pass an examination required by the board before being certified by the board to use topical pharmacological agents for diagnostic and therapeutic purposes.

(c) All persons desiring to take the examination relating to diagnostic and therapeutic pharmacological agents shall be required to submit satisfactory evidence to the board of having successfully completed a course approved by the board in didactic education and clinical training in the examination, diagnosis and treatment of conditions of the human eyes and their adnexae totalling 100 hours.

(d) Any person desiring to be examined by the board must fill out and swear to an application furnished by the board, accompanied by a fee fixed by the board in an amount of not to exceed seventy-five dollars (\$75), and file the same with the secretary of the board at least thirty (30) days prior to the holding of an examination which the applicant is desirous of taking. At such examinations the board shall examine each applicant in subjects taught in an accredited school or college of optometry, as may be required by the board. If such person complies with the other qualifications for licensing and passes such examination, such person shall receive from the board, upon the payment of a fee fixed by the board in an amount of not to

exceed fifteen dollars (\$15), a license entitling such person to practice optometry. In the event of the failure on the part of the applicant to pass the first examination, such person may, with the consent of the board, within eighteen (18) months, by filing an application accompanied by a fee fixed by the board in an amount of not to exceed thirty-seven dollars and fifty cents (\$37.50) take a second examination; for the third and each subsequent examination a fee fixed by the board in an amount of not to exceed twenty-two dollars and fifty cents (\$22.50).

(e) Any applicant may be licensed and issued a license if the applicant presents a certified copy or certificate of registration or license which has been issued to the applicant by any other state where the requirements for such licensure are deemed by the board to be equivalent to those of this act, if such state accords a like privilege to holders of a license issued by the Kansas state board of examiners in optometry. The fee for licensing such applicants shall be fixed by the board in an amount of not to exceed seventy-five (\$75).

65-1509a. Continuing Education Requirement; Notice; Revocation of License for Failure; Reinstatement.

In addition to the payment of the license renewal fee, each licensee applying for license renewal, shall furnish to the secretary of the board satisfactory evidence of successfully completing a minimum of 20 hours of continuing education programs conducted by the Kansas state optometric association, or its equivalent, in the year just preceding such application for renewal of license. The board may in its discretion increase the required hours of continuing education by rule and regulation adopted by the board. The secretary of the board shall send a written notice of continuing education requirements to this effect to every person holding a valid license to practice optometry within the state at least thirty (30) days prior to the first day of May in each year, directed to the last-known address of such licensee.

In the event that any licensee shall fail to meet such continuing education requirement, his or her license may be revoked by the board after twenty (20) days' notice is given to the licensee of the time and place of a hearing on such revocation. The board may reinstate such licensee to practice optometry upon the presentation of satisfactory evidence of completion of the annual continuing education requirement approved by the board and upon the payment of all fees due.