

Approved 4-1-86  
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. ~~p.m.~~ on March 26, 1986 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research  
Norman Furse, Revisors Office  
Clarene Wilms, committee secretary

Conferees appearing before the committee:

Representative Marvin Littlejohn  
Tom Bell, Kansas Hospital Association  
Mack Smith, Executive Director, State Board of Embalming

Written testimony from Topeka Resource Center for the Handicapped

Others attending: See attached list

Written testimony concerning HB-2498 was presented to committee members.  
Attachment I

HB-2843 - An Act concerning county hospitals; relating to terms of office of members of county hospital boards;

Representative Littlejohn, sponsor of HB-2843 testified in favor of the bill. He stated the major thrust of the bill was to prevent election of the majority of members of a board at the same time. These hospital boards handle management of funds, approve qualifications of physicians and are involved in all operations of the hospital. A changeover in the majority of board members means that a lack of experience prevails. It was pointed out that a technical change in the bill on line 059 was made on the advice of the Revisors office.

Tom Bell, Kansas Hospital Association, testified and presented written testimony supporting HB-2843. Attachment II It was stated that health care is in a period of rapid change and relationships are changing as the industry becomes increasingly complex.

HB-3015 - An Act concerning pharmacists; providing for the licensure thereof;

No conferees appeared on HB-3015. Staff stated that this bill carries out the recommendations of the interim special committee on public health and welfare. During the study on credentialing the committee became aware that there are two sets of credentialed groups in the state that do not meet the definitions in the credentialing act. The two groups are the doctoral level of psychologists and the pharmacists. Pharmacists have been referred to as registered pharmacists since first credentialed because registered pharmacists was a term used to identify pharmacists. However, they have been licensed since the enactment of the pharmacy practices act. This bill is the result of the interim committee request and the bills change the terminology that applies to pharmacists from registered to licensed and the terminology to apply to P.H.D. psychologists from certified to licensed.

HB-3022 - An Act concerning the state board of mortuary arts; relating to educational requirements of licensees; concerning reciprocal licenses;

Mack Smith stated that there are two changes in HB-3022, one dealing with the educational requirements for licensed embalmers allowing them to complete 60 hours education either prior to or after completing a course in mortuary science and one to allow reciprocal licensing.

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 SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 26, 1986.

Senator Mulich made a motion to place HB-3022 on the consent calendar with a second from Senator Hayden.

Senator Walker made a substitute motion to strike Section 1 on HB-3022. Senator Morris seconded the motion. Brief discussion followed and the motion carried.

Senator Walker made the motion to pass out favorable HB-3022 as amended. Senator Salisbury seconded the motion and the motion carried.

HB-3015 was presented to the committee for action. Senator Salisbury moved that HB-3015 be passed out favorable and placed on the Consent Calendar. Senator Morris seconded the motion and the motion carried.

HB-2843 was presented for action to the committee. Senator Walker moved that HB-2843 be passed out favorable. Senator Mulich seconded the motion and the motion carried.

HB-2533 was discussed. There are technical changes, other changes and amendments offered by Steve Curtis. A balloon will be presented to the committee tomorrow on HB-2533.

Meeting adjourned at 10:40 a.m.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE  
DATE 3-26-86

(PLEASE PRINT)  
NAME AND ADDRESS

KEITH R. LANDIS  
Steven Coates  
Tom Bell  
Elizabeth C. Saylor

ORGANIZATION

CHASTAIN SENATE COMMITTEE  
on Public Health and Welfare  
Ks. Respiratory Therapy Soc.  
KHA  
Ks Occupational Therapy Assn



# TOPEKA RESOURCE CENTER FOR THE HANDICAPPED

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MITCH COOPER, L.M.S.W.  
Executive Director

TO: Senate Public Health and Welfare Committee  
FROM: Michael J. Byington, Outreach Advocate/Case Manager  
SUB: HB-2498 as amended by House Committee  
DATE: March 24, 1986

The Topeka Resource Center for the Handicapped continues to place itself on record as opposing House Bill 2498. TRCH takes no position as to whether Occupational Therapists and Occupational Therapy Assistants should be registered, but stands firm that, if some level of credentialing is to be granted, that level should be registration as wisely determined by the House Committee, and not licensure as the Occupational Therapists want.

The current TRCH opposition to the Bill stems from the wording of new Section V (f). This section, in its current wording, still has a tendency to place other equally qualified adjunctive therapeutic professionals in positions subserviant to O.T.'s and O.T.A.'s. This is inappropriate. A person, for example, holding a Masters degree in Recreation Therapy, Drama Therapy, Dance Therapy, Horticultural Therapy, Rehabilitation Teaching, Art Therapy, or Music Therapy might still end up having to be supervised by a person holding only a Bachelors Degree in Occupational Therapy simply because the Occupational Therapist is registered while other professional modalities do not hold registration. This is a gross misuse of Kansas credentialing law. The solution would be to rewrite new Section V (f).

TRCH proposed amending House Bill 2498 to contain the following wording for that section, "Persons licensed, registered, or certified to practice any branch of the healing arts, licensed professional nurses, licensed practical nurses, physical therapists, clinical psychologists, social workers, art therapists, music therapists, drama therapists, dance therapists, recreation therapists, rehabilitation teachers, instructors for the blind, or horticultural therapists from using occupational therapy procedures when practicing their profession and under statutes and/or certification procedures applicable to their profession."

With the above amendment, TRCH would become neutral on House Bill 2498. This amendment is, however, necessary for the protection of the rights to practice of other adjunctive therapeutic modalities. The general public most certainly would not benefit by limitations of scopes of these practices.

3/26/86  
Attachment I  
S. PH&W

Attachment I

It seems appropriate that a few words be offered regarding the correctness of registration and the incorrectness of licensure for Occupational Therapists. It is understandable that Occupational Therapists and Occupational Therapy Aides wish to attach certain qualifications to those professional identifications. To license, however, involves the exclusive limitation of a scope of practice. The practice of an Occupational Therapist simply is not that exclusive. In fact, all of the practitioners mentioned in the TRCH proposed amendment to (f) practice in areas which overlap areas of Occupational Therapy. These other specialists are often actually better trained and more qualified in these specific areas. They should in no way be set below the Occupational Therapist in terms of professional status. Quality in all of the professions mentioned is assured through national organizations which will be providing certification as defined in provisions of House Bill 2663. (This anticipates passage of House Bill 2663.)

If O.T.'s become licensed, the Topeka Resource Center for the Handicapped would be faced with shutting down approximately one-half of the services it offers. Our Certified Recreation Therapist would be unable to practice without the supervision of an Occupational Therapist. This author, who is a member of the National Association of Drama Therapy, would be unable to practice his craft without supervision of an Occupational Therapist. He would, in fact, possibly have to accept supervision of a person having a Bachelors Degree in Occupational Therapy even though he is credentialed at the Masters level. Furthermore, unless TRCH put an Occupational Therapist on staff to supervise everything and everyone, our Attendant/Homemaker Specialist would have to be fired. This individual has a degree in Spanish Literature which quite obviously is not related to her work in counseling severely disabled individuals as to proper use and training for personal care attendants. Her credentials are that she has been an independent quadriplegic for many years and has in that capacity experiential training which would not be obtainable through any other source. Nonetheless, she fails to be a licensed O.T., and therefore would not be allowed to continue to practice most of the things she does. The consumers of the Topeka Resource Center for the Handicapped services would most definitely suffer from her termination. She does an excellent job as a professional peer counselor, and the carving out of an inappropriately broad licensed scope of practice simply for the protection of the small and greedy group of adjunctive therapeutic practitioners would most clearly cause irreparable harm to services delivered to the individuals with whom my agency works.

While I am principally representing my employer in this effort and in this testimony, I will report that I also serve as registered Kansas lobbyist for the Kansas Association for the Blind and Visually Impaired Inc. This organization also opposes House Bill 2498 in its present form, and even more vehemently opposed it when licensure was advocated for Occupational Therapists. The state has two very specialized positions within its civil service categories which serve blind and visually impaired individuals. These include rehabilitation teachers for the blind and instructors for the blind. Licensure for Occupational Therapists would render

these positions unfillable by anyone but Occupational Therapists because of the definition of work done. Most Occupational Therapists, however, do not begin to possess the skills in mobility teaching, Braille, or other adaptive communications techniques required by blind and visually impaired individuals. Licensure of O.T.'s would be the quickest and most expedient way to drag services for blind individuals provided by the state of Kansas into a deplorable mire of mediocrity.

KANSAS HOSPITAL ASSOCIATION  
TESTIMONY BEFORE THE SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE  
CONCERNING HOUSE BILL 2843

MARCH 26, 1986

The Kansas Hospital Association supports House Bill 2843. We commend Rep. Littlejohn for his recognition of the need for such legislation.

Presently the law states that a simple majority of the board of a county hospital may be selected at any one time. House Bill 2843 would change the law to state that a majority of a county hospital board may not be selected at any one time.

The health care industry is presently in a period of rapid change. Relationships between health care providers are changing as competition plays a bigger part. Relationships between hospitals and their medical staffs are also changing. Methods of payment for health care services are undergoing revolutionary changes. With these changes, all aspects of the industry have become increasingly complex.

House Bill 2843 provides a measure of stability within this framework. The bill assures that a majority of a given county hospital board will always have at least some experience in dealing with these complexities. The Kansas Hospital Association urges your favorable consideration.

Attachment II  
3/26/86 S. PH&W

*Attachment II*