

Approved _____
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. ~~pm~~ on March 31, 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:

Charlene Abbott, State Board of Healing Arts
Written testimony by Cecil H. Farley, D.O., Parsons, President of the Kansas
Association of Osteopathic Medicine Attachment I

Others attending: See attached list

HB-3061 - An Act concerning physical therapy; relating to treatment by a
physical therapist assistant

Charlene Abbott, State Board of Healing Arts requested an opportunity to speak to the committee concerning confusion surrounding HB-3061. Ms. Abbott quoted minutes of the February 8, 1986, meeting, the motion was made by Dr. Uhlig, D.O. that the Board supports that doctors can issue orders to a Physical Therapist Assistant to do physical therapy without prior approval of a Physical Therapist. This was carried with a unanimous vote. On February 15, 1986, the Physical Therapy Examining Committee met and this motion was adopted. The motion was made by Caroline Bloom, Vice President and seconded by Dr. Uhlig that if a Physical Therapist is not available for immediate contact, the Physical Therapist Assistant can initiate treatment by the physician's order according to written protocol established by the Registered Physical Therapist with minimum review of patient care by a registered physical therapist. Ms. Abbott stated that the Board motion was much stronger than what actually came out of the Physical Therapist Examining Committee. She further stated she had been in touch by telephone with Ken Welk, President of the Physical Therapy Examining Committee and the committee still supported the bill as it is written. Ms. Abbott was questioned by members of the committee as to whether or not the physical therapists agreed with using the word "initially" and she stated they agreed with the bill as it was written.

Senator Francisco moved that "initially" be reinserted and strike the language as follows: The last two words on line 035, all of lines 036, 037, 038, 039, 040, and 041. Senator Mulich seconded the motion. Discussion followed with Dr. Walker stating that he felt some doctors are not qualified to issue physical therapy orders. The motion carried. Staff stated that the word "them" on line 35 needed to be stricken and "patients" inserted. Senator Francisco made the motion to change "them" on line 35 to "patients." Senator Mulich seconded the motion and the motion carried. Senator Salisbury moved that HB-3061 be passed favorable as amended. Senator Francisco seconded the motion and the motion carried. Senator Francisco will carry HB-3061 on the senate floor.

Sub. HB-2756 - An Act concerning preschool children; relating to reporting of certain conditions of such children to the secretary of health and environment.

The chairman asked the wishes of the committee regarding SUB HB-2756. Senator Francisco moved that SUB HB-2756 be reported favorable for passage with a second by Senator Hayden. Discussion followed with Dr. Walker stating that he had several problems with this bill, the first being the recording of individuals by name and without parental consent. Secondly he was concerned

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./~~pm~~ on March 31, 1986

regarding the paper work involved for the doctors. Senator Salisbury stated she had heard from one pediatrician who felt this bill was a good one and it seemed to her that the thrust of the bill to gather statistics and aggregate data was good. It appeared that the major problem was parental consent. Senator Salisbury moved that there would be no report at all without parental consent. Senator Riley seconded the motion. Motion carried. Senator Francisco moved that SUB HB-2756 be passed favorable as amended. Senator Mulich seconded the motion and the motion carried. Senator Walker will carry SUB HB-2756 on the senate floor.

HB-2498 - An Act concerning occupational therapy; providing for registration of occupational therapists and occupational therapy assistants by the state board of healing arts; establishing an occupational therapist council; declaring certain acts to be unlawful and providing penalties for violations;

Staff presented a balloon of the bill to committee members. Attachment II Staff went through the bill explaining the various changes, most technical in nature, the fees being raised to cover the national test costs. Senator Salisbury moved that Section 2 definition be omitted. Senator Riley seconded the motion and the motion carried. Senator Salisbury moved to strike Section 5. Senator Hayden seconded the motion and the motion carried. Senator Salisbury moved that the definition be deleted. Senator Mulich seconded the motion and the motion carried. Senator Francisco moved conceptually that the definition not include a person employed as an activity director in an adult care home. Senator Riley seconded the motion. Staff stated that an activity director is not included in the bill due to the fact that Section 5 had been stricken. Senator Riley withdrew his second and Senator Francisco withdrew his motion.

Senator Walker moved that HB-2498 be passed out favorable as amended. Senator Salisbury seconded the motion and the motion carried. Senator Salisbury will carry HB-2498 on the floor.

The chairman stated that he appreciated the cooperation of the committee concerning SB-651 and also thanked Senator Walker who had agreed to meet with the two groups in the interim study concerning this bill.

SB-588 - Senator Francisco discussed SB-588 stating that this bill has brought to light the basic costs and funding of the 24 hour nursing issue. These costs exceed the amount in the governor's budget. Senator Francisco stated that he recommended that the committee either pass the legislation or ask the Ways and Means Committee to look at the cost of funding and put a hold on the regulatory mandate until this matter can be funded.

The chairman stated that we would take up this matter tomorrow when the committee convened.

Meeting adjourned at 11:03 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE
DATE March 31, 1986

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Marilyn Brant
Barbara Sabol
Larry Bunning
Charlene Abbott
HAROLD C. PITTS
John Grace
Gary Robbins
Harold E. Riemer
John Peterson
Dick Hummel
Keith R Landis
LORI BRAX
Joanni Hill
Frances Kastner
Elizabeth E. Jaylor
Masha Hutchison
Tom Bell
JERRY SUNDHATER

WINH
KDHE
Healing Arts Bd
TARTA
KS Homes For Aging
KS Opt Assn
Ks. Ass. Osteopathic Assn.
Ks Assn Prof Psychologists
KHCA
CHRISTIAN SCIENCE COMMITTEE
ON PUBLICATION FOR KANSAS
KS Physical Therapy Assn
" " " "
Ks Occupational Therapy Assn
Ks Medical Society
Ks. Hosp. Assn.
Kills

MEDICAL ARTS CLINIC
OF SOUTHEAST KANSAS, P.A.

2410 MAIN STREET BOX 936
PARSONS, KANSAS 67357

TELEPHONE 316-421-4948

March 28, 1986

Senator Roy Ehrlich
Chairman, Senate Public Health Comm.
Room 138-N - State Capitol
Topeka, Kansas 66612

Dear Senator Ehrlich:

The Exectuive Director of The Kansas Association of Osteopathic Medicine, Harold Riehm, has informed me that there may be some confusion as to the source of HB 3061, the Bill dealing with treatment by Physical Therapist Assistants. Permit me, please, to attempt to clarify that matter.

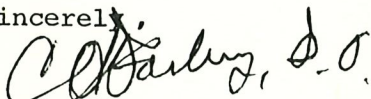
HB 3061 is not an Osteopathic Association proposal, per se. It was introduced in the House at our request, but this was only because the Association played an instrumental role in achieving the compromise that resulted in the Bill providing what it does.

HB 3061 is a recommendation of The Kansas State Board of Healing Arts. The initial resolution approved by the Board of Healing Arts contained much stronger language that HB 3061--it provided that in all instances, PT Assistants would carry out treatment ordered by a physician. Our Association worked closely with the Physical Therapist Examining Committee (A Committee of the Board of Healing Arts) to put together a compromise that was much more acceptable to physical therapists. The resolution approved by that Committee is the language that appears as the last sentence of HB 3061. The other changes in present language were added simply to make the Bill consistent with that last sentence.

Not only did The Board of Healing Arts think the stronger language was necessary (and endorses the compromise language now in HB 3061), but the Board also thought it was a significant problem in rural areas that a change in existing law was definitely needed.

We understand that some RPTs oppose the bill, or wish it amended. But it is important to remember that the Board of Healing Arts thought that the responsibility of the physician to his or her patient was what is most important, and that it should be left up to the physician to control the time that such therapy shall begin. Delays of hours, or even days, should not be tolerated if the physician thinks this is not wise. I hope this helps in clarifying both the purpose and origin of the Bill. Thank you.

Sincerely,



Cecil H. Farley, D.O. (Parsons)
President, Kansas Assn. of Osteopathic Medicine

Attachment I
3/31/86

S. PH&W

Attachment I

HOUSE BILL No. 2498

By Committee on Public Health and Welfare

2-25

Attachment II

0018 AN ACT concerning occupational therapy; providing for ~~licen-~~
0019 ~~sure~~ registration of occupational therapists and occupational
0020 therapy assistants by the state board of healing arts; estab-
0021 lishing an occupational therapist council; declaring certain
0022 acts to be unlawful and providing penalties for violations;
0023 amending K.S.A. 75-3170a and repealing the existing section.

0024 *Be it enacted by the Legislature of the State of Kansas:*
0025 New Section 1. This act shall be known and may be cited as
0026 the occupational therapy practice act.

0027 New Sec. 2. As used in sections 1 to 18, inclusive: [19

0028 (a) "Board" means the state board of healing arts.
0029 (b) "Occupational therapy" is a health care profession whose

0030 practitioners are employed under the supervision of a ~~person~~
0031 ~~licensed to practice medicine and surgery~~ physician in the ther-
0032 apy, rehabilitation, diagnostic evaluation, care and education of
0033 individuals who are limited by physical injury or illness, psy-
0034 chosocial dysfunction, developmental or learning disabilities or
0035 the aging process in order to maximize independence, prevent
0036 disability and maintain health. Specific occupational therapy
0037 services include:

0038 (1) Administering and interpreting tests necessary for effec-
0039 tive treatment planning;

0040 (2) developing self-care and daily living skills such as feed-
0041 ing, dressing, hygiene and homemaking;

0042 (3) designing, fabricating, applying or training, or any com-
0043 bination thereof, in the use of selected orthotics, upper extremity
0044 prosthetics or adaptive equipment;

0045 (4) developing sensory integrative skills and functioning;

0 (5) using therapeutic activity and exercise to enhance func-

Definition of Occupational Therapy?

0047 tional or motor performance, or both;

0048 6) developing prevocational/vocational work capacities and
0049 play/leisure skills; and

0050 (7) adapting environment for the disabled.

0051 (c) "Occupational therapist" means a person ~~licensed~~ regis-
0052 tered to practice occupational therapy as defined in this act.

0053 (d) "Occupational therapy assistant" means a person ~~li-~~
0054 ~~icensed~~ registered to assist in the practice of occupational therapy
0055 under the supervision or with the consultation of an occupational
0056 therapist.

0057 (e) "Occupational therapy aide" means a person who assists
0058 in the practice of occupational therapy, who works under the
0059 direct supervision of an occupational therapist or an occupational
0060 therapy assistant and whose activities require an understanding
0061 of occupational therapy but do not require professional or ad-
0062 vanced training in the basic anatomical, biological, psychological
0063 and social sciences involved in the practice of occupational
0064 therapy.

0065 (f) "Person" means any individual, partnership or unincor-
0066 porated organization of corporate body.

0067 (g) "Physician" means a person licensed to practice medi-
0068 cine and surgery.

0069 New Sec. 3. The board, in the manner hereinafter provided,
0070 shall administer the provisions of this act.

0071 **[New Sec. 4. (a) ~~No~~ On and after July 1, 1987, no person shall**
0072 ~~practice occupational therapy or hold oneself out as an occupa-~~
0073 ~~tional therapist or an occupational therapy assistant, or hold~~
0074 ~~oneself out as being able to practice occupational therapy or to~~
0075 ~~render occupational therapy services in the state, unless such~~
0076 ~~person is licensed registered in accordance with the provisions~~
0077 ~~of this act.~~

0078 (b) Only an individual may be ~~licensed~~ registered under this
0079 act.]

0080 New Sec. 5. Nothing in this act shall be construed as pre-
0081 venting or restricting the practice, services or activities of:

0082 (a) Any person employed as an occupational therapist or
0083 occupational therapy assistant by the government of the United

See Sec. 16

Renumber subsequent sections and internal references

0084 States, or any agency thereof, if such person provides occupa-
 0085 tional therapy solely under the direction or control of the orga-
 0086 nization by which such person is employed;

0087 (b) any person pursuing a supervised course of study leading
 0088 to a degree or certificate in occupational therapy in an educa-
 0089 tional program approved by the board if such activities and
 0090 services constitute a part of a supervised course of study and if
 0091 such person is designated by a title which clearly indicates such
 0092 person's status as a student or trainee;

0093 (c) any person fulfilling the supervised field work experience
 0094 requirements of section 8, if such activities and services consti-
 0095 tute a part of the experience necessary to meet the requirements
 0096 of that section;

0097 (d) any person employed by or working under the supervi-
 0098 sion of an occupational therapist as an occupational therapy aide;

0099 (e) any person performing occupational therapy services in
 0100 this state who is not ~~licensed~~ ~~registered~~ under this act, if such
 0101 services are performed for no more than 90 days in a calendar
 0102 year in association with an occupational therapist ~~licensed reg-~~
 0103 ~~istered~~ under this act and if: (1) Such person is ~~registered or~~
 0104 licensed under the law of another state which has ~~licensure~~
 0105 requirements recognized by the board of this state as equal to or
 0106 greater than the ~~licensure~~ registration requirements of this state,
 0107 or (2) such person meets the requirements for certification as an
 0108 occupational therapist registered (O.T.R.) or a certified occupa-
 0109 tional therapy assistant (C.O.T.A.) established by the American
 0110 occupational therapy association (A.O.T.A.); or

0111 (f) persons licensed ~~or registered~~ to practice any branch of
 0112 the healing arts, licensed professional nurses, licensed practical
 0113 nurses, physical therapists, clinical psychologists or social
 0114 workers from using occupational therapy procedures ~~incidental~~
 0115 ~~to their profession~~ when practicing their profession under the
 0116 statutes applicable to their profession.

0117 New Sec. 6. The board may grant a limited permit to persons
 0118 who have completed the education and experience requirements
 0119 of this act. This permit shall allow the person to practice occu-
 0120 pational therapy in association with a licensed occupational

registration or

0121 therapist registered and shall be valid until the date on which the
 0122 results of the next qualifying examination have been made pub-
 0123 lic. This limited permit may be renewed by appeal to the board if
 0124 the applicant has failed the examination.

0125 New Sec. 76. There is established an occupational therapist
 0126 council to assist advise the board in carrying out the provisions of
 0127 this act. The council shall consist of five members, all citizens
 0128 and residents of the state of Kansas: appointed as follows: One
 0129 member shall be a physician licensed by the board to practice
 0130 medicine and surgery. One appointed by the state board of
 0131 healing arts; one member shall be the secretary of the state board
 0132 of healing arts. Three; and three members shall be occupational
 0133 therapists or prior to January 1, 1987, persons qualified under
 0134 this act to be registered as occupational therapists. The board
 0135 shall appoint persons to membership on the council for terms of
 0136 four years and until their successors are appointed and qualified.
 0137 The board may delegate powers and duties granted to the board
 0138 under this act to the council as it deems proper, including the
 0139 examination of applicants and the carrying out of the mechanics
 0140 and procedures necessary to administer this act. No member
 0141 shall serve more than two successive terms on the council. The
 0142 Kansas occupational therapy association shall recommend occu-
 0143 pational therapists to the board in a number equal to at least
 0144 twice the vacancies to be filled, and the board shall appoint
 0145 members to fill the vacancies from the submitted list. The board
 0146 governor shall, insofar as possible, appoint persons from dif-
 0147 ferent geographical areas and persons who represent various
 0148 types of occupational therapy treatment. If a vacancy occurs on
 0149 the council, the appointing authority of the position which has
 0150 become vacant shall appoint a person of like qualifications to fill
 0151 the vacant position. If a vacancy occurs among the occupational
 0152 therapists on the council, the Kansas occupational therapy asso- The
 0153 ciation shall recommend the names of occupational therapists to
 0154 the governor in a number equal to at least twice the vacancies to positions or
 0155 be filled, and the governor may appoint members to fill the
 0156 vacancies from the submitted list. The terms of the members of
 0157 the council shall expire on the date of expiration of this section

0158 under subsection (c).

0159 (b) Members of the council attending meetings of the coun-
0160 cil, or attending a subcommittee meeting thereof authorized by
0161 the council, shall be paid amounts provided in subsection (c) of
0162 K.S.A. 75-3223 and amendments thereto.

from the healing arts fee fund

0163 (c) This section shall expire on July 1, 1988.

0164 New Sec. 7. The board shall pass upon the qualifications of
0165 all applicants for examination and registration, provide for and
0166 conduct all examinations, determine the applicants who suc-
0167 cessfully pass the examination, duly register such persons and
0168 adopt rules and regulations as may be necessary to administer
0169 the provisions of this act. The board shall keep a record of all
0170 proceedings under this act and a roster of all persons registered
0171 under this act.

applicants

individuals

Only an individual may be registered under this act.

0172 New Sec. 8. An applicant applying for a license registration
0173 as an occupational therapist or as an occupational therapy assist-
0174 ant shall file a written application on forms provided by the
0175 board, showing to the satisfaction of the board that the applicant
0176 meets the following requirements:

0177 (a) Education: The applicant shall present evidence satisfac-
0178 tory to the board of having successfully completed the academic
0179 requirements of an educational program in occupational therapy
0180 recognized by the board.

0181 (b) Experience: The applicant shall submit to the board evi-
0182 dence of having successfully completed a period of supervised
0183 field work at a minimum recognized by the board.

0184 (c) Examination: ~~An~~ The applicant for licensure as an occu-
0185 pational therapist or as an occupational therapy assistant shall
0186 pass an examination as provided for in section 9 of this act.

0187 (d) ~~An applicant may be licensed as an occupational therapist~~
0188 ~~or as an occupational therapy assistant without a certificate of~~
0189 ~~proficiency in the basic sciences from the board if the applicant~~
0190 ~~fulfills the provisions of this act and any rules and regulations~~
0191 ~~adopted pursuant to authority granted by this act. Fees: The~~
0192 applicants shall pay to the board all applicable fees established
0193 under section 11.

0194 New Sec. 9. (a) Each applicant for licensure registration

0195 under this act shall be examined by written examination re-
 0196 quired by the board to test the applicant's knowledge of the basic
 0197 and clinical sciences relating to occupational therapy, and occu-
 0198 pational therapy theory and practice, including the applicant's
 0199 professional skills and judgment in the utilization of occupa-
 0200 tional therapy techniques and methods, and such other subjects
 0201 as the board may deem useful to determine the applicant's
 0202 fitness to practice. The board shall approve an examination for
 0203 occupational therapy assistants and establish standards for ac-
 0204 ceptable performance.

0205 (b) Applicants for licensure registration shall be examined at
 0206 a time and place and under such supervision as the board may
 0207 determine. Examinations shall be given at least twice each year
 0208 at such places within this state as the board may determine and
 0209 the board shall give reasonable public notice of such examina-
 0210 tions at least 60 days prior to their administration.

0211 (c) Applicants may obtain their examination scores and may
 0212 review their papers in accordance with rules and regulations
 0213 established by the board.

0214 New Sec. 10. (a) The board may waive the examination and shall
 0215 grant a licensure registration to any person who applies for regis- , education and experience requirements
 0216 tration on or before July 1, 1987, and who was certified prior to who pays the application fee
 0217 the effective date of this act as an occupational therapist regis-
 0218 tered (O.T.R.) or a certified occupational therapy assistant
 0219 (C.O.T.A.) by the American occupational therapy association
 0220 (A.O.T.A.) or who has been employed as an occupational thera-
 0221 pist for the purpose of providing occupational therapy for at least
 0222 two years within the three-year period immediately prior to the
 0223 effective date of this act. The board may waive the examination,
 0224 education or experience requirements and grant a licensure to any
 0225 person certified by the American occupational therapy associa-
 0226 tion after the effective date of this act if the board determines that
 0227 the requirements for such certification are equivalent to or ex-
 0228 ceed the requirements for licensure under this act.

0229 (b) The board may waive the examination, education or ex-
 0230 perience requirements and grant a licensure registration to any
 0231 applicant who shall present proof of current licensure or regis-

0222 tration as an occupational therapist or occupational therapy as-
0223 sistant in another state, the District of Columbia or territory of
0234 the United States which requires standards for licensure or
0235 registration determined by the board to be equivalent to or
0236 exceed the requirements for licensure registration under this act.

0237 (c) At the time of making an application under this section,
0238 the applicant shall pay to the board the application fee as re-
0239 quired under section 11.

0240 New Sec. 11. (a) The board shall issue a license to any
0241 person who meets the requirements of this act upon payment of
0242 the license fee prescribed by the board, charge and collect in
0243 advance fees provided for in this act as fixed by the board by
0244 rules and regulations, subject to the following limitations:

0245 Application fee, not more than.....	\$40	} 200
0247 Examination fee, not more than.....	40	
0249 Registration renewal fee, not more than.....	20	
0251 Registration late renewal fee, not more than.....	40	
0253 Registration reinstatement fee, not more than.....	40	
0255 Certified copy of registration, not more than.....	20	

0257 (b) Any person licensed as an occupational therapy assistant
0258 under the terms of this act may use the words "occupational
0259 therapy assistant," "licensed occupational therapy assistant" or
0260 "certified occupational therapy assistant," or such person may
0261 use the letters "O.T.A.," "L.O.T.A." or "C.O.T.A." in connection
0262 with such person's name or place of business to denote licensure
0263 hereunder.

0264 New Sec. 12. (a) The board may deny, refuse to renew,
0265 suspend or revoke a license or may impose probationary condi-
0266 tions registration where the licensee registrant or applicant for
0267 license registration has been guilty of unprofessional conduct
0268 which has endangered or is likely to endanger the health, wel-
0269 fare or safety of the public. Unprofessional conduct includes:

0270 (1) Obtaining a license registration by means of fraud, mis-
0271 representation or concealment of material facts;

0272 (2) being guilty of unprofessional conduct as defined by rules
0273 and regulations adopted by the board or violating the code of
0274 ethics adopted and published by the board;

0275 (3) being convicted of a felony if the acts for which such
0276 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 an occupational therapist or occupational therapy assistant;

(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, or revocation ~~or imposition of probationary conditions upon a license of a~~ **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~~ **Upon the end of the period of time established by the board for the revocation of registration,** 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.

New Sec. 13. Foreign trained occupational therapists and occupational therapy assistants 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 year** 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 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

of the board

0314 not engage in the licensed activity or in any other any conduct or
 0315 tivity in violation of the order or judgment by which the
 0316 license registration was suspended. If a license registration re-
 0317 voked on disciplinary grounds is reinstated, the licensee regis-
 0318 trant, as a condition of reinstatement, shall pay the renewal fee
 0319 and any late fee that may be applicable.

0320 New Sec. 15. (a) The board shall fix by rule and regulation
 0321 fees in amounts determined by the board for the purposes
 0322 authorized in this act and may adopt such rules and regulations
 0323 as may be necessary to carry out the purposes of this act. The
 0324 board shall keep a record of all proceedings under this act and a
 0325 roster of all persons licensed under the act. The roster shall show
 0326 the name, address, date and number of the original license and
 0327 the renewal thereof.

0328 (b) The board shall remit all moneys received by or for it
 0329 from fees, charges or penalties to the state treasurer at least
 0330 monthly. Upon receipt of any such remittance the state treasurer
 0331 shall deposit the entire amount thereof in the state treasury.
 0332 Twenty percent of each such deposit shall be credited to the
 0333 state general fund and the balance shall be credited to the
 0334 healing arts fee fund. All expenditures from such fund shall be
 0335 made in accordance with appropriation acts upon warrants of the
 0336 director of accounts and reports issued pursuant to vouchers
 0337 approved by the president of the board or by a person designated
 0338 by the president of the board.

0339 New Sec. 16. (a) ~~It~~ On and after July 1, 1987, it shall be
 0340 unlawful for any person who is not registered under this act as an
 0341 occupational therapist or an occupational therapy assistant or
 0342 whose licensure registration has been suspended or revoked to
 0343 use, in connection with such person's name or place of business,
 0344 the words "occupational therapist," "licensed registered occu-
 0345 pational therapist," "occupational therapist registered," "occu-
 0346 pational therapy assistant," "licensed registered occupational
 0347 therapy assistant," "certified occupational therapy assistant," or
 0348 the letters, "O.T.," "L.O.T.," "O.T.R.," "O.T.A.," "L.O.T.A." or
 0349 "C.O.T.A." "O.T.," "R.O.T.," "O.T.R." "O.T.A." or "R.O.T.A."
 0350 or any other words, letters, abbreviations or insignia indicating

0351 or implying that such person is an occupational therapist or an
 0352 occupational therapy assistant or who in any way, orally, in
 0353 writing, in print or by sign, directly or by implication, represents
 0354 oneself as an occupational therapist or an occupational therapy
 0355 assistant.

0356 (b) Any violation of this section shall constitute a class C
 0357 misdemeanor.

0358 **New Sec. 17.** When it appears to the board that any person is
 0359 violating any of the provisions of this act, the board may bring an
 0360 action in a court of competent jurisdiction for an injunction
 0361 against such violation without regard to whether proceedings
 0362 have been or may be instituted before the board or whether
 0363 criminal proceedings have been or may be instituted.

0364 **New Sec. ~~17~~ 18.** All state agency adjudicative proceedings
 0365 under sections 1 to ~~18~~ 19, inclusive, shall be conducted in
 0366 accordance with the provisions of the Kansas administrative
 0367 procedure act and shall be reviewable in accordance with the act
 0368 for judicial review and civil enforcement of agency actions.

0369 **New Sec. ~~18~~ 19.** If any section of this act, or any part thereof,
 0370 is adjudged by any court of competent jurisdiction to be invalid,
 0371 such judgment shall not affect, impair or invalidate the re-
 0372 mainder or any other section or part thereof.

0373 **Sec. ~~19~~ 20.** K.S.A. 75-3170a is hereby amended to read as
 0374 follows: 75-3170a. (a) The 20% credit to the state general fund
 0375 required by *section 15 and* K.S.A. 1-204, 2-2609, 2-3008, 9-1703,
 0376 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612,
 0377 17-5701, 20-1a02, 20-1a03, 34-102b, 44-926, 47-820, 49-420, 55-
 0378 131, 55-155, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718,
 0379 65-1817a, 65-2011, 65-2418, 65-2855, 65-2911, 65-4610, 66-1, 155,
 0380 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704,
 0381 74-2902a, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308
 0382 and 75-1509 and acts amendatory of any of the foregoing includ-
 0383 ing amendments by other sections of this act is to reimburse the
 0384 state general fund for accounting, auditing, budgeting, legal,
 0385 payroll, personnel and purchasing services, and any and all other
 0386 state governmental services, which are performed on behalf of
 0387 the state agency involved by other state agencies which receive

0388 appropriations from the state general fund to provide such ser-
0389 vices.

0390 (b) Nothing in this act or in the sections amended by this act
0391 or referred to in subsection (a) of this section, shall be deemed to
0392 authorize remittances to be made less frequently than is autho-
0393 rized under K.S.A. 75-4215.

0394 (c) Notwithstanding any provision of any section referred to
0395 in or amended by this act or referred to in subsection (a) of this
0396 section, whenever in any fiscal year such 20% credit to the state
0397 general fund in relation to any particular fee fund is \$200,000, in
0398 that fiscal year the 20% credit no longer shall apply to moneys
0399 received from sources applicable to such fee fund and for the
0400 remainder of such year the full 100% so received shall be
0401 credited to such fee fund, except as otherwise provided in
0402 subsection (d) of this section.

0403 (d) Notwithstanding any provision of K.S.A. 2-2609 and 2-
0404 3008 and amendments thereto or any provision of any section
0405 referred to in subsection (a) of this section, the 20% credit to the
0406 state general fund no longer shall apply to moneys received from
0407 sources applicable to the Kansas wheat commission fund, the
0408 Kansas corn commission fund, the Kansas grain sorghum com-
0409 mission fund and the Kansas soybean commission fund, as spec-
0410 ified for each such fund by this subsection, and for the remainder
0411 of a fiscal year the full 100% of the moneys so received shall be
0412 credited to the appropriate fund of such funds, whenever in any
0413 fiscal year:

0414 (1) With respect to the Kansas wheat commission fund, such
0415 20% credit to the state general fund in relation to such fund in
0416 that fiscal year is equal to that portion of \$200,000 that bears the
0417 same proportion to \$200,000 as the amount credited to the
0418 Kansas wheat commission fund during the preceding fiscal year
0419 bears to the total of the amounts credited to the Kansas wheat
0420 commission fund, the Kansas corn commission fund, the Kansas
0421 grain sorghum commission fund and the Kansas soybean com-
0422 mission fund during the preceding fiscal year;

0423 (2) with respect to the Kansas corn commission fund, such
0424 20% credit to the state general fund in relation to such fund in

0425 that fiscal year is equal to that portion of \$200,000 that bears the
0426 same proportion to \$200,000 as the amount credited to the
0427 Kansas corn commission fund during the preceding fiscal year
0428 bears to the total of the amounts credited to the Kansas wheat
0429 commission fund, the Kansas corn commission fund, the Kansas
0430 grain sorghum commission fund and the Kansas soybean com-
0431 mission fund during the preceding year;

0432 (3) with respect to the Kansas grain sorghum commission
0433 fund, such 20% credit to the state general fund in relation to such
0434 fund in that fiscal year is equal to that portion of \$200,000 that
0435 bears the same proportion to \$200,000 as the amount credited to
0436 the Kansas grain sorghum commission fund during the preceding
0437 fiscal year bears to the total of the amounts credited to the wheat
0438 commission fund, the Kansas corn commission fund, the Kansas
0439 grain sorghum commission fund and the Kansas soybean com-
0440 mission fund during the preceding fiscal year; and

0441 (4) with respect to the Kansas soybean commission fund,
0442 such 20% credit to the state general fund in relation to such fund
0443 in that fiscal year is equal to that portion of \$200,000 that bears
0444 the same proportion to \$200,000 as the amount credited to the
0445 Kansas soybean commission fund during the preceding fiscal
0446 year bears to the total of the amounts credited to the Kansas
0447 wheat commission fund, the Kansas corn commission fund, the
0448 Kansas grain sorghum commission fund and the Kansas soybean
0449 commission fund during the preceding fiscal year.

0450 Sec. ~~20~~ 21. K.S.A. 75-3170a is hereby repealed.

0451 Sec. ~~21~~ 22. This act shall take effect and be in force from and
0452 after its publication in the statute book.