

Approved _____

Date

4-10-87
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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 31, 1987 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, Committee Secretary

Conferees appearing before the committee:

Chair called meeting to order, asking pleasure of members in regard to the minutes of March 25,26,27th. Rep. Amos made a motion the minutes be approved as written for these dates, seconded by Rep. Green, motion carried.

SB 19--

(Attachment No. 1) from Ks. Bureau of Investigation, (KBI) indicates a proposed change in language on line 47, Page 2. Chair noted he had also been contacted by several county coroners and it is their consensus this change is a good step. Discussion ensued in regard to, is there real need for this bill or not; other proposed changes. Rep. Amos made a motion to amend SB 19, on page 2, line 0050 after the word "if", add language, "in the coroner's opinion". (As indicated in balloon copy of SB 19, Attachment No.2). To further amend in line 47, after the word "coroner", delete the word "shall" and add the word "may". Motion seconded by Rep. Hassler. Discussion, i.e., some see now with these changes there is no need for the bill.

Rep. Gatlin moved to TABLE SB 19, seconded by Rep. Amos. Discussion ensued, i.e., this request has come out of summer study, some thinking it is a step forward; perhaps the Organ Banks need to do a better PR campaign; difficult to tie down the coroner's procedures.

Vote taken, motion carried, SB 19 is TABLED.

SB 288--

Rep. Neufeld chairman of sub-committee on SB 288 handed out balloon copy of SB 288. (See Attachment No.3), for details of their recommendations. He answered questions, i.e., except for the Note on Page 1 of balloon, (which is to be deleted), he outlined proposed changes which were numerous. It is felt by sub-committee this is a good compromise he said.

Mary Ann Gabel, Board of Behavioral Sciences spoke at invitation of Chair, in respect to concerns, i.e., changing word "accept", to "consider". She had requested this change in a letter earlier in Session to Chairman, and no, she could not say why their Representative from their Board did not request this change at sub-committee meeting earlier.

Rep. Blumenthal moved to adopt sub-committee report on SB 288, (recommendations indicated in Attachment No. 3), with the exception of Note; and its language, on Page 1. Motion seconded by Rep. Neufeld, vote taken, motion carried.

Rep. Buehler moved to pass SB 288 favorably out of committee as amended, seconded by Rep. Hassler, motion carried.

SB 34--

Revisor Norman Furse indicated necessary changes. Rep. Green moved to amend SB 34, page 1, line 35, after "subjects", to add "combined", seconded by Rep. Branson, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:00 /a.m./p.m. on March 31, 1987.

Action on SB 34 continues:--

On SB 34 as a whole, Rep. Branson moved to pass SB 34 as amended favorably for passage out of committee, seconded by Rep. Green, motion carried.

Substitute for SB 35:

There were proposed amendments by Ks. Medical Society, (see Attachment No.4,) for details. Chair explained language proposed will more sloely define "prescribe".

Rep. Gatlin moved to amend Substitute for SB 35 on page 11, line 401, following the period, by inserting "A physician's assistant may not prescribe drugs but may transmit a prescription order for drugs pursuant to a written protocol authorized by the responsible physician."; line 410, by striking "prescribing of", and inserting "transmitting of prescription orders for"; line 413, by striking "on such prescribing of drugs"; line 415 by striking "prescribing of" and inserting "transmitting of prescription orders for"; Page 12, line 424, striking "prescribe" and inserting "transmit prescription orders for" and also in line 424, by striking "protocal" and inserting "protocol"; line 428, by striking "prescribe" and inserting "transmit prescription orders for". Motion seconded by Rep. Branson, motion carried.

On the bill as a whole, Rep. Gatlin moved to pass Substitute for SB 35 out of committee as amended favorable for passage, seconded by Rep. Hassler.

Rep. Gatlin and Rep. Hassler then withdrew motions to pass out favorably as amended.

Rep. Neufeld moved to amend Substitute for SB to take effect on register rather than statutes, seconded by Rep. Blumenthal, motion carried.

Rep. Gatlin moved to pass Substitute for SB 35 out of committee as amended favorably, seconded by Rep. Hassler, motion carried.

SB 36:

Rep. Hassler moved to amend SB 36 to take effect on State register, seconded by Rep. Gatlin, motion carried.

Rep. Amos made a motion to pass SB 36 as amended favorably out of committee, seconded by Rep. Branson, motion carried.

Discussion ensued in regard to Rep. Beauchamp's amendment request. Chair ruled this request can be addressed on the House floor.

SB 78:

Rep. Blumenthal moved to pass SB 78 out of committee favorable for passage, seconded by Rep. Harder, motion carried.

SB 87:

Rep. Buehler moved to amend SB 87 on page 2, line 68, delete "not to exceed", and insert language, "not less than". Line 76, delete "not more than", and insert, "not less than". Page 3, line 106, after the word "care", insert language, "and only in life or limb threatening situations". Motion seconded by Rep. Green. Discussion ensued. Vote taken, motion carried. (Attachment 5)

Rep. Hassler moved to amend SB 87, Page 3, line 102, strike the word, "certified". Second made by Rep. Harder, motion carried.

On the bill as a whole, Rep. Gatlin moved to pass SB 87 out of committee as amended favorable for passage, seconded by Rep. Harder, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:00 /a.m./p.m. on March 31, 1987.

SB 259:

Rep. Buehler moved to pass SB 259 favorable for passage out of committee, seconded by Rep. Hassler, motion carried.

SB 302:

Rep. Wells offered an amendment, see (Attachment No. 6). She detailed amendment, explaining this will clarify language in regard to auxiliary patient care. Rep. Wells moved to amend SB 302, by deleting section 1 from the bill, from the title and from the repealer and renumber subsequent sections accordingly. And to amend further on page 3, line 118, after the word "secretary", add language, ", or by an unlicensed person while engaged in and as a part of such training program in medication administration". Motion seconded by Rep. Cribbs. Discussion ensued, i.e., It is the definition of auxiliary care that has brought about this concern. The definition was too broad. With this amendment it will put the bill back to its original form, thus taking care of the concern in regard to auxiliary care. Yes, the schools will be covered as was the intent of the bill. Vote taken, motion carried.

On the bill as a whole, Rep. Cribbs moved to pass SB 302 as amended favorable for passage out of committee, seconded by Rep. Wells, motion carried.

SB 338:

Rep. Buehler made a motion to pass SB 338 favorably out of committee, seconded by Rep. Sader, motion carried.

SB 339:

Hearings (Discussion), began on SB 339. Chair noted this bill does not have the protection of Federal and State Affairs or Appropriations Committee, and it is necessary legislation, we should act on bill now. This would repeal all Health Planning and Development statutes in the state. It would do away with SHCC, Health Planning, Credentialing. Chair meets April 2, in a Sub-Committee on Credentialing to try and protect that. He will appeal for funds, \$35,000 to \$40,000 a year to fund Credentialing. Chair invited Mr. Furse to explain the provisions in SB 339. As the bill reads now, it will speak to concerns Chair commented on. If this bill is passed we will have credentialing, if not, we will not. Discussion ensued.

Rep. Buehler moved to pass SB 339 favorably out of committee, seconded by Rep. Cribb. Discussion continued.

Rep. Blumenthal made a substitute motion to pass SB 339 with no recommendation and perhaps the Speaker could refer this to Ways and Means, then re-refer back to this committee, seconded by Rep. Branson. Discussion ensued, i.e., a bill passed with no recommendation does discredit to legislation; this is clean up legislation.

Rep. Blumenthal withdrew his substitute motion, Rep. Branson agreed to do same.

Back on original motion by Rep. Buehler and Rep. Cribbs, vote taken, motion carried.

SB 113

Rep. Buehler offered an amendment (Attm. #7), on page 2, line 49, before "superficial" add, "non-imbedded". Motion seconded by Rep. Amos.

Rep. O'Neal moved to table SB 113, seconded by Rep. Weimer. Discussion ensued. Vote taken, chair in doubt, show of hands indicated 9 to table, 9 against, motion failed.

Back on Representative Buehler's motion to amend as indicated by Attachment No.7.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:00 a./m./p.m. on March 31, 19 87

Rep. Blumenthal made a substitute motion to report SB 113 adversely, seconded by Rep. Buehler. Discussion ensued. Vote taken, division requested, show of hands indicated 8 in favor, 10 against, motion failed.

Back on Rep. Buehler's motion to amend as indicated in Attachment No.7.

Rep. Neufeld made a substitute motion to pass SB 113 favorably out of committee, seconded by Rep. Shallenburger. Discussion ensued. Vote taken, division requested, show of hands indicated 8 in favor of passing out of committee, 10 against, motion failed.

Back on Rep. Buehler's motion to amend as indicated by Attachment No.7.

Question called for to amend as indicated on Page 2, line 49, vote taken, motion failed.

Rep. Branson moved to amend SB 113 as indicated in Attachment No. 8, see (Attachment No. 8 for details), on Page 3, sub section (h) lines 103-105, after the words, "anti-infectives" in 102-103, add language, "and non-steroidal". Motion seconded by Rep. Blumenthal. Discussion ensued. Vote taken, division requested, vote taken, chair no longer in doubt, motion carried.

Rep. Buehler made a conceptional motion to amend SB 113, as per proposed amendment in (Attachment No. 9). See Attachment for details. Motion seconded by Rep. O'Neal. Discussion ensued, i.e., yes, this is germane. Vote taken, division called for, show of hands indicated 8 in favor to amend, 10 against, motion failed.

Rep. Neufeld indicated technical amendments necessary on SB 113, and he moved to amend on Page 1, line 32 by striking word, "use"; Page 10, line 358 strike "diagnostic licensee", (since it is now inappropriate). Motion seconded by Rep. Cribbs, motion carried.

On the bill as a whole, Rep. Shallenburger moved to pass SB 113 as amended, out of committee favorably for passage, seconded by Rep. Wells, division called for, show of hands indicated 10 in favor, 8 against, motion carried.

Chair announced meetings next week, if any, will be on call of Chairman.

Meeting adjourned at 3:00 p.m.

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE COMMITTEE

Date 3-31-87

NAME	ORGANIZATION	ADDRESS
Mary Ann Mabel	BSPB	900 Jackson, Rm 855
Frank Griffith M	Kans St. Ophthalmology Society	Salina, Ks
Penny Schuetz	" "	Great Bend
JERRY SAUBER	ADUS	TOPKA
Theresa Shaw	Kansas NARAL	Topoka
Rebecca Crenshaw	KSOA	Topoka
Paul Klotz	ASSOC. OF CMHC's	Topoka
Gary Robbins	Ks OPT ASSN.	TOPEKA
Jim Zavalley	Kan. Optom. Assn.	Topoka
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	"
Kelby Anschutz	Visitor	Lyndon
Eva M. Anschutz	Osage Co Health Dept	Lyndon
Shawn Anschutz	Visitor	Lyndon
John Myers	Ks. Assn. of Prof. Psychologists	Topoka
John Peterson	Ks. Ass. of Prof. Psychologists	Tyrone
Bill Henry	Ks Optometric Assn.	Topoka
HAROLD PITTS	KCOA	Topoka
June 17 - Brink	observer	Topoka



THOMAS E. KELLY
DIRECTOR

KANSAS BUREAU OF INVESTIGATION

DIVISION OF THE OFFICE OF ATTORNEY GENERAL

STATE OF KANSAS

1620 TYLER

TOPEKA, KANSAS 66612

(913) 232-6000



ROBERT T. STEPHAN
ATTORNEY GENERAL

March 20, 1987

Honorable Marvin L. Littlejohn
Representative, District #110
Room 425-S
State Capitol
Topeka, Kansas

Dear Representative Littlejohn:

I am writing to you in regard to Senate Bill No. 19. At the request of Senator Norma Daniels I have reviewed the bill to determine what effect passage of the bill may have on homicide investigations.

In a homicide investigation the body of the victim is evidence of the commission of the crime and an autopsy is performed to determine the cause of death and, if possible, the means by which it was inflicted. The coroner orders an autopsy and in most cases the autopsy is performed by a physician trained in forensic pathology to make specific checks for items of evidence. It follows that any entry into the body of a victim to remove a body part for whatever reason, could possibly place in jeopardy any evidence obtained through a subsequent autopsy by a forensic pathologist.

It should be noted not all coroners are trained as a pathologist and special deputy coroners may not be qualified to conduct an autopsy. It is possible in such cases the special deputy coroner is not trained to make a judgment to determine "if such body part is not necessary in the determination of the cause and circumstances of death", as set forth in line 50 and 51 of SB 19. It is further pointed out the word "shall" in line 47 makes it mandatory for the coroner to consent to the removal of a body part unless he can determine it is not necessary for the determination of the cause and circumstances of death. It appears the word "shall" could place a special deputy coroner in the position of making a judgment he is not qualified to make.

In addition the word "shall" mandates consent on the part of the coroner, and it is possible he may open himself to some legal liability if he denies a surgeon the right to remove the body part and he has to justify his decision the body part in question was necessary in the determination of the cause of death or circumstances of death.

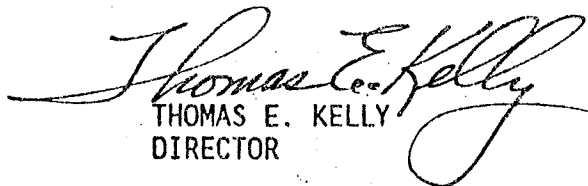
It is suggested the coroner be permitted to have an option in regard to the removal of a body part by changing "shall" to "may" on line 47.

P.H.W.
Attn #1.
3-31-87

Page 2

I have set forth the above information to reflect my concern that it is possible the mandate set forth could conceivably impact investigations in homicide cases.

Sincerely,


THOMAS E. KELLY
DIRECTOR

TEK/bcb

0046 person performing the autopsy may remove and retain the pitu-
 0047 itary gland of the decedent for use in scientific investigation,
 0048 research, teaching and the practice of medicine. *A coroner shall*
 0049 *consent to the removal of a body part so that a properly exe-*
 0050 *cuted anatomical gift under the uniform anatomical gift act*
 0051 *may be made, if* such body part is not necessary in the determi-
 0052 *nation of the cause and circumstances of death.*

in the coroner's opinion

0052 (c) A full record and report of the facts developed by the
 0053 autopsy and findings of the person making such autopsy shall be
 0054 promptly made and filed with the coroner and with the clerk of
 0055 the district court of the county in which decedent died. If, in any
 0056 case in which this act requires that the coroner be notified, the
 0057 body is buried without the permission of the coroner, it shall be
 0058 the duty of the coroner, upon being advised of such fact, to notify
 0059 the county or district attorney, who shall communicate the same
 0060 to a district judge, and such judge may order that the body be
 0061 exhumed and an autopsy performed.

0062 Sec. 2. K.S.A. 19-1033 is hereby repealed.

0063 Sec. 3. This act shall take effect and be in force from and
 0064 after its publication in the statute book.

PHW
 Attn. # 2
 3-31-87

PHW
 Attn. # 2
 3-31-87

SENATE BILL No. 288

By Committee on Public Health and Welfare

2-19

Subcommittee Report

P.H.W.
Attn # 3
3-31-87

0021 AN ACT concerning the practice of psychology; providing for
0022 the registration of certain persons working in licensed com-
0023 munity mental health centers or state or other governmental or
0024 educational institutions; granting certain powers to and im-
0025 posing certain duties upon the behavioral sciences regulatory
0026 board; amending K.S.A. 1986 Supp. 74-5344 and repealing the
0027 existing section.

0028 *Be it enacted by the Legislature of the State of Kansas:*

0029 New Section 1. As used in this act:

0030 (a) "Practice of psychology" shall have the meaning ascribed
0031 thereto in K.S.A. 74-5302 and amendments thereto.

0032 (b) "Board" means the behavioral sciences regulatory board
0033 created by K.S.A. 74-7501 and amendments thereto.

0034 (c) "Registered masters level psychologist" means a person
0035 registered by the board under the provisions of this act.

0036 New Sec. 2. [(a)] Any person who is registered under the
0037 provisions of this act as a registered masters level psychologist
0038 shall have the right to practice in a licensed community mental
0039 health center or one of its contracted affiliates, in any federal,
0040 state, county or municipal agency, or other political subdivision,
0041 or in a duly chartered educational institution ~~or a not for profit~~
0042 ~~corporation~~ insofar as such practice is part of the duties of such
0043 person's paid position and is performed solely on behalf of the
0044 employer, so long as such practice is under the direction of a
0045 person licensed to provide mental health services as an inde-
0046 pendent practitioner and whose licensure allows for the diag-
0047 nosis and treatment of psychological disorders. Such person may
use the title registered masters level psychologist and the ab-

[only

Note: add "or a medical care facility" ?
Also in lines 85 and 96

P.H.W.
Attn # 3
3-31-87

0001 eviation RMLP. [No other person shall assume such title, use
 0050 such abbreviation or any word or letter, signs, figures or devices
 0051 to indicate that such person using the same is registered as such
 0052 under provisions of this act.

0053 (b) Any violation of this section shall constitute a class C
 0054 misdemeanor.]

0055 New Sec. 3. (a) Any person who desires to be registered
 0056 under this act shall apply to the board in writing, on forms
 0057 prepared and furnished by the board. Each application shall
 0058 contain appropriate documentation of the particular qualifica-
 0059 tions required by the board and shall be accompanied by the
 0060 required fee.

0061 (b) The board shall register as a registered masters level [applicant for registration
 0062 psychologist any [person] who pays [a] fee prescribed by the board [the
 0063 under section 5, which shall not be refunded, [and] who has [applicant's
 0064 satisfied the board as to such [person's] training. [Any person [and who complies with the provisions of this subsection (b)
 0065 paying the fee must also] submit evidence verified under oath [An applicant for registration also shall
 0066 and satisfactory to the board that such [person]: (1) Is at least 21 [applicant

0067 years of age; (2) has received at least a master's degree in clinical
 0068 psychology based on a program of studies in psychology from an
 0069 educational institution having a graduate program in psychology
 0070 consistent with state universities of Kansas or has received a
 0071 master's degree in psychology and during such graduate program
 0072 completed a minimum of 12 semester hours or its equivalent in
 0073 psychological foundation courses such as, but not limited to,
 0074 philosophy of psychology, psychology of perception, learning
 0075 theory, history of psychology, motivation, and statistics and 24
 0076 semester hours or its equivalent in professional core courses
 0077 such as, but not limited to, two courses in psychological testing,
 0078 psychopathology, two courses in psychotherapy, personality
 0079 theories, developmental psychology, research methods, social
 0080 psychology; [and] 750 clock hours of academically supervised
 0081 practicum or 1,500 clock hours of postgraduate supervised work
 0082 experience; and [(3)] is in the employ of a Kansas licensed com-
 0083 munity mental health center, or one of its contracted affiliates, or
 0084 a federal, state, county or municipal agency, or other political

[(3) has completed

[(4)

division, or a duly chartered educational institution and

00 whose practice is a part of the duties of such [person's] paid [applicant's] position and is performed solely on behalf of the employer.

0088 (c) Until July 1, 1988, the board shall waive the educational
0089 or degree and supervision requirements, or all such require-
0090 ments, under subsection (b) so long as the person applying for
0091 registration as a registered masters level psychologist has a

0092 [master's] degree and either (1) has been employed for at least [graduate]

0093 three years as a psychologist by a licensed community mental
0094 health center, or one of its contracted affiliates, or a federal, state,
0095 county or municipal agency, or other political subdivision, or a
0096 duly chartered educational institution; or (2) as of July 1, 1987,

0097 was [recognized as a masters level psychologist by the profes- [employed by a state agency as a psychologist, or was

0098 sional standards committee of the association of community
0099 mental health centers of Kansas [and] employed by a licensed [or was

0100 community mental health center or one of its contracted affili-
0101 ates. [as a psychologist

0102 New Sec. 4. Any person registered as a registered masters
0103 level psychologist shall be required to complete 25 hours of
0104 continuing education each two-year period.

0105 New Sec. 5. The application and renewal fee for registration
0106 under this act shall be fixed by the board by rules and regulations
0107 in an amount not to exceed \$50 \$100.

0108 New Sec. 6. (a) All registrations shall be effective upon the
0109 date issued and shall expire at the end of 24 months from the date
0110 of issuance.

0111 (b) Registration may be renewed by the payment of the
0112 renewal fee and the execution and submission of a signed state-
0113 ment, on a form provided by the board, attesting that the appli-
0114 cant's registration has been neither revoked nor currently sus-
0115 pended [and that the applicant has met the requirements for

0116 continuing education set forth in this act. [, that the applicant currently meets the employment requirements of part (4) of subsection (b) of section 3

0117 (c) The application for renewal shall be made [on or] before the [at least 30 days

0118 date of the expiration of the registration.
0119 (d) If the application for renewal, including payment of the
0120 required renewal fee, is not made on or before the date of the
0121 expiration of the registration, the registration is void, and no
0122 registration shall be reinstated except upon payment of the

0124 required renewal fee, plus a penalty equal to the renewal fee,
 0125 and proof satisfactory to the board of compliance with the con-
 0126 tinuing education requirements. Upon receipt of such payment
 0127 and proof, the board shall reinstate the registration, except that
 0128 no registration shall be reinstated if such payment and proof is
 0129 received more than one year after the date of expiration of the
 0130 registration.

0130 (e) A duplicate registration shall be issued by the board upon
 0131 receipt of a \$20 fee.

0132 New Sec. 7. (a) The board may issue a temporary permit to
 0133 practice as a registered masters level psychologist to any person
 0134 who pays a fee prescribed by the board under this section, which
 0135 shall not be refunded, and who: (1) Meets all the requirements
 0136 for licensure under the licensure of psychologists act of the state
 0137 of Kansas except the requirement of two-year postdoctorate su-
 0138 pervision or the requirement of successful completion of an
 0139 examination, or both such requirements; (2) meets all the re-
 0140 quirements for registration under this act as a registered masters
 0141 level psychologist, but whose application for registration is
 0142 pending; or (3) meets all the requirements for registration under
 0143 this act as a registered masters level psychologist except the
 0144 requirement of postgraduate supervised work experience.

(1) Meets

(2)

or current employment, or both

0145 (b) A temporary permit issued by the board under clause (1)
 0146 of subsection (a) shall expire two years after the date of issuance
 0147 and may be renewed for one additional one-year period of time.
 0148 A temporary permit issued by the board under clause (2) of (1)
 0149 subsection (a) shall expire at such time as final action on the
 0150 application is completed, but all temporary permits shall expire such
 0151 one year after the date of issuance of the permit. A temporary
 0152 permit issued by the board under clause (3) of subsection (a) (2)
 0153 shall expire six months after the date of issuance and may be
 0154 renewed for one additional six-month period if the board finds
 0155 that satisfactory progress toward the supervised experience re-
 0156 quirement is being met.

0157 (c) The board shall fix by rules and regulations fees for
 0158 application and renewal of each type of temporary permit under
 this section. The application and renewal fee shall not exceed

0160 ~~not to exceed \$100~~ except that the fee for application for and renewal of the
 0161 two-year temporary permit under clause (1) of subsection (a) \$200
 0162 shall not exceed \$100.

0163 (d) The application for a temporary permit may be denied or
 0164 a temporary permit which has been issued may be suspended or
 0165 revoked on the same grounds as provided for suspension or
 0166 revocation of a registration under section 9.

0167 New Sec. 8. (a) The board shall establish a masters level
 0168 psychologist registration committee consisting of three members
 0169 appointed by the chairperson of the board.

0170 (b) All members of the committee shall be registered masters
 0171 level psychologists. Each member of the committee shall be a
 0172 citizen of the United States and resident of this state.

0173 (c) Each member of the committee shall serve for three years
 0174 except that the terms on the committee first appointed shall be as
 0175 follows: One member shall be appointed for a one-year term, one
 0176 member shall be appointed for a two-year term and one member
 0177 shall be appointed for a three-year term. The chairperson of the
 0178 board shall designate the term for each member first appointed
 0179 to the committee. No member of the committee shall be ap-
 0180 pointed for more than two successive terms. Upon the expiration
 0181 of a member's term on the committee, the chairperson shall
 0182 appoint a qualified successor. Each member shall serve until a
 0183 successor is appointed and qualified. Whenever a vacancy occurs
 0184 in the membership of the committee prior to the expiration of a
 0185 term, the chairperson of the board shall appoint a qualified
 0186 successor to fill the unexpired term. The chairperson of the
 0187 board may remove any member of the committee for misconduct,
 0188 incompetency or neglect of duty.

0189 (d) The committee shall organize annually at its first meeting
 0190 subsequent to June 30 and shall select from its members a
 0191 chairperson. Other meetings shall be held as the committee
 0192 designates. Two members of the committee shall constitute a
 0193 quorum for the transaction of business.

0194 (e) The committee shall receive all applications for registra-
 0195 tion as a registered masters level psychologist; review the appli-
 0196 cations for compliance with this act; and make their recommen-

or prior to January 1, 1988, persons qualified under this
 act to be registered as registered masters level psychol-
 ogists

01 ions for acceptance, rejection or other actions to be taken by
0198 the board. The board shall accept and act on the committee's
0199 recommendations so long as the recommendations are in com-
0200 pliance with this act.

0201 (f) The board shall make support staff available to the com-
0202 mittee.

0203 (g) Members of the committee attending meetings of the
0204 committee authorized by the board shall be paid compensation,
0205 subsistence allowances, mileage and other expenses as provided
0206 in K.S.A. 75-3223 and amendments thereto.

0207 New Sec. 9. An application for registration under this act sections 1 to 11, inclusive, and amendments thereto
0208 may be denied or a registration granted under this act may be
0209 suspended or revoked by the board upon proof that the applicant
0210 or registered masters level psychologist:

0211 (a) Has been convicted of a felony involving moral turpitude;

0212 (b) has been found guilty of fraud or deceit in connection
0213 with the rendering of professional services or in establishing
0214 such person's qualifications under this act;

0215 (c) has aided or abetted a person not licensed as a psycholo-
0216 gist, registered under this act or an uncertified assistant, to hold
0217 oneself out as a psychologist in this state;

0218 (d) has been guilty of unprofessional conduct as defined by
0219 rules and regulations of the board; or

0220 (e) has been guilty of neglect or wrongful duties in the
0221 performance of duties.

0222 [New Sec. 10. The board may adopt rules and regulations to
0223 administer the provisions of this act.]

0224 Sec. 10 [11]: K.S.A. 1986 Supp. 74-5344 is hereby amended
0225 to read as follows: 74-5344. Nothing contained in this act shall be

0226 construed: (a) To prevent qualified members of other profes-
0227 sional groups such as, but not limited to, ministers, Christian
0228 Science practitioners, social workers and sociologists from doing
0229 work of a psychological nature consistent with their training and

0230 consistent with any code of ethics of their respective professions
0231 so long as they do not hold themselves out to the public by any

0232 title or description of services incorporating the words "psycho-
0233 gic," "psychological," "psychologist" or "psychology";

Administrative proceedings under sections 1 to 11, inclusive,
and amendments thereto shall be conducted in accordance with
the Kansas administrative procedure act. Judicial review
and civil enforcement of agency actions under sections 1 to
11, inclusive, and amendments thereto shall be in accordance
with the act for judicial review and civil enforcement of
agency actions.

sections 1 to 11, inclusive, and amendments thereto

New Sec. 11. (a) On and after January 1, 1988, no person
shall represent oneself as a registered masters level psych-
ologist or use the abbreviation RMLP or use any word, letter,
signs, figures or devices to indicate that such person using
the same is a registered masters level psychologist unless
such person holds a valid registration as a registered
masters level psychologist.

(b) A violation of this section is a class C misde-
meanor.

12

On January 1, 1988,

0234 (b) in any way to restrict any person from carrying on any of
0235 the aforesaid activities in the free expression or exchange of
0236 ideas concerning the practice of psychology, the application of
0237 its principles, the teaching of such subject matter and the con-
0238 ducting of research on problems relating to human behavior if
0239 such person does not represent such person or such person's
0240 services in any manner prohibited by this act;

0241 (c) to limit the practice of psychology ~~or use of official title on~~
0242 ~~the part of a person in the employ of a federal, state, county or~~
0243 ~~municipal agency, or other political subdivision, or a duly char-~~
0244 ~~tered educational institution, or a not-for-profit corporation of a~~
0245 ~~registered masters level psychologist or a person who holds a~~
0246 ~~temporary permit to practice as a registered masters level psy-~~
0247 ~~chologist~~ insofar as such practice is a part of the duties of any
0248 such person's salaried position, and insofar as such practice is
0249 performed solely on behalf of such person's employer; or insofar
0250 as such person is engaged in public speaking with or without
0251 remuneration;

0252 (d) to limit the practice of psychology or services of a student,
0253 intern or resident in psychology pursuing a degree in psychology
0254 in a school, college, university or other institution, with educa-
0255 tional standards consistent with those of the state universities of
0256 Kansas if such practice or services are supervised as a part of
0257 such person's degree program. Nothing contained in this section
0258 shall be construed as permitting such persons to offer their
0259 services as psychologists to any other person and to accept
0260 remuneration for such psychological services other than as spe-
0261 cifically excepted herein, unless they have been licensed under
0262 the provisions of ~~this act~~ *the licensure of psychologists act of the*
0263 *state of Kansas, registered under the provisions of sections 1 to 8*
0264 *[10], inclusive, and amendments thereto or granted a temporary*
0265 *permit under the provisions of section 7 and amendments*
0266 *thereto;*

0267 (e) to prevent the employment, by a person, association,
0268 partnership or a corporation furnishing psychological services for
remuneration, of persons not licensed as psychologists under the
0269 provisions of this act to practice psychology if such persons work

0271 under the supervision of a psychologist or psychologists licensed
0272 under the provisions of this act and if such persons are not in any
0273 manner held out to the public as psychologists licensed under
0274 the provisions of ~~this act~~ *the licensure of psychologists act of the*
0275 *state of Kansas, as registered under the provisions of sections 1*
0276 *to §* [10] *inclusive, and amendments thereto or as holding a* 11
0277 *temporary permit under the provisions of section 7 and amend-*
0278 *ments thereto;*

0279 (f) to restrict the use of tools, tests, instruments or techniques
0280 usually denominated "psychological" so long as the user does
0281 not represent oneself to be a *licensed psychologist or a regis-*
0282 *tered masters level psychologist;*

0283 (g) to permit persons licensed as psychologists, registered as
0284 *masters level psychologists or holding a temporary permit to*
0285 *practice as a registered masters level psycholog*ist *to engage in*
0286 *the practice of medicine as defined in the laws of this state, nor to*
0287 *require such licensed psychologists* registered masters level
0288 *psychologists or persons holding such temporary permits* to
0289 *comply with the Kansas healing arts act as amended;*

0290 (h) to restrict the use of the term "social psychologist" by any
0291 person who has received a doctoral degree in sociology or social
0292 psychology from an institution whose credits in sociology or
0293 social psychology are acceptable by a school or college as de-
0294 fined in this act, and who has passed comprehensive examina-
0295 tion in the field of social psychology as a part of the requirements
0296 for the doctoral degree or has had equivalent specialized training
0297 in social psychology;

0298 (i) to restrict the practice of psychology by a person who is
0299 certified as a school psychologist by the state department of
0300 education so long as such practice is conducted as a part of the
0301 duties of employment by a unified school district or as part of an
0302 independent evaluation conducted in accordance with K.S.A.
0303 72-963 and amendments thereto, including the use of the term
0304 "school psychologist" by such person in conjunction with such
0305 practice; *or*

0306 (j) to permit persons licensed as psychologists, *registered as*
0 *masters level psychologists or holding a temporary permit* to

0308 ~~practice as a registered masters level psychologist to engage in~~
 0309 ~~the practice of optometry as defined in the laws of this state.~~
 0310 ~~Sec. 41 [12] K.S.A. 1986 Supp. 74-5344 is hereby repealed.~~
 0311 ~~Sec. 42 [13] This act shall take effect and be in force from~~
 0312 ~~and after its publication in the statute book.~~

(j) to restrict the practice of psychology by psychologists not licensed under this act in institutions for the mentally retarded or in the youth centers at Atchison, Beloit, Larned and Topeka. The provisions of this subsection (j) shall expire on January 1, 1989.

(13)

On January 1, 1988,

(14)



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue · Topeka, Kansas 66612 · (913) 235-2383

Handwritten: Haining
3-26-87

March 26, 1987

TO: House Public Health and Welfare Subcommittee
FROM: Jerry Slaughter *[Signature]*
Executive Director
SUBJECT: Substitute for SB 35

We appreciate the opportunity to offer a few comments on Substitute for SB 35. Specifically, we would like to address the issue of supervision of physician assistants' and prescription authority, a subject which was dealt with in part by the Senate committee.

Late last year the Attorney General rendered an opinion (August 27, 1986) which basically said that physician assistants could issue drug prescriptions. Current law allows physicians to delegate "acts which constitute the practice of medicine and surgery" to physician assistants, and since prescribing is clearly a part of the practice of medicine, the Attorney General reasoned that PAs could prescribe. We do not dispute his literal interpretation of the law.

However, we do not believe the legislature ever intended PAs to prescribe drugs, and the legislative history is unclear and confusing on this point. The overwhelming majority of physicians have believed that PAs were not authorized to prescribe since enactment of their registration laws, and the Attorney General opinion has opened this issue for debate. If nothing is done, PAs will prescribe drugs, a practice we are opposed to. A copy of our position paper adopted unanimously by our Council on February 7, 1987, is enclosed.

The Senate Public Health and Welfare Committee recognized that the Attorney General's Opinion would substantially alter the way in which PAs are utilized as it relates to prescribing drugs. Section 7 of the bill is language adopted by the committee which basically attempts to provide some direction to the Board of Healing Arts to draft appropriate rules and regulations limiting and regulating the prescribing of drugs by PAs. We are generally supportive of the direction taken by the Senate committee, but feel additional clarification is necessary to maintain quality patient care and help create a common understanding of what is appropriate and what is not among affected health professionals.

Handwritten: P. Howell
Attn #4
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To that end, we have met with the various interested parties in an attempt to find common ground which both protects the public and provides for diverse practice arrangements. We found early on that one of the principal problems with this whole area was the fact that the word "prescribe" is not defined in either the Healing Arts Act or the Pharmacy Act. Consequently, a definition of "prescribe" was developed and has been offered as an amendment to the Pharmacy Act using HB 2166 as a convenient vehicle. The bill is currently awaiting action by the Senate Public Health and Welfare Committee, and a copy of the proposed amendment is attached to this testimony. The definition makes the important distinction between the independent act of prescribing by virtue of one's license, and the act of transmitting or carrying out a prescription order pursuant to the direction of a physician. This is a distinction which has existed in common practice over the years, and it covers situations in which PAs work according to standing orders and written protocols.

It is our long standing belief that prescribing is a distinct act which implies independent judgment, and specific statutory authority to do so. The PAs have told us emphatically that they do not want to independently prescribe, but that they only want to continue to work under written protocols which call for the carrying out or transmitting of a physician's prescription order.

Consequently, we have reached tentative agreement on an amendment to Substitute for SB 35 which specifies that PAs may not prescribe, but that they may transmit prescription orders according to written protocols. A balloon draft of the suggested amendments is attached to this testimony.

With the language at (b) in Section 7 added by the Senate committee, the Board of Healing Arts now has the authority and responsibility to draft rules and regulations which further clarify and delineate the appropriate use of written protocols in various practice settings. These amendments should provide the basis for reasonable regulations governing this aspect of the supervisory relationship between physicians and PAs as it relates to the prescribing of drugs.

There is one other amendment which we would like to suggest. The bill currently takes effect July 1 upon publication in the statute book, but we would recommend that Section 10 be amended to have the bill take affect upon publication in the Kansas Register. We are recommending this principally so that the annual renewal fee for a license may be increased immediately as specified in Section 4, line 271. The fees are being increased to help fund the Board's responsibilities in carrying out its impaired physician responsibility as specified in 1986 HB 2661.

We support Substitute to SB 35 with the amendments outlined above, because we believe it will substantially clarify what has apparently long been a gray area of the law. If after the Board of Healing Arts has had an opportunity to draft rules and regulations on the issue of prescribing, and it is found that problems still exist, the legislature can address this issue again at a later date.

We appreciate the opportunity to appear today, and would be happy to respond to any questions. Thank you.

0380 rules and regulations shall establish the requirements for such
0381 program of continuing education as soon as possible after the
0382 effective date of this act. In establishing such requirements the
0383 state board of healing arts shall consider any existing programs of
0384 continuing education currently being offered to physicians' as-
0385 sistants.

0386 (d) A person whose name has been entered on the register of
0387 physicians' assistants prior to the effective date of this act shall
0388 not be subject to the provisions of subsection (a) of this section,
0389 unless such person's name has been removed from the register of
0390 physicians' assistants pursuant to the provisions of K.S.A. 65-
0391 2896b and amendments thereto.

0392 Sec. 7. K.S.A. 65-2896e is hereby amended to read as fol-
0393 lows: 65-2896e. (a) A person whose name has been entered on
0394 the register of physicians' assistants may perform, only under the
0395 direction and supervision of a physician, acts which constitute
0396 the practice of medicine and surgery to the extent and in the
0397 manner authorized by the physician responsible for the physi-
0398 cian's assistant and only to the extent such acts are consistent
0399 with rules and regulations adopted by the board which relate to
0400 acts performed by a physician's assistant under the responsible

0401 physician's direction and supervision. Before a physician's as-
0402 sistant shall perform under the direction and supervision of a
0403 physician, such physician's assistant shall be identified to the
0404 patient and others involved in providing the patient services as a
0405 physician's assistant to the responsible physician. A physician's
0406 assistant may not perform any act or procedure performed in the
0407 practice of optometry except as provided in K.S.A. 65-1508 and
0408 65-2887 and amendments thereto.

0409 (b) The board shall adopt rules and regulations governing
0410 the ~~prescribing of drugs~~ by physicians' assistants and the re-
0411 sponsibilities of the responsible physician with respect thereto.
0412 Such rules and regulations shall establish such conditions and
0413 limitations on such ~~prescribing of drugs~~ as the board determines
0414 to be necessary to protect the public health and safety. In
0415 developing rules and regulations relating to the ~~prescribing of~~
0416 ~~drugs~~ by physicians' assistants, the board shall take into con-

A physician's assistant may not prescribe drugs, as defined in K.S.A. 65-1626 and amendments thereto, but may transmit a prescription order for drugs pursuant to a written protocol as authorized by the responsible physician.

transmitting of prescription orders for drugs

transmitting of prescription orders for drugs

0417 sideration the amount of training and capabilities of physicians'
 0418 assistants, the different practice settings in which physicians'
 0419 assistants and responsible physicians practice, the degree of
 0420 direction and supervision to be provided by a responsible phy-
 0421 sician and the needs of the geographic area of the state in which
 0422 the physician's assistant and the responsible physician practice.
 0423 In all cases in which a physician's assistant is authorized to
 0424 ~~prescribe drugs~~ by a responsible physician, a written protocol
 0425 between the responsible physician and the physician's assistant
 0426 containing the essential terms of such authorization shall be in
 0427 effect. In no case shall the scope of the authority of the physi-
 0428 cian's assistant to ~~prescribe drugs~~ exceed the normal and cus-
 0429 tomary practice of the responsible physician in the prescribing
 0430 of drugs.

transmit prescription orders for drugs

transmit prescription orders for drugs

0431 Sec. 8. K.S.A. 65-2897a is hereby amended to read as fol-
 0432 lows: 65-2897a. The following words and phrases when used in
 0433 this act shall for the purpose of this act have the meanings
 0434 respectively ascribed to them in this section:

0435 (a) "Direction and supervision" means the guidance, direc-
 0436 tion and coordination of activities of a physician's assistant by his
 0437 or her such person's responsible physician, whether written or
 0438 verbal, whether immediate or by prior arrangement, and in
 0439 accordance with standards established by the board by rules
 0440 and regulations, which standards shall be designed to ensure
 0441 adequate direction and supervision by the responsible physician
 0442 of the physician's assistant. The term "direction and supervi-
 0443 sion" shall not be construed to mean that the immediate or
 0444 physical presence of the responsible physician is required dur-
 0445 ing the performance of the physician's assistant.

0446 (b) "Physician" means any person licensed by the state board
 0447 of healing arts to practice medicine and surgery.

0448 (c) "Physician's assistant" means a skilled person who is
 0449 registered in accordance with the provisions of K.S.A. 65-2896a
 0450 and amendments thereto and who is qualified by academic
 0451 training to provide patient services under the direction and
 0452 supervision of a physician who is responsible for the perform-
 0453 ance of that assistant.

0157 *licensure as a pharmacist.*

0158 ~~(u)~~ (v) "Prescription" means, according to the context, either
0159 a prescription order or a prescription medication.

0160 ~~(v)~~ (w) "Prescription medication" means any drug, including
0161 label and container according to context, which is dispensed
0162 pursuant to a prescription order.

0163 ~~(w)~~ (x) "Prescription-only drug" means any drug required by
0164 the federal or state food, drug and cosmetic act to bear on its label
0165 the legend "Caution: Federal law prohibits dispensing without
0166 prescription."

0167 ~~(x)~~ (y) "Prescription order" means: (1) An order to be filled
0168 by a pharmacist for prescription medication issued and signed by
0169 a practitioner in the authorized course of professional practice, or
0170 (2) an order transmitted to a pharmacist through word of mouth,
0171 note, telephone or other means of communication directed by
0172 such practitioner.

0173 ~~(y)~~ (z) "Probation" means the practice or operation under a
0174 temporary license, registration or permit or a conditional license,
0175 registration or permit of a business or profession for which a
0176 license, registration or permit is granted by the board under the
0177 provisions of the pharmacy act of the state of Kansas requiring
0178 certain actions to be accomplished or certain actions not to occur
0179 before a regular license, registration or permit is issued.

0180 ~~(z)~~ (aa) "Retail dealer" means a person selling at retail non-
0181 prescription drugs which are prepackaged, fully prepared by the
0182 manufacturer or distributor for use by the consumer and labeled
0183 in accordance with the requirements of the state and federal
0184 food, drug and cosmetic acts. Such nonprescription drugs shall
0185 not include: (1) A controlled substance; (2) a drug the label of
0186 which is required to bear substantially the statement "Caution:
0187 Federal law prohibits dispensing without prescription"; or (3) a
0188 drug intended for human use by hypodermic injection.

0189 ~~(aa)~~ (bb) "Secretary" means the executive secretary of the
0190 board.

0191 ~~(bb)~~ (cc) "Unprofessional conduct" means:

0192 (1) Fraud in securing a registration or permit;
0193 (2) intentional adulteration or mislabeling of any drug, med-

(v) "Prescribe" means an independent order by a practitioner authorizing the dispensing of a prescription-only drug, but does not include the act of transmitting a prescription order pursuant to the direction or order of a practitioner.

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0084 Upon receipt of each such remittance, the state treasurer shall
0085 deposit the entire amount thereof in the state treasury to the
0086 credit of the state general fund.

0087 (e) If an applicant for a certificate has within two years
0088 preceding the date of the application held a first responder's
0089 certificate, the director may grant a certificate to such applicant
0090 without such applicant completing a course of instruction speci-
0091 fied in subsection (b) if the applicant has passed an examination
0092 prescribed by the director and has paid a registration fee of
0093 \$7.50.

0094 Sec. 5. The director may inquire into the conduct of first
0095 responders. The director may require a first responder certified
0096 under this act to make records regarding services performed and
0097 to furnish such other information as the director may require to
0098 carry out the provisions of this act. A copy of such records shall
0099 be kept in the first responder's files for a period of not less than
0100 three years. The records shall be made available to the director
0101 upon request.

0102 Sec. 6. A *certified* first responder may perform any of the
0103 following activities:

0104 (a) ~~Scene control~~ *Initial scene management* including, but
0105 not limited to, gaining access to the individual in need of emer-
0106 gency care, ~~appropriate extrication, of the individual and~~ lifting
0107 and moving the individual;

0108 (b) cardiopulmonary resuscitation and airway management;

0109 (c) control of bleeding;

0110 (d) ~~rigid and air extremity splinting~~ *extremity splinting ex-*
0111 *cluding traction splinting;*

0112 (e) stabilization of the condition of the individual in need of
0113 emergency care;

0114 (f) oxygen therapy;

0115 (g) use of oropharyngeal airways;

0116 (h) use of bag valve masks; and

0117 (i) other techniques of preliminary care a first responder is
0118 trained to provide as approved by the university of Kansas school
0119 of medicine and by the council.

0120 Sec. 7. Nothing in this act shall be construed: (a) To pre-

and only in life or limb-threatening situations, the

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0084 persons primarily employed as housekeepers;

0085 (c) caring for the sick in accordance with tenets and practices

0086 of any church or religious denomination which teaches reliance

0087 upon spiritual means through prayer for healing;

0088 (d) nursing assistance in the case of an emergency;

0089 (e) the practice of nursing by students enrolled in accredited

0090 schools of professional or practical nursing nor nursing by grad-

0091 uates of such schools or courses pending the results of the first

0092 licensing examination scheduled by the board following such

0093 graduation;

0094 (f) the practice of nursing in this state by legally qualified

0095 nurses of any of the other states as long as the engagement of any

0096 such nurse requires the nurse to accompany and care for a

0097 patient temporarily residing in this state during the period of one

0098 such engagement not to exceed six months in length, and as long

0099 as such nurses do not represent or hold themselves out as nurses

0100 licensed to practice in this state;

0101 (g) the practice by any nurse who is employed by the United

0102 States government or any bureau, division or agency thereof,

0103 while in the discharge of official duties;

0104 (h) auxiliary patient care services *consisting of techniques*

0105 *and procedures which do not require specialized knowledge and*

0106 *judgment derived from the biological, physical and behavioral*

0107 *sciences and which are performed in medical care facilities,*

0108 *adult care homes or elsewhere by persons under the direction of*

0109 *a person licensed to practice medicine and surgery or a person*

0110 *licensed to practice dentistry or the supervision of a registered*

0111 *professional nurse or a licensed practical nurse;*

0112 (i) the administration of medications to residents of adult care

0113 homes or to patients in hospital-based long-term care units by an

0114 unlicensed person who has been certified as having satisfactorily

0115 completed a training program in medication administration ap-

0116 proved by the secretary of health and environment and has

0117 completed the program on continuing education adopted by the

0118 secretary; ~~or~~

0119 (j) the practice of mental health technology by licensed

0120 mental health technicians as authorized under the mental health

Delete section 1 from the bill, from the title and from the repealer and renumber subsequent sections accordingly.

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[or by an unlicensed person while engaged in and as a part of such training program in medication administration

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0047 glaucoma; (2) the performance of surgery, except that therapeu-
 0048 tic licensees may remove foreign matter that is not intraocular
 0049 from the human eye and its adnexae superficial foreign bodies
 0050 from the cornea and the conjunctiva; and (3) the use of topical
 0051 pharmaceutical drugs pharmacological agents for the diagnostic
 0052 or therapeutic purpose of diagnosing the refractive, muscular or
 0053 pathological condition of the human eye or its adnexae purposes
 0054 by a person licensed to practice optometry unless such person
 0055 has successfully completed an examination approved by the
 0056 board of examiners in optometry on the pharmacological actions
 0057 of these agents and their clinical side effects meets and com-
 0058 pletes the requirements of K.S.A. 65-1505 and amendments
 0059 thereto.

non-imbedded

0060 (c) An optometrist certified to use topical pharmaceutical
 0061 drugs as provided herein shall be held to a standard of care in
 0062 the use of such agents in diagnosis and treatment commensurate
 0063 to that of a person licensed to practice medicine and surgery;
 0064 who exercises that degree of skill and proficiency commonly
 0065 exercised by an ordinary, skillful, careful and prudent person
 0066 licensed to practice medicine and surgery.

0067 Sec. 2. K.S.A. 65-1501a is hereby amended to read as fol-
 0068 lows: 65-1501a. For the purposes of this act the following terms
 0069 shall have the meanings respectively ascribed to them unless the
 0070 context requires otherwise:

0071 (a) "Board" means the board of examiners in optometry for
 0072 the state of Kansas.

0073 (b) "License" means a license to practice optometry granted
 0074 under this act.

0075 (c) "Licensee" means a person licensed under this act to
 0076 practice optometry.

0077 (d) "Adapt" means the determination, selection, fitting or use
 0078 of lenses, prisms, orthoptic exercises or visual training therapy
 0079 for the aid of any insufficiencies or abnormal conditions of the
 0080 eyes after or by examination or testing.

0081 (e) "Lenses" means any type of ophthalmic lenses, which are
 0082 lenses prescribed or used for the aid of any insufficiencies or
 0083 abnormal conditions of the eyes.

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0084 (f) "Prescription" means a verbal or written order directly
 0085 from a licensee giving or containing the name and address of the
 0086 prescriber, the license registration number of the licensee, the
 0087 name and address of the patient, the specifications and direc-
 0088 tions for lenses, prisms, orthoptic exercises or visual training
 0089 therapy to be used for the aid of any insufficiencies or abnormal
 0090 conditions of the eyes, including instructions necessary for the
 0091 fabrication or use thereof, and the date of issue and expiration
 0092 date.

0093 (g) "Prescription for topical pharmaceutical drugs" means a
 0094 verbal or written order directly from a licensee expressly cer-
 0095 tified to prescribe drugs under this act and giving or containing
 0096 the name and address of the prescriber, the license registration
 0097 number of the licensee, the name and address of the patient, the
 0098 name and quantity of the drug prescribed, directions for use, the
 0099 number of refills permitted, the date of issue and expiration
 0100 date.

0101 (h) "Topical pharmaceutical drugs" means drugs known ge-
 0102 nerically as anesthetics, mydriatics, cycloplegics, anti-infec-
 0103 tives; anti-glaucoma agents and anti-inflammatory agents,
 0104 ~~which anti-inflammatory agents shall be limited to a 14 day~~
 0105 ~~supply,~~ administered topically and not by other means for the
 0106 examination, diagnosis and treatment of the human eye and its
 0107 adnexae.

and non-steroidal

0108 (i) "Dispense" means to deliver prescription only medica-
 0109 tion or ophthalmic lenses to the ultimate user pursuant to the
 0110 lawful prescription of a licensee and dispensing of prescrip-
 0111 tion-only medication by a licensee shall be limited to a twenty-
 0112 four-hour supply or minimal quantity necessary until a pre-
 0113 scription can be filled by a licensed pharmacist.

0114 (j) "Diagnostic licensee" means a person licensed under this
 0115 act and certified by the board to prescribe, administer or dis-
 0116 pense topical pharmaceutical drugs for diagnostic purposes.

0117 (k) "Therapeutic licensee" means a person licensed under
 0118 this act and certified by the board to prescribe, administer or
 0119 dispense topical pharmaceutical drugs for therapeutic pur-
 0120 poses.

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3-31-87

Article 15.—BOARD OF EXAMINERS
IN OPTOMETRY

Cross References to Related Sections:

Examination and registration, see ch. 65, art. 15.

74-1501. Board of examiners in optometry; appointment; qualifications; vacancies; removal. The governor shall appoint a board of examiners in optometry for the state of Kansas, consisting of ~~four members~~. Three members shall be selected after consideration of a list of four or more names for each appointment, submitted by the Kansas optometric association, or its successor. One member shall be a representative of the general public. No person other than the member representing the general public shall be eligible for appointment as a member of the board unless such person has been engaged in the actual practice of optometry in the state of Kansas continuously for five years and is a resident thereof. All members shall serve for a term of three years, but in no case shall any member be appointed for more than three successive three year terms. In the case of a vacancy in the membership of the board for any reason, the governor shall appoint a successor of like qualifications to fill the unexpired term, and in making such appointment the governor shall give consideration to the list of persons last submitted. Each member of the board shall hold office until a successor is duly appointed and qualified. The governor shall have the power to remove from office any member of the board for neglect of duty, incompetency, improper or unprofessional conduct.

five members, one of which shall be a person practicing medicine and surgery who specializes in the practice of ophthalmology.

One member shall be selected from a list of two or more names for the appointment, submitted by the Kansas State Ophthalmological Society or its successors.

or ophthalmology

History: L. 1923, ch. 220, § 4; R.S. 1923, 74-1501; L. 1975, ch. 318, § 9; L. 1978, ch. 308, § 56; L. 1981, ch. 299, § 52; July 1.

Source or prior law:

L. 1909, ch. 229, §§ 3, 4.

Research and Practice Aids:

Physicians and Surgeons 5(1).

C.J.S. Physicians and Surgeons § 6 et seq.

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