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Date

2-29-88
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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. on February 22, 1988 in room 423-S of the Capitol.

All members were present except:

Rep. Buehler, Rep. Cribbs, Rep. Pottorff, Rep. Shallenburger, excused.
Rep. Wells, Absent

Committee staff present:

Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Representative Ramirez
Representative Beauchamp
Representative Freeman
Mr. Paul Klotz
Mr. Larry Buening, Chief Counsel, Ks. Board Healing Arts

Chair called meeting to order when quorum was present.

Chair called attention to minutes needing to be approved. Rep. Amos moved the minutes of February 15, 16, 17, 18th, be approved as written, seconded by Rep. Green, motion carried.

Chair invited those with bill requests to come forward.

Rep. Ramirez, offered hand-out, see (Attachment No. 1), for details of draft of proposed legislation. He explained this is basically a concern for Wyandotte County mental health center in regard to funding. Mr. Paul Klotz, Association of Community Mental Health Centers, and Rep. Ramirez answered questions from members.

Rep. Hassler made a motion this legislation be introduced, seconded by Rep. Neufeld. A short discussion ensued. Vote taken, motion carried.

Representative Beauchamp offered hand-out, (Attachment No.2) for details of bill draft. He requested legislation be introduced that would speak to a policy of having schools seek medical care for young children that come to school that are ill. Language in bill speaks to getting permission from parents, and if that cannot be done medical care can be sought, then the parent can be cited for abuse/neglect if necessary. He spoke to parents reimbursing the school for treatment later, the controversial nature of some language, but felt the bill would help children in an area where they are being overlooked. Several questions from members were asked, i.e., yes, it is a combination of children being medically indigent, and having negligent parents; discussion on clause for "against religious reasons".

Rep. Branson moved this be introduced as a committee bill, seconded by Rep. Weimer, motion carried.

Representative Jeff Freeman stated he had intended to offer this as an individual bill, but due to time deadlines, he requests from this committee a bill be introduced as a committee bill, legislation that deals with Tanning Facilities. This would speak to health precautions, eye protection, sanitation, full operation of the facility. He stressed a need for regulations for operation. The facility. Draft he presented is patterned after Ohio law. (Attachment No.3).

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 HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 AM/p.m. on February 22, 1988

Rep. Neufeld moved to introduce Rep. Freeman's bill request, seconded by Rep. Amos, motion carried.

Chair asked if there were other bill requests.

Mr. Furse stated there is a request from Rep. Empson. He explained the request in Rep. Empson's absence. Current statutes authorize a test for DUI that is a breath test. This new legislation request would expand that legislation in include in the DUI test, body substances, i.e., saliva. It is now known that saliva can be measured for alcohol. This request is to broaden current law.

Rep. Weimer made a motion this bill be introduced, seconded by Rep. Neufeld, motion carried.

Chair recognized Mr. Larry Buening, Board of Healing Arts, who offered hand-out, (Attachment No.4). He noted there are two requests, the first would create a new licensing category called a One Year Temporary Certificate to engage in an approved postgraduate training program. He explained the rationale in detail. The second request for legislation involves the Institutional License for individuals filling physician slots at State Hospitals and Department of Correction facilities. These Institutions have expressed concerns about their ability to attract individuals into the facilities. He then answered questions. There was discussion in regard to "Temporary Certificate" rather than "Temporary Permit". He explained the Board felt perhaps a third type of permit would just need to be called by another name. However, they have no problem in having it called "Temporary Permit".

Rep. Amos made a motion to have these two bill requests introduced in behalf of Board of Healing Arts. Motion seconded by Rep. Gatlin, motion carried.

Mr. Furse called attention to requests from Board of Behavioral Sciences. He noted they have requested 7 or 8 sections be amended, and these have been placed into two bills. He further noted they are primarily technical changes, but there is some policy change, i.e., to extend the Professional Counselors Advisory Committee for a year, and to change its functions; relocating and limiting license.

Rep. Green moved to introduce these two bill requests from Board of Behavioral Sciences, seconded by Rep. Hassler, motion carried.

Mr. Furse stated further, there were requested changes be made in Physical Therapists Assistants Act. Chairman stated he had requested Mr. Furse draft necessary language that would be commensurate with bill of Physical Therapist bill (SB 35) from 1987.

Rep. Weimer made a motion to have bills requested in regard to Physical Therapists Assistants be introduced, seconded by Rep. Whiteman, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 1:30 a/m./p.m. on February 22, 1988

Mr. Furse noted a request for legislation be introduced in regard to Psychologists Act. This is in regard to exemptions, i.e., would delete some current exemptions from having to be licensed as a Psychologist and has had language prepared by Assistant Attorney General's office in regard to some experiences the Board had encountered.

Rep. Neufeld moved to introduce this bill, seconded by Rep. Harder, motion carried.

Two fiscal notes were distributed to members and recorded as Attachments. HB 2614 fiscal note is (Attachment No.5), HB 2688 is (Attachment 6).

Meeting adjourned.

HOUSE BILL NO. _____

By

AN ACT concerning mental health clinics; relating to the levy of taxes therefor; amending K.S.A. 65-212 and K.S.A. 1987 Supp. 79-1947 and repealing the existing sections.

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

Section 1. K.S.A. 65-212 is hereby amended to read as follows: 65-212. The board of county commissioners of any such county may, upon the establishment of such mental health clinic, levy an annual tax in an amount not exceeding the limitation prescribed by K.S.A. 79-1947, and amendments thereto, upon all taxable tangible property in such county for the operation of such mental health clinic, and in addition thereto to provide for the construction of facilities for such mental health clinic and to pay a portion of the principal of and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. In addition to the levy authorized for the operation of such mental health clinic, the board of county commissioners may levy an annual tax in an amount not exceeding the limitation prescribed by K.S.A. 79-1947, and amendments thereto, on all taxable tangible property in their county and may issue and sell general obligation bonds of such county, for the purpose of creating and providing a special fund to be used in acquiring a site for, and the building, equipping, repairing, remodeling and furnishing of a mental health clinic or for any one or more of such purposes. Said Such levy may also be used to pay a portion of the principal of and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. Said Such additional tax levy may be made annually until sufficient funds have been created for said such purpose or purposes, or if the county has

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issued and sold general obligation bonds, the proceeds raised by the annual tax levy shall be used to retire the general obligation bonds and said such tax levy shall continue until the general obligation bonds have been retired. Such federal, state or private funds as may be available may be accepted by the board of county commissioners to be placed in the fund for operation of or construction of a mental health clinic as the case may be. Title to the building or buildings of the mental health clinic shall vest in the board of county commissioners and they may allow the mental health clinic which is subject to the jurisdiction of the joint board of health pursuant to K.S.A. 65-211, and amendments thereto, to use the building without charge. The proceeds thereof shall be placed in the hands of the treasurer of said the joint board of health, to be administered as provided by K.S.A. 65-206, and amendments thereto. No levy shall be made under the provisions of this act until a resolution authorizing the making of such levies be is passed by the board of county commissioners ~~by publication for~~ and published in three successive issues in a newspaper of general circulation within the county, whereupon such levies may be made unless a petition in opposition to the same, signed by electors equal in number to not less than ~~ten percent (10%)~~ 10% of the qualified electors of such county ~~as determined by the vote~~ who voted for the office of secretary of state in the last preceding election, is filed with the county clerk of such county within ~~thirty (30)~~ 30 days following the last publication of said such resolution.

In the event such petition is filed it shall be the duty of the board of county commissioners to submit the question to the voters at an election called for such purpose or at the next general election. None of the debt limitations prescribed by law for any such county shall apply to any bonds issued under the authority conferred by this act. The provisions of this act shall be supplemental to other existing health laws in the counties affected thereby, but shall in no way abrogate or amend any such other existing health laws.

Sec. 2. K.S.A. 1987 Supp. 79-1947 is hereby amended to read as follows: 79-1947. The authority of the board of county commissioners of any county to fix a rate of levy annually for the following county purposes, is hereby limited as follows:

Roads and bridges (not under county unit system):	
Construction, reconstruction, improvement, repair, maintenance, and acquisition of rights-of-way	5.00 mills
Roads and bridges (under the county unit system):	
Construction, reconstruction, improvement, repair, maintenance, and acquisition of rights-of-way	10.00 mills
Library: Establish and maintain, as authorized by K.S.A. 12-1220, or contract for library service as authorized by K.S.A. 12-1230	1.50 mills
Library: Establish and maintain within counties designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas, as authorized by K.S.A. 12-1220 or contract for library service as authorized by K.S.A. 12-1230	2.00 mills
Extraordinary expense: As authorized by K.S.A. 19-236	2.50 mills
Stream: Maintenance, as authorized by K.S.A. 82a-308 .....	.50 mill
Memorials: Establish, as authorized by K.S.A. 73-406	2.00 mills
Memorials: Maintenance, as authorized by K.S.A. 73-407 .....	.50 mill
Memorials: Erection and equipment, as authorized by K.S.A. 73-427 .....	.50 mill
Parks: Establishment and maintenance, as authorized by K.S.A. 19-2803 .....	.50 mill
Agriculture extension: Authorized by K.S.A. 2-610: Counties having an assessed valuation of more	

than \$40,000,000.....	1.50 mills,
or a rate sufficient to provide \$80,000, whichever amount is greater;	
Counties having an assessed valuation of not less than \$30,000,000 and not more than \$40,000,000	2.00 mills,
or a rate sufficient to provide \$75,000, whichever amount is greater;	
Counties having an assessed valuation of less than \$30,000,000	2.50 mills
Airport: Joint operation, authorized by K.S.A. 3-121 .....	.50 mill
Cemetery: Maintenance, authorized by K.S.A. 19-3105 .....	.25 mill
Cemetery: Abandoned, maintenance, authorized by K.S.A. 19-3106 .....	.10 mill
Depository bank failure: Authorized by K.S.A. 19-2636	1.00 mill
Economic development: Authorized by K.S.A. 19-4102.....	.50 mill
Flood control: Maintenance, authorized by K.S.A. 19-3305	1.00 mill
Geological survey: Authorized by K.S.A. 76-326a ..	.10 mill
Highways: County connecting links, authorized by K.S.A. 68-582	1.00 mill
Hospital: Authorized by K.S.A. 19-4606	2.00 mills
Lake and recreational grounds: Authorized by K.S.A. 19-2803e .....	.50 mill
Lighting of highways and bridges: Authorized by K.S.A. 68-166 .....	.10 mill
Memorial buildings: Authorized by K.S.A. 73-407 ..	.75 mill
Mental health centers: Operation, authorized by K.S.A. 19-4004.....	2.00 mills
Mental retardation services: Authorized by K.S.A. 19-4004	2.00 mills

Buildings and facilities: Authorized by K.S.A.	
19-4004	1.00 mill
Mental health services: Contract: Authorized by	
K.S.A. 19-4011	2.00 mills
Contract: Mentally retarded: Authorized by	
K.S.A. 19-4011	2.00 mills
<u>Mental health clinics: Operation: Authorized by</u>	
<u>K.S.A. 65-212</u>	<u>2.00 mills</u>
<u>Mental health clinics: Special fund for</u>	
<u>acquisition, construction and repairing:</u>	
<u>Authorized by K.S.A. 65-212</u>	<u>1.00 mill</u>
<u>Mental health clinics: Authorized by K.S.A. 65-215</u>	
<u>.....</u>	<u>2.00 mills</u>
Noxious weeds: Authorized by K.S.A. 2-1318	1.00 mill
Deficiency levy for chemicals and materials ....	.50 mill
Soil drifting fund: Authorized by K.S.A. 2-2007 ..	1.00 mill

Such rates or amounts are not intended to and shall not be construed to apply to counties not specifically authorized by law to make such levies.

Sec. 3. K.S.A. 65-212 and K.S.A. 1987 Supp. 79-1947 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Rep. Baughman

HOUSE BILL NO. _____

By

AN ACT concerning school districts; requiring boards of education thereof to adopt policies for the provision of health care services to pupils with health care needs.

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

Section 1. As used in this act:

(a) "Board" means the board of education of any school district.

(b) "School district" means any public school district organized and operating under the laws of this state.

(c) "Professional employee" means any person who is regularly employed by a board in a professional capacity and who is performing duties for which certification is required by the state board of education.

(d) "Pupil" means any person who is regularly enrolled in and attending any of the grades kindergarten through 12 maintained by a school district.

(e) "Pupil with health care needs" means any pupil less than 18 years of age whose health or physical, mental or emotional condition requires health care services.

(f) "Parent" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.

(g) "Health care services" means hospital, medical, surgical or dental treatment or procedures.

(h) "Physical, mental or emotional abuse or neglect" has the meaning ascribed thereto in the Kansas code for care of children.

Sec. 2. (a) Whenever it appears to any professional employee of a school district that a pupil enrolled in the school district is a pupil with health care needs, the professional

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employee shall report the matter to the superintendent of the school district. The superintendent shall notify the parents of the pupil of the report. Such notice shall describe the health care services which the pupil appears to be in need of, inform the parents of any free or low-cost health care services available in the area, and request the parents to respond to the notice. If the response of the parents to the notice indicates that the parents are financially unable to pay the costs of providing the pupil with the needed health care services and that the pupil is not eligible for medical assistance under K.S.A. 39-701, and amendments thereto, the school district, with the consent of the parents, may cause the pupil to be provided with the needed health care services and may pay the costs thereof from the general fund of the school district.

(b) Failure or refusal of the parents of a pupil with health care needs to respond to a notice under subsection (a) or to provide the pupil with needed health care services or to consent to the provision thereof shall constitute physical, mental or emotional abuse or neglect and the same shall be reported as provided in K.S.A. 38-1522, and amendments thereto.

(c) No school district which in good faith causes a pupil with health care needs to be provided with health care services and no health care provider who in good faith provides health care services to a pupil with health care needs, after a consent has been obtained as provided in this section, shall be liable in any civil or criminal action for failure to obtain consent of a parent.

(d) When the costs of the provision of health care services to a pupil with health care needs has been paid by a school district and the parents of the pupil become possessed of financial resources in excess of the amount possessed at the time the school district paid such costs, it shall be the duty of the parents to reimburse the school district for the expense incurred by it. Moneys received by a school district under this subsection shall be deposited in the general fund of the school

district, shall be considered reimbursements to the school district for the purpose of the school district equalization act, may be expended whether the same have been budgeted or not, and amounts so expended shall not be considered operating expenses.

(e) The board of every school district shall develop and adopt a policy for effectuation of the provisions of this act.

(f) Nothing in this act shall be construed to mean that any person shall be relieved of legal responsibility to provide care and support for a child.

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

HOUSE BILL NO. _____

By Committee on

AN ACT concerning tanning facilities; authorizing the operation thereof in salons, schools of cosmetology or health spas; requiring permits for operation thereof; providing for administration by the state board of cosmetology; prohibiting certain acts and providing penalties for violations.

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

Section 1. (a) As used in this section:

(1) "Tanning facility" means a room or booth which houses equipment or beds used for tanning the human skin by the use of fluorescent sunlamps using ultraviolet or other artificial radiation;

(2) "board" means state board of cosmetology; and

(3) "health spa" means any person, association, partnership or corporation engaged in the sale of instruction, training or assistance in a program of physical exercise, which may include the use of a sauna, whirlpool bath, weight-lifting room, massage, steam room or other exercising machine or device, or in the sale of the right or privilege to those facilities, machines or devices. "Health spa" does not include a bona fide nonprofit organization which has been granted taxexempt status by the United States internal revenue service, including but not limited to the young men's christian association, the young women's christian association or other similar organizations whose functions as health spas are only incidental to their overall functions and purposes.

(b) The owner or operator of a salon or school of cosmetology licensed under K.S.A. 65-1901 et seq. and amendments thereto or the owner or operator of a health spa may operate

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tanning facilities in the salon, school of cosmetology or health spa in accordance with rules and regulations of the state board of cosmetology pertaining to the operation of tanning facilities.

(c) The board shall adopt rules and regulations:

(1) Requiring that tanning facilities be installed and operated in a manner that ensures the health and safety of consumers using them;

(2) establishing the procedures governing applications for permits required by this section; and

(3) setting fees for permits and renewal which cover the costs incurred by the board in inspecting tanning facilities and enforcing the rules of the board, but which in any case shall not exceed \$200 for a permit or renewal for each location of such facilities.

(d) The rules and regulations adopted under subsection (c)(1) of this section shall include but not be limited to the following:

(1) A rule and regulation establishing a maximum safe time of exposure to radiation, a maximum safe temperature at which sunlamps may be operated and proper ventilation of the area in which the sunlamps are located;

(2) a rule and regulation requiring that the consumer wear protective eyeglasses and that the consumer be supervised as to the length of time the consumer uses a tanning facility;

(3) a rule and regulation requiring the operator to prohibit consumers from standing too close to sunlamps and to post signs warning consumers of the potential effects of radiation on persons taking certain medications and of the possible relationship of the radiation to skin cancer;

(4) a rule and regulation requiring the installation of protective shielding for sunlamps and handrails for consumers;

(5) a rule and regulation requiring that all employees who operate the tanning equipment hold an authorization from the board as having successfully completed a training program approved by the board in the operation of tanning equipment; and

(6) a rule and regulation requiring that floors be dry during operation of lamps, that the facility be cleaned after each use and that showers be available for customers.

(e) No person shall own or operate any tanning facilities that are offered to the public for a fee or other compensation unless the person holds a valid permit issued by the board. The permit holder shall post the permit in a conspicuous place on any premises where the tanning facilities are located. A person shall obtain a separate permit for each of the premises owned or operated by that person. No person who owns or operates a tanning facility shall allow the sale or consumption of alcohol on the premises or allow an intoxicated person to use the tanning equipment.

(f) The board shall issue a permit to any person who files an application on a form prescribed by the board and pays the fee established by the board, if an initial inspection of the premises indicates that the premises and the tanning facilities are installed and will be operated in accordance with any rules and regulations adopted under subsection (c)(1) of this section.

(g) A permit holder may renew a permit annually upon payment to the board of the annual renewal fee, except that the board may, after a hearing in accordance with the Kansas administrative procedure act refuse to renew the permit of any owner or operator who has violated the rules and regulations of the board for the safe operation of tanning facilities.

(h) The board shall appoint inspectors as needed to make periodic inspections of tanning facilities as specified by the board. The board, after a hearing in accordance with the Kansas administrative procedure act, may suspend any permit where the owner or operator fails to correct any unsafe conditions that exist in violation of the rules and regulations of the board or fails to cooperate in any inspection of tanning facilities by the inspector.

(i) If any violation has resulted in a condition deemed by an inspector to create an immediate danger to the health and

safety of any person using the tanning facilities, the inspector may suspend the permit without a prior hearing until the unsafe condition is corrected or until a hearing in accordance with the Kansas administrative procedure act is held and the board either upholds the suspension by the inspector or reinstates the permit.

(j) A violation of subsection (e) is a misdemeanor punishable by a fine of not to exceed \$5,000.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

BOARD OF HEALING ARTS

OFFICE OF

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February 17, 1988

Representative Marvin L. Littlejohn
Chairperson
House Public Health and Welfare Committee
Capitol Building
Topeka, KS

RE: Request for Committee Bills

Dear Representative Littlejohn:

At the Board Meeting held February 6, 1988, the Kansas State Board of Healing Arts requested that Board Staff prepare and submit to the Legislature two bills which would modify existing provisions of the Kansas Healing Arts Act. Enclosed please find twenty copies of each of these bill proposals. On behalf of the Board, I would like to request that each of these bills be considered by the House Public Health and Welfare Committee for introduction into the 1988 Session.

The first bill creates a new licensing category called a One Year Temporary Certificate to engage in an approved postgraduate training program. In the past year, the Board has become aware of difficulties being experienced by the residency training programs in Kansas in attracting qualified individuals to fill residency programs due to the present requirements of K.S.A. 65-2811(a)(2). This present statute requires that a person meet all qualifications for a licensure with the exception of postgraduate training and the clinical examination required under K.S.A. 65-2873(a)(3). A review of other state statutes reveals that the requirements for a postgraduate permit in Kansas are among the most strict in all of the states. Furthermore, it is our understanding that there is a trend away from requiring basic science examination passage for graduation from a medical school. Although the University of Kansas Medical School continues to require passage of parts I and II of the National Board of Examiners as a prerequisite for graduation, this is not universally true. Medical schools such as John Hopkins and a number of others have deleted this as a requirement for graduation. As a result, many students who the residency programs in Kansas wish to attract into its internship and residency programs either have not taken the basic science examination or have not yet received the results of the examination by the entry date into the program.

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Representative Marvin L. Littlejohn
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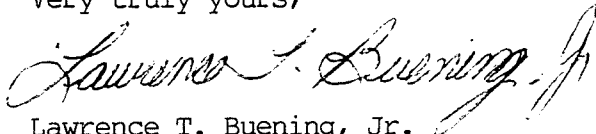
At the Board Meeting conducted February 6th, the Board felt that a category of the one year certificate should be created to enable individuals to enter into a residency program in this State and engage in such for a period of one year. This proposal would only be for one year and in order to either obtain permanent licensure or the temporary permit provided for in K.S.A. 65-2811(a)(2), then the basic science examination would have to be passed.

The second bill involves the Institutional License for individuals filling physician slots at State Hospitals and Department of Correction Facilities. These institutions have likewise expressed concerns about their ability to attract individuals into these institutions. Again, the Board felt that some relaxation of the requirements for initial issuance of an Institutional License might be of benefit to these state agencies. As a result, this proposed amendment is being submitted.

The Board would very much appreciate it if you would submit these two bills to the Public Health and Welfare Committee of the House to determine if that Committee should desire to have these proposals introduced into this Legislative Session.

Thank you very much for your attention to these matters. If you have any questions or desire additional information, please feel free to contact me.

Very truly yours,



Lawrence T. Buening, Jr.
General Counsel

LTB/pd
Encs.

AN ACT relating to the healing arts act; establishing a one year temporary certificate to engage in an approved postgraduate training program; amending K.S.A. 1987 Supp. 65-2852 and repealing the existing section.

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

New Section 1. (a) The state board of healing arts may issue a one year temporary certificate to engage in a postgraduate training program approved by the board to any person who is a graduate of an accredited school of the healing arts or a school which has been in operation for not less than 15 years and the graduates of which have been licensed in another state or states which have standards similar to Kansas and who has not previously engaged in a postgraduate program in this state.

(b) Such one year temporary certificate shall be issued only to a person;

(1) Who has made proper application upon forms provided by the board;

(2) who has been accepted in or appointed to a full-time approved postgraduate training program in this state; and

(3) who has paid the prescribed fees as established by the board for the application for and granting of such one year temporary certificate.

(c) The one year temporary certificate shall authorize the person receiving the certificate to practice the appropriate branch of the healing arts only to the extent prescribed by and incidental to the postgraduate training program but shall not otherwise entitle or authorize the person receiving the certificate to engage in the practice of the healing arts in this state.

(d) No more than one one year temporary certificate shall be issued to any one person.

(e) A one year temporary certificate shall be cancelled it:

(1) The holder thereof ceases to be engaged in the postgraduate training program;

or

(2) the holder thereof has engaged in the practice of the healing arts outside of the postgraduate training program.

(f) This section shall be part of and supplemental to the Kansas healing arts act.

Section 2. K.S.A. 1987 Supp. 65-2852 is hereby amended to read as follows: 65-2852

(a) The following fees shall be established and collected by the board:

(1) For a license, issued upon the basis of an examination given by the board, in a sum of not more than \$150;

(2) for a license, issued without examination and by endorsement, in a sum of not more than \$150;

(3) for a license, issued upon a certificate from the national boards, in a sum of not more than \$150;

(4) for the annual renewal of a license, the sum of not more than \$150;

(5) for a temporary permit, in a sum of not more than \$30;

(6) for an institutional license, in a sum of not more than \$150;

(7) for a visiting professor temporary license, in a sum of not more than \$25;

(8) for a certified statement from the board that a licensee is licensed in this state, the sum of not more than \$15;

(9) for any copy of any license issued by the board, the sum of not more than \$15;

(10) for any examination given by the board, a sum in an amount equal to the cost to the board of the examination;

(11) for application for and issuance of a special permit under K.S.A. 65-2811a and amendments thereto, the sum of not more than \$30.

(12) for an exempt license or renewal of an exempt license, the sum of not more than \$150;

(13) for conversion of an exempt license to a license to practice the healing arts, the sum of not more than \$150; and

(14) for a one-year certificate to engage in a postgraduate training program, the sum of not more than \$30.

(b) On or before May 15 of each year, the state board of healing arts shall determine the amount of funds that will be required during the next ensuing license year beginning July 1, to properly administer the law which the board is directed to administer under K.S.A. 65-2801 et seq., and amendments thereto, and shall fix the fees annually for the succeeding year in such reasonable sums as may be necessary within the limitation prescribed.

Section 3. K.S.A. 1987 Supp. 65-2852 is hereby repealed.

Section 4. This act shall take effect and be in force from and after its publication in the statute book.

BILL NO.

AN ACT relating to the healing arts act; amending K.S.A. 1987 Supp. 65-2895 and repealing the existing section.

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

Section 1. K.S.A. 1987 Supp. 65-2895 is hereby amended to read as follows:

65-2895. (a) There is hereby created a designation of institutional license which may be issued by the board to a person who is a graduate of an accredited school of the healing arts or a school which has been in operation for not less than 15 years and the graduates of which have been licensed in another state or states which have standards similar to Kansas and who is employed by the department of social and rehabilitation services or employed by any institution within the department of corrections. ~~If the applicant is a foreign medical graduate, the applicant shall pass an examination given by the educational commission for foreign medical graduates.~~ An applicant for an institutional license shall pass an examination in the basic ~~and clinical~~ sciences approved by the board. The institutional license shall confer upon the holder the right and privileges to practice that branch of the healing arts in which the holder of the institutional license is proficient and shall obligate the holder to comply with all requirements of such license. The practice privileges of institutional license holders are restricted as follows: The institutional license shall be valid only during the period in which the holder is employed by the department of social and rehabilitation services or employed by an institution within the department of corrections, and only within the institution to which the holder is assigned.

(b) An institutional license shall be valid for a period of two years after the date of issuance and may be renewed if the applicant for renewal is eligible to obtain an institutional license under this section, has successfully completed the examination required under subsection (a)(3) of K.S.A. 65-2873 and amendments thereto and has submitted evidence of satisfactory completion of a program of continuing education required by the board. The board shall require each applicant for renewal of an institutional license under this section to submit evidence of satisfactory completion of a program of continuing education required by the board of licensees of the branch of the healing arts in which the applicant is proficient.

(c) This section shall be part of and supplemental to the Kansas healing arts act.

Section 2. K.S.A. 1987 Supp. 65-2895 is hereby repealed.

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

The Honorable Marvin Littlejohn, Chairperson
Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse

Dear Representative Littlejohn:


SUBJECT: Fiscal Note for House Bill No. 2614 by Committee on Public Health and Welfare

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2614 is respectfully submitted to your committee.

House Bill No. 2614 amends K.S.A. 39-926a by prohibiting approval of new licenses for adult care homes in areas where occupancy of existing adult care homes is 92 percent or less, as determined by quarterly occupancy reports developed by the Department of Health and Environment. Licenses for new facilities would also be denied if construction of the facility would result in an area occupancy rate of less than 92 percent. The bill also restricts issuance of licenses for new intermediate care facilities for the mentally retarded, and limits capacity increases for existing adult care homes. Effective date of the bill would be upon publication in the Kansas Register.

The Department of Health and Environment estimates that it would require one new position (an Architect I or equivalent position) and \$28,300 from the State General Fund on an annual basis to implement the requirements of House Bill No. 2614. During the first year of implementation, an additional \$625 would be required for capital outlay costs. Since the effective date of the bill is upon publication in the Kansas Register, costs would also be incurred in FY 1988, with the exact amount depending on date of enactment.

Any expenditures resulting from passage of House Bill No. 2614 would be from the State General Fund and would be adjustments to amounts contained in the FY 1989 Governor's Report on the Budget.


Michael F. O'Keefe
Director of the Budget

MFO:JJ:pk

cc: Dr. Stan Grant, Secretary of Health and Environment

1841

Attn #5
2-22-8
P/H/W

Fiscal Note
1988 Session
February 18, 1988

Bill No

The Honorable Marvin Littlejohn, Chairperson
Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse

Dear Representative Littlejohn:

SUBJECT: Fiscal Note for House Bill No. 2688 by Committee on Public Health and Welfare

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2688 is respectfully submitted to your committee.

HB 2688 requires that persons drawing blood for transfusion or industrial use must obtain the donor's name, current address, social security number, as well as the name and address of a local relative or acquaintance. The bill also prohibits persons who knowingly have infectious or contagious diseases, as defined by the Secretary of Health and Environment, from donating blood for transfusion or industrial use. Violation of either provision of the bill would constitute a misdemeanor offense punishable by a maximum fine of \$1,000.

Enactment of HB 2688 could have an impact on State General Fund receipts, depending on the extent to which fines are imposed under the penalty provisions. It is not possible to make an accurate projection of the amount, however.

M F O'Keefe

Michael F. O'Keefe
Director of the Budget

MFO:JJ:dlf

cc: Dr. Stan Grant, Secretary of Health and Environment

1909

*Attn #6
2-22-8
PH&W*