

Approved

3-22-88

Date

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at
Chairperson

1:30 1/2 p.m. on March 16, 1988 in room 423-S of the Capitol.

All members were present except:

Representative Blumenthal, absent

Committee staff present:

Emalene Correll, Research
Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Chairman called meeting to order, noting there was a balloon copy for HB 3035 and he invited Mr. Furse to explain it.

Section 1 would be stricken, Mr. Furse indicated since it would not be effective it would be removed from the bill and the repealer and the title. Section 2, on page 3 of balloon would delete language relating to rural hospital, and insert language suggested yesterday by groups testifying on HB 3035., i.e., "A separate license is not required for two separate establishments which are located in the same or contiguous counties, which provide the services required by K.S.A. 65-431 and amendments thereto and which are organized under a single owner or governing board with a single designated administrator and medical staff". Renumbering sections as needed, page 4, delete "rural" on line 129; delete "facility" in line 133, and insert in lieu thereof "establishment"; delete "arrangements for" in lines 136 and 137; delete "and arrangements for laundry service" in lines 137-138, and delete language relating to "adult care homes", as discussed March 15th. (language in 139-142 all deleted). (See Attachment No. 1 for balloon of HB 3035).

Rep. Buehler made a motion to adopt the balloon copy amendments as described by Mr. Furse, seconded by Rep. Green, motion carried.

On the bill as a whole, Rep. Gatlin made a motion to pass HB 3035 out favorably as amended, seconded by Rep. Whiteman, motion carried.

HB 3032:

Chair invited Mr. Furse to explain balloon copy offered on HB 3032. Mr. Furse indicated changes were suggested by the Assistant Attorney General, Rita Noll. Page 1, lines 24-25 current law is stricken, and reinserted in lieu thereof, "qualified members of other professional groups such as, but not limited to,". If this is acceptable, Mr. Furse noted sub (b) then would be unnecessary. Further, delete language lines 81-84, and insert in lieu thereof, "to restrict the use of tools, tests, instruments or techniques so long as the user does not represent oneself to be a licensed psychologist or a registered masters level psychologist and so long as the user does not refer to the tools, tests, instruments or techniques by incorporating the words "psychologic," "psychological" or "psychology;".

Rep. Shallenburger made a motion to table HB 3032, seconded by Rep. Neufeld. Discussion ensued, i.e., If there is a problem here, let's address it, not table it; perhaps it would be wise to have a spokesperson from Behavioral Sciences explain just what their needs and concerns are in this regard. Vote taken, motion carried. HB 3032 Tabled.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 /a/m./p.m. on March 16, 1988

Representative Cribbs asked to be recorded as NO vote on HB 3032 being tabled. (See Attachment No.2 for details of balloon on bill).

HB 3033:

Discussion began on HB 3033. The net effectiveness of this bill would allow the person holding an Institutional License for two years could not practice outside that setting, and after that time could take the other required tests and could progress from that license if all requirements were met. There was discussion in regard to problems in past, due to lack of communication with foreign students. It was brought out the tests are all given in English. Consensus was there would be few affected by this bill.

Rep. Harder made a motion to report HB 3033 out of committee favorably and be placed on Consent Calendar, seconded by Rep. Buehler. Discussion in regard to eliminating clinical portion; it was noted the basic Sciences is the most difficult for Foreign Students; does Department of Corrections need this legislation enacted more than SRS. Vote taken, motion carried.

HB 3034:

Chair drew attention to HB 3034. Discussion began, i.e., noting technical changes necessary. Rep. Hassler made a motion to delete "certificate" in line 49, and insert in lieu thereof, "permit". Rep. Branson seconded the motion, motion carried.

Rep. Green moved to strike lines 100-107 of HB 3034, seconded by Rep. Hassler, motion carried.

Rep. Amos moved to strike in line 72, (a), and to insert after the word established, ", by Rules and Regulations". Motion seconded by Rep. Green, motion carried.

HB 3034 as a whole, Rep. Buehler made a motion to pass HB 3034 as amended out favorably, seconded by Rep. Cribbs. Question called for, vote taken, motion carried.

HB 2842 Chairman noted there would be no hearing since there is no available funding to implement the legislation.

Chair noted a heavy Agenda for next week.

Meeting adjourned.

HOUSE BILL No. 3035

By Committee on Public Health and Welfare

2-24

0017 AN ACT concerning medical care facilities; authorizing the
0018 category of rural hospital; amending K.S.A. 65-425, 65-429 and
0019 65-431 and repealing the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 65-425 is hereby amended to read as fol-
0022 lows: 65-425. As used in this act: (a) "General hospital" means an
0023 establishment with an organized medical staff of physicians;
0024 with permanent facilities that include inpatient beds; and with
0025 medical services, including physician services, and continuous
0026 registered professional nursing services for not less than
0027 ~~twenty four (24)~~ 24 hours of every day, to provide diagnosis and
0028 treatment for four or more nonrelated patients who have a variety
0029 of medical conditions.

0030 (b) "Special hospital" means an establishment with an orga-
0031 nized medical staff of physicians; with permanent facilities that
0032 include inpatient beds; and with medical services, including
0033 physician services, and continuous registered professional nurs-
0034 ing services for not less than ~~twenty four (24)~~ 24 hours of every
0035 day, to provide diagnosis and treatment for four or more nonre-
0036 lated patients who have specified medical conditions.

0037 (c) "Rural hospital" means:

0038 (1) *An establishment with permanent facilities that include*
0039 *inpatient beds and with medical services, including physician*
0040 *services and continued registered professional nursing services*
0041 *for not less than 24 hours of every day, to provide diagnosis and*
0042 *treatment of four or more nonrelated patients who have a*
0043 *variety of medical conditions, which establishment is located in*
0044 *a county having a population of not more than 50,000; or*

0045 (2) *two or more establishments which operate as a single*

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0046 entity under common ownership with a common board of trust,
0047 ees or directors and with a common medical staff and chief
0048 executive officer with permanent facilities that include inpa-
0049 tient beds and with medical services, including physician ser-
0050 vices and continued registered professional nursing services for
0051 not less than 24 hours of every day, to provide diagnosis and
0052 treatment for four or more nonrelated patients who have a
0053 variety of medical conditions, none of which establishments are
0054 located in a county having a population of more than 50,000.

0055 (e) (d) "Person" means any individual, firm, partnership,
0056 corporation, company, association, or joint stock association, and
0057 the legal successor thereof.

0058 (d) (e) "Governmental unit" means the state, or any county,
0059 municipality, or other political subdivision thereof; or any de-
0060 partment, division, board or other agency of any of the foregoing.

0061 (e) (f) "Licensing agency" means the department of health
0062 and environment.

0063 (f) (g) "Ambulatory surgical center" means an establishment
0064 with an organized medical staff of physicians; with permanent
0065 facilities that are equipped and operated primarily for the pur-
0066 pose of performing surgical procedures; with continuous physi-
0067 cian services and registered professional nursing services
0068 whenever a patient is in the facility; and which does not provide
0069 services or other accommodations for patient to stay overnight.

0070 (g) (h) "Recuperation center" means an establishment with
0071 an organized medical staff of physicians; with permanent facili-
0072 ties that include inpatient beds; and with medical services,
0073 including physician services, and continuous registered profes-
0074 sional nursing services for not less than ~~twenty-four (24)~~ 24 hours
0075 of every day, to provide treatment for four or more nonrelated
0076 patients who require inpatient care but are not in an acute phase
0077 of illness, who currently require primary convalescent or restor-
0078 ative services, and who have a variety of medical conditions.

0079 (h) (i) "Medical care facility" means a hospital, ambulatory
0080 surgical center or recuperation center.

0081 (i) (j) "Hospital" means "general hospital", or "special hos-
0082 pital or "rural hospital."

Section 1

0083 Sec. 2 K.S.A. 65-429 is hereby amended to read as follows:
 0084 65-429. Upon receipt of an application for license, the licensing
 0085 agency shall issue with the approval of the state fire marshal a
 0086 license provided the applicant and the physical facilities of the
 0087 medical care facility meet the requirements established under
 0088 this act. A license, unless suspended or revoked, shall be re-
 0089 newable annually without charge upon the filing by the licensee,
 0090 and approval by the licensing agency, of an annual report upon
 0091 such uniform dates and containing such information in such form
 0092 as the licensing agency prescribes by regulation. A medical care
 0093 facility which has been licensed by the licensing agency and
 0094 which has received certification for participation in federal re-
 0095 imbursement programs and which has been accredited by the
 0096 joint commission on accreditation of hospitals or the American
 0097 osteopathic association may be granted a license renewal based
 0098 on such certification and accreditation. Each license shall be
 0099 issued only for the premises and persons or governmental units
 0100 named in the application and shall not be transferable or assign-
 0101 able except with the written approval of the licensing agency. A
 0102 hospital that meets the requirements for both a general hospital
 0103 and a rural hospital may elect the classification of its license. A
 0104 single license shall be issued to any rural hospital meeting the
 0105 requirements of this act. Licenses shall be posted in a conspic-
 0106 uous place on the licensed premises.

A separate license is not required for two separate establish-
 ments which are located in the same or contiguous counties,
 which provide the services required by K.S.A. 65-431 and
 amendments thereto and which are organized under a single
 owner or governing board with a single designated administra-
 tor and medical staff.

0107 Sec. 3 K.S.A. 65-431 is hereby amended to read as follows:
 0108 65-431. (a) The licensing agency shall adopt, amend, promulgate 2
 0109 and enforce such rules and regulations and standards with re-
 0110 spect to the different types of medical care facilities to be
 0111 licensed hereunder as may be designed to further the accom-
 0112 plishment of the purposes of this law in promoting safe and
 0113 adequate treatment of individuals in medical care facilities in the
 0114 interest of public health, safety and welfare. No rule or regula-
 0115 tion shall be made by the licensing agency which would dis-
 0116 criminate against any practitioner of the healing arts who is
 0117 licensed to practice medicine and surgery in this state. Boards of
 0118 trustees or directors of facilities licensed pursuant to the provi-
 0119 sions of this act shall have the right to select the professional staff

0120 members of such facilities and to select and employ interns,
 0121 nurses and other personnel, and no rules and regulations or
 0122 standards of the licensing agency shall be valid which, if en-
 0123 forced, would interfere in such selection or employment. In
 0124 formulating rules and regulations, the agency shall give due
 0125 consideration to the size of the medical care facility, the type of
 0126 service it is intended to render, the scope of such service and the
 0127 financial resources in and the needs of the community which
 0128 such facility serves.

0129 (b) A rural hospital consisting of more than one establish-
 0130 ment shall be considered in compliance with the rules and
 0131 regulations of the licensing agency if all basic services required
 0132 by the agency are available as a part of the combined operation
 0133 and if the following basic services are available at each facility: establishment
 0134 Continuous nursing service, continuous physician coverage on
 0135 duty or on call, basic diagnostic radiological and laboratory
 0136 facilities, drug room, arrangements for emergency services, food
 0137 service, arrangements for patient isolation and arrangements and
 0138 for laundry service. Any rural hospital complying with the
 0139 requirements for a license to operate an adult care home, as
 0140 defined in K.S.A. 39-923 and amendments thereto, shall be
 0141 licensed to provide adult care home services as a part of the
 0142 license issued to such hospital hereunder.

0143 Sec. 4. K.S.A. 65-425, 65-429 and 65-431 are hereby re- 3
 0144 pealed.

0145 Sec. 5. This act shall take effect and be in force from and 4
 0146 after its publication in the statute book.

HOUSE BILL No. 3032

By Committee on Public Health and Welfare

2-24

0017 AN ACT concerning the practice of psychology; relating to
0018 individuals subject to licensure under the licensure of psy-
0019 chologists act of the state of Kansas; amending K.S.A. 1987
0020 Supp. 74-5344 and repealing the existing section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1987 Supp. 74-5344 is hereby amended to
0023 read as follows: 74-5344. Nothing contained in this act shall be
0024 construed: (a) To prevent ~~qualified members of other profes-~~
0025 ~~sional groups such as, but not limited to,~~ ministers, Christian
0026 Science practitioners; ~~social workers~~ and sociologists from doing
0027 work of a psychological nature consistent with their training and
0028 ~~consistent with any code of ethics of their respective professions~~
0029 so long as they do not hold themselves out to the public by any
0030 title or description of services incorporating the words "psycho-
0031 logic," "psychological," "psychologist" or "psychology";

0032 (b) to prevent a licensed social worker, person licensed to
0033 practice under the Kansas healing arts act, registered profes-
0034 sional counselor, licensed mental health technician or any other
0035 person licensed, registered or otherwise regulated under the
0036 laws of this state from doing work of a psychological nature
0037 consistent with the laws of this state regulating such persons;

0038 (c) in any way to restrict any person from carrying on any
0039 of the aforesaid activities in the free expression or exchange of
0040 ideas concerning the practice of psychology, the application of
0041 its principles, the teaching of such subject matter and the con-
0042 ducting of research on problems relating to human behavior if
0043 such person does not represent such person or such person's
0044 services in any manner prohibited by this act;

0045 (d) to limit the practice of psychology of a registered

qualified members of other professional groups such as, but not limited to,

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0046 masters level psychologist or a person who holds a temporary
0047 permit to practice as a registered masters level psychologist
0048 insofar as such practice is a part of the duties of any such person's
0049 salaried position, and insofar as such practice is performed solely
0050 on behalf of such person's employer or insofar as such person is
0051 engaged in public speaking with or without remuneration;

0052 ~~(d)~~ (e) to limit the practice of psychology or services of a
0053 student, intern or resident in psychology pursuing a degree in
0054 psychology in a school, college, university or other institution,
0055 with educational standards consistent with those of the state
0056 universities of Kansas if such practice or services are supervised
0057 as a part of such person's degree program. Nothing contained in
0058 this section shall be construed as permitting such persons to offer
0059 their services as psychologists to any other person and to accept
0060 remuneration for such psychological services other than as spe-
0061 cifically excepted herein, unless they have been licensed under
0062 the provisions of the licensure of psychologists act of the state of
0063 Kansas, registered under the provisions of K.S.A. 1987 Supp.
0064 74-5361 to 74-5371, inclusive, and amendments thereto or
0065 granted a temporary permit under the provisions of K.S.A. 1987
0066 Supp. 74-5367 and amendments thereto;

0067 ~~(e)~~ (f) to prevent the employment, by a person, association,
0068 partnership or a corporation furnishing psychological services for
0069 remuneration, of ~~persons~~ a person not licensed as ~~psychologists~~
0070 a psychologist under the provisions of this act to practice psy-
0071 chology if such ~~persons work~~ a person works under the supervi-
0072 sion of a psychologist or psychologists licensed under the provi-
0073 sions of this act and if such ~~persons are~~ a person is not in any
0074 manner held out to the public as ~~psychologists licensed under~~
0075 ~~the provisions of the licensure of psychologists act of the state of~~
0076 ~~Kansas, as registered under the provisions of K.S.A. 1987 Supp.~~
0077 ~~75-5361 to 74-5371, inclusive, and amendments thereto or as~~
0078 ~~holding a temporary permit under the provisions of K.S.A. 1987~~
0079 ~~Supp. 74-5367 and amendments thereto~~ a psychologist or a
0080 registered masters level psychologist;

0081 (f) to restrict the use of tools, tests, instruments or techniques
0082 usually denominated "psychological" so long as the user does

0083 not represent oneself to be a licensed psychologist or a regis-
0084 tered masters level psychologist;

0085 (g) to permit persons licensed as psychologists to engage in
0086 the practice of medicine as defined in the laws of this state, nor to
0087 require such licensed psychologists to comply with the Kansas
0088 healing arts act;

0089 (h) to restrict the use of the term "social psychologist" by any
0090 person who has received a doctoral degree in sociology or social
0091 psychology from an institution whose credits in sociology or
0092 social psychology are acceptable by a school or college as de-
0093 fined in this act, and who has passed comprehensive examina-
0094 tion in the field of social psychology as a part of the requirements
0095 for the doctoral degree or has had equivalent specialized training
0096 in social psychology;

0097 (i) to restrict the practice of psychology by a person who is
0098 certified as a school psychologist by the state department of
0099 education so long as such practice is conducted as a part of the
0100 duties of employment by a unified school district or as part of an
0101 independent evaluation conducted in accordance with K.S.A.
0102 72-963 and amendments thereto, including the use of the term
0103 "school psychologist" by such person in conjunction with such
0104 practice; or

0105 (j) to restrict the practice of psychology by psychologists not
0106 licensed under this act in institutions for the mentally retarded or
0107 in the youth centers at Atchison, Beloit, Larned and Topeka. The
0108 provisions of this subsection (j) shall expire on January 1, 1989.

0109 Sec. 2. K.S.A. 1987 Supp. 74-5344 is hereby repealed.

0110 Sec. 3. This act shall take effect and be in force from and
0111 after its publication in the statute book.

to restrict the use of tools, tests, instruments or tech-
niques so long as the user does not represent oneself to
a licensed psychologist or a registered masters level psy-
chologist and so long as the user does not refer to the
tools, tests, instruments or techniques by incorporating the
words "psychologic," "psychological" or "psychology;"

M E M O R A N D U M

TO: Norm Furse, First Assistant Revisor
FROM: Rita Noll, Assistant Attorney General
DATE: March 15, 1988
RE: House Bill No. 3032

Attached is suggested language to amend HB 3032 that may better accomplish the goal of this office in amending K.S.A. 74-5344.

Retaining the language in lines 0024 and 0025 would make certain that qualified persons who are not regulated by the state and who are not listed in K.S.A. 74-5344(a) could continue to do "work of a psychological nature." Elimination of the language in line 0028 will close the present loop-hole which allows persons to practice psychology by obtaining credentialing from an out-of-state organization which says in their code of ethics that their members can perform such services. Thus, non-regulated persons may do work of a psychological nature if it is consistent with their training.

Section (f), lines 0081-0084. It is not the intention of the Office of the Attorney General to limit the use of psychological tests and other such tools. A person who is not a licensed psychologist cannot call himself or herself a psychologist. To do so not only violates Kansas statute, but also misleads the public. In like manner, a person who is not a licensed psychologist who uses tests of a psychological nature (such as the MMPI), should not represent the test as a "psychological test." The user of such tests may refer to and call them a behavioral analysis, mental assessment, achievement test, personality profile, vocational interest survey, etc. . . .

RLN:bas