

Approved \_\_\_\_\_

Date

4-6-88

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 29, 1988 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:

Mary Ann Gabel, Board Behavioral Sciences  
Dr. Pat Schloesser, Department of Health and Environment

Chair called meeting to order, drawing attention to agenda. (This is deadline date to pass all Senate Bills.

Chair drew attention to SB 469:

Mr. Furse had prepared a balloon amendment by request of several conferees, that would speak to three basic policy changes, indicated top right of (Attachment No. 1). Discussion began in regard to clinical social workers availabililty in the rural areas of Kansas. Rep. Buehler made a motion to amend SB 469 in line 0034, that would insert "practice medicine and surgery or a person licensed to" after the words person licensed to. Motion seconded by Rep. Branson. Discussion continued, i.e., necessary to look at the word, "direction", where we're going, who is doing what; direction should not be provided by a doctor downtown, or someone who calls in now and then, it should be someone on-site involved with the client.

Rep. Blumenthal asked at this point if substitute motions could be in order on this particular bill in order that we might come to some agreement, and can pursue all options. Chair ruled no on request.

At this point, Rep. Buehler and Rep. Branson withdrew their motions to amend SB 469. Discussion continued, the Attorney General's Opinion does not agree with wordage in the language proposed by Mental Health Centers that would add language on line 0038. Some in favor, some not. Discussion ensued in regard to what constitutes the term "direct supervision".

Chair drew attention to 2nd proposed amendment on balloon, page 3, after Section 2, new section (d) language that would speak to a specific state employee with 10 years or more experience as a psychologist. Rep. Buehler made a motion to amend SB 469 by inserting this language indicated page 3 of balloon, seconded by Rep. Hassler. No discussion, Vote taken, motion carried.

Chair invited Mr. Furse to explain a technical amendment in regard to changing the date of criminal penalty. Date needs to be changed from January 1, 1988 to July 1, 1988, or January 1, 1989. This amendment was proposed in by Community Mental Health Centers. Rep. Buehler moved to amend SB 469 by addind language to change effective date of criminal penalty for representing oneself as a masters level psychologist from January 1, 1988 to July 1, 1988, seconded by Rep. Neufeld.



CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-SStatehouse, at 1:30 AM/p.m. on March 29, 1988

SB 469:-

Discussion ensued on motion to amend changing date, i.e., the regs proposed by the Board of Behavioral Sciences are temporary, and have not yet been adopted as temporary regs by the Rules and Regs Committee. When they are adopted as temporary regs by that Committee, they will become effective immediately on adjournment of Rules and Regs meeting and will be in effect until May, 1989. There was concern as to whether there would be time to notify all concerned and have paper work completed, so those persons would not be out of compliance; some felt a longer period of time was needed.

At this point, Rep. Buehler withdrew his motion reluctantly, second withdrawn by Rep. Neufeld.

Rep. Hassler made a motion to change date of criminal penalty to January 1, 1989, in SB 469, seconded by Rep. Neufeld. Motion carried.

Rep. Shallenburger moved to strike line 33 after "employer," all language through line 36 to the word, "Such". He explained that if this were done, "direction" would not be needed, as the person working solely in mental health facilities would not be required to be under "direction" by anyone. Motion seconded by Rep. Gatlin. Discussion ensued, i.e., this is a major policy change, not to be taken lightly. Question called for by Rep. Buehler, vote taken, motion failed.

Discussion held in regard to "direction" meaning professional monitoring and oversight of performance; (definition offered on Page 2 of Behavioral Sciences hand-out, under (J), at meeting yesterday; what actually is work performance; it is too difficult to change statutes; could be left in rules and regs; some prefer it stay in rules and regs and not in statutes; some felt it is specific enough.

Rep. Gatlin moved to amend SB 469, line 34 after the word "to", delete all language through the word "disorders" in line 36, then insert the words, "practice medicine and surgery a licensed psychologist, licensed special clinical & social worker, or Registered Masters Level Psychologist with 5 years experience. Motion seconded by Rep. Blumenthal. Discussion, i.e., it appears by doing this we are diluting standards that we have work hard to improve. Question called for by Rep. Amos, vote taken, motion carried. Those who wished to be recorded as voting NO were, Rep. Branson, Rep. Borum, Rep. Cribbs, Rep. Pottorff.

On SB 469 as a whole, Rep. Shallenburger moved to report it favorably as amended, seconded by Rep. Blumenthal. No discussion. Vote taken, motion carried.

Chair drew attention to SB 686.

Rep. Buehler offered amendments to SB 686, (Attachment No.2). He explained proposed amendments in detail, then Rep. Buehler moved to adopt amendments in Attachment No. 2, seconded by Rep. Whiteman. Discussion, i.e., perhaps it would be better to divide the amendments; some in favor of all, some not.

Rep. Buehler and Rep. Whiteman both withdrew their motions to amend SB 686. Discussion, i.e., if you strike Section 10 problems would be created; purpose of SB 686 was to create a separate set of statutes almost parallel to those related to infectious/contagious diseases, with the exception of taking the reporting from the local health officer and giving it to the Secretary of Health and Environment.



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 29, 19 88

SB 686:-

Rep. Buehler moved to amend SB 686 on line 143 insert language as proposed in Attachment No. 2 (second amendment). Motion seconded by Rep. Gatlin, question called for, vote taken, motion carried.

Rep. Buehler moved to amend SB 686, in lines 144 to 158 after the word "test", strike sub (2)(b) of new Sec. 8 and insert language proposed in large paragraph indicated in Attachment No.2), seconded by Rep. Weimer. It was noted there were editorial corrections needed, and Revisor could take care of them. Question called for, vote taken, motion carried.

Discussion held in regard to the deletion of Section 10. Rep. Buehler moved to strike sections 10 and 11, seconded by Rep. Neufeld. No discussion, vote taken, motion carried.

Rep. Green offered an amendment on SB 686, in line 45 after the word "AIDS" add language, "or is infected with HIV", and to change throughout the bill where appropriate. Motion seconded by Rep. Amos. No discussion, vote taken, motion carried.

Rep. Amos offered an amendment, (Attachment No. 3). He explained rationale, then moved to amend SB 686 in lines 211, 215, 221, 228, following the word "AIDS" to insert, "or a disease designated as infectious or contagious by the secretary by rules and regulations under K.S.A. 65-128 and amendments thereto,". Motion seconded by Rep. Hassler. Discussion ensued, i.e., Rep. Amos also offered (Attachment No. 3-A). Vote taken, motion carried.

Rep. Hassler moved to amend SB 686 top of Page 2, by deleting on lines 48 and 49, "or is suspecting of having AIDS". Motion seconded by Rep. Neufeld, motion carried.

Discussion held on anti-discrimination language; does current law afford enough protection; specifically those being admitted to hospitals; this is a major policy decision;

Motion made by Rep. Gatlin on SB 686 as a whole to pass favorably as amended, seconded by Rep. Hassler. Rep. Buehler noted if Rep. Branson would get language in order, conference committee could take it into consideration when they meet on this bill. Question called for by Rep. Amos, vote taken, motion carried.

Chair called attention to SB 659:

Chair noted he had asked Department of Health and Environment to submit information concerning Out-of-State Services for children with special health care needs. Dr. Pat Schloesser gave a detailed explanation of information sheet, (Attachment No.4). She detailed outreach specialty care clinics; funding for ongoing care; monitoring quality of services; medical specialty providers; all four neighboring states have limited provisions for out-of-state services, (less than 5 authorizations per year). Some states prohibit out-of-state services. She answered questions, i.e., there are speciality groups that offer care in outlying site clinics; new regulations have allowed us some flexibility; she could not answer questions about total cost projections.



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 29, 1988

SB 659:----

Rep. Gatlin made a motion to amend SB 659 by adding language on page 4, after line 149 at the end of Section 7, "A child with special health care needs who is receiving medical care outside of Kansas and whose health would be endangered by the postponement of medical care until return to the state may be determined eligible for special health services if all other eligibility factors are met. A child with special health care needs who has received medical care outside of Kansas and who has returned to this state but whose health would be endangered without after care which is available only outside of Kansas or, if available in Kansas, is available at a location in Kansas which is a greater distance from the residence of such person than the location outside the state, may be determined eligible to receive special health services outside of Kansas if such child is otherwise eligible to receive special health services. Motion seconded by Rep. Buehler Discussion ensued. Question called for by Rep. Buehler, vote taken, motion failed.

On SB 659 as a whole, Rep. Branson moved to pass SB 659 out favorably as amended, seconded by Pottorff, motion carried.

SB 585

A balloon was offered by Rep. Wells, and she explained the proposed amendments for SB 585. (Attachment No.5-a) (Attachment No. 5-b is the explanation of balloon).

Rep. Wells moved to amend SB 585 line 40 after "the", by inserting the word "specific", seconded by Rep. Amos. Discussion ensued, some agree "deficiency" is specific enough, others did not. Question called for by Rep. Amos vote taken, division requested, show of hands indicated 9 in favor, 8 against, motion carried.

Rep. Wells moved to amend SB 585 further by adding language on line 74 after the word "shall", to insert " meet with the licensee upon request of the licensee in considering", and line 74, after "determining the", to add the words "need for and the". Motion was seconded by Rep. Hassler. Lengthy discussion ensued, i.e., this process would be lengthened by amending the bill in this manner; correction order process was discussed; the surveyor has met with the staff, not the Secretary. Question called by Rep. Gatlin, vote taken, motion failed.

SB 585 as a whole, Rep. Branson moved to pass SB 585 out favorably as amended, seconded by Rep. Harder. No discussion, vote taken, motion carried.

Chair drew attention to SB 656. Per request, Mr. Furse had drawn up a balloon copy of SB 656, (Attachment No. 6). Chair explained amendment proposal.

Rep. Amos made a motion to make exemption on Coroner, by adding language at the end of section 1, "Nothing in this subsection (f) shall be construed to prohibit a person holding an exempt license from serving as a coroner." Motion seconded by Rep. Buehler, short discussion ensued. Question called for by Rep. Buehler, vote taken motion carried.

On SB 656 as a whole, Rep. Gatlin moved to pass SB 656 out favorably as amended, seconded by Rep. Amos. No discussion, vote taken, 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 March 29, 1988

Chair drew attention to SB 658:

It was noted SB 658 deals with use of restraints and seclusion applied to mental patients, and proponents suggested it was necessary in order adult care homes serving mentally ill residents not be in violation of rules/regulations when restraints are used on those who are unable to sit without restraints. It was noted that Department of Health and Environment can now support the bill.

Rep. Buehler moved to pass SB 658 out favorably, seconded by Rep. Amos, vote taken, motion carried.

SB 603:

Board of Healing Arts had recommended changes in SB 603, i.e., Page 11, line 402, to set the fee at \$150 which would bring it in line with other fees. Rep. Amos moved to amend SB 603 in this manner, seconded by Rep. Pottorff, motion carried.

Balloon copy of SB 603 was offered, (Attachment No. 7). Rep. Buehler explained the proposed amendment, i.e., to abolish advisory committee on podiatry. Rep. Buehler made a motion to amend SB 603 by striking language in new section 23 which would abolish the advisory committee, motion seconded by Rep. Shallenburger, vote taken, motion carried.

Mr. Furse inquired if same language in SB 656 should be placed in SB 603, i.e., "an exempt licensee shall entitle the holder thereof to all privileges attendant to the practice of podiatry", and all other paragraphs pertaining to that. This would conform language. Rep. Green moved to further amend SB 603 accordingly, seconded by Rep. Weimer. No discussion, vote taken, motion carried.

SB 603 as a whole, Rep. Buehler moved to pass SB 603 out favorably for passage, seconded by Rep. Amos. No discussion, vote taken, motion carried.

Chair thanked all committee members for their hard work this date, and for the entire 1988 Session. He thanked especially Rep. Buehler for his fine work while taking over the committee leadership when the Chairman was ill.

Rep. Shallenburger inquired if Chair would entertain a motion to pass HB 2842 out of committee. Chair replied, not with the enormous price tag attached to that particular legislation.

Chair announced there would be one more meeting on call of Chairman to complete committee business, i.e., approval of minutes and any other items that would need to be taken care of.

Meeting adjourned 3:05 p.m.

Next meeting will be on call of Chairman.



GUEST REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

Date 3-29-88

Name	Organization	Address
Jean Strubler	KAPS	Manhattan
Marilyn Bradt	KINTH	Lawrence
Mark Intermill	KCOA	Topeka
Jeanne Harmon	BSRB	Topeka
Copie Lauer	KDHE	Topeka
H.K. Gullett	KDHE	Topeka
Neil P. Manissey	KDHR	"
Lori Edwards	<sup>KANSAS Student Nurses Assn.</sup> KANS - KSNH	"
Carolyn Missindoy	KSNH	Topeka
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	"
Dyghst Young	Assn. Com. Mental Health Cen	Great Bend
Ray M. Kelly	Assn. of CMHCs of Ks. Inc	Topeka
Jim Reed	SRS Youth Services	Topeka
John Grace	Ks Homes for Aging	"
<del>Dorinda S. Wessinger</del>	KDHE	"
Bois R. Stunt	KDOA - KLTC OMBUDSMAN	"
Mayenne Eble	KDOA - KLTC Ombudsman	"
Chip Wheelen	Ks Medical Society	Topeka



SENATE BILL No. 469

By Senator Karr

12-28

Selected Proposed Amendments

0017 AN ACT concerning registered masters level psychologists;  
0018 amending K.S.A. 1987 Supp. 74-5362; ~~74-5363~~ and 74-5368  
0019 and ~~74-5363~~ and repealing the existing sections.

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

0021 Section 1. K.S.A. 1987 Supp. 74-5362 is hereby amended to  
0022 read as follows: 74-5362. Any person who is registered under the  
0023 provisions of this act as a registered masters level psychologist  
0024 shall have the right to practice only in a licensed community  
0025 mental health center or one of its contracted affiliates, in any  
0026 federal, state, county or municipal agency, or other political  
0027 subdivision, ~~or in a duly chartered educational institution or in a~~  
0028 ~~not for profit corporation, in a medical care facility licensed~~  
0029 ~~under K.S.A. 65-425 et seq. and amendments thereto or in a~~  
0030 ~~psychiatric hospital licensed under K.S.A. 75-3307b and amend-~~  
0031 ~~ments thereto~~ insofar as such practice is part of the duties of such  
0032 person's paid position and is performed solely on behalf of the  
0033 employer, ~~so long as such practice is under the direction of a~~  
0034 ~~person licensed to provide mental health services as an inde-~~  
0035 ~~pendent practitioner and whose licensure allows for the diag-~~  
0036 ~~nosis and treatment of psychological disorders.~~ Such registered  
0037 person may use the title registered masters level psychologist  
0038 and the abbreviation RMLP.

0039 Sec. 2. K.S.A. 1987 Supp. 74-5363 is hereby amended to read  
0040 as follows: 74-5363. (a) Any person who desires to be registered  
0041 under this act shall apply to the board in writing, on forms  
0042 prepared and furnished by the board. Each application shall  
0043 contain appropriate documentation of the particular qualifica-  
0044 tions required by the board and shall be accompanied by the

- 1) Insert authorization to practice under direction of a physician.
- 2) Exception for psychologist at an institution under SRS.
- 3) Change effective date of criminal penalty from January 1, 1988, to July 1, 1988.

practice medicine and surgery or a person licensed to

*Attn. #1  
3-29-8  
PHK*

*Attn. #1  
3-29-8  
PHK*



0045 required fee.

0046 (b) The board shall register as a registered masters level  
0047 psychologist any applicant for registration who pays the fee  
0048 prescribed by the board under K.S.A. 1987 Supp. 74-5365 *and*  
0049 *amendments thereto*, which shall not be refunded, who has  
0050 satisfied the board as to such applicant's training and who com-  
0051 plies with the provisions of this subsection (b). An applicant for  
0052 registration also shall submit evidence verified under oath and  
0053 satisfactory to the board that such applicant: (1) Is at least 21  
0054 years of age; (2) has received at least a master's degree in clinical  
0055 psychology based on a program of studies in psychology from an  
0056 educational institution having a graduate program in psychology  
0057 consistent with state universities of Kansas or has received a  
0058 master's degree in psychology and during such graduate program  
0059 completed a minimum of 12 semester hours or its equivalent in  
0060 psychological foundation courses such as, but not limited to,  
0061 philosophy of psychology, psychology of perception, learning  
0062 theory, history of psychology, motivation, and statistics and 24  
0063 semester hours or its equivalent in professional core courses  
0064 such as, but not limited to, two courses in psychological testing,  
0065 psychopathology, two courses in psychotherapy, personality  
0066 theories, developmental psychology, research methods, social  
0067 psychology; (3) has completed 750 clock hours of academically  
0068 supervised practicum or 1,500 clock hours of postgraduate su-  
0069 pervised work experience; and (4) is in the employ of a Kansas  
0070 licensed community mental health center, or one of its con-  
0071 tracted affiliates, or a federal, state, county or municipal agency,  
0072 or other political subdivision, ~~or~~ a duly chartered educational  
0073 institution ~~or a not-for-profit corporation, a medical care facility~~  
0074 *licensed under K.S.A 65-425 et seq. and amendments thereto or a*  
0075 *psychiatric hospital licensed under K.S.A. 75-3307b and amend-*  
0076 *ments thereto* and whose practice is a part of the duties of such  
0077 applicant's paid position and is performed solely on behalf of the  
0078 employer.

0079 (c) Until ~~July 1, 1988~~ *October 1, 1988*, the board shall waive  
0080 the educational or degree and supervision requirements, or al-  
0081 such requirements, under subsection (b) so long as the person

0082 applying for registration as a registered masters level psycholo-  
 0083 gist has a graduate degree and either (1) has been employed for  
 0084 at least three years as a psychologist by a licensed community  
 0085 mental health center, or one of its contracted affiliates, or a  
 0086 federal, state, county or municipal agency, or other political  
 0087 subdivision, ~~or~~ or a duly chartered educational institution ~~or a~~  
 0088 ~~not for profit corporation, or a medical care facility licensed~~  
 0089 ~~under K.S.A. 65-425 et seq. and amendments thereto or a psy-~~  
 0090 ~~chiatric hospital licensed under K.S.A. 75-3307b and amend-~~  
 0091 ~~ments thereto; or (2) as of July 1, 1987, was employed by a state~~  
 0092 ~~agency in this state as a psychologist; or was recognized as a~~  
 0093 ~~masters level psychologist by the professional standards com-~~  
 0094 ~~mittee of the association of community mental health centers of~~  
 0095 ~~Kansas or was employed by a licensed community mental health~~  
 0096 ~~center or one of its contracted affiliates as a psychologist.~~

0097 Sec. 3. K.S.A. 1987 Supp. 74-5368 is hereby amended to read  
 0098 as follows: 74-5368. (a) The board shall establish a masters level  
 0099 psychologist registration committee consisting of three members  
 0100 appointed by the chairperson of the board.

0101 (b) All members of the committee shall be registered masters  
 0102 level psychologists or prior to January 1, 1988, persons qualified  
 0103 under this act to be registered as registered masters level psy-  
 0104 chologists. Each member of the committee shall be a citizen of  
 0105 the United States and resident of this state.

0106 (c) Each member of the committee shall serve for three years  
 0107 except that the terms on the committee first appointed shall be as  
 0108 follows: One member shall be appointed for a one-year term; one  
 0109 member shall be appointed for a two-year term and one member  
 0110 shall be appointed for a three-year term. The chairperson of the  
 0111 board shall designate the term for each member first appointed  
 0112 to the committee. No member of the committee shall be ap-  
 0113 pointed for more than two successive terms. Upon the expiration  
 0114 of a member's term on the committee, the chairperson shall  
 0115 appoint a qualified successor. Each member shall serve until a  
 0116 successor is appointed and qualified. Whenever a vacancy occurs  
 0117 in the membership of the committee prior to the expiration of a  
 0118 term, the chairperson of the board shall appoint a qualified

(d) Upon application for registration as a registered masters level psychologist made prior to January 1, 1989, the board shall waive the educational, degree and supervision requirements under subsection (b) and shall grant such registration if the applicant for registration at the time of application has been employed for 10 years or more as a psychologist by an institution within the department of social and rehabilitation services, as defined under K.S.A. 76-12a18 or 76-12b01, and amendments to such sections.



0119 successor to fill the unexpired term. The chairperson of the  
 0120 board may remove any member of the committee for misconduct,  
 0121 incompetency or neglect of duty.

0122 (d) The committee shall organize annually at its first meeting  
 0123 subsequent to June 30 and shall select from its members a  
 0124 chairperson. Other meetings shall be held as the committee  
 0125 designates. Two members of the committee shall constitute a  
 0126 quorum for the transaction of business.

0127 (e) The committee shall receive all applications for registra-  
 0128 tion as a registered masters level psychologist, review the appli-  
 0129 cations for compliance with this act, and make their recommen-  
 0130 dations for acceptance, rejection or other actions to be taken by  
 0131 the board. The board shall accept and act on the committee's  
 0132 recommendations so long as the recommendations are in com-  
 0133 pliance with this act.

0134 (f) The board shall make support staff available to the com-  
 0135 mittee.

0136 (g) Members of the committee attending meetings of the  
 0137 committee authorized by the board shall be paid compensation,  
 0138 subsistence allowances, mileage and other expenses as provided  
 0139 in K.S.A. 75-3223 and amendments thereto.

0140 (h) *This section shall expire on July 1, 1989.*

0141 *New Sec. 3. The confidential relations and communications*  
 0142 *between a registered masters level psychologist and such psy-*  
 0143 *chologist's client are placed on the same basis as provided by law*  
 0144 *for those between an attorney and an attorney's client.*

0145 Sec. 4. K.S.A. 1987 Supp. 74-5362, 74-5363 and 74-5368 and  
 0146 74-5363 are hereby repealed.

0147 Sec. 5. This act shall take effect and be in force from and  
 0148 after its publication in the Kansas register.

Amend K.S.A. 1987 Supp. 74-5371 to change the effective date of the criminal penalty for representing oneself as a masters level psychologist from January 1, 1988, to July 1, 1988.

(Proposed House Committee Amendments to SB 686)

1 Line 0111 Change the word shall to may.

Line 0143 Add:

2 At the time of appearance before a magistrate under K.S.A. 22-2901 and amendments thereto, the magistrate shall inform every person arrested and charged with a crime of the availability of (AIDS) testing and counseling and shall cause the alleged victim of a crime, if any, to be notified that (AIDS) testing and counseling is available.

3 Lines 0144 to 0158 after the word test, strike Sub (2)(b) of new Sec 8 and replace with:

Upon conviction of a person for any crime which the court determines from the facts of the case involved or was likely to been involved by transmission of body fluids from one person to another, the court shall order the convicted person to submit to an AIDS test. If an AIDS test is ordered under this subsection, the victim of the crime, if any, who is not a minor, shall designate a health care provider or counselor to receive such information on behalf of the victim. If the victim is a minor, the parent or legal guardian of the victim shall designate the health care provider or counselor to receive such information.

4- Line 238 - Strike all of section 10.

Renumber all sections and reletter all subsections accordingly.

Attm. # 2  
3-29-8  
P.N.W.



Amend Senate Bill 686 on line 211 following the word "AIDS" by inserting the following: "or a disease designated as infectious or contagious by the secretary by rules and regulations under K.S.A. 65-128 and amendments thereto,"

On line 215 following the word "AIDS" by inserting the following: "or a disease designated as infectious or contagious by the secretary by rules and regulations under K.S.A. 65-128 and amendments thereto."

On line 221 following the word "AIDS" by inserting the following: "or a disease designated as infectious or or contagious by the secretary by rules and regulations under K.S.A. 65-128 and amendments thereto,"

On line 228 following the word "AIDS" by inserting the following: "or a disease designated as infectious or contagious by the secretary by rules and regulations under K.S.A. 65-128 and amendments thereto,"

*Attn. # 3  
3-29-8  
P. H. W.*

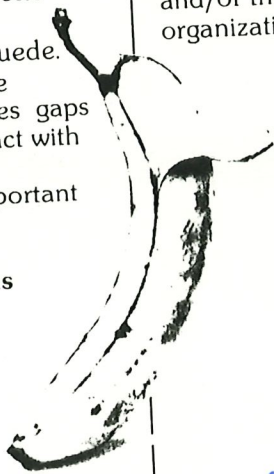
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*Attn, #3-a  
3-29-8  
P.H.W.*



Information Requested  
by  
House Public Health and Welfare Committee  
concerning  
Out-of-state Services for Children With Special Health Care Needs

March 29, 1988

The Crippled and Chronically Ill Children's Program (CCICP) has regulations which address the provision of out-of-state services (K.A.R. 28-4-408). This regulation under section (b) allows adequate flexibility to address out-of-state services relative to the geographical issue. In FY 88, CCICP has authorized out-of-state services for approximately 20 children.

In order to make an informed decision about the provision out-of-state service and to consider the needs of the residents of the state, information was requested in August, 1985 from the Crippled Children's Directors in each of the fifty states regarding their out-of-state policies.

Responses to the August 5, 1985 Out-of-state Questionnaire

- \* All four neighboring states (Colorado, Nebraska, Missouri and Oklahoma) exercise limited provision of out-of-state services. All four states indicated less than five authorizations per year for out-of-state services
- \* Six (6) states prohibit out-of-state services, including Iowa who is part of DHHS Region VII
- \* Twenty-three (23) states including Kansas make provision for some type of out-of-state service
- \* Number of out-of-state authorizations given per year by state Crippled Childrens Programs

<5	12 states
5-10	6 states
10-20	5 states
>20	2 states
Other	10 states

- \* Those states indicating >20 out-of-state authorizations and the category other tend to be states without state medical schools and therefore go out-of-state for most services.

*attm #4  
3-29-8  
BHXW.*

To address the uneven distribution of medical specialists CCICP provides

- \* Outreach specialty care clinics which include aftercare in Colby, Garden City, Hays and Dodge City
- \* Funding for ongoing care with local physicians under the direction of the medical specialists when the families are 50 miles or more from the medical specialists.
- \* Travel reimbursement to families who travel more than 50 miles to receive medical specialty or aftercare

Benefits to all Kansans of instate services

- \* Monitoring of the quality of services provided by instate providers to assure a high level of care
- \* Medical specialty providers are able to provide care for the number of clients necessary to maintain a high level of expertise

Other comments

- \* CCICP providers agree to accept the CCICP payment as payment-in-full and do not bill the family for the difference.
- \* Out of state providers may not accept the CCICP reimbursement as payment-in-full and bill the family for the difference.
- \* It is difficult to maintain medical specialty services based on the Kansas population when children receive services out-of-state.
- \* Out-of-state service is not prohibited and is addressed through the mechanisms defined in K.A.R. 28-4-408.



**28-4-408. Out of state service provision.**

(a) Treatment services may be provided out of state on an individual basis if:

(1) the medical specialty is not practiced in Kansas;

(2) the medical treatment is not available in Kansas and two approved medical specialists recommend out of state treatment;

(3) Kansas facilities have no hospital beds available for the client; or

(4) the eligible person, traveling outside of Kansas but within the United States and its possessions, requires emergency treatment for the eligible condition, providing Kansas residency is not severed through action or intent.

(b) Treatment services may be provided out of state for eligible children with specific conditions if there is a written agreement between the secretary and the service provider establishing a treatment site for ongoing care.

(c) The eligible family is responsible for:

(1) Any cost of treatment that is greater than the crippled and chronically ill children's program approved charges;

(2) cost of travel for the eligible child and family; and

(3) maintenance of the family during the treatment.

(d) Initial diagnostic services out-of-state shall not be authorized. (Authorized by and implementing K.S.A. 65-5a08; T-86-46, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

SENATE BILL No. 585

By Committee on Public Health and Welfare

2-8

0020 AN ACT concerning the adult care home licensure act; relating  
0021 to the issuance of correction orders, citations and assessments;  
0022 prohibiting new admissions to adult care homes in certain  
0023 cases; amending K.S.A. 39-945 and 39-946 and repealing the  
0024 existing sections.

0025 *Be it enacted by the Legislature of the State of Kansas:*

0026 Section 1. K.S.A. 39-945 is hereby amended to read as fol-  
0027 lows: 39-945. A correction order may be issued by the secretary  
0028 of health and environment or the secretary's designee to a person  
0029 licensed to operate an adult care home whenever the state fire  
0030 marshal or the marshal's representative or a duly authorized  
0031 representative of the secretary of health and environment in-  
0032 spect or investigates an adult care home and determines that the  
0033 adult care home is not in compliance with the provisions of  
0034 article 9 of chapter 39 of the Kansas Statutes Annotated or ~~rule~~  
0035 ~~and regulation rules and regulations~~ promulgated thereunder  
0036 which *individually or jointly* affects significantly and adversely  
0037 the health, safety, nutrition or sanitation of the adult care home  
0038 residents. The correction order shall be served upon the licensee  
0039 either personally or by certified mail, return receipt requested.  
0040 The correction order shall be in writing, shall state the defi- specific  
0041 ciency, cite the specific statutory provision or rule and regulation  
0042 alleged to have been violated, and shall specify the time allowed  
0043 for correction.

0044 Sec. 2. K.S.A. 39-946 is hereby amended to read as follows:  
0045 39-946. (a) If upon reinspection by the state fire marshal or the  
0046 marshal's representative or a duly authorized representative of  
0047 the secretary of health and environment, *which reinspection*

Attn # 5 (a)  
3-29-8  
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0048 shall be conducted within 14 days from the day the correction  
 0049 order is served upon the licensee, it is found that the licensee of  
 0050 the adult care home which was issued a correction order has not  
 0051 corrected the deficiency or deficiencies specified in the order,  
 0052 the secretary of health and environment or the secretary's desig-  
 0053 nee shall issue a citation listing the uncorrected deficiency or  
 0054 deficiencies. The citation shall be served upon the licensee of  
 0055 the adult care home either personally or by certified mail, return  
 0056 receipt requested. The citation shall also specify whether the  
 0057 uncorrected deficiencies have an endangering relationship to  
 0058 the health, safety or sanitation of the adult care home residents.

0059 (b) The secretary of health and environment may assess a  
 0060 civil penalty in an amount not to exceed one hundred dollars  
 0061 (\$100) \$500 per day per deficiency against the licensee of an  
 0062 adult care home for each day subsequent to the day following the  
 0063 issuance of a citation pursuant to this section time allowed for  
 0064 correction of the deficiency as specified in the correction order  
 0065 that the adult care home has not corrected the deficiency or  
 0066 deficiencies listed in the citation correction order, but the max-  
 0067 imum assessment shall not exceed five hundred dollars (\$500)  
 0068 \$2,500. [Prior to the assessment of a civil penalty, the case shall  
 0069 be reviewed by a person licensed to practice medicine and  
 0070 surgery.] A written notice of assessment shall be served upon the  
 0071 licensee of an adult care home either personally or by certified  
 0072 mail, return receipt requested.

0073 (b) Before the assessment of a civil penalty, the secretary  
 0074 shall consider the following factors in determining the amount  
 0075 of the civil penalty to be assessed: (1) The severity of the  
 0076 violation; (2) the good faith effort exercised by the adult care  
 0077 home to correct the violation; and (3) the history of compliance  
 0078 of the ownership of the adult care home with the rules and  
 0079 regulations. If the secretary of health and environment finds  
 0080 that some or all deficiencies cited in the correction order have  
 0081 also been cited against the adult care home as a result of any  
 0082 inspection or investigation which occurred within 18 months  
 0083 prior to the inspection or investigation which resulted in such  
 0084 correction order, the secretary of health and environment may

meet with the licensee upon request of the licensee in  
 considering

need for and the



ELAINE L. WELLS  
REPRESENTATIVE, THIRTEENTH DISTRICT  
OSAGE AND NORTH LYON COUNTIES  
R R. 1, BOX 166  
CARBONDALE, KANSAS 66414  
(913) 665-7740



TOPEKA

HOUSE OF  
REPRESENTATIVES



## COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE AND SMALL BUSINESS  
INSURANCE  
PUBLIC HEALTH AND WELFARE

March 29, 1988

The amendment does the following:

1. Insures that the licensee is informed and advised of the needed corrections.
2. Eliminates the possibility of too much power in one agency position.
3. Enforces our system of "innocent until proven guilty" rather than "guilty until proven innocent" in proceedings. (Before the fine is assessed, the violator is afforded an opportunity to be heard.)
4. Encourages a communication process with the agency and the licensee.
5. Enables the Secretary to determine the effectiveness of his staff, i.e. surveyors, directors, etc.

*Attn. #5-(B)*  
*3-29-88*  
*PMW*



**SENATE BILL No. 656**

By Committee on Public Health and Welfare

2-16

0016 AN ACT concerning the healing arts; relating to exempt li-  
0017 censes; amending K.S.A. 1987 Supp. 65-2809 and repealing  
0018 the existing section.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 1987 Supp. 65-2809 is hereby amended to  
0021 read as follows: 65-2809. (a) The license shall expire on June 30  
0022 each year and may be renewed annually upon request of the  
0023 licensee. The request for renewal shall be on a form provided by  
0024 the board and shall be accompanied by the prescribed fee, which  
0025 shall be paid not later than the expiration date of the license.

0026 (b) Except as otherwise provided in this section, the board  
0027 shall require every licensee in the active practice of the healing  
0028 arts within the state to submit evidence of satisfactory comple-  
0029 tion of a program of continuing education required by the board.  
0030 The requirements for continuing education for licensees of each  
0031 branch of the healing arts shall be established by the members of  
0032 such branch on the board. The board shall adopt rules and  
0033 regulations prescribing the requirements established by the  
0034 members of each branch of the healing arts for each program of  
0035 continuing education as soon as possible after the effective date  
0036 of this act. In establishing such requirements the members of the  
0037 branch of the healing arts establishing them shall consider any  
0038 programs of continuing education currently being offered to such  
0039 licensees. If, immediately prior to the effective date of this act,  
0040 any branch of the healing arts is requiring continuing education  
0041 or annual postgraduate education as a condition to renewal of a  
0042 license of a licensee of such branch of the healing arts, such  
0043 requirement as a condition for the renewal of such license shall  
0044 continue in full force and effect notwithstanding any other pro-

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0082 form provided by the board and remits the fee for an exempt  
0083 license established pursuant to K.S.A. 65-2852 and amendments  
0084 thereto. The board may issue an exempt license only to a person  
0085 who has previously been issued a license to practice the healing  
0086 arts in Kansas, who is no longer regularly engaged in such  
0087 practice and who does not hold oneself out to the public as being  
0088 professionally engaged in such practice. *An exempt license shall*  
0089 *entitle the holder thereof to all privileges attendant to the*  
0090 *branch of the healing arts for which such license is issued.* Each  
0091 exempt license may be renewed annually subject to the provi-  
0092 sions of this section. Each exempt licensee shall be subject to all  
0093 provisions of the healing arts act, except as otherwise provided in  
0094 this subsection (f). The holder of an exempt license shall not be  
0095 required to submit evidence of satisfactory completion of a  
0096 program of continuing education required by K.S.A. 65-2809 and  
0097 amendments thereto. Each exempt licensee may apply for a  
0098 license to regularly engage in the practice of the appropriate  
0099 branch of the healing arts upon filing a written application with  
0100 the board and submitting evidence of satisfactory completion of  
0101 applicable continuing education requirements established by  
0102 the board. The request shall be on a form provided by the board  
0103 and shall be accompanied by the license fee established pursu-  
0104 ant to K.S.A. 65-2852 and amendments thereto. The board shall  
0105 adopt rules and regulations establishing appropriate continuing  
0106 education requirements for exempt licensees to become licensed  
0107 to regularly practice the healing arts within Kansas. \_\_\_\_\_

0108 Sec. 2. K.S.A. 1987 Supp. 65-2809 is hereby repealed.

0109 Sec. 3. This act shall take effect and be in force from and  
0110 after its publication in the statute book.

Nothing in this subsection (f) shall be construed to prohibit a person holding an exempt license from serving as a coroner.

SENATE BILL No. 603

By Senators Ehrlich, Bond, Morris, Reilly, Salisbury and Vid-  
ricksen

2-10

0018 AN ACT concerning podiatrists; regulating the practice thereof;  
0019 authorizing certain fees and penalties; providing for the expi-  
0020 ration of the advisory committee on podiatry; amending  
0021 K.S.A. 40-1126, 65-2002, 65-2003, 65-2009, 65-2010, 65-2012  
0022 and 65-2901 and K.S.A. 1987 Supp. 7-121b, 60-513d, 40-3401,  
0023 60-2609, 65-1163, 65-2004, 65-2005, 65-2006, 65-2812, 65-  
0024 2813, 65-2891, 65-2912, 65-4909 and 65-5001 and repealing  
0025 the existing sections; and also repealing K.S.A. 74-2807.

0026 *Be it enacted by the Legislature of the State of Kansas:*

0027 Section 1. K.S.A. 65-2002 is hereby amended to read as fol-  
0028 lows: 65-2002. (a) It shall be unlawful for any person to profess to  
0029 be a podiatrist, to practice or assume the duties incidental to  
0030 podiatry, or to advertise or hold himself or herself oneself out to  
0031 the public as a podiatrist, or to use any sign or advertisement  
0032 with the word or words "podiatrist," "foot specialist," "foot  
0033 correctionist," "foot expert," "practapedist" or "chiropracist," or  
0034 any other term or terms indicating that he or she such person is a  
0035 podiatrist or that he or she such person practices or holds himself  
0036 or herself oneself out as practicing podiatry or foot correction in  
0037 any manner, without first obtaining from the state board of  
0038 healing arts a license authorizing the practice of podiatry in this  
0039 state, except as hereinafter provided.

0040 (b) A registered licensed podiatrist shall be authorized to  
0041 prescribe such drugs or medicine, and to perform such surgery  
0042 on the human foot or toes, as may be necessary to the proper  
0043 practice of podiatry, but no podiatrist shall amputate the human  
0044 foot or toes or administer any anesthetic other than local.

0045 (c) This act shall not prohibit the recommendation, advertis-

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0489 tion in the provision of health care;

0490 (B) entities engaged in the provision of health care or in such  
0491 research or instruction;

0492 (C) producing or supplying drugs or other articles for indi-  
0493 viduals or entities for use in the provision of or in research into or  
0494 instruction in the provision of health care; or

0495 (D) entities engaged in producing drugs or such other ar-  
0496 ticles;

0497 (4) who is a member of the immediate family of an individual  
0498 described in subsection (f)(1), (f)(2) or (f)(3); or

0499 (5) who is engaged in issuing any policy or contract of indi-  
0500 vidual or group health insurance or hospital or medical service  
0501 benefits. An individual shall not be considered a provider of  
0502 health care solely because the individual is a member of the  
0503 governing board of an entity described in subsection (f)(3)(B) or  
0504 subsection (f)(3)(D).

0505 (g) "Consumer of health care" means an individual who is  
0506 not a provider of health care.

0507 (h) "Secretary" means the secretary of health and environ-  
0508 ment.

0509 ~~Sec. 23. (a) On December 31, 1988, the advisory com-~~  
0510 ~~mittee on podiatry established under K.S.A. 74-2807 shall expire.~~

0511 ~~(b) On December 31, 1988, all of the duties and functions of~~  
0512 ~~the advisory committee on podiatry shall expire.~~

0513 ~~(c) On and after December 31, 1988, whenever the advisory~~  
0514 ~~committee on podiatry is referred to or designated by a statute,~~  
0515 ~~contract or other document such reference or designation shall~~  
0516 ~~be void and of no force and effect.~~

0517 ~~(d) On December 31, 1988, all books, records and other~~  
0518 ~~property of the advisory committee on podiatry are hereby~~  
0519 ~~transferred to the state board of healing arts.~~

0520 Sec. 23~~24~~ K.S.A. 40-1126, 65-2002, 65-2003, 65-2009, 65-  
0521 2010, 65-2012 and 65-2901 and K.S.A. 1987 Supp. 7-121b, 60-  
0522 513d, 40-3401, 60-2609, 65-1163, 65-2004, 65-2005, 65-2006, 65-  
0523 2812, 65-2813, 65-2891, 65-2912, 65-4909, and 65-5001 are  
0524 hereby repealed.

0525 ~~Sec. 25. On December 31, 1988, K.S.A. 74-2807 is hereby~~

0526 ~~repealed.~~

0527 Sec. ~~24~~<sup>26</sup>. This act shall take effect and be in force from and  
0528 after its publication in the statute book.

24