

Approved 2-17-88  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at  
Chairperson

10:00 a.m./~~p.m.~~ on February 10, 1988 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research  
Emalene Correll, Legislative Research  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Esther Wolf, Secretary, Kansas Department on Aging  
Jerry Slaughter, Executive Director, Kansas Medical Society  
Ted McFarlane, Kansas Emergency Medical Services Council

The chairman called the meeting to order and asked Senator Hayden to introduce his pages, Elizabeth Jacques, Kimberly Claar, and Ken Webster, from Garden City.

Two groups of "Close Up" students were introduced, one from Great Bend accompanied by Charley Gowden and the other group from Campus High School, Haysville, accompanied by Leroy Griswold.

The chairman announced he was increasing the subcommittee on AIDS, adding Senator Mulich and Senator Vidricksen to the list of subcommittee members. The subcommittee will meet at 4 p.m. today in room 254-E.

The chairman appointed a subcommittee for SB-524 with Senator Francisco serving as chairman, Senator Bond and Senator Ehrlich as members.

Action on SB-557 was postponed until desired amendments are received from Dennis More, District Attorney, Johnson County.

Esther Wolf, Secretary, Department on Aging, appeared before the committee to request an amendment changing the Advisory Council on Aging. This change was on recommendation of Governor Hayden. Attachment 1

Senator Bond moved to accept this bill request with a second from Senator Mulich. The motion carried.

Jerry Slaughter, Kansas Medical Society, appeared before the committee to request a bill related to SB-36 passed last year. This bill would deal with exempt license holders. It was also mentioned that the coroners might need to be included. Attachment 2

Senator Morris made the motion that the committee accept this bill request. Senator Bond seconded the motion and the motion carried.

Ted McFarlane, representing the Kansas Emergency Medical Service Council, requested the committee to introduce legislation that would liberalize defibrillation techniques and requirements of emergency medical technicians. During questioning, Mr. McFarlane was asked why this was not amended into HB-2639. It was stated that hearings had already been held prior to the decision of his organization to request the change. Senator Francisco suggested that steps be taken to take this bill to Local Government as an amendment to HB-2639.

The chairman stated that his attention had been called to the fact that SB-516 should be looked at by another committee.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S, Statehouse, at 10:00 a.m./p.m. on February 10, 1988

Senator Salisbury made the motion to request SB-516 be reassigned to a committee dealing with employee benefits. Senator Hayden seconded the motion

Senator Kerr made a substitute motion to report SB-516 not favorable for passage. Senator Vidricksen seconded the motion.

Discussion centered on keeping the bill in committee, considering it with the entire health plan which includes funding a wellness program and also, that the wellness plan should not be funded from one small group of employees.

Senator Kerr, with the approval of Senator Vidricksen, who seconded his substitute motion, withdrew his substitute motion.

Senator Salisbury's motion carried.

The chairman announced that the committee would not meet February 11, 1988.

The meeting adjourned at 10:40 a.m.. The next scheduled meeting is February 16, 1988, at 10 a.m. in room 526-S.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE February 10, 1988

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Leroy Griswold 709 AITH-HAYSVILLE KS	Kansas Close-up
Maurice McClary 201 E. 135th St. Wichita	Kansas Close-up Close-up
Kristie Swatos 109 Warner Great Bend	Kansas
Kelly Meyers 3712-23rd St. Great Bend, Ks.	Close-up Kansas
Kelly Orth RR3 Box 1404 Great Bend, Ks.	Close-up Kansas
Shelly McNeil 3900 22nd Great Bend, Ks.	Close-up Kansas
Robin Opie 2500 Broadway, Great Bend, Ks.	Close-up - Kansas
Mark Connelly 3419 Meadowlark Great Bend, Ks.	Close-up Kansas
Charley Gowdy 2508 Paseo Great Bend, Ks.	Close Up Kansas
Michael Lechner Dept. of Human Resources Ks.	Topeka
Blanche Parks Dept. of Human Resources Ks.	Topeka
Chip Wheelen Topeka	Ks Medical Society
Meg Johnson 4120 W13 Lawrence, KS 66046	Kansas Close-up
Mikka Gee 1645 Kentucky St, Lawrence KS, 66044	Kansas Close Up
Kim Westethoff 432 Hemphill Haysville, KS 67060	KS C.U.
Katie Myer 4444 S. West St Wichita Ks. 67217	Kansas Close Up
Rachel Coffey 348 Apple Lane Haysville KS 67060	Kansas Close-up
R L PARKER	KD HE
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE February 10, 1988

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Bob McDanel III W. 6th

KAD

Ruth Welbin Topeka

Girl Scouts

~~Jerry G. ...~~ ~~Topeka~~

~~...~~

Len Baker Topeka

Missouri Deafmanute

Mary Ellen Oblee Wichita

ST Francis Reg. Med Center

Tom Geches WICHITA

BOEING

**75-5911.** Advisory council on aging; appointment of members. (a) There is hereby created the advisory council on aging. The council shall consist of ~~nineteen~~ ~~(19)~~ ~~fifteen~~ ~~(15)~~ ~~members.~~ ~~Fifteen~~ ~~(15)~~ ~~members~~ shall be appointed by the governor, one member shall be appointed by the president of the senate from among the members of the senate, one member shall be appointed by the minority leader of the senate from among the members of the senate, one member shall be appointed by the speaker of the house of representatives from among the members of the house of representatives and one member shall be appointed by the minority leader of the house of representatives from among the members of the house of representatives. ~~At least ten~~ ~~(10)~~ ~~members~~ of the council shall be senior citizens and shall represent insofar as possible different geographical, social and ethnic groups, ~~and two~~ ~~(2)~~ ~~members~~ of the council, at the time of their appointment, shall be licensed by the state and be actively engaged in the administration of adult care homes within the state.

Eleven (11)

One (1)

(b) ~~As the terms of members expire and as vacancies otherwise occur in the membership positions of the advisory council on aging, members of the council shall be appointed so that the council shall consist of at least one member from each planning and service area and the remaining members shall represent varying geographic regions in the state.~~ No provision of this act shall affect the term of any member of the advisory council on aging appointed prior to the effective date of this act.

History: L. 1977, ch. 288, § 11; L. 1978, ch. 375, § 1; L. 1979, ch. 299, § 1; L. 1980, ch. 291, § 8; July 1.

**75-5912.** Same; terms of members. (a) ~~Of the members first appointed to the council, as designated by the governor at the time of each appointment, three members shall serve on the council for a term of one year, three members shall serve for a term of two years, and five members shall serve for a term of three years.~~

(b) ~~Of the four members appointed to fill the positions on the advisory council on~~

~~aging which are created by this act, as designated by the governor at the time of each appointment, two members shall serve on the council for a term of three years and two members shall serve for a term of one year.~~

(a) ~~(c)~~ Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

(b) ~~(d)~~ Upon the expiration of the initial terms set forth in this section, members appointed to subsequent terms shall be appointed for a period of three years. Members shall be eligible for reappointment.

(c) ~~(e)~~ Members appointed by the president of the senate, the minority leader of the senate, the speaker of the house of representatives and the minority leader of the house of representatives shall serve at the pleasure of the person holding the office held by the person appointing such members.

section

**65-2809.** Expiration date of licenses; continuing education requirements; evidence licensee maintaining professional liability insurance; notice of expiration; fees; revocation of license; reinstatement, when; exempt licensees. (a) The license shall expire on June 30 each year and may be renewed annually upon request of the licensee. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the expiration date of the license.

(b) Except as otherwise provided in this section, the board shall require every licensee in the active practice of the healing arts within the state to submit evidence of satisfactory completion of a program of continuing education required by the board. The requirements for continuing education for licensees of each branch of the healing arts shall be established by the members of such branch on the board. The board shall adopt rules and regulations prescribing the requirements established by the members of each branch of the healing arts for each program of continuing education as soon as possible after the effective date of this act. In establishing such requirements the members of the branch of the healing arts establishing them shall consider any programs of continuing education currently being offered to such licensees. If, immediately prior to the effective date of this act, any branch of the healing arts is requiring continuing education or annual postgraduate education as a condition to renewal of a license of a licensee of such branch of the healing arts, such requirement as a condition for the renewal of such license shall continue in full force and effect notwithstanding any other provision of this section to the contrary.

(c) On and after October 1, 1986, the board, prior to renewal of a license, shall require the licensee, if in the active practice of the healing arts within the state, to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402 and amendments thereto and has paid the annual premium surcharge as required by K.S.A. 40-3404 and amendments thereto.

(d) At least 30 days before the expiration of a licensee's license, the board shall notify

the licensee of the expiration by mail addressed to the licensee's last place of residence as noted upon the office records. Before October 1, 1986, if the licensee fails to pay the annual fee within 30 days after the expiration of the license, the licensee shall be given a second notice that the licensee's license has expired, that the board will suspend action for 90 days following the date of expiration, that upon receipt of the annual fee together with an additional fee of not to exceed \$50 within the ninety-day period no order of revocation will be entered and that, if both fees are not received within the ninety-day period, the license shall be canceled. On and after October 1, 1986, if the licensee fails to pay the annual fee by the date of the expiration of the license, the licensee shall be given a second notice that the licensee's license has expired, that the board will suspend action for 30 days following the date of expiration, that upon receipt of the annual fee together with an additional fee of not to exceed \$500 within the thirty-day period no order of revocation will be entered and that, if both fees are not received within the thirty-day period, the license shall be canceled.

(e) Any licensee who allows the licensee's license to lapse by failing to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the renewal fees then due and upon proof of compliance with the continuing educational requirements established by the board.

(f) There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an exempt license established pursuant to K.S.A. 65-2852 and amendments thereto. The board may issue an exempt license only to a person who has previously been issued a license to practice the healing arts in Kansas, who is no longer regularly engaged in such practice and who does not hold oneself out to the public as being professionally engaged in such practice. Each exempt license may be renewed annually subject to the provisions of this section. Each exempt licensee shall be subject to all provisions of the healing arts act, except as otherwise provided in this subsection (f). The holder of an exempt license

An exempt license shall entitle the holder thereof to all privileges attendant to the branch of the healing arts for which such license is issued.

shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-2809 and amendments thereto. Each exempt licensee may apply for a license to regularly engage in the practice of the appropriate branch of the healing arts upon filing a written application with the board and submitting evidence of satisfactory completion of applicable continuing education requirements established by the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2852 and amendments thereto. The board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice the healing arts within Kansas.

History: L. 1957, ch. 343, § 9; L. 1966, ch. 35, § 1 (Budget Session); L. 1969, ch. 299, § 2; L. 1976, ch. 273, § 6; L. 1976, ch. 274, § 3; L. 1978, ch. 249, § 5; L. 1986, ch. 229, § 34; L. 1986, ch. 239, § 1; L. 1987, ch. 242, § 2; May 21.

*Dry fertilizer and livestock feeds.*

Between all points and places within the state of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Unruh-Foster, Inc. ) Docket No. 158,370 M  
 East U.S. 56 )  
 Montezuma, KS 67867 )

Applicant's Attorney: William Mitchell, 119 W. Sherman,  
 P.O. Box 604, Hutchinson, KS 67504-0604

*Heavy machinery, equipment, implements and parts; and heavy or cumbersome commodities and parts.*

Between all points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Charles E. Mattke, dba ) Docket No. 158,371 M  
 Chux Trux )  
 537 N. Main )  
 WaKeeney, KS 67672 )

Applicant's Attorney: Clyde Christey, Southwest Plaza  
 Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

*Livestock, grain, feed, feed ingredients, salt, seeds, hay, dry fertilizer, construction and building materials, fencing materials and machinery.*

Between points and places in Kansas on and west and north of U.S. 81 and U.S. 54.

Also,

Between the above described territories, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Lee F. Cairns ) Docket No. 158,372 M  
 508 W. 6th )  
 Solomon, KS 67480 )

Applicant's Attorney: None

*Grain,*

Between all points and places in Ottawa, Saline, Dickinson, Clay, Marion and Ellsworth counties, Kansas.

\*\*\*\*\*

ALFONZO A. MAXWELL  
 Administrator  
 Transportation Division

Doc. No. 006104

State of Kansas

BOARD OF HEALING ARTS  
 TEMPORARY ADMINISTRATIVE  
 REGULATIONS

Article 10a.—EXEMPT LICENSE

**100-10a-1.** Applications. (a) All applications for exempt license shall be submitted upon forms furnished by the board. These forms shall contain the following in plain, legible writing:

- (1) Name in full;
- (2) post office address;
- (3) residence address;
- (4) Kansas license number;
- (5) a statement that applicant does not hold oneself out to the public as being professionally engaged in the practice of the healing arts for which the applicant holds a license;

(6) a statement that applicant is no longer regularly engaged in the State of Kansas in the branch of the healing arts for which the applicant holds a license;

(7) a statement describing the professional activities relating to the healing arts in which the applicant intends to engage if issued an exempt license;

(8) a statement acknowledging that if applicant is issued an exempt license, applicant shall be subject to all provisions of the healing arts act except for complying with requirements of continuing education; and

(9) a statement acknowledging that if applicant is issued an exempt license applicant will not be a health care provider, as defined by K.S.A. 40-3401 and amendments thereto, that the applicant will not be required to maintain professional liability insurance in accordance with K.S.A. 40-3401 et seq. and that any services rendered by applicant, while the holder of an exempt license, will not be insured nor covered by the health care stabilization fund.

(b) All applications for exempt license shall be signed, under oath, by the applicant.

(c) All applications for exempt license shall be accompanied by any fee required by K.A.R. 100-11-5.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

**100-10a-2.** Request for changes. An exempt license holder shall file a written request with the board whenever the nature or extent of the professional activities relating to the healing arts are proposed to be changed from those activities divulged to the board on the application for such license or on any renewal form. The board shall review the request, determine whether the proposed changes affect the eligibility for an exempt license and either grant or deny the request.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

**100-10a-3.** Renewal applications. All applications for renewal of exempt license shall be submitted upon

(continued)



forms furnished by the board and shall be accompanied by the fee required by K.A.R. 100-11-5.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

**100-10a-4. Criteria.** (a) Exempt licenses may be issued to qualified applicants if the professional activities of the applicant will be limited to the following:

(1) Administrative functions, including peer review utilization review and expert opinions, which have no impact on the care and treatment provided to the patients whose records or charts are reviewed; and

(2) providing direct patient care services relating to the healing arts on an irregular or infrequent basis to persons who are not charged or liable for the costs of the services.

(b) Applications describing professional activities not included in subsection (a) shall be reviewed by the board on a case-by-case basis to determine the eligibility for an exempt license.

(c) Exempt licenses may not be issued to applicants if the professional activities of the applicant include any of the following:

(1) Maintaining an office or place to regularly meet patients in this state;

(2) providing direct patient care services relating to the healing arts, to persons who are charged or liable for the costs of the services.

(3) providing direct patient care services of such regularity and frequency as to reasonably constitute the regular practice of the healing arts;

(4) supervising individuals who provide direct patient care services relating to the healing arts or other health care professions; and

(5) prescribing, administering or dispensing any controlled substances as defined in K.S.A. 65-4101(e) and amendments thereto. (Authorized by K.S.A. 65-2865; and implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

**100-10a-5. Conversion.** (a) A holder of an exempt license desiring to become licensed to regularly practice the healing arts within Kansas shall submit a form provided by the board containing identical information to that required of individuals desiring to reinstate a license.

(b) Each holder of an exempt license desiring to become licensed to regularly practice the healing arts within Kansas shall submit proof of continuing education as follows:

(1) If the individual has held the exempt license for less than one year, no continuing education in addition to that which would have been necessary had the exempt licensee continued to hold an active license shall be required;

(2) if the exempt licensee has held the exempt license more than one year but less than three years, the individual must submit evidence of satisfactory completion of a program of continuing education in accordance with the requirements of K.A.R. 100-15-2; and

(3) if the exempt licensee has held the exempt license for more than three years, the applicant must complete a program recommended by the board. (Authorized by and implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

**100-10a-6. Activities not divulged.** (a) The holder of an exempt license shall not engage in any professional activities relating to the healing arts not divulged to the board on the application for exempt license, any renewal application or on a request submitted and approved by the board pursuant to K.A.R. 100-10a-2.

(b) Any departure from subsection (a) may constitute evidence of dishonorable conduct pursuant to K.S.A. 1986 Supp. 65-2836(b) as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 3 and any amendments thereto.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

#### Article 11.—FEES

**100-11-5. Exempt license.** No fee shall be collected by the board for an exempt license or conversion of an exempt license to a license to practice the healing arts. The fee collected by the board for renewal of an exempt license shall be \$115.00 if received by the date of the expiration of the license and \$150.00 if received within 30 days following the date of expiration.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; implementing K.S.A. 65-2852, as amended by L. 1987, Ch. 242, Sec. 4; effective, T-88-52, Dec. 16, 1987.)

#### Article 22.—DISHONORABLE CONDUCT

**100-22-2. Description of professional activities.** (a) Any person applying for an exempt license shall divulge on the application for such license a description of all professional activities related to the healing arts such person intends to perform if issued an exempt license.

(b) Any person holding an exempt license shall, at the time of renewal, divulge on the renewal application all professional activities related to the healing arts such person intends to perform during the renewal period.

(c) Any departure from subsection (a) or (b) may constitute evidence of dishonorable conduct pursuant to K.S.A. 1986 Supp. 65-2836(b) as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 2 and any amendments thereto.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2836 as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

CHARLENE K. ABBOTT  
Executive Secretary