

Approved 2-23-88  
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 18, 1988 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research  
Norman Furse, Revisors Office  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Paul Klotz, Association of Community Health Centers  
Gary K. Huelett, Under Secretary, Kansas Department of Health & Environment  
Tuck Duncan, Kansas Occupational Therapy Council  
Sherman A. Parks, Jr., Kansas Chiropractic Association

The Chairman announced that Lt. Governor, Jack Walker, was unable to appear as scheduled to report on the Governor's Task Force on AIDS. This report has been rescheduled for Thursday, February 25, 1988, at 10:00 a.m. This meeting will be held in the old Supreme Court Chambers due to an expected number of visiting nurses on that day.

Paul Klotz, Association of Community Health Centers, appeared before the committee and introduced E. W. (Dub) Rakestraw, also of the Association of Community Health Centers. Mr. Rakestraw appeared to request introduction of a bill which would amend legislation passed last year. The amendments would include work settings not included in earlier legislation; also confidentiality rights of currently employed Master level Psychologists and their clients, persons employed by state youth centers and mental retardation hospitals and also an Attorney General's opinion that all Masters level psychologists must be supervised (and exclusively by) licensed psychologists. Attachment 1

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

Gary K. Huelett, Under Secretary, KDHE, appeared before the committee to request a bill relating to the licensing, inspection and regulation of medical care facilities. This bill would make a distinction between ambulatory surgical centers and physicians' offices. The result would do away with the licensing of physician's offices in which ambulatory surgery is performed. Attachment 2

Senator Bond moved that the committee accept this bill. Senator Mulich seconded the motion and the motion carried.

The Chairman called on Senator Bond who stated he wished to clarify the motion made February 17 requesting introduction of an AIDS bill, stating his motion should have covered at least two bills, one a crime bill that probably would eventually be referred to Judiciary.

Tuck Duncan, Kansas Occupational Therapy Council requested introduction of a committee bill which would repeal the sunset provision of the statute dealing with the occupational therapists.

Senator Salisbury moved that the committee introduce the bill which would repeal the sunset provision. Senator Bond seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S Statehouse, at 10:00 a.m./~~xxx~~ on February 18, 1988

The Chairman asked the wishes of the committee concerning SB-460 which was tabled until February 14.

Senator Francisco made the motion to request an interium study. Senator Mulich seconded the motion. When advised this bill had come from an interium study, Senator Francisco, with the permission of the second, withdrew the motion.

Senator Anderson rose on point of personal privilege to introduce a visiting Sedgwick County Commissioner, David Bayouth.

Senator Hayden also rose on point of personal privilege to introduce Fred Brooks from the Garden City newspaper.

Sherman A. Parks, Jr., Executive Director, Kansas Chiropractic Association was recognized and appeared to request the committee's introduction of a bill which would permit Doctors of Chiropractic and others access to hospitals upon acceptance by each Board of Directors.

Senator Francisco made the motion to introduce this bill. Senator Mulich seconded the motion and the motion carried.

The Chairman asked the wishes of the committee concerning SB-557. Amendments offered would 1) allow refusal to participate in a multidisciplinary team and 2) provide immunity to liability that might be incurred while serving on a multidisciplinary team. Attachment 3

Senator Bond moved to amend SB-557 as described in Attachment 3. Senator Mulich seconded the motion and the motion carried.

Senator Bond moved to pass SB-557 out favorable with a second by Senator Mulich.

A substitute motion was made by Senator Bond to pass SB-557 out favorable as amended and to take effect upon publication in the Kansas Register. Senator Mulich seconded the motion and the motion carried.

Senate Bill 557 as amended was passed out favorable for passage. Senator Bond will carry SB-557 on the floor.

Senate Bill 570 was placed before the committee for consideration. During discussion it was noted that this bill covered a much broader scope than was originally intended, the original thrust being to permit funding and maintenance of the existing programs.

Senator Reilly made the conceptual motion to allow the genetics program to continue operation as it is presenting doing. Senator Hayden seconded the motion and the motion carried. The changes needed for SB-570 were requested from staff in balloon form.

The Chairman requested the wishes of the committee on SB-585. Following discussion concerning offered amendments the desire for a subcommittee was expressed. Also, it was questioned how "significantly and adversely" would be applied to lines 32 and 91 of the bill.

Senator Francisco made the motion to put SB-585 into a subcommittee with a second by Senator Reilly. The motion carried with a vote of 5 yes votes and 3 opposed. The motion carried.

Senator Salisbury, Senator Francisco and Senator Reilly were appointed to the subcommittee for SB-585 with Senator Salisbury serving as chairperson.

The meeting adjourned at 10:52 a.m. The next committee meeting will be held on Monday, February 22, 1988, at 10:00 a.m. in room 526-S.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE February 18, 1988

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

NAME AND ADDRESS	ORGANIZATION
Marilyn Bradt Lawrence	WINH
Gary Hulet Topoka	KDHE
Richard Morrissey	KDAE
Kathleen Jones-Oliver Topoka	ADAS
Cleta M. Remyer Sabetha	Right to Life of Ks.
Laura Howard	KLRD
Chip Wheelen	Ks Medical Society
<del>Christy Young</del>	Assn. Com. Mental Health Care Ks
Larry Henderson	OSPA, Supreme Court
Harold Pitts Topoka	KCOA
Ken Bab Topoka	Kaiser Permanente
KEITH R LANDIS "	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Dick Hummel Topoka	Ks HEACTA Care Assn
Paul M. Klotz Topoka	Assoc. of CMHCs of Ks Inc.
M Anne Topoka	Ks Homes for Aging

TESTIMONY TO:  
SENATE PUBLIC HEALTH AND WELFARE COMMITTEE  
The Honorable Roy Ehrlich, Chair

Mr. Chairman and members of the committee, I am Dub Rakestraw here today speaking on behalf of the Association of Community Mental Health Centers of Kansas.

The mental health centers of Kansas request that you allow the introduction of the attached bill.

During the 1987 legislative session, legislation was passed by which masters level psychologists could become registered. As a result of experiences since then, there are several amendments that need to be made in the law.

We believe the amendments being proposed in this legislation addresses the problems the mental health centers, the state institutions and others have encountered since its passage.

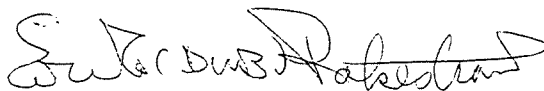
The problems encountered include having left out some work settings in which masters level psychologists are currently employed; having left out any confidentiality rights of clients seen by a masters level psychologist; having left out some persons who are or may well be employed by the state youth centers and mental retardation hospitals; and an attorney general's opinion that all masters level psychologists must be supervised by (and exclusively by) licensed psychologists.

The amendments in the attached draft address these problems, as well as, others of a less serious nature.

We don't believe the amendments change our original intent of last year which was to allow the masters level psychologist to continue to provide their services in settings such as community mental health centers, state institutions and other institutions and agencies as they have for many, many decades.

We respectfully request the committee allow introduction of this legislation.

I appreciate your allowing this opportunity for this request and I will be happy to try and address any questions you might have.



E. W. (Dub) Rakestraw  
Association of Community Mental Health Centers of Kansas

DRAFT

SENATE BILL NO. \_\_\_\_\_

By

AN ACT concerning registered masters level psychologists; relating to qualifications and practice thereof; providing for confidentiality of client relations and communications; amending K.S.A. 1987 Supp. 74-5362, 74-5363, 74-5367, 74-5368 and 74-5371 and repealing the existing sections.

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

Section 1. K.S.A. 1987 Supp. 74-5362 is hereby amended to read as follows: 74-5362. Any person who is registered under the provisions of this act as a registered masters level psychologist shall have the right to practice only in a licensed community mental health center or one of its contracted affiliates, in any federal, state, county or municipal agency, or other political subdivision, in a medical care facility licensed under K.S.A. 65-425 et seq. and amendments thereto, in a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto, in an adult care home licensed under the adult care home licensure act and recognized by the secretary of social and rehabilitation services as an intermediate care facility for mental health, in an adult care home licensed under the adult care home licensure act and certified for participation in the medicaid program as an intermediate care facility for the mentally retarded, in a boarding home for children licensed under K.S.A. 65-501 et seq. or in a duly chartered educational institution insofar as such practice is part of the duties of such person's paid position and is performed solely on behalf of the employer, ~~so long as such practice is under the direction of a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of psychological disorders.~~ Such registered person may use the title registered

masters level psychologist and the abbreviation RMLP.

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

(b) The board shall register as a registered masters level psychologist any applicant for registration who pays the fee prescribed by the board under K.S.A. 1987 Supp. 74-5365 and amendments thereto, which shall not be refunded, who has satisfied the board as to such applicant's training and who complies with the provisions of this subsection (b). An applicant for registration also shall submit evidence verified under oath and satisfactory to the board that such applicant: (1) Is at least 21 years of age; (2) has received at least a master's graduate degree in clinical psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas or has received a master's degree in psychology or a graduate degree primarily psychological in nature and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; (3) has completed 750 clock hours of academically supervised practicum or 1,500 clock hours of postgraduate supervised work experience supervised by a licensed psychologist or a registered masters level psychologist; and (4) is in the employ of a Kansas licensed

community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, in a medical care facility licensed under K.S.A. 65-425 et seq. and amendments thereto, in a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto, in an adult care home licensed under the adult care home licensure act and recognized by the secretary of social and rehabilitation services as an intermediate care facility for mental health, in an adult care home licensed under the adult care home licensure act and certified for participation in the medicaid program as an intermediate care facility for the mentally retarded, in a boarding home for children licensed under K.S.A. 65-501 et seq. or a duly chartered educational institution and whose practice is a part of the duties of such applicant's paid position and is performed solely on behalf of the employer.

(c) Until ~~July~~ December 31, 1988, the board shall waive the educational or degree and supervision requirements, or all such requirements, under subsection (b) so long as the person applying for registration as a registered masters level psychologist ~~has-a--graduate--degree--and--either~~ (1) has been employed for at least three years as a psychologist by a licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, in a medical care facility licensed under K.S.A. 65-425 et seq. and amendments thereto, in a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto, in an adult care home licensed under the adult care home licensure act and recognized by the secretary of social and rehabilitation services as an intermediate care facility for mental health, in an adult care home licensed under the adult care home licensure act and certified for participation in the medicaid program as an intermediate care facility for the mentally retarded, in a boarding home for children licensed under K.S.A. 65-501 et seq. or a duly chartered educational institution; or (2) as of ~~July~~ December 31, 1987, was employed

by-a-state-agency in this state as a psychologist, or was recognized--as--a--masters-level-psychologist-by-the-professional standards-committee-of-the-association-of-community-mental-health centers-of-Kansas-or-was-employed-by-a-licensed-community--mental health---center---or---one---of---its---contracted---affiliates--as--a psychologist was recognized by the professional standards committee of the association of community mental health centers of Kansas as having completed a graduate curriculum equivalent to that taken by a masters level psychologist.

Sec. 3. K.S.A. 1987 Supp. 74-5367 is hereby amended to read as follows: 74-5367. (a) The board may issue a temporary permit to practice as a registered masters level psychologist to any person who pays a fee prescribed by the board under this section, which shall not be refunded, and who: (1) Meets all the requirements for registration under this act as a registered masters level psychologist, but whose application for registration is pending; or (2) meets all the requirements for registration under this act as a registered masters level psychologist except the requirement of postgraduate supervised work experience or current employment, or both.

(b) A temporary permit issued by the board under clause (1) of subsection (a) shall expire at such time as final action on the application is completed, but all such temporary permits shall expire one year after the date of issuance of the permit. A temporary permit issued by the board under clause (2) of subsection (a) shall expire six 12 months after the date of issuance and may be renewed for one additional six-month twelve-month period if the board finds that satisfactory progress toward the supervised experience requirement is being met.

(c) The board shall fix by rules and regulations fees for application and renewal of each type of temporary permit under this section. The application and renewal fee shall not exceed \$100 except that the fee for application for and renewal of the two-year temporary permit under clause (1) of subsection (a) shall not exceed \$200.



(d) The application for a temporary permit may be denied or a temporary permit which has been issued may be suspended or revoked on the same grounds as provided for suspension or revocation of a registration under K.S.A. 1987 Supp. 74-5369.

Sec. 4. K.S.A. 1987 Supp. 74-5368 is hereby amended to read as follows: 74-5368. (a) The board shall establish a masters level psychologist registration committee consisting of three members appointed by the chairperson of the board.

(b) All members of the committee shall be registered masters level psychologists or prior to ~~January--1~~ December 31, 1988, persons qualified under this act to be registered as registered masters level psychologists. Each member of the committee shall be a citizen of the United States and resident of this state.

(c) Each member of the committee shall serve for three years except that the terms on the committee first appointed shall be as follows: One member shall be appointed for a one-year term, one member shall be appointed for a two-year term and one member shall be appointed for a three-year term. The chairperson of the board shall designate the term for each member first appointed to the committee. No member of the committee shall be appointed for more than two successive terms. Upon the expiration of a member's term on the committee, the chairperson shall appoint a qualified successor. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the committee prior to the expiration of a term, the chairperson of the board shall appoint a qualified successor to fill the unexpired term. The chairperson of the board may remove any member of the committee for misconduct, incompetency or neglect of duty.

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

(e) The committee shall receive all applications for registration as a registered masters level psychologist; review the applications for compliance with this act; and make their recommendations for acceptance, rejection or other actions to be taken by the board. The board shall accept and act on the committee's recommendations so long as the recommendations are in compliance with this act.

(f) The board shall make support staff available to the committee.

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

Sec. 5. K.S.A. 1987 Supp. 74-5371 is hereby amended to read as follows: 74-5371. (a) On and after January 1, ~~1988~~ 1989, no person shall represent oneself as a registered masters level psychologist or use the abbreviation RMLP or use any word, letter, signs, figures or devices to indicate that such person using the same is a registered masters level psychologist unless such person holds a valid registration as a registered masters level psychologist.

(b) A violation of this section is a class C misdemeanor.

New Sec. 6. The confidential relations and communications between a registered masters level psychologist and such psychologist's client are placed on the same basis as provided by K.S.A. 1987 Supp. 65-5601 to 65-5605, inclusive, for those between a treatment facility and its patients.

Sec. 7. K.S.A. 1987 Supp. 74-5362, 74-5363, 74-5367, 74-5368 and 74-5371 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

\_\_\_\_\_ BILL NO. \_\_\_\_\_  
 BY \_\_\_\_\_

AN ACT relating to the licensing, inspection and regulation of medical care facilities; concerning the definition of ambulatory surgical center; amending K.S.A. 65-425 and repealing the existing section.

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

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

(b) "Special hospital" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than twenty-four (24) hours of every day, to provide diagnosis and treatment for four or more nonrelated patients who have specified medical conditions.

(c) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(d) "Governmental unit" means the state, or any county, municipality, or other political subdivision thereof; or any department, division, board or other agency of any of the foregoing.

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

(f) "Ambulatory surgical center" means an establishment with an organized medical staff of physicians; with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures; with continuous physician services and registered professional nursing services whenever a patient is in the facility, and which does not provide services or other accommodations for patient to stay overnight; and which is not an extension of a private practice or group physician practice 1. unassociated with an organized medical staff, 2. having written medical staff by-laws

concerning credentialing and privileging and 3. granting of staff privileges to at least two or more independent physicians or physician groups.

(g) "Recuperation center" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than twenty-four (24) hours of every day, to provide treatment for four or more nonacute patients who require inpatient care but are not in an acute phase of illness, who currently require primary convalescent or restorative services, and who have a variety of medical conditions.

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

(i) "Hospital" means "general hospital" or "special hospital."

Sec. 2. K.S.A. 65-425 is hereby repealed.

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

Proposed Amendment to SENATE BILL NO. 557

Be amended:

On page 6, in line 193, by inserting after the period the following: "Any person designated as a multidisciplinary team member may decline to serve and such person shall incur no civil liability as a result of such refusal."; also in line 193, by inserting before "Whenever" the following: "(c)" and by commencing a paragraph with said "(c)"; also on page 6, following line 204, by inserting the following section:

"New Sec. 4. (a) Any member of a multidisciplinary team who provides information without malice in the investigation of alleged abuse of a child or recommends services for a child shall have immunity from any civil liability that might otherwise be incurred or imposed. Such member shall have the same immunity with respect to participation in any judicial proceedings resulting from the investigation.

(b) This section shall be part of and supplemental to the Kansas code for care of children.";

And by renumbering subsequent sections accordingly;