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Date

2-20-89

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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

1:30 a.m. on February 15, 1989 in room 423-S of the Capitol.

All members were present except:

Representative Weimer, excused
Representative Foster, excused

Committee staff present:

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

Conferees appearing before the committee:

Chair called meeting to order at 2:05 when quorum was present, thanking all those people in the audience for their patience. Public Health and Welfare Committee began late this date due to a long session of the House of Representatives.

Chair asked wishes of members in regard to committee minutes. Rep. Green made motion to approve minutes as written for February 8th, 9th, 13th, and 14th. Motion seconded by Rep. Amos, motion carried.

Chair drew attention to a fiscal note on HB 2108. It had been requested by Chair, and the Budget Department brought the note to office of Chair this date. It is recorded as (Attachment No.1)

Other fiscal notes before the committee for their evaluation are on HB 2107, HB 2160, and HB 2271 recorded as (Attachments No.2,3,4 respectfully).

DISCUSSION AND POSSIBLE ACTION BEGAN ON HB 2160.

Chair gave a brief explanation of HB 2160. Rep. Amos made a motion to approve HB 2160 favorably for passage and be placed on the Consent Calendar, seconded by Rep. Scott. No discussion, Vote taken, motion carried.

DISCUSSION AND POSSIBLE ACTION BEGAN ON HB 2161:

Chair noted there was some confusion in regard to language on Page 5, line 185 in regard to registration being renewed on a biennial or annual basis. Chair requested Mr. Furse brief committee in this regard. Mr. Furse noted when the Board of Healing Arts requested the bill they had it drafted to ask for biennial, but during Hearings changed it and asked that it be changed back to what current law says, which is annual. In order to do that, it would be necessary to reinsert lines on Page 5, lines 180 after "shall", lines 181, 182, and in line 183 the word "board", then delete new material with the reference to biennial. The other changes would be to delete sub (f) on Page 7, and other references in the bill to carry out the change being made.

At this point, there were questions posed, i.e., do other licensed or registered groups deal on annual or biennial basis. Both, was the answer.

Rep. Buehler made a conceptional motion to instruct Revisor's office to make changes necessary as discussed to change biennial back to annual. Motion seconded by Rep. Branson. 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 February 15, 1989

DISCUSSION CONTINUED ON HB 2108:-

Ms. Correll drew attention to language in HB 2108, Page 3, (c) that continues onto top of Page 4 which sets down requirements for persons being registered as Physical Therapist Assistants. Discussion ensued. It was determined that committee would need to make this policy decision.

After a lengthy discussion, Rep. Shallenburger moved to reinsert language, in line 118, the word "or", line 119, and line 120 through the word, "experience". Motion seconded by Rep. Buehler.

Lenthy discussion ensued, i.e., where are the schools that offer the required education; rural areas are already short on personnel; what are requirements for Physical Therapists Assistants, and Occupational Therapists Assistants. Vote taken, motion carried.

Chair asked Staff for any other technical concerns. Ms. Correll drew attention to language on Page 7, line 238 relating to a policy issue, i.e., the differences between re-education and continuing education. There was lengthy discussion in this regard.

Rep. Sader made a motion to strike language "re-education and", in both lines 235 and 238 of HB 2108. Seconded by Rep. Green. No discussion. Vote taken, motion carried.

At this time Chair offered an amendment, (Attachment No.6). He explained balloon, saying it would address the problem of lack of number of Physical Therapists in rural areas of the state. New language proposed would allow the Physician to direct the Physical Therapists Assistants, according to written protocol.

Rep. Branson made motion to adopt the amendment proposed, (Attachment No. 6), to add language detailed in this balloon, to insert it in line 376 of HB 2108. Motion seconded by Rep. Cribbs. No discussion. Vote taken, motion carried.

Discussion continued in regard to bill as a whole. Chair asked members if they would be more comfortable seeing a new balloon with all the proposed changes so it could be reviewed again.

At this point, Rep. Buehler moved to adopt HB 2108 favorably as amended, seconded by Rep. Cribbs. No discussion. Vote taken, motion carried.

Chair drew attention to agenda for tomorrow and next week.

Meeting adjourned 2:50 p.m.

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

Dear Representative Littlejohn:

SUBJECT: Fiscal Note for HB 2108 by Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2108 is respectfully submitted to your committee.

HB 2108 repeals KSA 39-1421 to 39-1429, inclusive. These sections of state statute pertain to reporting abuse or neglect of adults. HB 2108 contains new language which would replace the existing state language concerning abuse of adults. The new language is more comprehensive in that it defines further duties for the Department of Social and Rehabilitation Services and provides clarity in definitions for what is considered to be an adult and terms such as abuse, neglect, and exploitation. The bill further allows the Department of Social and Rehabilitation Services to utilize other state agencies in providing assistance to investigate cases of adult abuse.

The bill would require the Department of Social and Rehabilitation Services to maintain a statewide registry of reports received and the findings, evaluations and actions recommended concerning adult abuse. The bill contains language requiring medical professional personnel and law enforcement personnel to inform the Department of Social and Rehabilitation Services within six hours of receiving information concerning alleged adult abuse. If the Department of Social and Rehabilitation Services is not available, such reports shall be made to law enforcement agencies. The bill provides certain safeguards concerning employment and liability to persons making reports of adult abuse.

The bill requires the Department of Social and Rehabilitation Services to conduct a personal interview with the person involved in the alleged case of adult abuse within 24 hours if the person faces intimate danger, within three working days for all reports of suspected abuse, and within five working days for all reports of neglect or exploitation when the information received by the Department indicates no presence of intimate danger. The bill would require the Department to conduct within two weeks of receiving a report of adult abuse a thorough investigation and evaluation to determine the situation relative to the condition of the adult and what actions, if any, should be taken.

The bill has no fiscal impact. The bill repeals existing state law concerning adult abuse and replaces it with basically the same duties and responsibilities presently assigned to the Department of Social and Rehabilitation Services. The bill does allow the Department to establish a

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The Honorable Marvin Littlejohn

February 15, 1989

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toll free telephone number for reporting instances of abuse but that toll free number is already available. That also requires the Department to establish a register of reports received for cases of adult abuse and that requirement is also currently contained in state law.



Michael F. O'Keefe
Director of the Budget

MFO:REK:sm

cc: Ben Coates, Social & Rehabilitation Services

5573

Attn #1
392
2-14-9

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

Dear Representative Littlejohn:

SUBJECT: Fiscal Note for HB 2107 by Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2107 is respectfully submitted to your committee.

HB 2107 is new legislation placing a one year moratorium on the issuance of a new license to operate an adult care home. The length of time for the moratorium shall be from July 1, 1989 until June 30, 1990. The bill also provides that any existing adult care home licensed prior to the effective date of this act, July 1, 1989, may not increase its bed capacity by more than 15 beds.

The bill has certain exemptions including; intermediate nursing care facilities for the mentally retarded, intermediate personal care homes, intermediate nursing care homes for the mentally ill, conversion of existing adult care home beds from one licensure category to another category if the conversion does not increase the overall bed capacity of the facility, and a facility project submitted within sixty days prior to the effective date of this act to the Department of Health and Environment. The bill also provides that the Department of Health and Environment may grant an emergency waiver if the need for an adult care home project is the result of a fire, tornado, flood, or other type of disaster.

Subject act has no fiscal effect.



Michael F. O'Keefe
Director of the Budget

MFO:REK:sm

cc: Ben Coates, Social & Rehabilitation Services

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

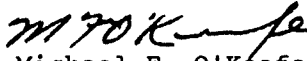
Dear Representative Littlejohn:

SUBJECT: Fiscal Note for HB 2160 by Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2160 is respectfully submitted to your committee.

HB 2160, as introduced, would provide for immunity from civil action for damages for agents of the Kansas Board of Healing Arts who are acting in good faith and without malice in matters which may result in disciplinary action against a professional regulated by the Board.

This bill, as introduced would hve no fiscal impact on the Board of Healing Arts expenditure level or staffing as recommended in the FY 1990 Governor's Report on the Budget.


Michael F. O'Keefe
Director of the Budget

MFO:KW:meh

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

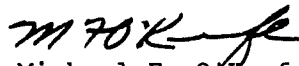
Dear Representative Littlejohn:

SUBJECT: Fiscal Note for HB 2271 by Representative Helgerson

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2271 is respectfully submitted to your committee.

As introduced, HB 2271 amends current statutes that govern smoking in public places to prohibit smoking anywhere in the Statehouse except in an enclosed office occupied by a state officer or employee.

This bill has no fiscal effect.


Michael F. O'Keefe
Director of the Budget

MFO:LSC:meh

5501

*PH&W
attm # 4
2-15-89*

State of Kansas

Office of

RICHARD G. GANNON, EXECUTIVE DIRECTOR
CHARLENE K. ABBOTT, ADMINISTRATIVE ASSISTANT
LAWRENCE T. BUENING, JR., GENERAL COUNSEL
JOSEPH M. FURJANIC, DISCIPLINARY COUNSEL



Landon State Office Building

900 S.W. JACKSON, SUITE 553
TOPEKA, KS 66612-1256
(913) 296-7413

Board of Healing Arts

February 15, 1989

Committee on Public Health & Welfare
Statehouse
Topeka, KS 66612

RE: HB-2161

Dear Representatives:

During the hearings on HB 2161 conducted during your meeting on February 13, two issues arose about which you desired information from the Board.

The first issue dealt with continuing education requirements for those individuals who had allowed their registrations to lapse. A copy of K.S.A. 65-2910 is enclosed. The last sentence of that statute specifies that the Board may extend a lapsed registration upon payment of the fees and "upon proof that the registered physical therapist has satisfactorily completed a program of continuing education required by the board". In implementing this statute, the Board has adopted K.A.R. 100-46-5, a copy of which is also enclosed. The amount of continuing education which the Board would approve in any particular case is dependent upon the facts and circumstances of each case. K.A.R. 100-46-5 simply specifies what may be required depending upon the length of time the registration lapsed. In implementing K.S.A. 65-2910, the Board did not envision that K.A.R. 100-46-5 was "reeducation" but was rather a "program of continuing education". The Board has not, to the best of my knowledge, ever required any applicant for a revival of a lapsed registration to attend any school outside of the State of Kansas. K.A.R. 100-46-5(a), (3), (B), and (c) certainly would enable clinical study and apprenticeship approved by the Board to be performed within the State of Kansas.

The second issue raised was the fee schedule specified in lines 267 through 296 of HB 2161. These fee categories were derived from those set forth in 1987 SB 35. A copy of pages 52 and 53 of 1987 SB 35 is enclosed. K.S.A. 1988 Supp. 65-2852 establishes the fee schedule for licensees under the Healing Arts Act. K.S.A. 1988 Supp. 65-2012 establishes the maximum fees for individuals licensed to practice podiatry. Copies of these two statutes are likewise

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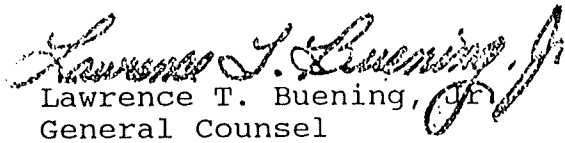
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February 15, 1989
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enclosed. It was felt that the maximum statutory fees for registrants in physical therapy should correlate to the maximum statutory fees for the four professions licensed by the Board. Therefore, the fee schedule in HB 2161 is approximately one half of the maximum statutory fees for the four professions licensed by the Board.

I hope this responds to the questions the Committee had on these two issues.

Very truly yours,


Lawrence T. Buening, Jr.
General Counsel

LTB:sl

Attachments

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certificate of registration in physical therapy without examination therein to an applicant who presents evidence satisfactory to the board of having passed the examination in physical therapy of the American registry of physical therapists, or an examination before a similar, lawfully authorized examining board in physical therapy of another state, District of Columbia, territory or foreign country, if the standards for registration in physical therapy in such other state, district, territory or foreign country are determined by the board to be as high as those of this state. At the time of making such application, the applicant shall pay to the board a fee as prescribed, no part of which shall be returned.

(b) The board may issue a certificate as a physical therapist assistant without examination therein to an applicant who presents evidence satisfactory to the board of having passed an examination as a physical therapist assistant as approved by the state board of healing arts or an examination before a similar, lawfully authorized examining board in physical therapy of another state, District of Columbia, territory or foreign country, if the standards for certification in physical therapy in such other state, District of Columbia, territory or foreign country are determined by the board to be as high as those of this state. At the time of making such application, the applicant shall pay to the board a fee as prescribed, no part of which shall be returned.

History: L. 1963, ch. 318, § 9; L. 1973, ch. 253, § 8; L. 1983, ch. 215, § 8; July 1.

Research and Practice Aids:

Physicians and Surgeons 5(2), 4).
C.J.S. Physicians and Surgeons §§ 13, 15, 23.

65-2910. Renewal of registration; continuing education requirements; rules and regulations; fees; revival or extension. Every registered physical therapist or certified physical therapist assistant shall, during each January, apply to the board for an extension of such person's registration or certification and pay a fee as determined by the board. The board shall require every registered physical therapist as a condition of extension of registration to submit with the application for an extension of registration evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted

rules and regulations shall establish the requirements for such program of continuing education. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to registered physical therapists. Any registration or certification that is not so extended on or before January 31, each year, shall automatically lapse on that date. The board, in its discretion, may revive and extend a lapsed registration or certification upon payment of the full amount of the delinquent fee together with an additional fee established by the board of not to exceed \$30 and, in the case of a registration, upon proof that the registered physical therapist has satisfactorily completed a program of continuing education required by the board.

History: L. 1963, ch. 318, § 10; L. 1973, ch. 253, § 9; L. 1976, ch. 274, § 4; L. 1983, ch. 215, § 9; July 1.

Research and Practice Aids:

Physicians and Surgeons 5(2).
C.J.S. Physicians and Surgeons §§ 13, 23.

65-2911. Rules and regulations; record of proceedings; roster of persons registered or certified; disposition of moneys; healing arts fee fund. (a) The board of healing arts may adopt such rules and regulations as may be necessary to carry out the purposes of this act. The secretary of the board shall keep a record of all proceedings under this act and a roster of all persons registered or certified under the act. The roster shall show the name, address, date and number of the original certificate of registration or certificate, and the renewal thereof.

(b) The state board of healing arts shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president of the board.

History: L. 1963, ch. 309, § 24;
Cross Reference: Purpose and li general fund, sec
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§ 94; Physicians

65-2912.
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ARTICLE 46 -- EXTENSION OF REGISTRATION; ASSISTANTS

100-46-5. Lapsed registrations and certifications; revival and extension.

(a) Each person desiring to revive and extend a lapsed registration shall:

(1) Submit a completed written application on a form prescribed by the board;

(2) pay a fee of \$30 at the time of submission of the application, no part of which will be refunded; and

(3) submit proof of satisfactory completion of a program of continuing education as follows:

(A) If the time since the registration lapsed has been more than one year but less than three years, the applicant shall complete a minimum of two CEUs for each year or portion of a year since the date the registration lapsed;

(B) if the time since the registration lapsed has been more than three years but less than seven years, the applicant shall complete a program recommended by the state examining committee for physical therapy and approved by the board. The program may require college course instruction, clinical study, apprenticeship and successful completion of the examination required for registration as may be determined by the board; and

(C) if the time since the registration lapsed has been more than seven years, the applicant shall successfully complete a program recommended by the state examining committee for physical therapy and approved by the board. The program may require successful completion of the examination required for registration and a minimum of 160 hours of apprenticeship or clinical study recommended by the state examining committee for physical therapy and approved by the board, as may be determined by the board.

(b) Each person desiring to revive and extend a lapsed certification shall:

(1) Submit a completed written application on a form prescribed by the board;

and

ATTORNEY GENERAL

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APPROVED BY *Blues*

DEPT. OF ADMINISTRATION

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APPROVED BY FOX

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(2) pay a fee of \$30 at the time of submission of the application, no part of which will be refunded. (Authorized by K.S.A. 65-2911, as amended by L. 1987, Ch. 240, Sec. 18; implementing K.S.A. 65-2910; effective May 1, 1987; amended May 1, 1968.)

ATTORNEY GENERAL

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APPROVED BY *[Signature]*

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267 (1) For registration as a physical therapist, the sum of not more
268 than \$150;

269 (2) for registration as a physical therapist assistant, the sum of
270 not more than \$150;

271 (3) for temporary registration as a physical therapist, the sum
272 of not more than \$50;

273 (4) for temporary registration as a physical therapist assistant,
274 the sum of not more than \$50;

275 (5) for renewal of registration as a physical therapist, the sum
276 of not more than \$75;

277 (6) for renewal of registration as a physical therapist assistant,
278 the sum of not more than \$75;

279 (7) for late renewal of any registration as a physical therapist,
280 the sum of not more than \$250;

281 (8) for late renewal of any registration as a physical therapist
282 assistant, the sum of not more than \$250;

283 (9) for reinstatement of any registrant whose registration lapsed
284 for failure to renew, the sum of not more than \$250;

285 (10) for reinstatement of any registrant, whose registration has
286 been revoked, the sum of not more than \$250;

287 (11) for any examination given by the state board of healing arts
288 for registration as a physical therapist or a physical therapist as-
289 sistant, the sum equal to the cost of the examination to the board
290 and its administration;

291 (12) for a certified statement from the state board of healing arts
292 that a registrant is registered as a physical therapist or physical
293 therapist assistant in this state, the sum of not more than \$30; and

294 (13) for a copy of any certificate of registration issued by the
295 state board of healing arts to a physical therapist or physical ther-
296 apist assistant, the sum of not more than \$25.

297 (b) (c) The state board of healing arts shall remit all moneys
298 received by or for it from fees, charges or penalties to the state
299 treasurer at least monthly. Upon receipt of any such remittance the
300 state treasurer shall deposit the entire amount thereof in the state
301 treasury. Twenty percent of such amount shall be credited to the
302 state general fund and the balance shall be credited to the healing
303 arts fee fund. All expenditures from such fund shall be made in

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0118 adopt rules and regulations establishing appropriate reeducation
0119 and continuing education requirements for reinstatement of
0120 persons whose registrations have lapsed for failure to renew.

0121 (f) The expiration date of each registration issued or re-
0122 newed by the state board of healing arts shall be established by
0123 rules and regulations of the board. Subject to the provisions of
0124 this subsection, each registration shall be renewable on a bien-
0125 nial basis upon the filing of a renewal application and payment
0126 of the renewal fee or other fee as provided by this section. To
0127 provide for a system of biennial renewal of registrations, the
0128 board may provide by rules and regulations that registrations
0129 issued or renewed for the first time after the effective date of
0130 this act may expire less than two years from the date of issuance
0131 or renewal. In each case in which a registration is issued or
0132 renewed for a period of time less than two years, the board shall
0133 prorate to the nearest whole month the registration or renewal
0134 fee established pursuant to K.S.A. 65-2911 and amendments
0135 thereto. The provisions of this subsection shall not apply to any
0136 temporary registration issued by the board.

0137 Sec. 51. K.S.A. 65-2911 is hereby amended to read as fol-
0138 lows: 65-2911. (a) The state board of healing arts may adopt such
0139 rules and regulations as may be necessary to carry out the
0140 purposes of this act. The secretary of the board shall ~~keep~~ cause a
0141 record to be kept of all proceedings under this act and a roster of
0142 all persons registered ~~or certified~~ under the act. The roster shall
0143 show the name, address, date and number of the original certifi-
0144 cate of registration ~~or certificate~~, and the renewal thereof.

0145 (b) The following fees shall be established by rules and
0146 regulations adopted by the state board of healing arts and shall
0147 be collected by the board:

0148 (1) For registration as a physical therapist, the sum of not
0149 more than \$200;

0150 (2) for registration as a physical therapist assistant, the sum
0151 of not more than \$200;

0152 (3) for temporary registration as a physical therapist, the
0153 sum of not more than \$30;

0154 (4) for temporary registration as a physical therapist assist-

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0155 ant, the sum of not more than \$30;
0156 (5) for renewal of registration as a physical therapist, the
0157 sum of not more than \$60;
0158 (6) for renewal of registration as a physical therapist assist-
0159 ant, the sum of not more than \$60;
0160 (7) for late renewal of any registration as a physical thera-
0161 pist, the sum of not more than \$30;
0162 (8) for late renewal of any registration as a physical thera-
0163 pist assistant, the sum of not more than \$30;
0164 (9) for reinstatement of any registrant whose registration
0165 lapsed for failure to renew, the sum of not more than \$30;
0166 (10) for any examination given by the state board of healing
0167 arts for registration as a physical therapist or a physical thera-
0168 pist assistant, the sum equal to the cost of the examination to the
0169 board and its administration;
0170 (11) for a certified statement from the state board of healing
0171 arts that a registrant is registered as a physical therapist or
0172 physical therapist assistant in this state, the sum of not more
0173 than \$15; and
0174 (12) for a copy of any certificate of registration issued by the
0175 state board of healing arts to a physical therapist or physical
0176 therapist assistant, the sum of not more than \$15.
0177 (c) On or before May 15 of each year, the state board of
0178 healing arts shall determine the amount of funds that will be
0179 required during the ensuing two years to properly administer
0180 the provisions of the acts contained in article 29 of chapter 65 of
0181 the Kansas Statutes Annotated and acts amendatory thereof or
0182 supplemental thereto, and shall fix the fees in such reasonable
0183 sums as may be necessary within the limitations prescribed.
0184 (b) (d) The state board of healing arts shall remit all moneys
0185 received by or for it from fees, charges or penalties to the state
0186 treasurer at least monthly. Upon receipt of any such remittance
0187 the state treasurer shall deposit the entire amount thereof in the
0188 state treasury. Twenty percent of each such deposit amount shall
0189 be credited to the state general fund and the balance shall be
0190 credited to the healing arts fee fund. All expenditures from such
0191 fund shall be made in accordance with appropriation acts upon

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(d) Commercially sponsored courses shall not constitute approved courses for continuing education credit.

(e) Each licensed podiatrist shall be responsible for keeping a record of attendance for credit in compliance with the requirements of continuing education established by this section. Such record shall be submitted to the board at the time required by subsection (a). The board may waive educational requirements set forth in subsections (a) and (b) for good cause shown.

History: L. 1974, ch. 254, § 2; L. 1975, ch. 323, § 9; L. 1988, ch. 246, § 8; July 1.

65-2012. Fees, establishment within limitations. The following fees shall be established by rules and regulations adopted by the board and shall be collected by the board:

(a) For a license to practice podiatry, issued on the basis of an examination, an amount of not more than \$150;

(b) for a license to practice podiatry, issued without examination and by endorsement, an amount of not more than \$150;

(c) for a license to practice podiatry, issued upon request of an exempt licensee, an amount of not more than \$150;

(d) for an exempt license or renewal of an exempt license, an amount of not more than \$150;

(e) for the annual renewal of a license to practice podiatry, an amount of not more than \$150;

(f) for late renewal of any license, an amount of not more than \$100;

(g) for reinstatement of a licensee whose license lapsed for failure to renew, an amount of not more than \$100;

(h) for a temporary permit, an amount of not more than \$30;

(i) for a temporary license, an amount of not more than \$25;

(j) for any examination given by the board, an amount equal to the cost to the board of the examination and its administration;

(k) for a certified statement from the board that a licensee is licensed to practice podiatry in this state, an amount of not more than \$15; and

(l) for any copy of any license issued by the board, an amount of not more than \$15.

History: L. 1979, ch. 197, § 7; L. 1988, ch. 246, § 9; July 1.

65-2015. Civil fine for violation of podiatry act. (a) The state board of healing arts,

in addition to any other penalty prescribed under the podiatry act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the podiatry act in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted promptly to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state general fund.

(b) This section shall be part of and supplemental to the podiatry act.

History: L. 1988, ch. 246, § 6; July 1.

Article 24.—UNIFORM VITAL STATISTICS ACT

Attorney General's Opinions:

Uniform vital statistics act; disclosure of records. 86-145.

65-2401.

Attorney General's Opinions:

Doctors of chiropractic cannot use the term "chiropractic physician." 87-42.

65-2402.

Attorney General's Opinions:

Uniform vital statistics act; disclosure of records. 86-145.

65-2409.

Cross References to Related Sections:

Change of parent's or child's name, see 38-1130.

Attorney General's Opinions:

Disclosure of records; effect of Kansas parentage act on issuance of birth certificates. 85-74.

65-2422. Disclosure of records; monthly reports of deceased residents to county election officers; section not applicable to certain records created prior to July 1, 1911. (a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born

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341 Sec. 9. K.S.A. 65-2913 is hereby amended to read as follows:
342 65-2913. (a) Any person who, in any manner, represents oneself as
343 a physical therapist, or who uses in connection with such person's
344 name the words or letters physical therapist, physiotherapist, reg-
345 istered physical therapist, P.T., Ph. T. or R.P.T., or any other let-
346 ters, words, abbreviations or insignia, indicating or implying that
347 such person is a physical therapist, without a valid existing certificate
348 of registration as a physical therapist issued to such person pursuant
349 to the provisions of this act, shall be guilty of a misdemeanor.

350 (b) Any person who successfully meets the requirements of sub-
351 section (c) of K.S.A. 65-2906 and amendments thereto shall be known
352 as and designated a physical therapist assistant and may designate
353 or describe oneself as a physical therapist assistant, ~~certified reg-~~
354 ~~istered~~ physical therapist assistant, P.T.A., ~~C.P.T.A.~~ R.P.T.A., or
355 P.T. Asst.

356 (c) Nothing in this act shall prohibit any person not holding
357 oneself out as a physical therapist or physical therapist assistant from
358 carrying out as an independent practitioner, without prescription or
359 supervision, the therapy or practice for which such person is qual-
360 ified, and shall not prohibit such person from using corrective ther-
361 apy. Nothing in this act shall prohibit any person who assists the
362 physical therapist or physical therapist assistant from being desig-
363 nated as a physical therapy aide.

364 Sec. 10. K.S.A. 65-2914 is hereby amended to read as follows:
365 65-2914. (a) No person shall employ fraud or deception in applying
366 for or securing a certificate of registration as a physical therapist.

367 (b) A person registered under this act as a physical therapist shall
368 not treat ailments or other health conditions of human beings other
369 than by physical therapy unless duly licensed or registered to provide
370 such treatment under the laws of this state.

371 (c) A person ~~certified registered~~ under this act as a physical
372 therapist assistant shall not treat ailments or other health conditions
373 of human beings except under the direction of a physical therapist
374 duly registered under this act. The word "direction" as used in this
375 subsection (c) shall mean that the physical therapist shall see all
376 patients initially and evaluate them periodically.

377 (d) Any person violating the provisions of this section shall be

If the physical therapist is not available for immediate contact, the physical therapist assistant may initiate treatment by the physician's orders, according to written protocol established by the physical therapist, with minimum weekly review of patient care by the physical therapist.

*Adelle
Altman # 6
2-15-89*