

Approved 3-15-89
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 March 6, 1989 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Senate Bill 181 was placed before the committee. Staff presented a Substitute SB-181 stating the substitute bill included an amendment requested by veterinarians concerning the use of steroids that are not scheduled which are being used for implants in cattle and other non-human animals. This Substitute SB-181 is a change from SB-181 in that it places steroids in Schedule IV rather than Schedule III. (Attachments 1 and 2)

Senator Hayden moved to recommend Substitute SB-181 favorable for passage. Senator Walker seconded the motion and the motion carried.

Senate Bill 182 was placed before the committee. Amendments were offered earlier by the Kansas Medical Association. Committee members received another copy of the amendment from the Kansas Medical Society. (Attachment 3)

Senator Hayden moved to accept the amendments made by the Kansas Medical Society. Senator Salisbury seconded the motion and the motion carried.

Senator Langworthy moved to recommend SB-182 as amended favorable for passage. Senator Walker seconded the motion and the motion carried.

Senate Bill 183 was placed before the committee for consideration. Following a meeting between the Board of Healing Arts and those representing the Physicians Assistants an amendment was drawn shown in Attachment 4. This amendment establishes a physician's assistant advisory council.

Senator Walker moved, with a second by Senator Langworthy, to amend SB-183 as proposed by the balloon bill, Section 4. The motion carried. Attachment 4

There was discussion concerning the re-education section of the bill, page 2, lines 54-58 as to whether or not this section was necessary.

Senator Salisbury made a motion to remove the re-education portion of SB 183 with a second by Senator Reilly. The motion carried.

Senator Salisbury moved, seconded by Senator Langworthy, to recommend SB 183 as amended favorable for passage.

The question was raised concerning the section (d) amendment offered by the Board of Healing Arts on SB-23 since it had been ruled that (d) was not germane to SB-23 and would better fit SB-183. (Attachment 5)

Senator Hayden, with a second from Senator Anderson, made a motion to reconsider the earlier motion to pass SB-183 as amended favorable for passage.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m. ~~p.m.~~ on March 6, 1989

Discussion followed and the concensus was that this issue was too involved to deal with on such a short time frame.

Senator Hayden moved to pass out SB-183 favorable as amended. Senator Anderson seconded the motion and the motion carried.

Senate Bill 184 was placed before the committee for consideration. Senator Vidricksen presented an amendment for SB-184. (Attachment 6 The amendment would delete the SRS section and the remainder of the bill would address the registration standards.

Senator Vidricksen moved, with a second by Senator Reilly, to adopt the amendments presented.

Staff advised the committee they did not want to delete Section 9 which had been inadvertantly stricken in the balloon bill.

Senator Anderson questioned whether the bill now addressed the problem of someone who has abused someone, was fired and returned as an employee for a nursing pool. The bill appears to register the nursing pools and not individuals. Dr. Scibetta was called to the podium and stated she felt the main thrust of the bill was dealing with the financial situation. Senator Walker stated that without the financial part of the bill it only created another list.

The motion was lost.

Senator Salisbury suggested that if the legislation needed to be addressed, possibly the Legislature needs to review the whole issue of nurse availability due to the shortage of nurses.

Senator Langworthy moved to report SB-184 unfavorable for passage. Senator Walker seconded the motion.

Senator Anderson offered a substitute motion requesting that the whole scope of the nursing shortage, salaries, etc. be recommended for an interium study. Senator Reilly seconded the motion and the motion carried.

The ccmmittee chairman stated that an interium study would be requested on SB-184 by Vice-Chairperson Langworthy, Ranking Minority Member Walker and the chairman concerning the broad issue of the nursing shortage, shortages, salaries, etc.

Senate Bill 287 was placed before the committee.

Senator Hayden moved to recommend SB-287 favorable for passage. Senator Walker seconded the motion and the motion carried.

Senate Bill 257 was called to the attention of the committee. An amendment from the Marriage and Family Therapists was presented to committee members. Another amendment had been requested by a conferee for exemption on Section 10 (c) relating to pre-marital, marital, divorce and family counselling by persons employed or sponsored by religious, non-profit or charitable organizations.

Senator Hayden moved to approve the balloon amendment offered by the Marriage and Family Therapists. Senator Vidricksen seconded the amendment.

Discussion followed with Senator Langworthy voicing the need for more time to look at this issue and perhaps an interium study would be the appropriate way to address this matter. Senator Walker agreed stating a name change would permit them to continue what they were already doing.

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A substitute motion was made by Senator Langworthy who moved to place SB-257 and SB-258 into an interium study. Senator Walker seconded the motion and the motion carried.

The Chairman, Vice-Chairperson and Ranking Minority Member will request an interium study on issues covered in SB-257 and SB-258.

Senator Vidricksen requested the committee take action on SB-97.

Senator Vidricksen moved to recommend SB-97 favorable for passage. Senator Anderson seconded the motion. The motion was lost. Division was called for and the vote was 3 yeas and 4 nays. The motion was lost.

The committee adjourned at 10:57 a.m. and will meet again sometime during the week of March 20, 1989.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 16, 1989

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

(PLEASE PRINT) NAME AND ADDRESS	ORGANIZATION
<i>Allen Gorker</i> Topeka	<i>S.P.A.</i>
<i>Chip Wheelen</i> Topeka	<i>KMS</i>
<i>Rich McKee</i> Topeka	<i>Ks. Investment Assoc.</i>
<i>Richard J. Sanner</i> "	<i>Ed of Health Wk</i>
<i>Larry Buehning</i>	
<i>Lew S. Allen</i>	<i>Ks Health CORE Assoc.</i>
<i>Bob Williams</i>	<i>Ks. Pharmacists Assoc.</i>
<i>Tom Hitchcock</i> Topeka	<i>Bd. of Pharmacy</i>
<i>Jacquie Oaker</i> Topeka	<i>PA</i>
<i>Anne Smith</i> Topeka	<i>Heinz Ebert - KAMFT</i>
<i>Ron Hein</i> "	" "
<i>Connie Hanson</i> Topeka	<i>Ks. Dept of Health and Environment</i>
<i>John Piteen</i> Tynd	<i>Ks. Heron Post Psychologists</i>
<i>Kathleen Warren</i> "	<i>DOB</i>
<i>Dr. Lois G. Seibelt</i> "	<i>KSBW</i>
<i>Marilyn Bracht</i> Lawrence	<i>KINH</i>
<i>JOHN H. HOLMGREN</i> Topeka	<i>Catholic Health Assn.</i>
<i>John Aron</i> "	<i>Ks. Homes For Aging</i>
<i>Terri Roberts</i> Topeka	<i>KSNA</i>

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 6, 1989

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Jim Youally, Overland Park

Kan. Assoc. Supp.
Health Care

Paul M. Klotz - Topeka
Country Club

Assoc. of DMHCs of K., Inc.
KDHE

Substitute for SENATE BILL NO. 181
By Committee on Public Health and Welfare

AN ACT concerning the uniform controlled substances act; classifying anabolic steroids as controlled substances; amending K.S.A. 1988 Supp. 65-4111 and 65-4127b and repealing the existing sections.

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

Section 1. K.S.A. 1988 Supp. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Alprazolam.....2882
- (2) Barbital.....2145
- (3) Bromazepam.....2748
- (4) Camazepam.....2749
- (5) Chloral betaine.....2460
- (6) Chloral hydrate.....2465
- (7) Chlordiazepoxide.....2744
- (8) Clobazam.....2751
- (9) Clonazepam.....2737
- (10) Clorazepate.....2768
- (11) Clotiazepam.....2752
- (12) Cloxazolam.....2753

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(13)	Delorazepam.....	2754
(14)	Diazepam.....	2765
(15)	Estazolam.....	2756
(16)	Ethchlorvynol.....	2540
(17)	Ethinamate.....	2545
(18)	Ethyl loflazepate.....	2758
(19)	Pludiazepam.....	2759
(20)	Flunitrazepam.....	2763
(21)	Flurazepam.....	2767
(22)	Halazepam.....	2762
(23)	Haloxazolam.....	2771
(24)	Ketazolam.....	2772
(25)	Loprazolam.....	2773
(26)	Lorazepam.....	2885
(27)	Lormetazepam.....	2774
(28)	Mebutamate.....	2800
(29)	Medazepam.....	2836
(30)	Meprobamate.....	2820
(31)	Methohexital.....	2264
(32)	Methylphenobarbital (mephobarbital).....	2250
(33)	Nimetazepam.....	2837
(34)	Nitrazepam.....	2834
(35)	Nordiazepam.....	2838
(36)	Oxazepam.....	2835
(37)	Oxazolam.....	2839
(38)	Paraldehyde.....	2585
(39)	Petrichloral.....	2591
(40)	Phenobarbital.....	2285
(41)	Pinazepam.....	2883
(42)	Prazepam.....	2764
(43)	Temazepam.....	2925
(44)	Tetrazepam.....	2886
(45)	Triazolam.....	2887

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its

salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Diethylpropion.....1610
- (2) Mazindol.....1605
- (3) Pemoline (including organometallic complexes and chelates thereof).....1530
- (4) Phentermine.....1640
- (5) Pipradrol.....1750
- (6) SPA((-)-1-dimethylamino-1,2-diphenylethane).....1635

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

- (1) Pentazocine.....9709

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.
- (2) Dextropropoxyphene
(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).....9273

(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(h) (1) Except as provided in paragraph (2) of this subsection, the term "anabolic steroid" means any material, compound, mixture or preparation containing an anabolic steroid, including, but not limited to, the following:

- (A) Methandrostenolone;
- (B) stanozol;
- (C) ethylestrenol;
- (D) nandrolone phenpropionate;
- (E) nandrolone deconoate;
- (F) testosterone propionate; and
- (G) chorionic gonadotropin.

(2) The term "anabolic steroid" shall not include any material, compound, mixture or preparation containing an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which is approved by the federal food and drug administration for such use.

~~(h)~~ (i) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Sec. 2. K.S.A. 1988 Supp. 65-4127b is hereby amended to read as follows: 65-4127b. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d) or (f) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105 and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto; or

(4) any substance designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111 and amendments thereto; or

(5) any anabolic steroids as defined in subsection (h) of K.S.A. 65-4111 and amendments thereto.

Any person who violates this subsection shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class D felony upon conviction for a second or subsequent offense.

(b) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to sell, offer for sale or have in such person's possession with the intent to sell, manufacture, prescribe, administer, deliver, distribute, dispense or compound:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d) or (f) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto; or

(4) any substance designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto; or

(5) any anabolic steroids as defined in subsection (h) of K.S.A. 65-4111 and amendments thereto.

Any person who violates this subsection shall be guilty of a class C felony.

(c) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to manufacture, possess, have under such person's control, prescribe, administer, deliver, distribute, dispense, compound, sell, offer for sale or have in such person's possession with intent to sell any controlled substance designated in K.S.A. 65-4113 and amendments thereto. Any person who violates this subsection shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class D felony if the substance was prescribed for or administered, delivered, distributed, dispensed, sold, offered for sale or possessed with intent to sell to a child under 18 years of age.

(d) Upon conviction of any person pursuant to subsection (a), (b) or (c) in which (1) the substances involved were equal to or greater than the amounts for such substance as specified in K.S.A. 1988 Supp. 65-4127e, or (2) the substances involved, regardless of amounts, were possessed with intent to sell, sold or offered for sale to a child under 18 years of age, there shall be at sentencing a presumption that the defendant be sentenced to imprisonment and not granted probation, assignment to a community correctional services program or suspension of sentence.

Sec. 3. K.S.A. 1988 Supp. 65-4111 and 65-4127b are hereby repealed.

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

MEMORANDUM

March 6, 1989

TO: Senate Committee on Public Health and Welfare

FROM: Kansas Legislative Research Department

RE: Scheduling of Anabolic Steroids

Subsequent to the meeting of the Committee on Friday of last week, the Legislative Research staff contacted the Executive Directors of the Boards of Pharmacy in Alabama, California, and North Carolina about the experience in those states with the scheduling of anabolic steroids under the controlled substances acts in the three states. Alabama has made such substances Schedule V controlled substances. California has made anabolic steroids Schedule III controlled substances, and North Carolina has made such substances Schedule III controlled substances. The scheduling of the substances was accomplished through legislative action in California and North Carolina and through the adoption of rules and regulations in Alabama.

The Executive Director of the Alabama Board of Pharmacy indicated that the situation in Alabama was somewhat unique in that Alabama had a problem with anabolic steroids coming into the state unlawfully from Mexico as long as four years ago. As a result, the Alabama Board of Health, which is by law authorized in Alabama to schedule, reschedule, and delete controlled substances under the state controlled substances act, scheduled the substances as Schedule V substances three years ago. Although the Director of the State Board of Pharmacy believes that the appropriate schedule should be IV rather than V, he indicated there had been no problems with making anabolic steroids controlled substances. At the initial hearing on the regulations three years ago, manufacturers protested making such substances controlled substances because they believed there was no abuse of the drugs. The Executive Director of the Board of Pharmacy indicated, however, that manufacturers had not had problems with anabolic steroids as controlled substances since the initial hearings. Further, he indicated that reputable practitioners had had no problems with regulation of the drugs under the controlled substances act in Alabama. His recommendation is to make anabolic steroids Schedule IV controlled substances.

The Executive Director of the California Board of Pharmacy indicated that there had been no problems to date with the scheduling of steroids as Schedule III controlled substances. The California Legislature chose Schedule III as the appropriate level of control since Schedule II would have subjected the substances to additional prescription control requirements that are unique to California. The Executive Director also indicated that Schedule IV would accomplish the same level of control as would Schedule III under California law, and there was no specific reason that she knew of that led the legislature to choose Schedule III. To date, there have been no complaints from practitioners, pharmacists, or manufacturers about the scheduling of anabolic steroids. Staff was referred to an Assistant Attorney General who works in the area of drug control for responses to questions about enforcement, but this individual was out of the state until Monday and no other person in the Attorney General's Office appeared to be familiar with the subject.

The Director of the North Carolina Board of Pharmacy indicated that the original North Carolina legislation would have made anabolic steroids Schedule II controlled

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substances, but was amended during the legislative process to change to Schedule III. He indicated that Schedule IV would accomplish the same level of control, but that Schedule V would not be appropriate. Anabolic steroids were made controlled substances because the "pharmacy community" felt this was the best way to handle them. Pharmaceutical manufacturers do not like this approach to control because they are concerned that at some future time production controls will be placed on anabolic steroids. The Director had two specific comments about the North Carolina approach. One was that making such substances scheduled controlled substances is a more satisfactory approach than separate legislation since pharmacists, wholesalers, drug detail agents, manufacturers, and practitioners are all registered under the North Carolina controlled substances laws and thus subject, not only to criminal penalties but also to suspension or revocation of a registration. Additionally, the entire system of enforcement that exists in conjunction with controlled substances is brought into play by scheduling anabolic steroids as controlled substances. The Director also noted one problem with the North Carolina law resulting from a floor amendment to the bill that was adopted during the legislative process. The amendment added the phrase "unless dispensed by a pharmacist pursuant to a physician's order" to the description of the substance. As a result, anabolic steroids are treated as controlled substances up until the time they are dispensed by a pharmacist. The North Carolina law has been in effect since July of 1988.



KANSAS MEDICAL SOCIETY

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Chip Wheelen
Director of Public Affairs

March 2, 89

S. P. S. W. C.
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each year or as required by the board.

(j) The licensee has engaged in the practice of the healing arts under a false or assumed name, or the impersonation of another practitioner. The provisions of this subsection relating to an assumed name shall not apply to licensees practicing under a professional corporation or other legal entity duly authorized to provide such professional services in the state of Kansas.

(k) The licensee has the inability to practice the branch of the healing arts for which the licensee is licensed with reasonable skill and safety to patients by reason of illness, alcoholism, excessive use of drugs, controlled substances, chemical or any other type of material or as a result of any mental or physical condition. In determining whether or not such inability exists, the board, upon probable cause reasonable suspicion of such inability, shall have authority to compel a licensee to submit to mental or physical examination or drug screen by such persons as the board may designate. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination or drug screen. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of the healing arts with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice the healing arts and who shall accept the privilege to practice the healing arts in this state by so practicing or by the making and filing of an annual renewal to practice the healing arts in this state shall be deemed to have consented to submit to a mental or physical examination or a drug screen when directed in writing by the board and further to have waived all objections to the admissibility of the testimony, drug screen or examination report of the person conducting such examination or drug screen at any proceeding or hearing before the board on the ground that such testimony or examination or drug screen report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination or drug screen shall not be used in any other administrative or judicial proceeding.

(l) The licensee has had a license to practice the healing arts

To determine whether reasonable suspicion of such inability exists, the investigative information shall be presented to a review committee established pursuant to K.S.A. 65-2840c and the determination shall be made by a majority vote of the review committee. Information submitted to the review committee and its reports, findings and other records shall be confidential and not subject to discovery by or release to any person or entity.



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72 in writing by the board and further to have waived all objections to
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77 ileged communication. In any proceeding by the board pursuant to
78 the provisions of this subsection, the record of such board proceed-
79 ings involving the mental and physical examination or drug screen
80 shall not be used in any other administrative or judicial proceeding.

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156 of healing arts under K.S.A. 65-2596a and amendments thereto at
157 some time during the five years immediately preceding the date of
158 such determination.

159 3. If the board determines, after notice and opportunity to be
160 heard, in accordance with the provisions of the Kansas administrative
161 procedure act, that a physician's assistant has violated any provision
162 of K.S.A. 65-2896 to 65-2897a, inclusive, and amendments thereto,
163 or any rules and regulations adopted pursuant thereto, or

164 4. If the board determines, after notice and opportunity to be
165 heard, in accordance with the provisions of the Kansas administrative
166 procedure act, that the request by the proposed responsible physician
167 pursuant to subsection (b) of K.S.A. 65-2896a and amendments
168 thereto should not be approved.

169 (b) The board of healing arts may remove a person's name from
170 the register of physicians' assistants or may refuse to place a person's
171 name on the register of physicians' assistants, if the board deter-
172 mines, after notice and opportunity for hearing in accordance with
173 the provisions of the Kansas administrative procedure act, that a
174 physician's assistant has exceeded or has acted outside the scope of
175 authority given the physician's assistant by the responsible physician
176 or by this act.

177 Sec. 4.5 K.S.A. 65-2896b and K.S.A. 1988 Supp. 65-2896 and 65-
178 2596a are hereby repealed.

179 Sec. 5.6 This act shall take effect and be in force from and after
180 its publication in the statute book.
181

Sec. 4. (a) There is established a
physician's assistant council to advise the
board in carrying out the provisions of K.S.A.
65-2896 to 65-2897a, inclusive, and amendments
thereto. The council shall consist of five
members, all citizens and residents of the
state of Kansas appointed as follows: One
member shall be a physician appointed by the
state board of healing arts who is a
responsible physician for a physician's
assistant; one member shall be the president
of the state board of healing arts or a person
designated by the president; and three members
shall be physician's assistants appointed by
the governor. The governor shall, insofar as
possible, appoint persons from different
geographical areas and persons who represent
various types of practice settings. If a
vacancy occurs on the council, the appointing
authority of the position which has become
vacant shall appoint a person of like
qualifications to fill the vacant position for
the unexpired term, if any. The Kansas academy
of physicians' assistants shall recommend the
names of physicians' assistants to the governor
in a number equal to at least twice the
positions or vacancies to be filled, and the
governor may appoint members to fill the
positions or vacancies from the submitted list.
Members of the council appointed by the
governor on and after the effective date of
this act shall be appointed for terms of three
years and until their successors are appointed
and qualified except that of the members first
appointed by the governor on or after the
effective date of this act one shall be
appointed for a term of one year, one shall be
appointed for a term of two years and one shall
be appointed for a term of three years, as
designated by the governor. The member
appointed by the state board of healing arts
shall serve at the pleasure of the state board
of healing arts. A member designated by the
president of the state board of healing arts
shall serve at the pleasure of the president.

(b) Members of the council attending
meetings of the council, or attending a
subcommittee meeting thereof authorized by the
council, shall be paid amounts provided in
subsection (e) of K.S.A. 75-3223 and amendments
thereto from the healing arts fee fund.

SRH/w
3-6-89
Attachment 5

45 (2) Establish education, training and qualifications necessary for
46 certification for each category of advanced registered nurse practi-
47 tioner established by the board at a level adequate to assure the
48 competent performance by advanced registered nurse practitioners
49 of functions and procedures which advanced registered nurse prac-
50 tioners are authorized to perform.

51 (3) Define the expanded role of advanced registered nurse prac-
52 tioners and establish limitations and restrictions on such expanded
53 role. The board shall adopt a definition of expanded role under this
54 subsection (c)(3) which is consistent with the education, training and
55 qualifications required to obtain a certificate of qualification as an
56 advanced registered nurse practitioner, which protects the public
57 from persons performing functions and procedures as advanced reg-
58 istered nurse practitioners for which they lack adequate education,
59 training and qualifications and which authorizes advanced registered
60 nurse practitioners to perform acts generally recognized by the
61 profession of nursing as capable of being performed, in a manner
62 consistent with the public health and safety, by persons with post-
63 basic education in nursing. In defining such expanded role the board
64 shall consider: (A) The training and education required for a certifi-
65 cate of qualification as an advanced registered nurse practitioner;
66 (B) the type of nursing practice and preparation in specialized prac-
67 tioner skills involved in each category of advanced registered nurse
68 practitioner established by the board; (C) the scope of practice of
69 nursing specialties and limitations thereon prescribed by national
70 organizations which certify nursing specialties; and (D) acts recog-
71 nized by the nursing profession as appropriate to be performed by
72 persons with postbasic education and training in nursing. ~~An ad-
73 vanced registered nurse practitioner may not prescribe drugs but
74 may transmit prescription orders in accordance with the pharmacy
75 act of the state of Kansas.~~

76 Sec. 2. K.S.A. 1988 Supp. 65-1626 is hereby amended to read
77 as follows: 65-1626. For the purposes of this act:

78 (a) "Administer" means the direct application of a drug, whether
79 by injection, inhalation, ingestion or any other means, to the body
80 of a patient or research subject by:

(E) that an advanced registered nurse practitioner may not prescribed drugs but may transmit prescription orders pursuant to a written protocol as authorized by a responsible physician as herein defined. Each written protocol shall contain a precise and detailed medical plan of care which specifies all drugs which may be transmitted by the advanced registered nurse practitioner. In no case shall the scope of authority of the advanced registered nurse practitioner exceed the normal and customary practice of the responsible physician.

(d) ~~An advanced registered nurse practitioner may perform delegated medical acts not otherwise authorized by K.S.A. 65-1113 and amendments thereto only to the extent and in the manner authorized by a responsible physician.~~ "Responsible physician" means a person licensed to practice medicine and surgery who, in accordance with rules and regulations adopted by the state board of healing arts, has accepted responsibility for the actions of the advanced registered nurse practitioner when such actions constitute delegated medical acts. Nothing herein shall be construed to require the immediate or physical presence of a responsible physician whenever an advanced registered nurse practitioner preforms acts authorized by a responsible physician.

*This Sec. doesn't fit in subject
line act*

de 123

SENATE BILL No. 184

By Committee on Public Health and Welfare

2-7

SP4/ND
3-6-89
Attachment 1

15 AN ACT relating to nursing pools; establishing registration standards
16 and limits on certain fees charged to adult care homes.
17

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

19 Section 1. This act shall be known as the nursing pool quality
20 assurance act.

21 Sec. 2. As used in this act:

22 (a) "Board" means the Kansas state board of nursing.

23 (b) "Adult care home" means any nursing home licensed under
24 the provisions of the adult care home licensure act.

25 ~~(c) "Secretary" means the secretary of social and rehabilitation
26 services.~~

DELETE THIS SECTION

27 (d) "Nursing pool" means any person, firm, corporation, part-
28 nership or association engaged for hire in the business of providing
29 or procuring persons to be employed on a temporary basis in adult
30 care homes as medical personnel including, but not limited to,
31 nurses, nurse assistants and nurses' aides. For purposes of this act
32 nursing registries shall be considered to be nursing pools. Nursing
33 pool does not include an individual who only is engaged in providing
34 services on a temporary basis to an adult care home.

35 Sec. 3. (a) No person shall operate a nursing pool until such
36 operation has been issued a certificate of registration from the board.
37 Each separate location of the business of the nursing pool shall have
38 a separate registration.

39 (b) The board shall establish by rules and regulations procedures
40 for issuing certificates of registration and shall provide necessary
41 forms. The board may establish annual registration fees.

42 (c) Each application for a certificate shall include at least the
43 following information:

contract with an adult care home require the payment of liquidated damages, employment fees or other compensation of the employee if hired as a permanent employee of the adult care home.

Sec. 6. The nursing pool shall carry malpractice insurance to insure against the loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of health care services by the nursing pool or by any employee of the nursing pool and provide proof of such insurance to any person who receives nursing pool services.

Sec. 7. The board shall establish by rules and regulations appropriate penalties for the violation of this act, including registration, suspension or revocation.

~~Sec. 8. The secretary shall annually establish maximum rates for reimbursement for personnel of registered nursing pools employed in adult care homes. Nursing pools may not bill or receive payments from adult care homes at a rate higher than the maximum rate established pursuant to this section. Maximum rates shall include administrative fees, contract fees or other special charges in addition to hourly rates for personnel supplied to adult care homes.~~

~~Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.~~

DELETE THIS SECTION

6-2