

Approved \_\_\_\_\_

Date

3-2-90

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

1:30 /~~a.m.~~/p.m. on February 22, 1990 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Chair called meeting to order at 1:50 p.m. (House Session ran long this date and meeting time was delayed.)

Chair welcomed all the nurses in attendance and asked them to stand. There were a large number, and committee applauded them.

Chair drew attention to discussion and action on bills.

DISCUSSION BEGAN ON HB 2834.

Rep. Branson moved to report HB 2834 favorably, seconded by Rep. Scott. No discussion, vote taken, motion carried.

Chair noted at this time there is other legislation in regard to multi-disciplinary teams, and since HB 2834 has now been passed out of committee, the other legislation can be worked into it, or HB 2834 can be placed into other legislation speaking to the same issue.

DISCUSSION BEGAN ON HB 2886.

Elaine Wells moved to amend HB 2886 as was recommended by Kansas Medical Society regarding medical mal-practice Page 2, Sec. 6, line 32, term malpractice should be changed to read "liability", lines 34-35, the phrase "negligence or malpractice in the provision of" should be changed to read, "rendering or failure to rendure". Motion seconded by Rep. Wiard. No discussion. Vote taken, motion carried.

HB 2886 as a whole, Rep. Weimer drew attention to conferees testimony who failed to see this as necessary legislation, and he moved to report HB 2886 adversely, seconded by Rep. Borum. Discussion ensued, i.e., the issue does need to be addressed some felt; Nursing Pool Agencies are against this measure it was noted; some felt this asks only that minimum standards be set in order to insure quality care; contractual problem, and good contracts between interested parties should help solve these concerns; several millions of dollars have been spent by the State Hospitals for this temporary help, and Dr. Lybarger was one of the conferees who felt more regulation was needed.

Vote taken, division called for, show of hands indicated 9 in favor to report adversely, 8 against, motion carried.

Chair drew attention to HB 2595 and invited Mr. Furse to explain a balloon copy of HB 2595, (Attachment No. 1). It was noted there was a balloon as well provided by Helen Stephens, Kansas Academy of Physicians' Assistants, (Attachment No. 2).

Chair indicated perhaps members would choose to compare the balloons as Mr. Furse detailed it.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 a.m. on February 22, 1990.

Mr. Furse gave a detailed explanation section by section, indicating new language proposed by several conferees during the hearings.

DISCUSSION BEGAN ON HB 2595.

It was noted there had been a lot of work put into this legislation; some felt it was wrong from the beginning; many Physicians' Assistants would be happy without the bill, also the Medical Society; some felt the bill is vitally needed; do we want the responsible physician to indeed be responsible. Rep. Shallenburger moved to report HB 2595 adversely, seconded by Rep. Amos. Discussion continued, i.e., there have not been many complaints; if it isn't broke, don't fix it; there have been problems in this regard brought to our attention by the Board of Healing Arts; those members who served on Interim have heard about these concerns over and over; it was noted the Interim minutes would not reflect the recommendations in HB 2595 at all; some say there have been problems raised by Staff, and by Special Committee, but the public has not been made aware of these problems; are we trying to deliver better health care or not is a good question here.

Chair asked for show of hands on vote. Eleven, (11) in favor to report adversely, 7 against, motion carried.

Rep. Flottman made announcement of sub-committee meeting to be held on HB 2800 Friday on adjournment of House in Room 423-S.

Rep. Shallenburger made announcement that Sub-Committee would meet Tuesday noon on HB 2594, HB 2803, HB 2830 in room 529-S.

Chair adjourned meeting at 2:30 p.m.

Next meeting is scheduled for Monday, February 26th, 11:30 p.m.

VISITOR REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 2-22-90

NAME	ORGANIZATION	ADDRESS
Nancy Kuersera	SMP Nursing Student	317 Walker, Topeka
Christiane Polber	SMP Nursing student	1931 Broadview Topeka
Suzanne Miller	SMP Nursing student	1700 N.W. Lynn Rd
Melanie Meers	SMP Nursing Student	Hiawatha, Ks
Mary Anne Vauter	St. Mary's of the Plains Student	Topeka, Ks.
Melissa A. Trancee	St. Mary of the Plains	1601 RI, Lawrence
Tsueiying Huang	Bethel College	N. Newton
Pat Bridges	SMPC	Topeka, Ks.
Jill Maloun	SMPC Nursing Student	Topeka, Ks
Michael Naultzall	Bethel College Nursing Student	N. Newton
Ellen Armstrong	KU Med. Center - Nursing Student	K.C., KS
Dawn Shepton	KU Med Center Nurse	5884 - 158th St #30 MISSION, KS
Juise Lacy	SMPC, SN	Topeka,
Les Milam	SMPC - SVRMC	Hiawatha
Tony Kilian	SMPC - SVRMC	Topeka
Nicki Bradbury RN	SMPC - SVRMC	Topeka
Marian G. Bolz RN	SMPC - SVRMC	Topeka
Karen Allen	WU	Topeka
Dingel Hogan	SMPC - SVRMC	Topeka
Olga F. Encarnacion	SMPC - SVRMC	Topeka
Lulu M. Joslin	WU	Topeka
Kay Bury	WU	Carbondale
Karina Begley	SMPC - SVRMC	



# HOUSE BILL No. 2595

By Special Committee on Public Health and Welfare

Re Proposal No. 45

12-21

AN ACT concerning physicians' assistants; relating to the regulation thereof; amending K.S.A. 40-2,111, 65-2896f, 65-2896g, 65-2896h and 65-2898 and K.S.A. 1989 Supp. 65-2878a, 65-2896, 65-2896a, 65-2896b, 65-2896e, 65-2897a, 65-4915, 65-6112 and 65-6135 and repealing the existing sections; also repealing K.S.A. 1989 Supp. 65-2896d.

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

Section 1. K.S.A. 1989 Supp. 65-2896 is hereby amended to read as follows: 65-2896. (a) The state board of healing arts shall maintain a register of the names of physicians' assistants ~~registered whose names have been entered on such register~~ in accordance with the provisions of K.S.A. 65-2896a and amendments thereto.

(b) All ~~registrations, except temporary registration, entries of names on such register~~ shall expire annually on the date of expiration established by rules and regulations of the state board of healing arts and may be renewed annually upon ~~request of the registrant~~ application of the responsible physician. The ~~request~~ application for renewal shall be on a form provided by the state board of healing arts and shall be accompanied by the renewal fee established pursuant to this section, which shall be paid not later than the expiration date of the registration.

(c) At least 30 days before the expiration of the ~~registration entry of a name~~ of a physician assistant, ~~except temporary registration,~~ the state board of healing arts shall notify ~~the registrant the responsible physician and the physician's assistant~~ of the expiration by mail addressed to the ~~registrant's last place of residence as noted upon the office last known address of such persons as indicated by the records of the board.~~ If the ~~registrant fails to pay the renewal fee~~ application is not filed and the renewal fee not paid by the date of expiration of the registration, ~~the registrant shall be given entry of the name on the register~~ a second notice that

Physicians' assistants registration renewed annually upon application of responsible physician.

Both physicians' assistant and responsible physician notified of registration expiration.

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~~the registrant's registration shall be given to such persons that the entry of such person's name has expired and the registration entry may be renewed only if the application including the renewal fee and the late renewal fee are received by the state board of healing arts within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, the registration entry of such person's name on the register shall be considered to have lapsed for failure to renew and shall be reissued only after the physician assistant has been reinstated under subsection (d).~~

(d) Any ~~registrant who allows the registrant's registration to lapse by failing name entered on the register which lapses by failure to renew as herein provided may be reinstated upon recommendation of~~ by the state board of healing arts ~~and upon application for reinstatement by the responsible physician,~~ payment of the renewal fee and the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of persons whose registrations have lapsed for failure to renew.

(e) The following fees shall be fixed by rules and regulations adopted by the state board of healing arts and shall be collected by the board:

(1) For ~~registration as a physician assistant entry of a name on the register of physicians' assistants,~~ the sum of not more than \$100;

(2) ~~for temporary registration as a physician assistant, the sum of not more than \$30;~~

(3) ~~for the renewal of registration as a physician assistant the entry of a name on the register of physicians' assistants, the sum of not more than \$75;~~

(4) (3) ~~for the late renewal of registration as a physician assistant the entry of a name on the register of physicians' assistants, the sum of not more than \$250;~~

(5) (4) ~~for reinstatement of a physician assistant whose name has been removed from the register of physicians' assistants, the sum of not more than \$250; and~~

(6) (5) ~~for a certified statement from the board that a physician assistant is registered in this state person's name appears on the register of names of physicians' assistants, the sum of not more than \$30; and~~

(7) ~~for a copy of the registration certificate of a physician~~

Application for reinstatement of physicians' assistant made by responsible physician.

Temporary registration eliminated in bill.

Fee for copy of certificate eliminated.

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1 assistant, the sum of not more than \$25.

2 (f) The state board of healing arts shall remit all moneys received  
3 by or for the board under the provisions of this act to the state  
4 treasurer and such money shall be deposited in the state treasury,  
5 credited to the state general fund and the healing arts fee fund and  
6 expended all in accordance with K.S.A. 65-2855 and amendments  
7 thereto.

8 (g) The state board of healing arts may adopt rules and regulations  
9 necessary to carry out the provisions of this act and the act of  
10 which this section is amendatory K.S.A. 65-2896 to 65-2897a,  
11 inclusive, and amendments thereto, and K.S.A. 1989 Supp. 65-2897b  
12 and amendments thereto.

13 Sec. 2. K.S.A. 1989 Supp. 65-2896a is hereby amended to read  
14 as follows: 65-2896a. (a) No person's name shall be entered on the  
15 register of the names of physicians' assistants by the state board of  
16 healing arts unless such person has:

17 (1) Presented to the state board of healing arts proof of graduation  
18 from an accredited high school or the equivalent thereof; and

19 (2) Presented to the state board of healing arts proof ~~that the~~  
20 ~~applicant has successfully completed of successful completion of~~  
21 a course of education and training approved by the state board of  
22 healing arts for the education and training of physicians' assistants,  
23 which course of education and training shall consist of at least two  
24 years of postsecondary education and training ~~and shall be sub-~~  
25 ~~stantially in conformity with educational and training programs~~  
26 ~~for physicians' assistants approved by the state board of regents,~~  
27 or presented to the state board of healing arts proof ~~that the ap-~~  
28 ~~plicant has acquired experience of acquisition of experience~~ while  
29 serving in the armed forces of the United States which experience  
30 meets minimum requirements established by the state board of heal-  
31 ing arts;

32 (3) passed an examination approved or developed by the state  
33 board of healing arts covering subjects incident to the education and  
34 training of physicians' assistants; and

35 (4) presented to the state board of healing arts a request an  
36 application signed by the applicant's proposed responsible physician  
37 on a form provided by the board which shall contain such in-  
38 formation as required by rules and regulations adopted by the  
39 board.

40 (b) The board may refuse to enter a person's name on the  
register of physicians' assistants upon any of the grounds for  
which the board may remove a person's name from such  
register.

Education and training approved by state board of  
healing arts.

Examination may be developed by state board of healing  
arts or approved.

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1 ~~(e)~~ (b) A ~~physician's assistant~~ responsible physician shall at the  
 2 time of initial ~~registration~~ entry of the name of the physician's  
 3 assistant on the register of physicians' assistants and any renewal  
 4 thereof present to the state board of healing arts the ~~name and~~  
 5 address of ~~such person's~~ the responsible physician and the physi-  
 6 cian's assistant. Whenever a physician's assistant shall ~~cease~~ ceases  
 7 to be employed by the responsible physician, such responsible phy-  
 8 sician shall notify the state board of healing arts of such termination  
 9 within seven days of the date of termination. Whenever a physician's  
 10 assistant shall seek to obtain a new responsible physician prior to  
 11 the renewal of the ~~physician's assistant's annual registration~~ entry  
 12 of the name of the physician's assistant on the register of physicians'  
 13 assistants, such proposed responsible physician shall notify the state  
 14 board of healing arts of such prospective employment and shall pro-  
 15 vide a ~~request~~ an application as required by subsection ~~(a)(3)~~ (a)(4).  
 16 All such notifications shall be given to the state board of healing  
 17 arts as soon as practicable but not be less than 10 days prior to the  
 18 prospective date of employment.

19 (d) The state board of healing arts shall require every phy-  
 20 sician's assistant to submit with the renewal application evi-  
 21 dence of satisfactory completion of a program of continuing  
 22 education required by the state board of healing arts. The state  
 23 board of healing arts by duly adopted rules and regulations  
 24 shall establish the requirements for such program of continuing  
 25 education as soon as possible after the effective date of this  
 26 act. In establishing such requirements the state board of healing  
 27 arts shall consider any existing programs of continuing edu-  
 28 cation currently being offered to physicians' assistants.

29 (c) The responsible physician shall submit with the renewal ap-  
 30 plication evidence that the physician's assistant has satisfactorily  
 31 completed a program of continuing education required by the state  
 32 board of healing arts. The state board of healing arts shall establish  
 33 by rules and regulations the minimum number of hours required to  
 34 be completed as part of such program, but the responsible physician  
 35 shall determine the subject areas of continuing education the phy-  
 36 sician's assistant is to attend. In establishing the continuing education  
 37 requirements, the state board of healing arts shall consider any  
 38 existing programs of continuing education currently being offered to  
 39 physicians' assistants.

40 (e) (d) A person whose name has been entered on the register  
 41 of the names of physicians' assistants prior to the effective date of  
 this act shall not be subject to the provisions of subsection (a), unless  
 such person's name has been removed from the register of

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1 physicians' assistants pursuant to the provisions of K.S.A. 65-  
2 2896b and amendments thereto (a)(1), (a)(2), or (a)(3).

3 Sec. 3. K.S.A. 1989 Supp. 65-2896b is hereby amended to read  
4 as follows: 65-2896b. (a) The board of healing arts may remove a  
5 person's name from the register of the names of physicians' assistants  
6 or may refuse to enter a person's name on the register of physicians'  
7 assistants for any of the following reasons:

[the names of

8 (1) The person whose name is entered on the register of the  
9 names of physicians' assistants requests or consents to the removal  
10 thereof;

11 (2) the board of healing arts determines that the person whose  
12 name is entered on the register of the names of physicians' assistants  
13 has not been is not employed as a physician's assistant or as a  
14 teacher or instructor of persons being educated and trained to be-  
15 come physicians' assistants in a course of education and training  
16 approved by the state board of healing arts under K.S.A. 65-2896a  
17 and amendments thereto at some time during the five years im-  
18 mediately preceding the date of such determination; or

Not employed, physicians' assistant's name removed from register of names.

19 (3) if the board determines, after notice and opportunity to  
20 be heard, in accordance with the provisions of the Kansas ad-  
21 ministrative procedure act, that a physician's assistant has vi-  
22 olated any provision of K.S.A. 65-2896 to 65-2897a, inclusive,  
23 and amendments thereto, or any rules and regulations adopted  
24 pursuant thereto; or

Board authority reduced. Physician has responsibility.

25 (4) if the board determines, after notice and opportunity to be  
26 heard, in accordance with the provisions of the Kansas administrative  
27 procedure act, that the request application by the proposed re-  
28 sponsible physician pursuant to subsection (b) (c) of K.S.A. 65-2896a  
29 and amendments thereto should not be approved because approval  
30 of such application would result in a violation of K.S.A. 65-2896 to  
31 65-2897a, inclusive, and amendments thereto.

32 (b) The board of healing arts may remove a person's name  
33 from the register of physicians' assistants or may refuse to place  
34 a person's name on the register of physicians' assistants, if the  
35 board determines, after notice and opportunity for hearing in  
36 accordance with the provisions of the Kansas administrative  
37 procedure act, that a physician's assistant has exceeded or has  
38 acted outside the scope of authority given the physician's as-  
39 sistant by the responsible physician or by this act. Any physi-  
40 cian's assistant rendering patient services inconsistent with K.S.A.  
65-2896 to 65-2897a, inclusive, and amendments thereto shall be  
considered to be practicing the healing arts without a license, and  
the board shall institute appropriate legal action under K.S.A. 65-

Enforcement

*Enforcement section*

[request the attorney general or county or district attorney of the proper county to

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2857 and 65-2862 and amendments to such sections.

Sec. 4. K.S.A. 1989 Supp. 65-2896e is hereby amended to read as follows: 65-2896e. (a) A person whose name has been entered on the register of the names of physicians' assistants may perform, only under the direction and supervision of a physician, ~~aets patient services~~ which constitute the practice of medicine and surgery to the extent and in the manner authorized by the physician responsible for the physician's assistant ~~and only to the extent such acts are consistent with rules and regulations adopted by the board which relate to acts performed by a physician's assistant under the responsible physician's direction and supervision.~~ A physician's assistant may not prescribe drugs but may transmit a prescription order for drugs pursuant to a written protocol as authorized by the responsible physician. ~~The responsible physician shall at no time allow a physician's assistant to render patient services for which the physician's assistant is not properly trained and capable of performing.~~ Before a physician's assistant ~~shall perform~~ provides patient services under the direction and supervision of a physician, such physician's assistant shall be identified to the patient and others involved in providing the patient services as a physician's assistant to the responsible physician. A physician's assistant may not perform any act or procedure performed in the practice of optometry except as provided in K.S.A. 65-1508 and 65-2887 and amendments thereto.

(b) (1) ~~To ensure that the responsible physician's directions and advice are in fact being implemented, the responsible physician shall exercise an active and continuous direction and supervision of the physician assistant's activities. The responsible physician shall make a personal review of historical, physical and therapeutic data on all patients and their condition, and so certify by signature in a timely manner.~~

[at least weekly

~~(2) [With the exception of clearly minor problems, before a physician's assistant may provide patient services to a new patient of the responsible physician, or to a regular patient of the responsible physician expressing a new or previously untreated condition, that patient shall be personally evaluated by the responsible physician.~~

~~(3) The physician's assistant may provide emergency patient services in accordance with guidelines previously established by the responsible physician pending the arrival of a physician in cases where immediate diagnosis and treatment are necessary to avoid disability or death.~~

(4) In exercising direction and supervision over the activities of the physician's assistant, the responsible physician may utilize written

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1 protocols consistent with the provisions of K.S.A. 65-2896 to 65-  
2 2897a, inclusive, and amendments thereto, and consistent with any  
3 rules and regulations adopted pursuant to such statutes.

4 (b) (c) A physician's assistant may not prescribe drugs but may  
5 transmit a prescription order for drugs pursuant to a written pro-  
6 tocol as authorized by the responsible physician. Each written pro-  
7 tocol shall contain a precise and detailed medical plan of care for  
8 each classification of disease or injury for which the physician's  
9 assistant is authorized to transmit prescription orders and shall spec-  
ify all drugs which may be transmitted by the physician's assistant.

10 The board shall adopt rules and regulations governing the trans-  
11 mitting of prescription orders for drugs by physicians' assistants and  
12 the responsibilities of the responsible physician with respect thereto.  
13 Such rules and regulations shall establish such conditions and lim-  
14 itations as the board determines to be necessary to protect the public  
15 health and safety. In developing rules and regulations relating to  
16 the transmitting of prescription orders for drugs by physicians' as-  
17 sistants, the board shall take into consideration the amount of training  
18 and capabilities of physicians' assistants, the different practice settings  
19 in which physicians' assistants and responsible physicians practice,  
20 the degree of direction and supervision to be provided by a re-  
21 sponsible physician and the needs of the geographic area of the state  
22 in which the physician's assistant and the responsible physician prac-  
23 tice. In all cases in which a physician's assistant is authorized to  
24 transmit prescription orders for drugs by a responsible physician, a  
25 written protocol between the responsible physician and the physi-  
26 cian's assistant containing the essential terms of such authorization  
27 shall be in effect. In no case shall the scope of the authority of the  
28 physician's assistant to transmit prescription orders for drugs exceed  
29 the normal and customary practice of the responsible physician in  
30 the prescribing of drugs.

31 Sec. 5. K.S.A. 65-2896f is hereby amended to read as follows:  
32 65-2896f. If a responsible physician temporarily leaves ~~his or her~~  
33 *such physician's* customary area of practice, the responsible physician  
34 shall, by prior arrangement, designate a physician who shall provide  
35 direction and supervision to the physician's assistant of such re-  
36 sponsible physician *during the responsible physician's temporary ab-*  
37 *sence. The designated physician under this section shall become for*  
38 *all purposes the responsible physician for the physician's assistant*  
39 *during the responsible physician's temporary absence.*

40 Sec. 6. K.S.A. 65-2896g is hereby amended to read as follows:  
41 65-2896g. No responsible physician shall have under ~~his or her such~~  
42 *physician's* direction and supervision more than two ~~(2)~~ physicians'  
43

Closed formulary language

Should written protocols be kept by physician and made  
accessible to public? (KPA)

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1 assistants.  
2 Sec. 7. K.S.A. 65-2896h is hereby amended to read as follows:  
3 65-2896h. (a) Nothing in this act shall prohibit a medical care facility  
4 from employing physicians' assistants, provided such physicians' as-  
5 sistants shall be under the direction and supervision of a responsible  
6 physician. The limitation on the number of physicians' assistants in  
7 K.S.A. 65-2896g *and amendments thereto* shall not apply to services  
8 performed in a medical care facility.

9 (b) Nothing in this act shall be construed to limit the authority  
10 of the governing body of a medical care facility to establish rules  
11 governing the conduct and qualifications of physicians' assistants per-  
12 forming acts within the medical care facility.

13 Sec. 8. K.S.A. 1989 Supp. 65-2897a is hereby amended to read  
14 as follows: 65-2897a. The following words and phrases when used in  
15 this act shall have the meanings respectively ascribed to them in  
16 this section:

17 (a) "Direction and supervision" means the guidance, direction  
18 and coordination of activities of a physician's assistant by such per-  
19 son's responsible physician, whether written or verbal, whether im-  
20 mediate or by prior arrangement, in accordance with *subsection (b)*  
21 *of K.S.A. 1989 Supp. 65-2896e and amendments thereto and in*  
22 *accordance with* standards established by the board by rules and  
23 regulations, which standards *shall be consistent with subsection (b)*  
24 *of K.S.A. 1989 Supp. 65-2896e and amendments thereto and* shall  
25 be designed to ensure adequate direction and supervision by the  
26 responsible physician of the physician's assistant. The term "direction  
27 and supervision" shall not be construed to mean that the immediate  
28 or physical presence of the responsible physician is required during  
29 the performance of the physician's assistant.

30 (b) "Physician" means any person licensed by the state board of  
31 healing arts to practice medicine and surgery.

32 (c) "Physician's assistant" means a skilled person ~~who is regis-~~  
33 ~~tered~~ *whose name is entered on the register of the names of phy-*  
34 *sicians' assistants* in accordance with the provisions of K.S.A. 65-  
35 2896a and amendments thereto and who is qualified by academic  
36 training to provide patient services under the direction and super-  
37 vision of a physician who is responsible for the performance of that  
38 assistant.

39 (d) "Responsible physician" means a physician who has accepted  
40 continuous and ultimate responsibility for the actions of the physi-  
41 cian's assistant while performing under the direction and supervision  
of the responsible physician, *except that the term "responsible phy-*  
*sician" shall only include those physicians who within the course of*

Subsection (b) oversight requirements.

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Provision to eliminate alleged "physician shopping"

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1 *their professional practice normally provide patient care.*

2 Sec. 9. K.S.A. 40-2,111 is hereby amended to read as follows:  
3 40-2,111. As used in K.S.A. 40-2,111 through 40-2,113, and amend-  
4 ments thereto: (a) "Adverse underwriting decision" means: Any of  
5 the following actions with respect to insurance transactions involving  
6 insurance coverage which is individually underwritten:

- 7 (1) A declination of insurance coverage;
- 8 (2) a termination of insurance coverage;
- 9 (3) an offer to insure at higher than standard rates, with respect  
10 to life, health or disability insurance coverage; or
- 11 (4) the charging of a higher rate on the basis of information which  
12 differs from that which the applicant or policyholder furnished, with  
13 respect to property or casualty insurance coverage.

14 (b) "Declination of insurance coverage" means a denial, in whole  
15 or in part, by an insurance company or agent of requested insurance  
16 coverage.

17 (c) "Health care institution" means any medical care facility, adult  
18 care home, drug abuse and alcoholic treatment facility, home-health  
19 agency certified for federal reimbursement, mental health center or  
20 mental health clinic licensed by the secretary of social and rehabil-  
21 itation services, kidney disease treatment center, county, city-county  
22 or multicounty health departments and health-maintenance  
23 organization.

24 (d) "Health care provider" means any person licensed to practice  
25 any branch of the healing arts, licensed dentist, licensed professional  
26 nurse, licensed practical nurse, advanced registered nurse practi-  
27 tioner, licensed optometrist, registered physical therapist, licensed  
28 social worker, ~~registered~~ physician's assistant *whose name has been*  
29 *entered on the register of physicians' assistants by the state board*  
30 *of healing arts*, licensed podiatrist or licensed psychologist.

31 (e) "Institutional source" means any natural person, corporation,  
32 association, partnership or governmental or other legal entity that  
33 provides information about an individual to an agent or insurance  
34 company, other than:

- 35 (1) An agent;
- 36 (2) the individual who is the subject of the information; or
- 37 (3) a natural person acting in a personal capacity rather than a  
38 business or professional capacity.

39 (f) "Insurance transaction" means any transaction involving insur-  
40 ance, but not including group insurance coverage, primarily for  
personal, family or household needs rather than business or profes-  
sional needs.

41 (g) "Medical-record information" means personal information

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1 *their professional practice normally provide patient care.*

2 Sec. 9. K.S.A. 40-2,111 is hereby amended to read as follows:  
3 40-2,111. As used in K.S.A. 40-2,111 through 40-2,113, and amend-  
4 ments thereto: (a) "Adverse underwriting decision" means: Any of  
5 the following actions with respect to insurance transactions involving  
6 insurance coverage which is individually underwritten:

- 7 (1) A declination of insurance coverage;
- 8 (2) a termination of insurance coverage;
- 9 (3) an offer to insure at higher than standard rates, with respect  
to life, health or disability insurance coverage; or
- 12 (4) the charging of a higher rate on the basis of information which  
differs from that which the applicant or policyholder furnished, with  
13 respect to property or casualty insurance coverage.

14 (b) "Declination of insurance coverage" means a denial, in whole  
15 or in part, by an insurance company or agent of requested insurance  
16 coverage.

17 (c) "Health care institution" means any medical care facility, adult  
18 care home, drug abuse and alcoholic treatment facility, home-health  
19 agency certified for federal reimbursement, mental health center or  
20 mental health clinic licensed by the secretary of social and rehabil-  
21 itation services, kidney disease treatment center, county, city-county  
22 or multicounty health departments and health-maintenance  
23 organization.

24 (d) "Health care provider" means any person licensed to practice  
25 any branch of the healing arts, licensed dentist, licensed professional  
26 nurse, licensed practical nurse, advanced registered nurse practi-  
tioner, licensed optometrist, registered physical therapist, licensed  
27 social worker, ~~registered~~ physician's assistant *whose name has been*  
28 *entered on the register of physicians' assistants by the state board*  
29 *of healing arts*, licensed podiatrist or licensed psychologist.

30 (e) "Institutional source" means any natural person, corporation,  
31 association, partnership or governmental or other legal entity that  
32 provides information about an individual to an agent or insurance  
33 company, other than:

- 34 (1) An agent;
- 35 (2) the individual who is the subject of the information; or
- 36 (3) a natural person acting in a personal capacity rather than a  
37 business or professional capacity.

38 (f) "Insurance transaction" means any transaction involving in-  
39 surance, but not including group insurance coverage, primarily for  
40 personal, family or household needs rather than business or profes-  
sional needs.

41 (g) "Medical-record information" means personal information



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# HOUSE BILL No. 2595

By Special Committee on Public Health and Welfare

Re Proposal No. 45

12-21

AN ACT concerning physicians' assistants; relating to the regulation thereof; amending K.S.A. 40-2,111, 65-2896f, 65-2896g, 65-2896h and 65-2898 and K.S.A. 1989 Supp. 65-2878a, 65-2896, 65-2896a, 65-2896b, 65-2896e, 65-2897a, 65-4915, 65-6112 and 65-6135 and repealing the existing sections; also repealing K.S.A. 1989 Supp. 65-2896d.

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

Section 1. K.S.A. 1989 Supp. 65-2896 is hereby amended to read as follows: 65-2896. (a) The state board of healing arts shall maintain a register of the names of physicians' assistants ~~registered~~ whose names have been entered on such register in accordance with the provisions of K.S.A. 65-2896a and amendments thereto.

(b) All ~~registrations, except temporary registration,~~ entries of names on such register shall expire annually on the date of expiration established by rules and regulations of the state board of healing arts and may be renewed annually upon ~~request of the registrant~~ application of the responsible physician. The ~~request~~ application for renewal shall be on a form provided by the state board of healing arts and shall be accompanied by the renewal fee established pursuant to this section, which shall be paid not later than the expiration date of the registration.

(c) At least 30 days before the expiration of the ~~registration entry~~ of a name of a physician assistant, ~~except temporary registration,~~ the state board of healing arts shall notify ~~the registrant~~ the responsible physician and the physician's assistant of the expiration by mail addressed to the ~~registrant's last place of residence as noted upon the office last known address of such persons as indicated by the records of the board.~~ If the ~~registrant fails to pay the renewal fee~~ application is not filed and the renewal fee not paid by the date of expiration of the ~~registration,~~ the registrant shall be given entry of the name on the register a second notice that

SECTION 1 (b) and (c)  
Amend to allow all applications and renewals to be made by the physician assistant.  
Also, amend to allow instructors and those "old temporary registrations" to have their name on the register. Allow a name on the registry without a resp. physician.

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assistant, the sum of not more than \$25.

(f) The state board of healing arts shall remit all moneys received by or for the board under the provisions of this act to the state treasurer and such money shall be deposited in the state treasury, credited to the state general fund and the healing arts fee fund and expended all in accordance with K.S.A. 65-2855 and amendments thereto.

(g) The state board of healing arts may adopt rules and regulations necessary to carry out the provisions of ~~this act and the act of which this section is amendatory~~ K.S.A. 65-2896 to 65-2897a, inclusive, and amendments thereto, and K.S.A. 1989 Supp. 65-2897b and amendments thereto.

Sec. 2. K.S.A. 1989 Supp. 65-2896a is hereby amended to read as follows: 65-2896a. (a) No person's name shall be entered on the register of the names of physicians' assistants by the state board of healing arts unless such person has:

(1) Presented to the state board of healing arts proof of graduation from an accredited high school or the equivalent thereof; and

(2) Presented to the state board of healing arts proof ~~that the applicant has successfully completed of successful completion of~~ a course of education and training approved by the state board of healing arts for the education and training of physicians' assistants, which course of education and training shall consist of at least two years of postsecondary education and training ~~and shall be substantially in conformity with educational and training programs for physicians' assistants approved by the state board of regents,~~ or presented to the state board of healing arts proof ~~that the applicant has acquired experience of acquisition of experience~~ while serving in the armed forces of the United States which experience meets minimum requirements established by the state board of healing arts;

(3) passed an examination approved ~~or developed~~ by the state board of healing arts covering subjects incident to the education and training of physicians' assistants; and

(4) presented to the state board of healing arts a ~~request an application~~ signed by the applicant's proposed responsible physician on a form provided by the board ~~which shall contain such information as required by rules and regulations adopted by the board.~~

(b) The board may refuse to enter a person's name on the register of physicians' assistants upon any of the grounds for which the board may remove a person's name from such register.

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Delete "or developed".

Line 36 -- period after applicant  
Delete balance of Line 36 and all  
of Lines 37, 38, and 39.



(e) (b) A ~~physician's assistant~~ *responsible physician* shall at the time of initial ~~registration entry of the name of the physician's assistant on the register of physicians' assistants~~ and any renewal thereof present to the state board of healing arts the ~~name and address of such person's~~ *the responsible physician and the physician's assistant*. Whenever a physician's assistant shall ~~cease~~ *ceases* to be employed by the responsible physician, such responsible physician shall notify the state board of healing arts of such termination *within seven days of the date of termination*. Whenever a physician's assistant shall seek to obtain a new responsible physician prior to the renewal of the ~~physician's assistant's annual registration entry of the name of the physician's assistant on the register of physicians' assistants~~, such proposed responsible physician shall notify the state board of healing arts of such prospective employment and shall provide a ~~request~~ *an application* as required by subsection ~~(a)(3)~~ *(a)(4)*. All such notifications shall be given to the state board of healing arts as soon as practicable but not be less than 10 days prior to the prospective date of employment.

(d) The state board of healing arts shall ~~require every physician's assistant to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the state board of healing arts. The state board of healing arts by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act. In establishing such requirements the state board of healing arts shall consider any existing programs of continuing education currently being offered to physicians' assistants.~~

(c) *The responsible physician shall submit with the renewal application evidence that the physician's assistant has satisfactorily completed a program of continuing education required by the state board of healing arts. The state board of healing arts shall establish by rules and regulations the minimum number of hours required to be completed as part of such program, but the responsible physician shall determine the subject areas of continuing education the physician's assistant is to attend. In establishing the continuing education requirements, the state board of healing arts shall consider any existing programs of continuing education currently being offered to physicians' assistants.*

(e) (d) A person whose name has been entered on the register of the names of physicians' assistants prior to the effective date of this act shall not be subject to the provisions of subsection ~~(a)~~, unless such person's name has been removed from the register of

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Line 17, strike "prior to the prospective date of employment" Replace with "after date of employment."

Amend to waive continuing education for instructors.

physicians' assistants pursuant to the provisions of K.S.A. 65-2896b and amendments thereto (a)(1), (a)(2), or (a)(3).

Sec. 3. K.S.A. 1989 Supp. 65-2896b is hereby amended to read as follows: 65-2896b. (a) The board of healing arts may remove a person's name from the register of the names of physicians' assistants or may refuse to enter a person's name on the register of physicians' assistants for any of the following reasons:

(1) The person whose name is entered on the register of the names of physicians' assistants requests or consents to the removal thereof;

(2) the board of healing arts determines that the person whose name is entered on the register of the names of physicians' assistants has not been is not employed as a physician's assistant or as a teacher or instructor of persons being educated and trained to become physicians' assistants in a course of education and training approved by the state board of healing arts under K.S.A. 65-2896a and amendments thereto at some time during the five years immediately preceding the date of such determination; or

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

(4) if the board determines, after notice and opportunity to be heard, in accordance with the provisions of the Kansas administrative procedure act, that the request application by the proposed responsible physician pursuant to subsection (b) (c) of K.S.A. 65-2896a and amendments thereto should not be approved because approval of such application would result in a violation of K.S.A. 65-2896 to 65-2897a, inclusive, and amendments thereto.

(b) The board of healing arts may remove a person's name from the register of physicians' assistants or may refuse to place a person's name on the register of physicians' assistants, if the board determines, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a physician's assistant has exceeded or has acted outside the scope of authority given the physician's assistant by the responsible physician or by this act. Any physician's assistant rendering patient services inconsistent with K.S.A. 65-2896 to 65-2897a, inclusive, and amendments thereto shall be considered to be practicing the healing arts without a license, and the board shall institute appropriate legal action under K.S.A. 65-

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857 and 65-2862 and amendments to such sections.

1 Sec. 4. K.S.A. 1989 Supp. 65-2896e is hereby amended to read  
2 as follows: 65-2896e. (a) A person whose name has been entered on  
3 the register of *the names of physicians' assistants* may perform, only  
4 under the direction and supervision of a physician, ~~acts patient~~  
5 ~~services~~ which constitute the practice of medicine and surgery to  
6 the extent and in the manner authorized by the physician responsible  
7 for the physician's assistant ~~and only to the extent such acts are~~  
8 ~~consistent with rules and regulations adopted by the board~~  
9 ~~which relate to acts performed by a physician's assistant under~~  
10 ~~the responsible physician's direction and supervision. A phy-~~  
11 ~~sician's assistant may not prescribe drugs but may transmit a~~  
12 ~~prescription order for drugs pursuant to a written protocol as~~  
13 ~~authorized by the responsible physician. The responsible phy-~~  
14 ~~sician shall at no time allow a physician's assistant to render patient~~  
15 ~~services for which the physician's assistant is not properly trained~~  
16 ~~and capable of performing. Before a physician's assistant shall per-~~  
17 ~~form provides patient services under the direction and supervision~~  
18 ~~of a physician, such physician's assistant shall be identified to the~~  
19 ~~patient and others involved in providing the patient services as a~~  
20 ~~physician's assistant to the responsible physician. A physician's as-~~  
21 ~~stant may not perform any act or procedure performed in the~~  
22 ~~practice of optometry except as provided in K.S.A. 65-1508 and 65-~~  
23 ~~2887 and amendments thereto.~~

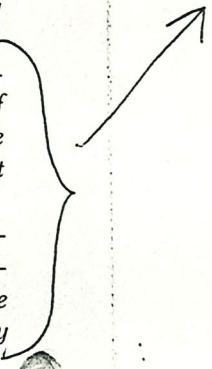
24  
25 (b) (1) *To ensure that the responsible physician's directions and*  
26 *advice are in fact being implemented, the responsible physician shall*  
27 *exercise an active and continuous direction and supervision of the*  
28 *physician assistant's activities. The responsible physician shall make*  
29 *a personal review of historical, physical and therapeutic data on all*  
30 *patients and their condition, and so certify by signature in a timely*  
31 *manner.*

32 (2) *With the exception of clearly minor problems, before a phy-*  
33 *sician's assistant may provide patient services to a new patient of*  
34 *the responsible physician, or to a regular patient of the responsible*  
35 *physician expressing a new or previously untreated condition, that*  
36 *patient shall be personally evaluated by the responsible physician.*

37 (3) *The physician's assistant may provide emergency patient ser-*  
38 *VICES in accordance with guidelines previously established by the re-*  
39 *sponsible physician pending the arrival of a physician in cases where*  
40 *immediate diagnosis and treatment are necessary to avoid disability*  
41 *or death.*

42 (4) *In exercising direction and supervision over the activities of*  
43 *the physician's assistant, the responsible physician may utilize written*

Section 4 (b)2 and (b)3 - DELETE



1 protocols consistent with the provisions of K.S.A. 65-2896 to 65-  
2 2897a, inclusive, and amendments thereto, and consistent with any  
3 rules and regulations adopted pursuant to such statutes.

4 (b) (c) A physician's assistant may not prescribe drugs but may  
5 transmit a prescription order for drugs pursuant to a written pro-  
6 tocol as authorized by the responsible physician. Each written pro-  
7 tocol shall contain a precise and detailed medical plan of care for  
8 each classification of disease or injury for which the physician's  
9 assistant is authorized to transmit prescription orders and shall spec-  
10 ify all drugs which may be transmitted by the physician's assistant.

11 The board shall adopt rules and regulations governing the trans-  
12 mitting of prescription orders for drugs by physicians' assistants and  
13 the responsibilities of the responsible physician with respect thereto.  
14 Such rules and regulations shall establish such conditions and lim-  
15 itations as the board determines to be necessary to protect the public  
16 health and safety. In developing rules and regulations relating to  
17 the transmitting of prescription orders for drugs by physicians' as-  
18 sistants, the board shall take into consideration the amount of training  
19 and capabilities of physicians' assistants, the different practice settings  
20 in which physicians' assistants and responsible physicians practice,  
21 the degree of direction and supervision to be provided by a re-  
22 sponsible physician and the needs of the geographic area of the state  
23 in which the physician's assistant and the responsible physician prac-  
24 tice. In all cases in which a physician's assistant is authorized to  
25 transmit prescription orders for drugs by a responsible physician, a  
26 written protocol between the responsible physician and the physi-  
27 cian's assistant containing the essential terms of such authorization  
28 shall be in effect. In no case shall the scope of the authority of the  
29 physician's assistant to transmit prescription orders for drugs exceed  
30 the normal and customary practice of the responsible physician in  
31 the prescribing of drugs.

32 Sec. 5. K.S.A. 65-2896f is hereby amended to read as follows:  
33 65-2896f. If a responsible physician temporarily leaves ~~his or her~~  
34 *such physician's* customary area of practice, the responsible physician  
35 shall, by prior arrangement, designate a physician who shall provide  
36 direction and supervision to the physician's assistant of such re-  
37 sponsible physician *during the responsible physician's temporary ab-*  
38 *sence. The designated physician under this section shall become for*  
39 *all purposes the responsible physician for the physician's assistant*  
40 *during the responsible physician's temporary absence.*

41 Sec. 6. K.S.A. 65-2896g is hereby amended to read as follows:  
42 65-2896g. No responsible physician shall have under ~~his or her~~ *such*  
43 *physician's* direction and supervision more than two (2) physicians'

Section 4 (c) Delete and return  
to original language. Second  
alternative to be that protocol  
transmission of prescriptions  
would be by drug classification;  
NOT drug and disease or injury.

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1 ssistants.

2 Sec. 7. K.S.A. 65-2896h is hereby amended to read as follows:  
3 65-2896h. (a) Nothing in this act shall prohibit a medical care facility  
4 from employing physicians' assistants, provided such physicians' as-  
5 sistants shall be under the direction and supervision of a responsible  
6 physician. The limitation on the number of physicians' assistants in  
7 K.S.A. 65-2896g and amendments thereto shall not apply to services  
8 performed in a medical care facility.

9 (b) Nothing in this act shall be construed to limit the authority  
10 of the governing body of a medical care facility to establish rules  
11 governing the conduct and qualifications of physicians' assistants per-  
12 forming acts within the medical care facility.

13 Sec. 8. K.S.A. 1989 Supp. 65-2897a is hereby amended to read  
14 as follows: 65-2897a. The following words and phrases when used in  
15 this act shall have the meanings respectively ascribed to them in  
16 this section:

17 (a) "Direction and supervision" means the guidance, direction  
18 and coordination of activities of a physician's assistant by such per-  
19 son's responsible physician, whether written or verbal, whether im-  
20 mediate or by prior arrangement, in accordance with subsection (b)  
21 of K.S.A. 1989 Supp. 65-2896e and amendments thereto and in  
22 accordance with standards established by the board by rules and  
23 regulations, which standards shall be consistent with subsection (b)  
24 of K.S.A. 1989 Supp. 65-2896e and amendments thereto and shall  
25 be designed to ensure adequate direction and supervision by the  
26 responsible physician of the physician's assistant. The term "direction  
27 and supervision" shall not be construed to mean that the immediate  
28 or physical presence of the responsible physician is required during  
29 the performance of the physician's assistant.

30 (b) "Physician" means any person licensed by the state board of  
31 healing arts to practice medicine and surgery.

32 (c) "Physician's assistant" means a skilled person ~~who is regis-~~  
33 ~~tered~~ whose name is entered on the register of the names of phy-  
34 sicians' assistants in accordance with the provisions of K.S.A. 65-  
35 2896a and amendments thereto and who is qualified by academic  
36 training to provide patient services under the direction and super-  
37 vision of a physician who is responsible for the performance of that  
38 assistant.

39 (d) "Responsible physician" means a physician who has accepted  
40 continuous and ultimate responsibility for the actions of the physi-  
41 cian's assistant while performing under the direction and supervision  
42 of the responsible physician, *except that the term "responsible phy-*  
43 *sician" shall only include those physicians who within the course of*

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which:

(1) Relates to an individual's physical or mental condition, medical history or medical treatment; and

(2) is obtained from a health care provider or health care institution, from the individual, or from the individual's spouse, parent or legal guardian.

(h) "Termination of insurance coverage" or "termination of an insurance policy" means either a cancellation, nonrenewal or lapse of an insurance policy, in whole or in part, for any reason other than:

(1) The failure to pay a premium as required by the policy ; or

(2) at the request or direction of the insured.

Sec. 10. K.S.A. 1989 Supp. 65-2878a is hereby amended to read as follows: 65-2878a. The state board of healing arts is hereby authorized to employ, appoint, designate and utilize individuals who shall be agents of the board to evaluate and review investigative materials, conduct interviews and render opinions, reports and testimony on matters which may result in disciplinary action against any individual who has received a license, permit, registration or certification from the board, or whose name has been entered on the register of physicians' assistants, or who has applied for any license, permit, registration or certificate or on whose behalf application has been made to enter such person's name on the register of physicians' assistants. No individual who provides such services shall be liable in a civil action for damages or other relief arising from testimony provided or recommendation or opinion made by such individual acting without malice and in good faith within the scope of such individual's capacity as an agent of the board.

Sec. 11. K.S.A. 65-2898 is hereby amended to read as follows: 65-2898. (a) No person reporting to the state board of healing arts in good faith any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against, a person licensed, registered or certified by the board or whose name has been entered on the register of physicians' assistants by the board shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association composed of persons licensed to practice a branch of the healing arts and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against, any licensee, registrant or certificate holder to the state board of healing arts or to any committee or

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agent thereof, shall be immune from liability in any civil action, that is based upon such investigation or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

Sec. 12. K.S.A. 1989 Supp. 65-4915 is hereby amended to read as follows: 65-4915. (a) As used in this section:

(1) "Health care provider" means: (A) Those persons and entities defined as a health care provider under K.S.A. 40-3401 and amendments thereto; and (B) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist assistant certified by the state board of healing arts, an occupational therapist registered by the state board of healing arts, an occupational therapy assistant registered by the state board of healing arts, a respiratory therapist registered by the state board of healing arts and a physician's assistant ~~registered~~ whose name has been entered on the register of physicians' assistants by the state board of healing arts.

(2) "Health care provider group" means:

(A) A state or local association of health care providers;

(B) the board of governors created under K.S.A. 40-3403 and amendments thereto;

(C) an organization of health care providers formed pursuant to state or federal law and authorized to evaluate medical and health care services;

(D) a review committee operating pursuant to K.S.A. 65-2840b through 65-2840d, and amendments thereto;

(E) an organized medical staff of a licensed medical care facility as defined by K.S.A. 65-425 and amendments thereto, an organized medical staff of a private psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto or an organized medical staff of a state psychiatric hospital or state institution for the mentally retarded, as follows: Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Topeka state hospital, Kansas neurological institute, Norton state hospital, Parsons state hospital and training center and Winfield state hospital and training center;

(F) a health care provider;

(G) a professional society of health care providers or one or more committees thereof; or

(H) a Kansas corporation whose stockholders or members are health care providers or an association of health care providers, which corporation evaluates medical and health care services.

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(3) "Peer review" means any of the following functions:

(A) Evaluate and improve the quality of health care services rendered by health care providers;

(B) determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care;

(C) determine that the cost of health care rendered was considered reasonable by the providers of professional health services in this area;

(D) evaluate the qualifications, competence and performance of the providers of health care or to act upon matters relating to the discipline of any individual provider of health care;

(E) reduce morbidity or mortality;

(F) establish and enforce guidelines designed to keep within reasonable bounds the cost of health care;

(G) conduct of research;

(H) determine if a hospital's facilities are being properly utilized;

(I) supervise, discipline, admit, determine privileges or control members of a hospital's medical staff;

(J) review the professional qualifications or activities of health care providers;

(K) evaluate the quantity, quality and timeliness of health care services rendered to patients in the facility;

(L) evaluate, review or improve methods, procedures or treatments being utilized by the medical care facility or by health care providers in a facility rendering health care.

(4) "Peer review officer or committee" means an individual employed, designated or appointed by, or a committee of or employed, designated or appointed by, a health care provider group and authorized to perform peer review.

(b) Except as provided by K.S.A. 60-437 and amendments thereto and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records of peer review committees or officers shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. This privilege may be claimed by the legal entity creating the peer review committee or officer, or by the commissioner of insurance for any records or proceedings of the board of governors.

(c) Subsection (b) shall not apply to proceedings in which a health



emergency medical technician, an emergency medical technician-intermediate, an emergency medical technician-defibrillator or a mobile intensive care technician whose primary function is ministering to the needs of persons requiring emergency medical services.

(e) "Board" means the emergency medical services board established pursuant to K.S.A. ~~1988~~ 1989 Supp. 65-6102 and amendments thereto.

(f) "Crash injury management technician" means any person who has successfully completed a course of training, approved by the board, in preliminary emergency medical care.

(g) "Emergency medical service" means a service which provides for the effective and coordinated delivery of such emergency care as may be required by an emergency, including services provided by first responders and transportation of individuals by ground or air ambulances and the performance of authorized emergency care by a person licensed to practice medicine and surgery, a licensed professional nurse, a ~~registered~~ physician's assistant whose name has been entered on the register of physicians' assistants by the state board of healing arts, a crash injury management technician, an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator or a mobile intensive care technician.

(h) "Emergency medical technician" means any person who has successfully completed a course of training, approved by the board, in preliminary emergency medical care.

(i) "Emergency medical technician-defibrillator" means any person, currently certified as an emergency medical technician or emergency medical technician-intermediate, who has successfully completed a training program in cardiac defibrillation approved by the board.

(j) "Emergency medical technician-intermediate" means any person, currently certified as an emergency medical technician, who, after not less than one year's certification as an emergency medical technician, has successfully completed a course of training approved by the board which includes training in veni-puncture for blood sampling and administration of intravenous fluids and advanced patient assessment.

(k) "First responder" means a person who has successfully completed a course of training in preliminary emergency care, who holds a valid first responder certificate under this act and who provides services to individuals in need of emergency medical care that assist in stabilization or improvement of such individual's condition until personnel with a higher level of training arrive at the scene and

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assume responsibility for the individual.

3 (l) "Instructor-coordinator" means any person who has success-  
4 fully completed a course of training, approved by the board, to  
5 instruct attendants.

6 (m) "Local component medical society" means a county medical  
7 society or a multicounty medical society.

8 (n) "Medical adviser" means a person licensed to practice med-  
9 icine and surgery.

10 (o) "Mobile intensive care technician" means any person who has  
11 successfully completed a course of training, approved by the board,  
12 in emergency cardiac and noncardiac care in a training program.

13 (p) "Municipality" means any city, county, township, fire district  
14 or ambulance service district.

15 (q) "Operator" means a person or municipality who has a permit  
16 to operate an ambulance service in the state of Kansas.

17 (r) "Person" means an individual, a partnership, an association,  
18 a joint-stock company or a corporation.

19 Sec. 14. K.S.A. 1989 Supp. 65-6135 is hereby amended to read  
20 as follows: 65-6135. (a) All ambulance services providing emergency  
21 care as defined by the rules and regulations adopted by the board  
22 shall offer service 24 hours per day every day of the year.

23 (b) Whenever an operator is required to have a permit, at least  
24 one person on each vehicle providing emergency medical service  
25 shall be an attendant certified as an emergency medical technician,  
26 emergency medical technician-intermediate, emergency medical  
27 technician-defibrillator or a mobile intensive care technician, a person  
28 licensed to practice medicine and surgery, a ~~registered~~ physician's  
29 assistant *whose name has been entered on the register of physicians'*  
30 *assistants by the state board of healing arts* or a registered profes-  
31 sional nurse.

32 Sec. 15. K.S.A. 40-2,111, 65-2896f, 65-2896g, 65-2896h and 65-  
33 2898 and K.S.A. 1989 Supp. 65-2878a, 65-2896, 65-2896a, 65-2896b,  
34 65-2896d, 65-2896e, 65-2897a, 65-4915, 65-6112 and 65-6135 are  
35 hereby repealed.

36 Sec. 16. This act shall take effect and be in force from and after  
its publication in the statute book.

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