

Approved \_\_\_\_\_

Date

3-22-91  
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Carol H. Sader at \_\_\_\_\_  
Chairperson

1:40 a/m./p.m. on March 18, 1991 in room 423-S of the Capitol,

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Signe Rogers, Kansas Midwives Association, Newton, Ks.  
Tracy Brock, interested citizen and student  
Daniel Tardiff, interested parent  
Mary Ann Tardiff, interested parent  
Anne Harvey, interested citizen  
Janise Seitter, Ks. Midwives Association  
Tom Young, interested citizen  
Representative Stevie Stephens  
Chip Wheelen, Ks. Medical Society  
Richard Gannon, Ks. Board of Healing Arts  
Larry Buening, Kansas Board of Healing Arts.  
Diane Steward, written testimony only  
Lawrence Juedes, written testimony only  
Dennis Harvey, written testimony only

Chair called meeting to order, drawing attention to two sets of committee minutes ready for corrections or approval.

Rep. Bishop moved minutes of March 6th and March 8th be approved as presented.

Rep. Cribbs seconded. Motion carried.

CHAIR RE-OPENED HEARINGS ON HB 2127.

Chair gave background information on HB 2127 noting it had been passed out of committee favorably, sent to the House for deliberation, but was withdrawn from the House calendar and re-referred back to this committee for re-hearing. Chair stated in order to be fair to all parties concerned, there were issues that some felt still needed to be addressed in HB 2127.

Signe E. Rogers, President, Kansas Midwives' association offered hand-out (Attachment No. 1). She stated her wish to call to accountability flagrant testimony given previously on HB 2127 by Drs. Leitch and Mowry that would categorize and stereotype "lay midwives" as untrained, stupid, morally reprehensible. She stated the Midwives' Association does not condone nor support any irresponsibility of an attending midwife. The cases that were cited in Dr. Leitch's letter from February 21st meeting were explained, and she noted such activity is not within the accepted protocol of the Kansas Midwives' Association. Other cases cited in the testimony from the doctors named involved licensed certified nurse midwives, not "lay midwives". She stressed that licensure does not guarantee competence. HB 2127 if passed would force women to choose a medical model which exaggerates the cost of normal childbirth, and would create a monopoly for the licensed medical professionals. To erase options for choices in childbirth is obstetric rape, she stated. She stated it is time to recognize the midwife who is competent as a professional in her own right. She opposes HB 2127.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S Statehouse, at 1:40 a.m./p.m. on March 18, 1991

HEARINGS CONTINUED ON HB 2127.

Ms. Rogers answered questions, i.e., their Association is not involved in the credentialing process since SHIC Committee was established.

Tracy Brock, graduating senior of Ottawa University offered hand-out (Attachment No. 2). She stated she has researched home birth as an alternative course for class credit, and wished to dispel the myth that alternative health care is being used only by lower socioeconomic population, or those who may be lacking in education. She outlined her personal experiences with choosing a home birth experience. She is concerned the choice for home birth may be denied with the passage of HB 2127. She asked that if this bill is passed, it should be amended to cover only those 13 categories already covered under the Kansas Healing Arts Act, and if penalties are increased for practicing alternative methods of healing and childbirth, the penalties should also be increased for those doctors who do harm. She noted it is the responsibility of the parties involved to sue for any harmful experiences, and that state interference is not needed. She asked for continued support of the freedom of choice. She answered questions.

Daniel Tardiff, an interested citizen, offered hand-out (Attachment No. 3). Mr. Tardiff stated licensure does not guarantee nor limit competence. He and his wife have been pleased with using a midwife for home birthing of their children. He feels he is an intelligent person and capable of making his own decisions. He detailed the satisfaction as a family they had had with midwives during home births. There are professionals who are licensed and still cause mistakes. Mistakes happen.

Mary Ann Tardiff, an interested citizen offered hand-out (Attachment No. 4). She noted that experience with midwives during home births was a positive experience, the midwives are caring, capable, and provided perhaps what was above and beyond what might be expected by a licensed health care provider. She noted the consumer should be granted the freedom to make the choice of optional health care. Consumers also need to take responsibility for making these kinds of decisions. "Without these choices, we might turn into the simpletons the Board of Healing Arts seems to think that we are." She answered questions.

At this point, it was brought out by some Legislators, that HB 2127 was not to be interpreted as saying that midwives or persons using their services are in anyway to be construed as simpletons, nor is that the feeling of the Board of Healing Arts. It is the job of the Legislators to provide a minimum level of standards, so that as citizens of Kansas seeking medical help will be protected under these standards.

Ann Harvey offered hand-out (Attachment No. 5). Ms. Harvey stated her opposition to HB 2127. She noted concern in that the language of the bill does not only increase penalties for unlicensed practice, but that choices of health care givers and alternative health care options would be removed. She views licensure as an expensive, time consuming process which serves to protect the interests of specific groups of health care providers. It has never been proven that licensure guarantees competency. Education and informed consent need to be priorities for all of us who work in areas that directly affect the lives of others. She noted that cooperation and respect among all health care providers would better serve the citizens of Kansas. She answered questions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:40 a/m/p.m. on March 18, 1991

HEARINGS CONTINUED ON HB 2127.

Janice Seitter, an aspiring midwife, offered hand-out (Attachment No. 6). Ms. Seitter stated concerns in language of HB 2127 noting that language is too vague and would no longer allow citizens to take responsibility for their own decisions in regard to health care. There are times when families may wish to choose alternative health care when "medical" care isn't needed. Normal childbirth is not a medical condition, it is a natural part of the life cycle of women she said. She noted Kansas ranks as lacking adequate obstetrical services. Alternatives are available, and midwifery is one of those options. The World Health Organization has encouraged the use of midwives worldwide in order to lower the infant mortality/morbidity rates. Medicaid coverage is so low many practicing obstetricians are not accepting Medicaid clients. Where are these women to turn for care during pregnancies she asked. She asked members to consider the drastic effects passage of HB 2127 would have if it is enacted. She answered questions.

Tom Young, lay minister, offered hand-out (Attachment No. 7). He stated the laws that YAHWEH laid out contain a prescription for health as well as healing; licensure does not insure the holder of competence; people should be allowed to choose health care providers. He continued his testimony by quoting scripture. He noted there is no excuse for cutting off those who seek counsel whether or not persons that are chosen are licensed. He answered questions.

Representative Stevie Stephens offered hand-out (Attachment No. 8). She noted support for the intent of HB 2127, however does have great concerns. Some language is too broad, and threatens persons who are engaged in alternative health care. She noted increased penalties addressed in the bill could be applied to massage therapists, rolfers, naturopaths, herbalists, accupuncturists, accupressurists, hypno-therapists, lay midwives, and many other alternative health care providers. She suggested amendments to HB 2127, (Attachment No. 9). She explained amendment options and suggested, i.e., alternative language to impose penalties only on those who are practicing with a revoked or suspended license, and who can be licensed under the Board of Healing Arts; amend the definition of healing arts to be limited to those licensed/registered categories under the Board of Healing Arts; or to suggest an interim study of alternative and natural health care and possible certification of those providers. She answered questions.

Rep. Darlene Cornfield stated support of the recommendations proposed by Rep. Stephens. She told of her personal experiences with an almost home birth, a hospital birth, and is now expecting her third child. She detailed her first pregnancy and noted that if all procedures are followed to the letter by the patient, hospital, physician, midwife, all concerned with a pregnancy, still things can and do go wrong at times. Her first child was still-born, and it was not the fault of any one person. She explained the screening process a prospective midwife goes through with the expectant mother. She asked that the amended language proposed be given consideration.

Chip Wheelen, Kansas Medical Society offered hand-out (Attachment No. 10). Mr. Wheelen stated he wished to clarify impressions by some conferees in regard to inflammatory and derogatory remarks made by his testimony. This was not the case. That was also not the intent of his comments. He noted most of the discussion today has been in respect to the use of midwives in home birth deliveries and when and if there is an element of risk, that patient is taken to the hospital for the birth. This seems a bit ironic, he noted. He noted further, HB 2127 is not a bill about midwifery. He detailed the intent of the bill, i.e., an increase in the criminal penalties. He offered a balloon copy of proposed amendments that would answer concerns expressed to the Society in regard to the lapsed licenses. He detailed the proposed language.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S Statehouse, at 1:40 /a.m./p.m. on March 18, 1991

HEARINGS CONTINUED ON HB 2127.

Mr. Wheelen answered questions, i.e., the view of the Medical Society in regard to midwifery, is concern about the possible exposure to risk that might occur when delivery is performed at home. If there are complications, the delivery should be performed in a hospital where access to the kind of staff and technology that can save the infant are available.

Richard Gannon, Board of Healing Arts stated the intent of the Board as they requested this legislation, was to increase criminal penalties against those persons who are practicing healing arts without a license. He noted they are not singling out any particular group. He noted that midwifery services can be performed within the current law if done so under the supervision of a physician. The Kansas Board of Healing Arts has the authority to discipline the doctors who are providing sub-standard care. They cannot do that with someone who is not licensed under their Board and their authority.

Mr. Gannon then yielded to Larry Buening.

Larry Buening, General Counsel for Board of Healing Arts offered hand-out (Attachment No. 11). Mr. Buening offered an apology to Rep. Bishop in regard to a statement made at an earlier meeting referencing a statute regarding auctioneering. He quoted the statute noting it in regard to an auction when it should have been auction of new goods. He then drew attention to hand-out which lists comparison of penalties for unlicensed acts, explaining it. He noted criminal penalty for non-compliance of statute 65-2862 is now not less than \$50 nor more than \$200. The intent of HB 2127 is not to restrict freedom of responsibility and choice of individuals, nor to assume citizens are in anyway incompetent simpletons. The Board of Healing Arts is a state agency with authority granted only by statutes and laws passed by the legislative body. The statutes are not to single out any single individuals or groups, but to grant authority to the Board of Healing Arts to prosecute persons who are involved in the unlawful practice of healing arts without having to wait for a death to occur. Investigation and prosecution, if necessary, can be carried out in these situations before a life is lost. This authority is already in place. He answered questions, i.e., exceptions are listed in statutes 65-2872; midwifery is practice of healing arts, however, it is not considered a branch of the healing arts.

HEARINGS CLOSED ON HB 2127.

Recorded as attachments this date are written testimony on HB 2127 from the following.

- (Attachment No. 12) letter from Diane Stewart
- (Attachment No. 13), testimony from Lawrence L. Juedes, Jr.
- (Attachment No. 14) opposition paper from Dennis D. Harvey
- (Attachment No. 15), signed opposition paper.

Chair adjourned meeting at 3:10 p.m.



GUEST REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-18-

NAME	ORGANIZATION	ADDRESS
Bruce B. Blanc	KS Chapter President - American Massage Therapy Assoc.	927 1/2 Mass., Lawrence, KS
Mike Brock	Concerned citizen	R 1 Ottawa
Tracy Brock	Concerned citizen	273 Box 15 Ottawa, KS - 66
Lynn E. Rogers	Kansas Midwives Association	PO Box 175 Newton, KS 671
Delora Gardner	Homebirth mother of 4	319 N. Washington El Dorado KS 6
Ann G. Goleman	nutrition	644 S. Poplar
Samuel Thompson	Nutrition & Sales	RR3 Box 70 Otta
James L. Stewart	Concerned citizen	RR3, Box 42 Otta
Matt Espy	Concerned citizen	RR 2 Box 7
Brenda A. Debet	Midwifery	PO Box 200, King
Fran Peter	Concerned Midwives Assoc.	1740 Indiana Lawrence, KS 66
Sara Mason	Natures Sunshine	1315 Monmouth Ave. Lawrence, KS 66
Michael Lauer	Health Foodstore	614 N. Main El Dorado 6704
Naile Hunter	Health foods	Aub. KS.
David White & Hunter	Health foods	Aub. KS.
Mary V. Edelman	Shabbe Products	Shabbe, Pa.
Maria Edelman	Shabbe products	Shabbe, Pa.
Glenn Smith	Concerned citizen	Wichita, KS
Nadine Daves	Concerned citizen	Derby, KS
DAN TARDIFF	Father + Husband	Willard, KS
MARY ANN TARDIFF	home maker/mother	WILLARD, KS
Donna, Samuel, Will Britton	teacher/Concerned citizens	Baldwin, KS
Daniel Bentler	Concerned citizen lets stop the erosion of individuality	Lawrence KS
Danny Johnson	Melaleuca	228 SW Box Tropaka
Tom Johnson	Melaleuca	1100 N. Main Tropaka, KS
Laura Christ	Melaleuca Distributor	1917 NE 11th Topeka, KS
Claine Brewer	Certified Rolfer	1109 Ohio Lawrence, KS





PO Box 175  
Newton, Kansas 67114  
March 18, 1991

I testify before you today as the President of the Kansas Midwives' Association, and I wish to call to accountably the flagrant testimony previously given before this committee concerning HB 2127.

Emotionally charged testimony has been presented by Drs. Leitch and Mowry. These testimonies were presented, I presume, to categorize, and stereotype "lay midwives" as untrained, stupid, morally reprehensible human beings.

Let me first tell you that the Kansas Midwives' Association does not condone, nor support irresponsibility of an attending midwife. The case mentioned by Dr. Leitch, of a midwife giving shots to induce a labor also was brought to the attention of the KMA over a year ago. The KMA officers and board consultants dealt directly with the midwife involved, asking her to remove herself from office, informed her that such procedures were not approved and directed her to cease giving shots to induce labor. I tell you this to give you the understanding, that this is not within accepted protocol of the Kansas Midwives' Association. Such an act is abhorrent to us as well. The other case of a maternal death did not involve a member of the KMA, but a licenscensed CNM! Of the cases Dr. Mowry refers to, we know that the one involving the university professor was an unattended home birth which involved no midwives. Another birth, with a baby with a broken clavicle, was attended again, not by "lay midwives" such as ourselves, but again, a CNM. The other birthing situations are unknown to any member of the KMA, including midwives from the area Dr. Mowry works in.

Midwifery and home births are not unsafe options for women to choose. International statistics have proven the safety of home births attended by trained midwives. The United Nations World Rankings by Infant Mortality (attachment #1), show the United States ranked #20, while such countries as Japan, Finland, Sweden, and the Netherlands are in the top 5, and rely upon midwives as the primary care givers for pregnant women. Hong Kong, falls 15 places ahead of the United States in infant mortality. The United States does not have "good outcomes" with the present systems of tertiary obstetric care!

Consider also, the following from The Five Standards for Safe Childbearing, by David Stewart, PhD,

"In a matched population study of 2,092 home and hospital births, with data from California and Wisconsin, the hospital

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attm #1

group had six times more fetal distress, three times more maternal hemorrhage, 3.7 times more incidence of babies in need of resuscitation, 4 times higher neonatal infections, and significantly lower Apgar scores. Furthermore, the hospital group had 30 permanent birth injuries, mostly due to forceps, and all by the hands of physicians. The home birth group had no such injuries. This particular study was designed and intended to be a statistically controlled comparison between the outcomes of birth at home and those in the hospital. All of the significant variables were well controlled except one - the birth attendant. The author of the study commented that the superior outcomes for the home birth group may not only be due to the advantages of the home over the hospital, but must also have to do with the differences in practice between the birth attendants of the home versus those of the hospital. The home births were attended by lay midwives (31%), nurse-midwives (2%), and family physicians (67%). The hospital births were all attended by doctors - mostly by obstetricians (75%), the rest by family physicians (25%).

In addition to the implications of this study for home births, this study also implies that midwives obtain the best results, family physicians the second best, and obstetricians the worst. This study is particularly significant in this regard in that all of the pertinent variables were controlled - risk, parity, socioeconomic status, etc. Hence, the worse outcomes of the obstetricians cannot be explained by their having more high risk mothers. Furthermore, the study demonstrates that even in a hospital environment with all of its apparent advantages of access to specialized medical assistance and technology, obstetricians cannot achieve the quality of outcomes that midwives and non-interventive family physicians can obtain even in the home without such access."<sup>1</sup>

I also submit to you (attachment #2) statistics from one of the most well known home birth midwifery practices in the United States, The Farm, in Summertown, TN. You can see that these statistics show the outcomes of home birth midwifery are not worse than the outcomes represented by the statistics from the State of Kansas given in previous testimony, and The Farm stats speak for the safety of home birth midwifery.

The Kansas Midwives' Association requires Practicing Primary and Senior midwives to have written protocols and for such protocols to be available to anyone who wishes their care. 10 hours of Continuing Education per year, with written proof are required, as well as CPR qualification. Preparation for the unexpected emergency is important to us, and several of us have qualified in Infant Intubation and Resuscitation (attachment #3). The KMA is not composed of fly-by-night women who just stepped off the street and gained experience simply by being in the neighborhood and "helping" with births. We are not anti-medicine, we merely do not believe in approaching what is usually a normal body process from an aspect of fear of the abnormal. We know that a birth attended by a competent midwife is safe.

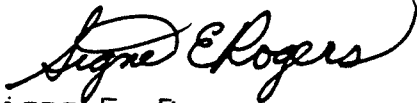
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This bill forces women to choose the medical model which is statistically proven world-wide to produce a higher infant mortality rate. To accept this bill is to force a medical model which exaggerates the cost of normal birth, putting greater stress on the economics involving medical practices. By the testimony of the proponents of this bill, the intent is to create a monopoly over the birth environment and options, depriving women of choice.

To erase options for choices in childbirth is to demand how a woman is to give birth under the control of a medical system. Women not choosing, but forced into a medical model, are victims of **Obstetric Rape!**

Kansas recognizes the trained para-professional field with EMT's, and Para-Medics who are entrusted with critical emergency situations. It is time to recognize a midwife who is competent as a professional in her own right! Opposing this bill, the Kansas Midwives' Association stands ready to dialogue on options to ensure the continued quality care of midwives attending home births in Kansas.

Respectfully submitted,



Signe E. Rogers  
President, Kansas Midwives' Association

<sup>1</sup>The Five Standards for Safe Childbearing, David Stewart, Phd, NAPSAC International, Marble Hill, MO., 1981, p. 121-22.

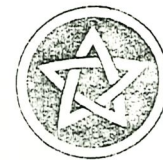
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**\* World Rankings  
By Infant Mortality**

(Deaths in First Year Following a Live Birth)

1. Japan . . . . .	5.2
2. Finland . . . . .	5.8
3. Sweden . . . . .	5.9
4. Switzerland . . . . .	6.8
5. Hong Kong . . . . .	7.7
5. Netherlands . . . . .	7.7
7. Norway . . . . .	7.8
8. Canada . . . . .	7.9
9. Denmark . . . . .	8.2
10. France . . . . .	8.3
11. West Germany . . . . .	8.6
12. Iceland . . . . .	8.7
13. East Germany . . . . .	9.2
14. Singapore . . . . .	9.4
15. United Kingdom . . . . .	9.5
16. Belgium . . . . .	9.7
17. Italy . . . . .	9.8
17. Australia . . . . .	9.8
19. Austria . . . . .	10.3
20. United States . . . . .	10.4
21. Spain . . . . .	10.9
22. New Zealand . . . . .	11.2
23. Israel . . . . .	11.4
24. Greece . . . . .	12.3
25. Cuba . . . . .	13.6
26. Czechoslovakia . . . . .	13.9
27. Bulgaria . . . . .	14.5

\* These are 1986 data and are the most current complete statistics available. They were published in the December 1988 issue of *Pediatrics*.



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attm # 1-4

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# STATISTICS FOR 1723 BIRTHS MANAGED BY THE FARM MIDWIVES

from October 8, 1970 to December 31, 1989

Total Births	1723	
First time mothers	746	43%
Residents of The Farm (complete vegetarians)	797	46.4%
Amish mothers	92	5.3%
Others	835	48.5%
Home Births	1650	95.8%
Hospital Births	73	4.2%
Cesarean sections	25	1.4%
Births with anaesthesia	26	1.5%
Vaginal births with forceps	8	.46%
Vaginal births by vacuum extraction	0	0
Vertex births	1670	96.9%
Breech births	52	3%
Frank breech	41	
Footling breech	10	
Complete breech	1	
Face presentations	6	0.3%
(All vaginal births)		
Brow presentation	3	0.17%
(One cesarean, two vaginal)		
Transverse lie	1	
Occiput posterior births	29	1.7%
Twins (including one fetal death in utero; no cesareans)	13 sets	
Meconium staining	140	8.1%
(6 of these babies had respiratory distress syndrome; mortality 0)		
Maternal mortality	0	
Neonatal mortality*	10	(5 per 1000)
Three of these babies had lethal abnormalities		
Perinatal mortality**	18	(10.4 per 1000)
Three of these babies had lethal abnormalities.		
Six were hospitalized.		

Intractable perineal lacerations	228	13.2%
First degree tears & episiotomies	271	15.7%
Second degree tears & episiotomies	4	0.2%
Third degree tears & episiotomies		

Premature rupture of membranes  
(2 cases of respiratory distress syndrome, 1 neonatal infection; no mortality)

33

Congenital abnormalities

18 1%

Apgar scores for 1310 births  
(75% of births resulted in Apgars of 8/10 or better)

10/10

583 44.5%

9/10

287 22%

8/90

122 9.3%

Pregnancy complications

death in utero

3

hypertension

11

pre-eclampsia

7

  just 1 mother of the vegan (complete vegetarian) group

blood incompatibility

2

placenta previa

3

urinary tract infection

1

pendulous abdomen

2

small gestation age baby/placental insufficiency

4

  (same mother)

incompetent cervix

4

prematurity

16

\*Neonatal mortality is defined in North America as "death of a live born infant up to 28 days of age."

\*\*Perinatal mortality is defined in North America as "fetal deaths of 28 or more weeks' gestation plus infant deaths under 7 days of age. Mortality figures include births which took place in the hospital."

Total perinatal mortality in the United States in 1980 was just under 18 per 1,000, according to the U.S. definition of "perinatal mortality"\*\*\*. This figure does not include deaths in utero, which I have included in our perinatal mortality figure, which corresponds to that used by most European countries and included the intrauterine deaths from 20 weeks of gestation on.

\*\*\*Obstetrics and Gynecology: The Clinical Core, Fourth Edition, Ralph M. Wynn, Lea & Febinger, 1988.

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#1-5  
J. Wynn

Signe E. Rogers  
[REDACTED]

June 19, 1990

Dear Signe,


This is a letter to validate your successful completion of the American Heart Associations/American Academy Pediatric Neo-Natal Resuscitation course given on January 30, 1990 in Topeka, Kansas.

It has come to my attention that even though cards have been mailed many of you have not received your cards yet. I have contacted the American Heart Association in Texas to try to clarify the problem and expedite your cards.

In the mean time, this letter should serve as a statement of successful completion of the provider course for Neo-Natal Resuscitation offered by The American Heart Association/ The American Academy of Pediatrics.

I apologize for the inordinate delay in receiving your certification cards. I will continue to try and expedite the issuing of certification cards to all participants.

Sincerely,

  
Catherine A. Head, R.N., M.S., C.N.M.

AHA/SAF Instructor: # 1208823

Expiration Date: 9-1-91

CALL:jl

JAW  
3-18-91  
att # 1-6



**PRESENTATION FOR**

**HOUSE BILL**

**2127**

**BY**

**TRACY BROCK**

**MARCH 18, 1991**

*SLW*  
*3-18-91*  
*Attn #2*

My name is Tracy Brock. I am a graduating senior, majoring in human services at Ottawa University. My intention is to make you aware of the negative implications of this bill. It has the potential to deny the freedom of choice concerning methods of alternative health care in Kansas. This includes the use of midwives in childbirth, the use of herbs, the consultation of herbalists, and the use of dietary supplements. Through my testimony, I would also like to dispel the myth that alternative health care is being used only by those individuals who are categorized in lower socioeconomic levels, and/or may be lacking in education.

I researched home birth as an alternative for a college course called "The Family". It so happened that at the time I was also pregnant. I found in a study done by Dr. Lewis Mehl, M.D., comparing 1046 home births with a matched 1046 hospital births, the following:

*In the hospital there was 6 times more fetal distress and 3 times more postpartum hemorrhages.*

*In the hospital infection rates of the newborn were 4 times higher and there were over 30 times more birth injuries.*

*Apgar scores (a measure of the physical well-being of the newborn) were significantly lower in the hospital group.*

*There were 9 times as many episiotomies in the hospital (cutting to prevent tearing) while there were 9 times as many 3rd and 4th degree tears in the hospital. Less than 5% of the home birth population received anesthesia, while such drugs were administered to over 75% of the hospital group. In the hospital, forceps were used 22 times more frequently, while cesarean sections in the hospital group were 3 times more frequent.*

Though I had insurance which would have covered a hospital birth and would not cover a home birth, I decided to look into this for myself. My sister had had a positive home birth experience, so I met with her midwife to see if I would be a candidate. At the midwife's request, I visited a physician to insure that I was in good health and to verify his participation in case of an emergency situation. Knowing my health was good, I began visits with the midwife. She checked my blood-pressure and urine at each visit and monitored the growth and positioning of the baby. Throughout my pregnancy I ate nutritious food and took dietary supplements, including natural iron and calcium, and herbs to aid in the birth.

I went through a first-birth experience in only 5 hours. When the time came for delivery, the baby came quickly as a result of the position I

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was able to use and, with a 7 pound baby, no episiotomy was required. The stress level was minimal in familiar surroundings, with the constant attention given by the midwife and family members. The baby was quite healthy and recovery from the birth was remarkable.

In the future I am concerned that the choice of a home birth experience may be denied to those of us who know it is a natural way of bringing children into the world. I am asking that you amend House Bill 2127 to state that it apply only to those 13 categories already covered under the Kansas Healing Arts Act. If the penalties are increased for practicing alternative methods of healing and childbirth, I believe the penalties should also be increased for those doctors who do great harm through unnecessary surgeries, unnecessary drugs , and overall misdiagnosis.

I realize there are negligent acts committed by midwives as well as doctors, but it is the responsibility of the involved party to sue for any harmful experiences, and State interference is not needed.

I am counting on your support to maintain the freedom of choice in Kansas.

Thank you,

  
Tracy Brock

*OK/2000*  
*3-18-91*  
*attm # 2-3*

My husband and I had the good fortune of having two unlicensed midwives assist at the birth of our child. They showed themselves entirely competent, and the care they provided was above and beyond what might be expected from many licensed health care providers, we were more than satisfied, and our case is not an isolated one - many friends of ours, and relatives, have expressed similar satisfaction with the performance of unlicensed birth attendants at the births of their children.

When the time comes for our next child to be born, we want to have this option still available to us.

I hope the committee won't make the mistake of presuming incompetence on the part of unlicensed health care providers, ~~anyway~~ just as we don't assume that all M.D.s are quacks.

Thank you!

sincerely,

Mary Ann Tardiff

Route 8 Topeka 66615

PKW  
3-18-91  
attndnt  
#4

Does licensure guarantee competence?  
It seems the answer to this question is

Does licensure tend to encourage monopolies? If so how would this affect midwifery and so on.

Our experience with midwives as opp to establishment medical procedures regarding prenatal care & birthing.

The main concern for us being how HB. would affect the practice of midwifery in Kansas. or if it will.

And then is it the domain of govern to attempt the elimination of incompetence, etc.

The duty & obligation of all sane intelligent people to pick the health care the best way can.

PKW  
attndnt #3, 18, 91

Daniel L. Tardiff

A. Harvey

To: House Committee on Public Health & Welfare  
Representative Carol Sader, Chairwoman

From: Anne Harvey  
1331 NW Mandell  
Topeka, KS 66618  
(913) 286-2142

Re: HB 2127

Date: March 18, 1991

My name is Anne Harvey and I live in Topeka. I am testifying in opposition to HB 2127 as it is presently written. I have reviewed testimony that was presented at earlier hearings on this bill. I have been told that the intent of this bill is to increase the penalties for doctors who are practicing unethically. The testimony previously presented and the current wording of HB 2127 do not support that intention. I refer to testimony from the Board of Healing Arts (page 2, second paragraph) which states "The intent of this bill is to strengthen the criminal penalties of the unlicensed and unqualified practice by a variety of individuals including homeopaths, lay midwives, naturopaths who invade the practice of the healing arts as well as those individuals who are just plain quacks and charlatans." Section 1 of HB 2127 clearly makes it against the law for anyone to provide any kind of health care unless they are licensed under the Kansas Healing Arts Act. This currently limits our choice of health care givers to M.D.s, osteopaths and chiropractors. This violates the rights of the citizens of Kansas to choose alternative health care.

In reviewing previous testimony, I noticed that you have received a great deal of negative information about midwives, in particular. It certainly appears that harassment and prosecution of midwives and other alternative health care givers is the true intent of this bill. The Kansas Medical Society and the Board of Healing Arts seem determined to either eliminate or force licensure on all these groups.

It is my observation that licensure is an expensive, time consuming process which serves to protect the interests of specific groups of health care providers, and is rarely in the best interests of the general public. More importantly, it has never been proven that licensure guarantees competency.

There is a great deal of misinformation and negative publicity put out by the mainstream medical community about alternative health care. While we do not expect them to agree 100% with health care options that they have not been

PJW  
3-18-91  
Attn #5

trained for, we would like for them to be open-minded and above all, to be respectful of people's choices. Education and informed consent need to be priorities for all of us who work in areas that directly affect people's lives. Cooperation and respect among all health care groups will better serve the people of Kansas than the current practice of power struggles and turf battles.

Anne Harvey

PH/CO  
3-18-91  
Attn. # 52



Ladies and Gentlemen:

Thank you for taking the time and interest to consider the concerns presented here today. As a citizen of Kansas, I am concerned about the effects House Bill 2127 may have on the freedom of all Kansans to make choices about their health care. Because of the vagueness of the wording of this proposed bill, families in our state would no longer be allowed to take responsibility for their own decisions in regard to health care.

The Board of Healing Arts has requested this bill in order to limit the health care market to medical doctors, osteopaths, and chiropractors. While these practitioners provide necessary, valuable services, there are many occasions when a family does not need traditional "medical" care and would prefer to choose an alternative. Childbirth is one of these occasions. Normal childbirth is not an illness, not a medical condition requiring intervention on the part of doctors. It is a normal, natural part of the life cycle of women. Women and their families must be allowed to choose to not intervene in this normal process of nature. Limiting a pregnant woman's choices to the aforementioned practitioners is a violation of their rights to birth their babies normally, naturally.

There are currently over 800 counties in the United States, approximately 26% of all counties, that do not have physicians offering obstetrical services to women. While I have not yet been able to find these statistics for Kansas, I do know that we rank in the top half of states lacking

PHW  
3-18-91  
Attm #6

adequate obstetrical services. This is a matter of grave concern. The state of Kansas needs to consider ways in which we can fill this gap in care, so that women and their babies receive adequate prenatal, birthing, and postnatal care. One of our options is midwifery. Statistics have proven worldwide that midwifery is as safe or safer than medical care by an obstetrician for a woman who is having a normal pregnancy and birth. The World Health Organization has encouraged the use of midwives worldwide to lower the infant mortality/morbidity rates. The state of New York is currently encouraging the use of midwifery services to fill the gaps in their own obstetrical system, and others are considering the same measures. Medicaid coverage is so low that many obstetricians who are practicing are not accepting Medicaid clients. Where are these women to turn for care during the pregnancies? This is a matter of grave concern.

If we enact House Bill 2127, we will be severely limiting the available resources for families state-wide, and only further aggravate this already alarming lack of care for pregnant women and their families in the State of Kansas. I urge you to consider these statements and make your decision only after carefully weighing the drastic effects passage of this Bill would have.

Thank you.

Janice Matthews Seitter

*PHW*  
*3-18-91*  
*Attm # 6-2*



Tom Young

Thankyou chairwoman and commitee members for this opportunity to address you all.

I came here today to speak not only for myself, but for others. They are many I have taught not only in Kansas, but all across this continent and some overseas who seek to draw closer and receive from the ONE who lives forever, the ONE that Abraham was called by and served faithfully, called YAHWEH. I stand here today as one who also serves YAHWEH.

I would like to make three points before today. First that the laws that YAHWEH has laid out are for all time and all the globe and they DO contain a prescription FOR HEALTH AS WELL AS HEALING. Second is that your granting a license, WHICH LAW DICTIONARIES TELL US IS PERMISSION TO DO THAT WHICH IS OTHERWISE ILLEGAL, UNLAWFUL, A TRESPASS, OR A TORT, does not make the holder thereof either competent or ethical. Third not everybody that says they have faith for healing and/or health applies the Holy Scriptures correctly and they consequently suffer, however that does not mean that all people should be excluded from seeking counsel and aid concerning healing and health from whomever the choose regardless of your granting a license.

First of all concerning the duration of YAHWEH's law let us look back in the laws of this country.

In Public Law 97-280, Congress expressed the need for Americans to study the Bible and apply it to our daily lives. This is in agreement with my own truly and sincerely held beliefs that GOD's Word should be studied and applied to all aspects of my daily life.

The Holy Scriptures are "a part of the original law of nature... their intrinsic obligation is of equal strength and perpetuity." And concerning the law of nature: "It is binding over all the globe in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original." And further, "Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human laws should be suffered to contradict these." (Blackstone's Commentaries on the Laws of England - see introduction, The Nature of Laws.)

Please be advised that on 7/4/1776 A.D. WHEN "The unanimous Declaration of the thirteen united States of America" for INDEPENDENCE from the jurisdiction of the King of England was signed they included a statement about this same Law of Nature and Nature's God.

That statement goes as follows:

" When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel

PNW  
3-18-91  
attm #7

them to the separation."

As a Christian who wants to abide by GOD's laws, above all others, I must have nothing to do with those laws which are contrary to GOD's laws. Even the US Supreme Court has recognized that we must obey GOD rather than man (Acts 5:29) by stating that: "In spite of the elusive nature of the inquiry, we are not without certain guidelines. In amending the 1940 Act, Congress adopted almost intact the language of Chief Justice Hughes in United States v. Macintosh, supra:

"the essence of religion is belief in a relation to GOD involving duties superior to those arising from any human relation." At 633-634.

(US vs. Seeger, 360 US 163 at 175.)

We find further that major Scripture reference works to have been done by those with not only strong credentials such as a Doctor of Divinity (D.D.) and / or in languages, but also a Doctor of Legal Letters (LL.D.) and that obviously beyond the LL.B. or J.D. Included are Smith's Bible Dictionary by William Smith, LL.D., Strong's Exhaustive Concordance of the Bible by James Strong, LL.D., S.T.D., Young's Analytical Concordance to the Bible by Robert Young, LL.D. One more, Nave's Topical Bible by Orville J. Nave, A.M., D.D., LL.D., Chaplain in the Army of the United States by Macdonald Publishing Co., Mclean, VA, 22101 from which we quote out of the preface the following:

"To provide against doubt that this Digest would be complete in it's classification of matter respecting the principles and practice of law, I secured the assistance of the Honorable John Welch, Judge of the Supreme Court of the State of Ohio, U.S.A., and author of Welch's Index-Digest of Ohio Decisions. Judge Welch made a consecutive and analytical study of the Bible for this work, from the standpoint of a learned jurist and successful author, and his notes have been incorporated with the author's. Lawyers, judges, legislators, and statesmen may, therefore, rely on this work as a complete and valuable handbook of the Bible for the purposes of their professions. All subjects relating to the principles and practice of law are classified under headings in common use."

We find therefore the necessity of consulting such works to gain an accurate assessment of the Scriptures and particularly as they relate to law.

Through the Bible GOD revealed His plan for His people's security. The Bible details plans to provide for the poor, the needy, and widows and orphans. The Bible also explains how to care for the sick, wounded, lame, elderly, etc. The assembly of believers was and is responsible for providing for those in need, not some outside government. Those who willfully ignore that responsibility are among the lawless of whom I am not one.

You have not permitted sufficient time now to expound now

PNAW  
3-18-91  
altm #7-2



on all the scriptures that talk of health and healing and authority, but I know you would do well not to fly in the face of the U.S. Congress, or the U.S. Supreme Court, let alone the ONE who said in Psalms 103:2-3 " Bless YAHWEH, O my soul, and forget not all his benefits: Who forgiveth all thine iniquities; who healeth all thy diseases;"

Second concerning competence of those licensed we could look a any category for which licenses have been granted. Is there a problem of medical malpractice? Yes both for greed and incompetence which are not cured by license. How many accidents on the highways are caused by licensed drivers? Has any one complained of either a minister or an attorney that was licensed giving poor advice? This is only added to by unethical behavior by any of these groups.

Now the Holy Scriptures tell us to study to show ourselves approved and many do not even read them. Peter wrote that the writings of Paul were sometimes hard to understand and there were those who wrested them to their own destruction as they did the other scriptures (II Peter 3:16). This is no excuse for cutting off those who are faithful from seeking wise counsel from those who they choose whether licensed or not.

Thank You and if you have any questions I would be glad to address them.

PN4W  
3-18-91  
attm # 7-3



STEVI STEPHENS

ROUTE 1

TONGANOXIE, KANSAS 66086

(913) 845-3036

COMMITTEE ASSIGNMENTS

- ENERGY & NATURAL RESOURCES
- ELECTIONS
- LOCAL GOVERNMENT

HOUSE OF REPRESENTATIVES

FORTY-SECOND DISTRICT  
LEAVENWORTH COUNTY

STATE CAPITOL  
ROOM 426-S  
TOPEKA, KANSAS 66612  
(913) 296-7680

TESTIMONY RE: HB 2127

I WHOLE HEARTEDLY SUPPORT THE INTENT OF THIS BILL TO RAISE CIVIL AND CRIMINAL PENALTIES FOR THOSE PERSONS PRACTICING MEDICINE WITHOUT A LICENSE OR ON A REVOKED OR SUSPENDED LICENSE. HOWEVER, I HAVE GRAVE CONCERNS ABOUT HB 2127.

BY EXTENDING THESE PENALTIES TO ANY PERSON "ENGAGED IN THE PRACTICE OF THE HEALING ARTS AS DEFINED IN THE KANSAS HEALING ARTS ACT", IT BECOMES EXCESSIVELY BROAD AND THREATENS THOSE PERSONS WHO ENGAGE IN ALTERNATIVE HEALTH CARE. THIS DEFINITION, FOUND AT KSA 65-2802 (a), INCLUDES "ANY SYSTEM, TREATMENT, OPERATION, DIAGNOSIS, PRESCRIPTION, OR PRACTICE FOR THE ASCERTAINMENT, CURE, RELIEF PALLIATION, ADJUSTMENT, OR CORRECTION OF ANY HUMAN DISEASE, AILMENT, DEFORMITY, OR INJURY..."

THESE INCREASED PENALTIES COULD, THEREFORE, BE APPLIED TO MASSAGE THERAPISTS, ROLFERS, NATUROPATHS, HERBALISTS, ACCUPUNTURISTS, ACCUPRESSURISTS, HYPNO-THERPISTS, LAY MID-WIVES, AND MANY OTHER ALTERNATIVE HEALTH CARE PROVIDERS. THESE PERSONS ARE IN A CATCH 22. WHILE THESE PERSONS ARE NOT ABLE TO BE LICENSED OR REGISTERED UNDER THE BOARD OF HEALING ARTS, THEY WOULD BE SUBJECT TO THESE CIVIL AND CRIMINAL PENALTIES FOR PRACTICING THEIR PROFESSIONS.

I SUGGEST THAT THIS PROBLEM COULD BE DEALT WITH IN SEVERAL WAYS.

1. INTRODUCE ALTERNATIVE LANGUAGE WHICH WOULD, IN ESSENCE, DIRECT THESE INCREASED PENALTIES BE IMPOSED ONLY ON THOSE PERSONS WHO ARE PRACTICING WITHOUT A LICENSE OR ON A REVOKED OR SUSPENDED LICENSE, AND CAN BE LICENSED OR REGISTERED UNDER THE BOARD OF HEALING ARTS. THOSE WOULD INCLUDE: MD'S, OSTEOPATHS, AND PEDIATRISTS IN THE LICENSURE CATEGORY AND PHYSICIANS ASSISTANTS, RESPIRATORY THERAPISTS, PHYSICAL THERAPISTS, ASSISTANT PHYSICAL THERAPISTS, OCCUPATIONAL THERAPISTS AND ASSISTANT OCCUPATIONAL THERAPISTS IN THE REGISTRATION CATEGORY.

*Handwritten note:* Add other professions

*Handwritten notes:* Review 3-18-91 Att # 8

2. AMEND THE DEFINITION OF THE HEALING ARTS FOUND AT KSA 65-2802 (a) TO BE LIMITED TO THOSE LICENSED AND REGISTERED CATEGORIES FOUND UNDER THE BOARD OF HEALING ARTS.

3. SEND HB2127 TO AN INTERIM COMMITTEE AND STUDY THE ENTIRE AREA OF ALTERNATIVE AND NATURAL HEALTH CARE AND POSSIBLE CERTIFICATION OF THOSE PROVIDERS. THIS IS THE ALTERNATIVE I HOPE THIS COMMITTEE WILL CHOOSE AS THIS IS A COMPLICATED ISSUE WORTHY OF FURTHER STUDY.

*Her R...*

WE ARE A SOCIETY WITH A PROCLIVITY TO TREAT SYMPTOMS RATHER THAN PREVENT DISEASE. THIS HOLDS TRUE IN THE ENVIRONMENTAL, CORRECTIONS AND EDUCATION ARENAS AS WELL AS HEALTH CARE. I BELIEVE VERY STRONGLY THAT WE SHOULD BE DOING EVERYTHING WE CAN TO PROMOTE ALTERNATIVE HEALTH CARE - NOT RESTRICT IT. ALTERNATIVE HEALTH CARE IS GENERALLY PREVENTATIVE IN NATURE AND, THEREFORE, PROVIDES GREAT BENEFIT TO OUR CITIZENS.

*PAW  
3-18-91  
82*



HOUSE BILL No. 2127

By Committee on Public Health and Welfare

9 AN ACT concerning the healing arts; relating to crimes for unlicensed  
10 practice of the healing arts; ~~amending K.S.A. 65-2803 and 65-~~  
11 ~~2867 and repealing the existing sections; also repealing K.S.A. 65-~~  
12 ~~2868~~

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

14 Section 1. ~~K.S.A. 65-2803 is hereby amended to read as follows:~~  
15 ~~65-2803. No person shall engage in the practice of any branch~~  
16 ~~of the healing arts, as hereinafter defined, unless he shall have~~  
17 ~~obtained from the board a license for that purpose. (a) It shall~~  
18 ~~be unlawful for any person who is not licensed under this the Kansas~~  
19 ~~healing arts act or whose license has been revoked or suspended to~~  
20 ~~engage in the practice of the healing arts as defined in this the~~  
21 ~~Kansas healing arts act. This section shall not apply to any person~~  
22 ~~licensed by the board whose license has inadvertently lapsed or to~~  
23 ~~any health care provider who in good faith renders emergency care~~  
24 ~~or assistance at the scene of an emergency or accident as authorized~~  
25 ~~by K.S.A. 65-2891 and amendments thereto.~~

26 ~~(b) Violation of this section is a class B misdemeanor.~~

27 ~~Sec. 2. K.S.A. 65-2867 is hereby amended to read as follows:~~  
28 ~~65-2867. The opening of an office for the practice of the healing~~  
29 ~~arts, the announcing to the public in any way the intention to~~  
30 ~~practice the healing arts, the use of any professional degree,~~  
31 ~~or designation, or any sign, card, circular, device, or adver-~~  
32 ~~tisement as a practitioner, or as a person skilled in the same,~~  
33 ~~shall be prima facie evidence of engaging in the practice of~~  
34 ~~said healing arts as defined in this act. (a) It shall be unlawful~~  
35 ~~for any person who is not licensed under this the Kansas healing~~  
36 ~~arts act or whose license has been revoked or suspended to open or~~  
37 ~~maintain an office for the practice of the healing arts as defined in~~  
38 ~~this the Kansas healing arts act or to announce or hold out to the~~  
39 ~~public the intention, authority or skill to practice the healing arts~~  
40 ~~as defined in this the Kansas healing arts act by the use of any~~  
41 ~~professional degree or designation, sign, card, circular, device, ad-~~  
42 ~~vertisement or representation. This section shall not apply to any~~  
43 ~~person who is licensed under this act.~~

(a) It shall be unlawful for any person whose license under the Kansas healing arts act has been revoked or suspended:  
(1) To engage in the practice of the healing arts as defined in the Kansas healing arts act; or (2) to open or maintain an office for the practice of the healing arts as defined in the Kansas healing arts act or to announce or hold out to the public the intention, authority or skill to practice the healing arts as defined in the Kansas healing arts act by the use of any professional degree or designation, sign, card, circular, device, advertisement or representation.  
(b) It shall be unlawful for any person to use an letters, words or terms, as an affix, on stationery, in advertisements, or otherwise, indicating that such person is entitled to practice medicine and surgery, osteopathic medicine and surgery or chiropractice unless such person is licensed under the healing arts act to practice such branch of the healing arts.  
(c) Violation of this section is a class B Misdemeanor.  
(d) This section shall be a part of and supplemental to the Kansas healing arts act.

PAW  
3-18-91  
attm #9

HOUSE BILL No. 2127

By Committee on Public Health and Welfare

2-4



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue · Topeka, Kansas 66612 · (913) 235-2383

Chip Wheelen

Director of Public Affairs

9 AN ACT concerning the healing arts; relating to crimes for unlicensed  
10 practice of the healing arts; amending K.S.A. 65-2803 and 65-  
11 2867 and repealing the existing sections; also repealing K.S.A. 65-  
12 2868  
13

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

15 Section 1. K.S.A. 65-2803 is hereby amended to read as follows:  
16 65-2803. ~~No person shall engage in the practice of any branch~~  
17 ~~of the healing arts, as hereinafter defined, unless he shall have~~  
18 ~~obtained from the board a license for that purpose. (a) It shall~~  
19 ~~be unlawful for any person who is not licensed under ~~this~~ the Kansas~~  
20 ~~healing arts act or whose license has been revoked or suspended to~~  
21 ~~engage in the practice of the healing arts as defined in ~~this~~ the~~  
22 ~~Kansas healing arts act. ¶ This section shall not apply to any person~~  
23 ~~licensed by the board whose license has inadvertently lapsed or to~~  
24 ~~any health care provider who in good faith renders emergency care~~  
25 ~~or assistance at the scene of an emergency or accident as authorized~~  
26 ~~by K.S.A. 65-2891 and amendments thereto.~~

27 ~~(b) Violation of this section is a class B misdemeanor.~~

28 Sec. 2. K.S.A. 65-2867 is hereby amended to read as follows:  
29 65-2867. ~~The opening of an office for the practice of the healing~~  
30 ~~arts, the announcing to the public in any way the intention to~~  
31 ~~practice the healing arts, the use of any professional degree,~~  
32 ~~or designation, or any sign, card, circular, device, or adver-~~  
33 ~~tisement as a practitioner, or as a person skilled in the same,~~  
34 ~~shall be prima facie evidence of engaging in the practice of~~  
35 ~~said healing arts as defined in this act. (a) It shall be unlawful~~  
36 ~~for any person who is not licensed under ~~this~~ the Kansas healing~~  
37 ~~arts act or whose license has been revoked or suspended to open or~~  
38 ~~maintain an office for the practice of the healing arts as defined in~~  
39 ~~~~this~~ the Kansas healing arts act or to announce or hold out to the~~  
40 ~~public the intention, authority or skill to practice the healing arts~~  
41 ~~as defined in ~~this~~ the Kansas healing arts act by the use of any~~  
42 ~~professional degree or designation, sign, card, circular, device, ad-~~  
43 ~~vertisement or representation. ¶ This section shall not apply to any~~

(b)

was expired or lapsed and reinstated within a six month period pursuant to K.S.A. 1990 Supp. 65-2809.

¶ (c) This section shall not apply

(d)

(b)

PHW  
3-18-91  
Attn #10



**COMPARISON OF PENALTIES FOR  
UNLICENSED ACTS**

<u>K.S.A.</u>	<u>Crime</u>	<u>Penalty</u>
1-316	Practicing as a certified public account without a license	Not more than \$500, not more than 1 year in prison, or both
75-1128	Representing to the public as being a licensed municipal public accountant without a license	Misdemeanor, not less than \$100, not more than \$1000
65-1909	Representing to the public as being a licensed cosmetologist without a license	Misdemeanor, not less than \$10, not more than \$100, or by imprisonment for not less than 10 days nor more than 90 days, or both
65-5903	Practicing as a dietician without a license	Class C misdemeanor
65-6137	Practicing emergency services without a license	Class B misdemeanor
65-1122	Practicing as a nurse without a license	1st offense is a Class C misdemeanor; 2nd offense is a Class B misdemeanor
58-3065	Selling real estate without a license	1st offense is imprisonment up to 12 months; 2nd offense is imprisonment and not less than \$1000 nor more than \$10,000
65-1162	Licensed nurse who administers anesthesia without being a licensed nurse anesthetist	Class A misdemeanor
65-2916	Holding oneself out as a physical therapist without being registered	Class B misdemeanor
65-2913	Holding oneself out as a physical therapy assistant without being certified	Class B misdemeanor

*PHW*  
*3-18-91*  
*Attm #11*



65-5514	Holding oneself out as a respiratory therapist without being registered	Class C misdemeanor
65-5414	Holding oneself out as a occupational therapist or occupational therapy assistant without being registered	Class C misdemeanor
65-2007	Practicing as a podiatrist without being licensed	Not more than \$300 or imprisonment not to exceed 90 days
65-1513	Practicing optometry without a license	1st offense is a Class C misdemeanor; 2nd offense is a Class B misdemeanor
65-1460	Practicing as a dentist without a license	Up to \$1000 or imprisonment of not more than 12 months, or both
65-6307	Use of unapproved titles by social workers	Class C misdemeanor
65-6308	Improper private practice of social work	Class B misdemeanor
74-5341	Representing to be a psychologist without a license	Class A misdemeanor
2-2503 & 2-2506	Sale of egg under Class B quality	Not less than \$100 nor more than \$1000, not more than 6 months imprisonment, or both
21-3824	Representing oneself to be licensed to practice or engage in profession for which license is required and knowledge that such representation is false	Class B misdemeanor
75-7619	Practicing as a private detective without a license	Class A misdemeanor
2-417	Transporting bees without a permit	Not less than \$25 nor more than \$500

*PKYW  
3-18-91  
attm #11-2*

2-2125	Nursing stock sale or delivery without a certificate or license	Not less than \$25 nor more than \$500
65-1828	Barbering without a license	Not more than \$25 or imprisonment not more than 6 months, or both
47-834	Practicing as a veterinarian without a license	Not less than \$50 nor more than \$500, imprisonment of not more than 90 days, or both
2-2461	Applying pesticides without a permit	Class A misdemeanor
65-2862	Practicing the healing arts without a license	Not less than \$50 nor more than \$200

**TERMS OF CONFINEMENT & FINES FOR  
CONVICTION OF CLASSIFIED MISDEMEANORS  
(per K.S.A. 1990 Supp. 21-4502 & 21-4503)**

	<u>Term of Confinement</u>	<u>Fine</u>
Class A	Not to exceed one year	Not to exceed \$2500
Class B	Not to exceed six months	Not to exceed \$1000
Class C	Not to exceed one month	Not to exceed \$500

*PHW  
3-18-91  
att #11-3*

*Mailed in*

March 15, 1991

Representative Carol Sader  
Chair, Public Health & Welfare Committee  
House of Representatives  
State Capitol, Room 115-S  
Topeka, Kansas 66612

Dear Representative Sader,

Thank you for submitting my letter as written testimony during the hearing on March 18 regarding H.B. 2127. I strongly urge you to reconsider the issues presented regarding this bill. According to my sources, midwifery is not illegal in Kansas at the present time. However, if this bill is passed, it would become a crime. This point needs to be clarified, perhaps with legal counsel. I do not believe that the issue is only about increasing the penalty for practicing medicine without a license. While trying to catch "quack doctors" too many others would be caught in a net which is reaching into an area that is best left alone.

I am the mother of a big, healthy, beautiful two year old boy who was born at home with the aid of a midwife. My husband, mother, and best friend were able to share this joyous occasion with me. I could go on and on about why I choose to have my child at home instead of in a hospital. I have been an advocate of home birth for over 15 years and have researched the subject extensively. Yet, for the sake of brevity I will not discuss the safety and benefits of home birth or share my personal experience. I will get right to the point and explain why this bill should not be passed.

It appears that it would target lay midwives and turn these gentle, dedicated women into criminals. In turn, this harassment would no doubt discourage the practice of midwifery which would exclude the home birth option for many parents in the future. I believe that parents have the right to decide where their children will be born and should be able to chose their birth attendant. Consequently, this bill would directly interfere with our constitutional freedom of choice and right to privacy.

I believe that pregnancy is a natural function of a healthy body and not an illness. Therefore, a midwife's services have nothing to do with supposedly practicing medicine without a license. I suggest that you look deeply at the motive behind this bill's origin as I suspect there is a hidden agenda that has more to do with power, money, and monopoly than concern for public welfare. The situation may even violate the Sherman

*PFW  
3-18-91  
attm #12*



Anti-Trust Act because a medical trade group is trying to interfere with the business of a competitive group. The courts have already ruled on similar cases where the American Medical Association has tried to interfere with Chiropractors and Acupuncturists. There is a long history of male-dominated groups trying to suppress midwives. Men often seek to destroy what they cannot control. Many women who were burned at the stake as witches were only trying to help other women birth in a natural and peaceful way.

My husband and I feel we should have the right to make our own choices regarding our family's health care. We do not need or want the government to interfere with our right to choose alternatives. We take full responsibility for our decisions. If the goal is truly to protect the public from quack doctors then perhaps another bill should be written that would only target those who present themselves as physicians, and not midwives who only assist nature.

I strongly urge you to kill this bill before it goes any further. I trust that you will give full consideration to those opposing it. Thank you for your time and patience.

Sincerely,

*Diane Stewart*

Diane Stewart  
8201 Craig  
Overland Park, KS 66204  
(913) 642-0687

*PHW*  
*3-18-91*  
*Attne 12-2*

March 14-1991

To All Concerned,

I want to state that I am in opposition to amending House Bill 2127-~~S~~ statutes 65-2867 & 65-2803. I feel that Kansas Healing Arts is controlled by special interest groups that are not trying to protect the general public but to protect their own selfish interests from certain competition and that many good methods of helping the general public in this country are suppressed by the American Medical Assoc., Pharmaceutical Companies and Various Boards and agencies that do not have the good of the public in mind yet operate under the guise of doing so. Although the United States is supposed to be one of the most advanced countries in medicine it seems most of the time that a lot of our Doctors only treat symptoms and never find or treat causes. A lot of the people that practice healing through vitamins, herbs, reflexology and other means are deemed quacks because people go to them instead of getting the high priced treatment that the medical profession prescribes. If the Healing Arts Board is going to be involved they should recognize some of these other means of healing and allow them representation on their board and allow them to be licensed.

Very Truly Yours,  
Lawrence L. Juedes Jr.  
3940 Rochester Rd.  
Topeka, KS 66617

*Lawrence L. Juedes Jr.*

*P&W*  
*3-18-91*  
*Attn #13*

*Mr. Harvey*

To: The House Committee on Public Health & Welfare  
Representative Carol Sader. Chairwoman

From: Dennis D Harvey  
1331 N. W. Mandell  
Topeka, KS 66618  
(913) 286-2142

Re: HB 2127

Date: March 18. 1991

Once again we find the American Medical Association organizing to destroy any profession that might stand in the way of its becoming the sole monopoly of health care providers.

I am testifying in opposition to HB 2127 as it is presently written. We have been led to believe the intent of this bill is to increase the penalties for M.D.s practicing dishonorably. The verbage used in HB 2127 could easily be used as a hammer to route out any alternative health care provider. This is a clear demonstration of restraint of trade and a violation of antitrust laws. The legislature of the state of Kansas should consider the people's right to choose their health care providers and not allow the Board of Healing Arts to engage in the practice of licensing health care providers who do not fall under the three branches of healing arts as defined in K.S.A. 65-2867. To do so would deny all people of Kansas alternative health care and relief from ever rising health care cost.

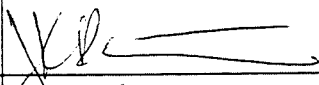
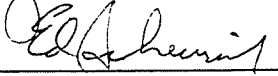
I incourage you to see through the web of misinformation and the negative publicity being spun by the traditional medical care community and to vote no to HB 2127.

Sincerely

Dennis D Harvey

*PHW*  
*3-18-91*  
*Attn #14*

We, the undersigned affirm the right of all individuals to chose those health practices and health practitioners they judge and deem beneficial to them. These health practices include, not to the exclusion of other practices, herbology, homeopathy, massage therapy and homebirth with direct-entry or lay midwives. We therefore urge amendment of Kansas House Bill 2127 to specifically apply only to those practitioners licensed by the State of Kansas Healing Arts Act and to apply to no others.

NAME	SIGNATURE	ADDRESS	DATE
<del>Peter Wachter</del>	<del>Peter Wachter</del>	1605 Tennessee APTA	3/20/91
Beth Anne Mausx	Beth Anne Mausx	Rt 7 Box 302 Lawrence KS <sup>66049</sup>	3/14/91
Larry Bethel	Larry Bethel	1419 Penn Lawrence KS.	3/14/91
Laura Tompsett	Laura Tompsett	512 W 8th Lawrence, Mo.	3/14/91
Monte Thomas	Monte Thomas	1900 W 31st J-3 Law. KS.	3/15/91
Mark J. Maher	MARK J. MAHER	Rt 1 Box 377 Perry KS <sup>66677</sup>	3/15/91
Allen J. Karli	Allen J. Karli	151 Grandview Dr. <sup>Grandview Plaza</sup> Lawrence KS.	3/15/91
Debra Winkelman	Debra Winkelman	935 Connecticut Law. Lawrence	3/15/91
Aaron Andes	Aaron Andes	2514 Montana KS 66046	3/15/91
Martha McPhail	Martha McPhail	936 Penna. <sup>Lawrence</sup> KS <sup>66044</sup>	3/16/91
JENNIFER PATRICKSON		1500 Kentucky Apt #1 <sup>Lawrence,</sup> KS <sup>66044</sup>	3/16/91
ED SCHEURICH		RR 4 BOX 220A <sup>LAWRENCE</sup> 66044	3/16-91
Bill Jewell	Bill Jewell	2125 W 23 #204 66047	3/16-91
CHRISTOPHER ASAY	Christopher E. Asay	2812 Ridge Court <sup>Lawrence #5</sup> 66046-4273	3/16/91
Kim Dougherty	Kim Dougherty	905 Emery #3A <sup>Lawrence</sup> 66044	3/16/91
Jane Live	Jane Live	1331 N 3rd <sup>66044</sup> Lawrence	3/16/91
Dale Nimz	DALE NIMZ	602 Mississippi Lawrence, KS	3/16/91
Kurt Lindsey	Kurt Lindsey	1035 1/2 Mass Lawrence	"

PHRED  
3-18-91  
attm # 15

We, the undersigned affirm the right of all individuals to choose those health practices and health practitioners they judge and deem beneficial to them. These health practices include, not to the exclusion of other practices, herbology, homeopathy, massage therapy and homebirth with direct-entry or lay midwives. We therefore urge amendment of Kansas House Bill 2127 to specifically apply only to those practitioners licensed by the State of Kansas Healing Arts Act and to apply to no others.

NAME	SIGNATURE	ADDRESS	DATE
Lynette S. Forbes	<i>Lynette S Forbes</i>	616 MISSISSIPPI <sup>Lawrence</sup> <sub>KS 66044</sub>	3-17-91
BRAD WERTZ	<i>Brad Wertz</i>	" " " "	3/17/91
MARK T PARKER	<i>Mark T Parker</i>	RT 1, MCLOUTH, KS 66054	3/17/91
Melissa Emery	<i>Melissa Emery</i>	531 LOUISIANA KS 66044	3-17-91
Dennis McGrath	<i>Dennis McGrath</i>	" " " "	" "
Judith Roitman	<i>Judith Roitman</i>	2807 Harvard, Lawrence, KS 66044	3-17-91
Katie Jacoby	<i>Katie Jacoby</i>	1201 New York Lawrence KS	3-17-91
Joe Jacoby	<i>Joe Jacoby</i>	1201 New York Lawrence KS	3-17-91
			PHW 3-18-91
			Att # 15-2





We, the undersigned, affirm the right of all individuals to chose those health practices and health practitioners they judge and deem beneficial to them. These health practices include, not to the exclusion of other practices, herbology, homeopathy, massage therapy and homebirth with direct-entry or lay midwives. We therefore urge amendment of Kansas House Bill 2127 to specifically apply only to those practitioners licensed by the State of Kansas Healing Arts Act and to apply to no others.

NAME	SIGNATURE	ADDRESS	DATE
JON ERIC NARUM	JON ERIC NARUM	1201 CONNECTICUT <sup>LAWRENCE</sup> KS 66044	3-13-91
Katherine M. Harris	Kath M. Harris	603 1/2 N. 3rd Lawrence, KS 66044	3-13-91
Irene Tsuneta	Irene Tsuneta	603 1/2 N. 3rd Lawrence 66044	3/13/91
Julie Matcett	Julie Matcett	216 Woodgate, Lawrence	3-13-91
Rex Brandt	Rex Brandt	945 Delaware Lawrence, KS.	3-13-91
Francis Kelly	Francis Kelly	RT-7 Box 110 Lawrence, KS. 66049	3/13/91
Julia Nicola	Julia Nicola	732 Alabama <sup>66044</sup>	3-13-91
Debbie Gille	Debbie Gille	1308 Summit, <sup>Lawrence</sup> KS 66044	3/13/91
Marylee Robbins	Marylee Robbins	801 Alabama <sup>Lawrence</sup> KS 66044	3/13/91
Eric Swin	Eric Swin	1216 Louisiana <sup>Lawrence</sup> KS 66044	3/13/91
John Swift	John Swift	818 New York <sup>Lawrence,</sup> KS. 66044	3-13-91
Dale Walker	Dale Walker	1627 New Hampshire <sup>Lawrence</sup> KS 66047	3-13-91
CYNTHIA HELKENN	Cynthia Helkenn	RR2-68 OSKALOUSA, KS 66066	3-14-91
Carol Duermeier	Carol Duermeier	1115 Ohio <sup>Lawrence</sup> KS	3-4-91
Gary L. McCoy	Gary McCoy	RR#1 Box 247	3-14-91
Michelle Steltin	Michelle Steltin	2126 Mitchell	3-14-91
Marcia Quiros	Marcia Quiros	638 Alabama	3/14/91
Cheryl Powers	Cheryl M. Powers	722 Belle Meade Pl.	3/14/91

PHCCU  
3-18-91  
attm # 15-4

We, the undersigned affirm the right of all individuals to chose those health practices and health practitioners they judge and deem beneficial to them. These health practices include, not to the exclusion of other practices, herbology, homeopathy, massage therapy and homebirth with direct-entry or lay midwives. We therefore urge amendment of Kansas House Bill 2127 to specifically apply only to those practitioners licensed by the State of Kansas Healing Arts Act and to apply to no others.

NAME	SIGNATURE	ADDRESS	DATE
Linda [unclear]	Linda Quatney	Rt. 2 Box 388 Lawrence, KS 66046	3-13-91
Nancy O'Connor	Nancy O'Connor	Rt. 2 Bx. 159 Lawrence, KS 66046	3/13/91
KIRBY OSTRANDER	Ruby Ostrander	1046 Rhode Island #3, Law KS	3/13/91
Fred Lubin	Fred Lubin	601 LYON Lawrence 66044	3-13-91
CATHY ANNE WEIL	Cathy Anne Weil	17000 VERMONT LAWRENCE KS	3-13-91
Patti Dickinson	Patti Dickinson	RR1 Box 307 Oskaloosa, KS 66066	3/13/91
DICK POWERS	Dick Powers	722 Belle Meade Pl. LAWRENCE KS 66046	3/13/91
Robert W. ILLIFF	Robert W. Illiff	1603 W. 8TH TER #5 LAWRENCE KS 66044	3-13-91
Janet M. Illiff	Janet M. Illiff	1603 W. 8TH TER #5 LAWRENCE KS 66044	3-13-91
Tamara Lea Dutton	Tamara Lea Dutton	620 Indiana, Lawrence KS 66044	3-13-91
Pam A. Detrixhe	Pam A. Detrixhe	933 Rhode Is. #2 Lawrence KS 66044	3-13-91
Michael R. Richm	Michael R. Richm	974 Conn Lawrence, KS 66044	<del>3-13-91</del> 3/13/91
Renata Mainaro	Renata Mainaro	1601 Tenn. Apt B Lawrence KS 66044	3-13-91
Effie Edwards	Effie Edwards	2607 W 24th St. Lawrence, KS 66044	3-13-91
Jane Ungerman	Jane A. Ungerman	806 W. 25 St. apt. A Lawrence, KS 66044	3-13-91
Richard Brown	Richard Brown	636 Alabama Lawrence, KS 66044	3-13-91
MW Brill	MW Brill	671 Connecticut Lawrence, KS 66044	3/13/91
Barry Shalowsky	Barry Shalowsky	645 Connecticut Lawrence, KS 66044	3/13-91

PHED  
3-18-91  
Action # 15-5