

Approved 2-24-92  
Date ah

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

1:30 /a.m./p.m. on February 6, 1992 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:

Abby Horack, Kansas Department of Health/Environment answered questions.

Chair called meeting to order, drawing attention to the agenda and called on Mr. Furse.

Mr. Furse gave a detailed explanation of proposed changes made by Committee on HB 2695 indicated in (Attachment No. 1), a draft of amendments. He explained all the proposed changes section by section.

DISCUSSION BEGAN ON HB 2695.

There were questions in regard to a current assessment form. Ms. Abby Horack, Department of Health, stated she is not aware of any standard form required for use in the assessment of children before entering school. It was noted, there are forms being used but they are not necessarily official.

Rep. Bishop made the motion to adopt the proposed amendments on HB 2695 in attachment No. 1 as outlined by Revisor, Mr. Furse, seconded by Rep. Hackler. No discussion. Motion carried.

Rep. Carmody proposed a further amendment to HB 2695, and made a motion to amend per language indicated in (Attachment No. 2) in subsection (a) of section 1 by inserting a new (6) to read as follows: "(6) Health assessment" means an assessment of the physical health of the pupil in accordance with the form provided by the secretary for such purpose."; and to further amend on page 4, preceding section 2, by inserting the following: "(k) Information contained in the health assessment shall be confidential and shall not be disclosed or made public except that statistical information based on such health assessments may be disclosed if no person can be identified in the information to be disclosed." Rep. Amos seconded the motion to amend HB 2695 in this manner.

A lengthy discussion began. Some felt it is not up to the school officials to pursue care for the child, but only to inform the parents what sources of help are available; it is important the parents get involved; concerns with the confidentiality of record keeping; some noted the confidentiality language in the bill deals with the assessment form; liability concerns were discussed; physical assessment should be the focus in this process, not a family history; perhaps there should be a clearer definition of the term (health assessment).

Rep. Carmody and Rep. Amos both withdrew their motion.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 AM/p.m. on February 6, 1992

DISCUSSION ON HB 2695 CONTINUED.

Some members expressed the view that school records need to be made available to school nurses; verification of the assessment was discussed; alternatives for language were proposed.

Rep. Praeger moved to amend HB 2695 by adding language in section 1 (b) in line 17-18, after "appropriate school board", add the language, "verification that the health assessment has been completed". Motion seconded by Rep. Wiard. Discussion continued. Vote taken, Chair in doubt. A show of hands indicated 10 in favor, 8 against. Motion carried.

Rep. Neufeld moved to amend HB 2695 on page 3, line 4 (of the draft) to strike "at public expense (to the extent that funds are available) and without delay", and to amend further on line 10, after "section" insert, "The school board shall reimburse the county, city/county, or multi-county health departments for the cost of requested assessment", seconded by Rep. Carmody.

Discussion continued, i.e., some felt it would be too big an expense for the schools; some, too big an expense for the local health departments; costs for assessments could range from \$30-\$50 or more depending on whether or not an anemia test and lead tests are done. It was noted assessment costs could total as much as \$75-\$90; county nurses have great concerns about this program; concept of the assessment is good, but how will the program be funded?

It is recorded this date that Rep. Hackler says for once she agrees with Rep. Bishop on the issue of schools being asked to pay for information they cannot have access to. Rep. Bishop noted as saying he is exceedingly grateful that he and Rep. Hackler could agree.

Chair pointed out there are two levels of issues being dealt with, i.e., the program of the assessment and whether or not there is money to fund the program.

At this point, during discussion, Rep. Neufeld wanted to be recorded as voting "YES" on motion to amend HB 2695. Rep. Neufeld asked to be excused for another meeting.

Vote taken on motions to amend HB 2695 by Rep. Neufeld and Rep. Carmody.  
Motion failed.

Discussion continued.

Rep. Wiard moved to pass HB 2695 out favorably as amended, seconded by Rep. Hackler. No discussion. Vote taken. Motion carried.

Rep. Hackler was asked by Chair to carry HB 2695 on the floor of the House. She agreed to do so.

Chair drew attention to HB 2710, and a balloon copy of that bill was distributed, (Attachment No. 3).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S Statehouse, at 1:30 a.m./p.m. on February 6, 1992

DISCUSSION BEGAN ON HB 2710.

Rep. Wagle moved to amend **HB 2710**, per attachment No. 3, by inserting language, "a registered respiratory care practitioner" in the health provider section. Rep. Hackler seconded the motion. Discussion continued.

Revisor, Mr. Furse noted the statutory name used is, "respiratory therapists".

(Attachment No. 4), the long form of **HB 2710** was distributed to members.

Rep. Wagle moved to insert the language "respiratory therapists" in the health provider section, seconded by Rep. Hackler. This language would appear on page 1, line 21 aftr "physical therapists" and also on top of page 10, line 2. No discussion. Vote taken. Motion carried.

Rep. Amos moved to amend **HB 2710** on page 3, line 6 after "licensed" to insert the word "professional", and on line 9 after "patients.", delete the "." and add language "unless an exemption is granted by the licensing agency pursuant to rules and regulations." Motion seconded by Rep. Wiard. No discussion. Vote taken. Motion carried.

Staff pointed out that on page 3, line 31 for the purposes of cleanup, perhaps it could be suggested to delete "and contract for services".

Rep. Bishop so moved, to amend **HB 2710** in the manner proposed, seconded by Rep. Amos. No discussion. Motion carried.

Rep. Amos moved to pass **HB 2710** out favorably as amended, seconded by Rep. Samuelson. No discussion. Motion carried.

Chair adjourned the meeting at 3:05 p.m.

Next scheduled meeting is Monday, February 10, 1992.



Proposed Amendment to House Bill No. 2695

Be Amended:

1 On page 1, preceding line 13, by inserting the following:

2 "Section 1. (a) As used in this section:

3 (1) "School board" means the board of education of a school  
4 district and the governing authority of any nonpublic school;

5 (2) "school" means all elementary, junior high, or high  
6 schools within the state;

7 (3) "local health department" means any county or joint  
8 board of health having jurisdiction over the place where any  
9 pupil affected by this section may reside;

10 (4) "secretary" means the secretary of health and  
11 environment;

12 (5) "physician" means a person licensed to practice medicine  
13 and surgery.

14 (b) Subject to the provisions of subsection (d), on and  
15 after July 1, 1993, every pupil who has not previously enrolled  
16 in any school in this state, prior to admission to and attendance  
17 in school, shall present to the appropriate school board the  
18 results of a health assessment, recorded on a form provided by  
19 the secretary, which assessment shall have been conducted within  
20 six months before admission by a nurse or health care provider  
21 other than a physician approved by the secretary to perform  
22 health assessments or by a physician. In approving health care  
23 providers other than physicians to conduct health assessments,  
24 the secretary shall not approve such providers individually but

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1 shall approve such providers by credentialed group.

2 (c) As an alternative to the health assessment required  
3 under subsection (b), a pupil shall present:

4 (1) A written statement signed by one parent or guardian  
5 that the child is an adherent of a religious denomination whose  
6 religious teachings are opposed to such assessments, or

7 (2) a written statement signed by one parent or guardian  
8 that such assessments are in the process of being received and  
9 will be completed within 90 days after admission to school.

10 (d) Every pupil enrolling or enrolled in any school in this  
11 state who is subject to the requirements of subsection (b) and  
12 who has not complied with the requirements of subsections (b) or  
13 (c), shall present evidence of compliance with either subsection  
14 (b) or (c) to the school board upon admission to school.

15 (e) Prior to the commencement of each school year, the  
16 school board of every school affected by this section shall give  
17 to all known pupils who are enrolled or who will be enrolling in  
18 the school and who are subject to the requirements of subsection  
19 (b), a copy of this section and any policy regarding the  
20 implementation of the provisions of this section adopted by the  
21 school board.

22 (f) If a pupil transfers from one school to another, the  
23 school board of the school from which the pupil transfers shall  
24 forward with the pupil's transcript, upon request of the parent  
25 or guardian of the pupil therefor, the certification or statement  
26 showing evidence of compliance with the requirements of this  
27 section to the school board of the school to which the pupil

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1 transfers.

2 (g) The county, city-county or multicounty health  
3 department, upon application of the school board of any school  
4 affected by this section, at public expense (to the extent that  
5 funds are available) and without delay, shall provide the health  
6 assessments required by this section to such pupils as are not  
7 provided with them by their parents or guardians and who have not  
8 been exempted under subsection (c). The local health officer  
9 shall counsel and advise school boards concerning the  
10 administration of this section.

11 (h) The secretary shall prescribe the content of forms and  
12 certificates to be used by the school boards in carrying out this  
13 section and shall provide, without cost to the school boards,  
14 sufficient copies of this section for distribution to pupils.  
15 The secretary may adopt such rules and regulations as are  
16 necessary to carry out the provisions of this section.

17 (i) The school board of every school affected by this  
18 section may exclude from school attendance, or by policy adopted  
19 by any such school board authorize any certificated employee or  
20 committee of certificated employees to exclude from school  
21 attendance, any pupil who is subject to and who has not complied  
22 with the requirements of subsection (b) or (c). A pupil shall be  
23 subject to exclusion from school attendance under this section  
24 until such time as the pupil shall have complied with the  
25 requirements of subsection (b) or (c). The policy shall include  
26 provisions for written notice to be given to the parent or  
27 guardian of the involved pupil. The notice shall indicate the

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1 reason for the exclusion from school attendance, state that the  
2 pupil shall continue to be excluded until the pupil has complied  
3 with the requirements of subsection (b) or (c) and inform the  
4 parent or guardian that a hearing thereon shall be afforded the  
5 parent or guardian upon request for a hearing.

6 (j) The provisions of K.S.A. 72-1111 and amendments thereto  
7 do not apply to any pupil while subject to exclusion from school  
8 attendance under the provisions of this section.

9 Sec. 2. This section shall take effect and be in force from  
10 and after its publication in the statute book.";

11 Also on page 1, by striking all of lines 13 to 43, inclusive;

12 On page 2, by striking all of lines 1 to 28, inclusive;

13 On page 1, in the title, line 9, by striking all after  
14 "pupils"; in line 10, by striking all before the period

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Proposed Amendment to House Bill No. 2695

Be Amended:

In subsection (a) of section 1 by inserting a new (6) to read as follows:

"(6) "Health assessment" means an assessment of the physical health of the pupil in accordance with a form provided by the secretary for such purpose.";

On page 4, preceding section 2, by inserting the following:

"(k) Information contained in the health assessment shall be confidential and shall not be disclosed or made public except that statistical information based on such health assessments may be disclosed if no person can be identified in the information to be disclosed."

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## HOUSE BILL No. 2710

By Joint Committee on Health Care Decisions for the 1990s

1-16

8 AN ACT concerning health care; relating to the licensure of rural  
9 primary care hospitals and the designation of essential access com-  
10 munity hospitals; enabling the creation of rural health care net-  
11 works; amending K.S.A. 65-425 and 65-2872 and K.S.A. 1991  
12 Supp. 65-2836 and 65-4909 and repealing the existing sections.  
13

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

15 New Section 1. The legislature of the state of Kansas recognizes  
16 the importance and necessity of providing and regulating the system  
17 whereby health care facilities integrate and contract for services to  
18 protect the public's general health, safety and welfare. It is the policy  
19 of the state of Kansas to encourage development of and participation  
20 in rural health networks. Implementation of a rural health care net-  
21 work under the provisions of this act and amendments thereto ef-  
22 fectuate these policies.

23 New Sec. 2. (a) Any hospital or health care facilities and services  
24 district is authorized to seek licensure as a rural primary care hospital  
25 and to accept and secure any benefits of federal aid. A rural primary  
26 care hospital shall participate in or affiliate with a rural health net-  
27 work and may execute contracts, upon such conditions and terms as  
28 is deemed appropriate by the governing body, for the integration of  
29 health services or to further any portion of a comprehensive plan  
30 for a rural health network.

31 (b) Any hospital or health care facilities and services district is  
32 authorized to seek designation as an essential access community  
33 hospital and to accept and secure any benefits of federal aid. An  
34 essential access community hospital shall participate in or affiliate  
35 with a rural health network and may execute contracts, upon such  
36 conditions and terms as is deemed appropriate by the governing  
37 body, for the integration of health services or to further any portion  
38 of a comprehensive plan for a rural health network.

39 New Sec. 3. (a) Upon such conditions and terms as is deemed  
40 appropriate by the governing body of any member of a rural health  
41 care network, a member of a rural health care network may enter  
42 into agreements with any other person or entity to perform any  
43 service, including but not limited to services for the:

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1 ices, and continuous registered professional nursing services for not  
2 less than ~~twenty-four~~ (24) 24 hours of every day, to provide di-  
3 agnosis and treatment for ~~four or more nonrelated~~ patients who  
4 have specified medical conditions.

5 (c) "Person" means any individual, firm, partnership, corporation,  
6 company, association, or joint stock association, and the legal suc-  
7 cessor thereof.

8 (d) "Governmental unit" means the state, or any county, mu-  
9 nicipality, or other political subdivision thereof; or any department,  
10 division, board or other agency of any of the foregoing.

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

13 (f) "Ambulatory surgical center" means an establishment with an  
14 organized medical staff of physicians; with permanent facilities that  
15 are equipped and operated primarily for the purpose of performing  
16 surgical procedures; with continuous physician services and regis-  
17 tered professional nursing services whenever a patient is in the  
18 facility; and which does not provide services or other accommodations  
19 for patient to stay overnight.

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

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

31 (i) "Hospital" means "general hospital," *rural primary care hos-*  
32 *pital,* " or "special hospital."

33 (j) "*Governing body*" means a hospital board which is selected  
34 or elected as provided by law and is vested with the authority and  
35 control of the hospital.

36 (k) "*Health care provider*" means a person licensed to practice  
37 any branch of the healing arts, a person who holds a temporary  
38 permit to practice any branch of the healing arts or a person engaged  
39 in a postgraduate training program approved by the state board of  
40 healing arts, a registered physician's assistant, a mid-level practi-  
41 tioner as defined in subsection (n), a licensed medical care facility,  
42 a health maintenance organization, a licensed dentist, a licensed  
43 professional nurse, a licensed practical nurse, a licensed optometrist,

a registered respiratory care  
practitioner

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1 (o) Every act or practice falling in the field of the healing art,  
2 not specifically excepted herein, shall constitute the practice thereof.

3 (p) Pharmacists practicing their profession, when licensed and  
4 practicing under and in accordance with the provisions of article 16  
5 of chapter 65 of the Kansas Statutes Annotated, or amendments  
6 thereto, and any interpretation thereof by the supreme court of this  
7 state.

8 (q) A dentist licensed in accordance with the provisions of article  
9 14 of chapter 65 of the Kansas Statutes Annotated who administers  
10 general and local anesthetics to facilitate medical procedures con-  
11 ducted by a person licensed to practice medicine and surgery if such  
12 dentist is certified by the board of healing arts under K.S.A. 65-  
13 2899, *and amendments thereto*, to administer such general and local  
14 anesthetics.

15 (r) *Any member of a rural health care network that employs one*  
16 *or more licensees.*

17 Sec. 10. K.S.A. 1991 Supp. 65-4909 is hereby amended to read  
18 as follows: 65-4909. (a) There shall be no liability on the part of and  
19 no action for damages shall arise against any: (1) State, regional or  
20 local association of health care providers; ~~any~~; (2) state, regional or  
21 local association of licensed adult care home administrators ~~or any~~;  
22 (3) organization delegated review functions by law, and the individual  
23 members of any committee thereof (whether or not such individual  
24 members are health care providers or licensed adult care home  
25 administrators); ~~or~~ (4) *individual or entity acting at the request of*  
26 *any committee, association or organization listed in subsections (1)*  
27 *through (3), which in good faith investigates or communicates in-*  
28 *formation regarding the quality, quantity or cost of care being given*  
29 *patients by health care providers or being furnished residents of*  
30 *adult care homes for any act, statement or proceeding undertaken*  
31 *or performed within the scope of the functions and within the course*  
32 *of the performance of the duties of any such association, organization*  
33 *or committee if such association, organization or committee or such*  
34 *individual member thereof acted in good faith and without malice.*

35 (b) As used in this section, "health care provider" means a person  
36 licensed to practice any branch of the healing arts or engaged in a  
37 postgraduate training program approved by the state board of healing  
38 arts, *mid-level practitioner as defined in K.S.A. 65-425, and amend-*  
39 *ments thereto,* licensed dentist, licensed professional nurse, licensed  
40 practical nurse, licensed optometrist, licensed podiatrist, licensed  
41 pharmacist or registered physical therapist.

42 Sec. 11. K.S.A. 65-425 and 65-2872 and K.S.A. 1991 Supp. 65-  
43 2836 and 65-4909 are hereby repealed.

registered respiratory care  
practitioner

## SUBSTITUTE FOR HOUSE BILL NO. 2710

1 AN ACT concerning health care; relating to the licensure of rural  
2 primary care hospitals and the designation of essential  
3 access community hospitals; authorizing the creation of  
4 rural health care networks; amending K.S.A. 65-425 and  
5 65-2872 and K.S.A. 1991 Supp. 65-4909 and repealing the  
6 existing sections.

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

8 New Section 1. As used in sections 1 to 7, inclusive, and  
9 amendments thereto:

10 (a) "Health care provider" means a person licensed to  
11 practice any branch of the healing arts, a person who holds a  
12 temporary permit to practice any branch of the healing arts or a  
13 person engaged in a postgraduate training program approved by the  
14 state board of healing arts, a mid-level practitioner as defined  
15 in subsection (d), a licensed dentist, a licensed professional  
16 nurse, a licensed practical nurse, a licensed optometrist, a  
17 licensed podiatrist, a licensed pharmacist, a professional  
18 corporation organized pursuant to the professional corporation  
19 law of Kansas by persons who are authorized by such law to form  
20 such a corporation and who are health care providers as defined  
21 by this subsection, a physical therapist, a licensed dietician  
22 providing services to a medical care facility, or an officer,  
23 employee or agent thereof, acting in the course and scope of  
24 employment or agency and any other persons who provide health  
25 care services to the public.

26 (b) "Essential access community hospital" means a hospital  
27 which has been designated as an essential access community  
28 hospital by the licensing agency and which has entered into a  
29 written agreement with at least one primary care hospital to form

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1 a rural health network. The written agreement must include  
2 provisions for the essential access community hospital to accept  
3 patients transferred from participating rural primary care  
4 hospitals and to provide emergency and medical support services  
5 to rural primary care hospitals participating in the essential  
6 access community hospital rural health network.

7 (c) "Member" means any hospital, emergency medical service,  
8 local health department, home health agency, adult care home,  
9 medical clinic, mental health center or clinic, nonemergency  
10 transportation system, or other provider of health care services  
11 which has entered into a written agreement to participate in a  
12 rural health network.

13 (d) "Mid-level practitioner" means a physician's assistant  
14 or advanced registered nurse practitioner who has entered into a  
15 written protocol with a rural health network physician.

16 (e) "Physician" means a person licensed to practice medicine  
17 and surgery.

18 (f) "Rural health network" means an alliance of members  
19 including at least one rural primary care hospital and at least  
20 one essential access community hospital or supporting hospital  
21 which has developed a comprehensive plan submitted to and  
22 approved by the secretary of health and environment regarding  
23 patient referral and transfer; the provision of emergency and  
24 nonemergency transportation among members; the development of a  
25 network-wide emergency services plan; and the development of a  
26 plan for sharing patient information and services between  
27 hospital members concerning medical staff credentialing, risk  
28 management, quality assurance and peer review.

29 (g) "Rural primary care hospital" means a member of a rural  
30 health network, located within 75 miles of the network's  
31 essential access community hospital or supporting hospital unless  
32 an exception is granted by the licensing agency pursuant to rules  
33 and regulations; with a staff which includes one or more  
34 physicians and may include one or more mid-level practitioners;

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1 with permanent facilities that include inpatient beds to serve  
2 not more than an average six acute patients requiring treatment  
3 not to exceed 72 hours each unless an exception is granted for  
4 either requirement by the licensing agency pursuant to rules and  
5 regulations; and with nursing services under the direction of a  
6 licensed professional nurse and continuous licensed nursing  
7 services for not less than 24 hours of every day when any bed is  
8 occupied or the facility is open to provide services for  
9 patients, *unless an exemption is* Emergency services must be provided as specified in a  
10 comprehensive plan developed in conjunction with the hospital's  
11 rural health network. All treatment provided by mid-level  
12 practitioners must be pursuant to written protocols established  
13 between the mid-level practitioners and network physicians, after  
14 consultation with network physicians, or in an emergency. Network  
15 physicians must approve all patient admissions by the mid-level  
16 practitioner within 24 hours; review patient records, which  
17 review may be off-site, and document such review in the patient  
18 record within 48 hours of treatment provided by the mid-level  
19 practitioner; and consult with the mid-level practitioner and  
20 document such consultation in the patient record on site at the  
21 hospital at least weekly.

22 (h) "Supporting hospital" means a hospital other than a  
23 rural primary care hospital or an essential access community  
24 hospital which has entered into a written agreement with at least  
25 one rural primary care hospital to form a rural health network  
26 and to provide medical or administrative supporting services  
27 within the limit of the supporting hospital's capabilities.

28 New Sec. 2. The legislature of the state of Kansas  
29 recognizes the importance and necessity of providing and  
30 regulating the system whereby health care services are integrated  
31 and contract for services to protect the public's general health,  
32 safety and welfare. It is the policy of the state of Kansas to  
33 encourage development of and participation in rural health  
34 networks. Implementation of a rural health network under the

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1 provisions of this act and amendments thereto effectuate these  
2 policies.

3 New Sec. 3. (a) Any hospital is authorized to seek licensure  
4 as a rural primary care hospital and to accept and secure any  
5 benefits of federal aid. A rural primary care hospital shall  
6 participate in or affiliate with a rural health network and may  
7 execute contracts, upon such conditions and terms as is deemed  
8 appropriate by the governing body, for the integration of health  
9 services or to further any portion of a comprehensive plan for a  
10 rural health network.

11 (b) Any hospital is authorized to seek designation as an  
12 essential access community hospital and to accept and secure any  
13 benefits of federal aid. An essential access community hospital  
14 shall participate in or affiliate with a rural health network and  
15 may execute contracts, upon such conditions and terms as is  
16 deemed appropriate by the governing body, for the integration of  
17 health services or to further any portion of a comprehensive plan  
18 for a rural health network.

19 New Sec. 4. (a) Upon such conditions and terms as is deemed  
20 appropriate by the governing body of any member of a rural health  
21 network, a member of a rural health network or the rural health  
22 network may enter into agreements with any other person or entity  
23 to perform any service, including but not limited to services for  
24 provision of primary risk management and peer review services.

25 (b) Any member of a rural health network or the rural health  
26 network may employ any health care provider to provide patient  
27 care or other services and may employ such other persons as  
28 necessary to carry out the function of the rural health network.  
29 The contract may allow for the health care provider or a member  
30 of the rural health network to seek direct compensation from the  
31 patient, the patient's representative or a third party payor for  
32 the services performed by the health care provider.

33 New Sec. 5. In addition to the provisions of K.S.A. 65-4909,  
34 and amendments thereto, members of a rural health network,

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*attn #4*  
*pg 4710.*

1 officers, agents, representatives, employees, and directors  
2 thereof, in forming an integrated network and in contracting for  
3 services shall be considered to be acting pursuant to clearly  
4 expressed state policy as established in this act under the  
5 supervision of the state and shall not be subject to state or  
6 federal antitrust laws while so acting.

7 New Sec. 6. The secretary of health and environment may  
8 adopt rules and regulations setting minimum standards for the  
9 establishment and operation of rural health networks, including  
10 the licensure of rural primary hospitals and the designation of  
11 essential access community hospitals.

12 New Sec. 7. No individual or group policy of accident and  
13 sickness insurance shall exclude reimbursement or indemnity under  
14 such policy for services when performed by an essential access  
15 community hospital, a rural primary care hospital or a supporting  
16 hospital. The provisions of this section shall also be applicable  
17 to contracts issued by health maintenance organizations.

18 Sec. 8. K.S.A. 65-425 is hereby amended to read as follows:  
19 65-425. As used in this act: (a) "General hospital" means an  
20 establishment with an organized medical staff of physicians; with  
21 permanent facilities that include inpatient beds; and with  
22 medical services, including physician services, and continuous  
23 registered professional nursing services for not less than  
24 ~~twenty-four-(24)~~ 24 hours of every day, to provide diagnosis and  
25 treatment for ~~four-or-more-nonrelated~~ patients who have a variety  
26 of medical conditions.

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

34 (c) "Person" means any individual, firm, partnership,

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1 corporation, company, association, or joint stock association,  
2 and the legal successor thereof.

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

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

9 (f) "Ambulatory surgical center" means an establishment with  
10 an organized medical staff of physicians; with permanent  
11 facilities that are equipped and operated primarily for the  
12 purpose of performing surgical procedures; with continuous  
13 physician services and registered professional nursing services  
14 whenever a patient is in the facility; and which does not provide  
15 services or other accommodations for patient to stay overnight.

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

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

28 (i) "Rural primary care hospital" shall have the meaning  
29 ascribed to such term under section 1 and amendments thereto.

30 ~~(i)~~ (j) "Hospital" means "general hospital," rural primary  
31 care hospital," or "special hospital."

32 Sec. 9. K.S.A. 65-2872 is hereby amended to read as follows:  
33 65-2872. The practice of the healing arts shall not be construed  
34 to include the following persons:

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1 (a) Persons rendering gratuitous services in the case of an  
2 emergency.

3 (b) Persons gratuitously administering ordinary household  
4 remedies.

5 (c) The members of any church practicing their religious  
6 tenets provided they shall not be exempt from complying with all  
7 public health regulations of the state.

8 (d) Students while in actual classroom attendance in an  
9 accredited healing arts school who after completing one ~~(1)~~  
10 year's study treat diseases under the supervision of a licensed  
11 instructor.

12 (e) Students upon the completion of at least three ~~(3)~~  
13 year's study in an accredited healing arts school and who, as a  
14 part of their academic requirements for a degree, serve a  
15 preceptorship not to exceed ~~ninety--(90)~~ 90 days under the  
16 supervision of a licensed practitioner.

17 (f) Persons who massage for the purpose of relaxation,  
18 muscle conditioning, or figure improvement, provided no drugs are  
19 used and such persons do not hold themselves out to be physicians  
20 or healers.

21 (g) Persons whose professional services are performed under  
22 the supervision or by order of or referral from a practitioner  
23 who is licensed under this act.

24 (h) Persons in the general fields of psychology, education  
25 and social work, dealing with the social, psychological and moral  
26 well-being of individuals and/or groups provided they do not use  
27 drugs and do not hold themselves out to be the physicians,  
28 surgeons, osteopathic physicians or chiropractors.

29 (i) Practitioners of the healing arts in the United States  
30 army, navy, air force, public health service, and coast guard or  
31 other military service when acting in the line of duty in this  
32 state.

33 (j) Practitioners of the healing arts licensed in another  
34 state when and while incidentally called into this state in

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1 consultation with practitioners licensed in this state, or  
2 residing on the border of a neighboring state, duly licensed  
3 under the laws thereof to practice a branch of the healing arts,  
4 but who do not open an office or maintain or appoint a place to  
5 regularly meet patients or to receive calls within this state.

6 (k) Dentists practicing their professions, when licensed and  
7 practicing in accordance with the provisions of article 14 of  
8 chapter 65 of the Kansas Statutes Annotated, or amendments  
9 thereto, and any interpretation thereof by the supreme court of  
10 this state.

11 (l) Optometrists practicing their professions, when licensed  
12 and practicing under and in accordance with the provisions of  
13 article 15 of chapter 65 of the Kansas Statutes Annotated, or  
14 amendments thereto, and any interpretation thereof by the supreme  
15 court of this state.

16 (m) Nurses practicing their profession when licensed and  
17 practicing under and in accordance with the provisions of article  
18 11 of chapter 65 of the Kansas Statutes Annotated, or amendments  
19 thereto, and any interpretation thereof by the supreme court of  
20 this state.

21 (n) Podiatrists practicing their profession, when licensed  
22 and practicing under and in accordance with the provisions of  
23 article 20 of chapter 65 of the Kansas Statutes Annotated, or  
24 amendments thereto, and any interpretation thereof by the supreme  
25 court of this state.

26 (o) Every act or practice falling in the field of the  
27 healing art, not specifically excepted herein, shall constitute  
28 the practice thereof.

29 (p) Pharmacists practicing their profession, when licensed  
30 and practicing under and in accordance with the provisions of  
31 article 16 of chapter 65 of the Kansas Statutes Annotated, or  
32 amendments thereto, and any interpretation thereof by the supreme  
33 court of this state.

34 (q) A dentist licensed in accordance with the provisions of

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1 article 14 of chapter 65 of the Kansas Statutes Annotated who  
 2 administers general and local anesthetics to facilitate medical  
 3 procedures conducted by a person licensed to practice medicine  
 4 and surgery if such dentist is certified by the board of healing  
 5 arts under K.S.A. 65-2899, and amendments thereto, to administer  
 6 such general and local anesthetics.

7 (r) Any member of a rural health care network that employs  
 8 one or more licensees.

9 Sec. 10. K.S.A. 1991 Supp. 65-4909 is hereby amended to read  
 10 as follows: 65-4909. (a) There shall be no liability on the part  
 11 of and no action for damages shall arise against any: (1) State,  
 12 regional or local association of health care providers, ~~any~~; (2)  
 13 state, regional or local association of licensed adult care home  
 14 administrators ~~or any~~; (3) organization delegated review  
 15 functions by law, and the individual members of any committee  
 16 thereof (whether or not such individual members are health care  
 17 providers or licensed adult care home administrators); ~~or~~ or (4)  
 18 individual or entity acting at the request of any committee,  
 19 association or organization listed in subsections (1) through  
 20 (3), which in good faith investigates or communicates information  
 21 regarding the quality, quantity or cost of care being given  
 22 patients by health care providers or being furnished residents of  
 23 adult care homes for any act, statement or proceeding undertaken  
 24 or performed within the scope of the functions and within the  
 25 course of the performance of the duties of any such association,  
 26 organization or committee if such association, organization or  
 27 committee or such individual member thereof acted in good faith  
 28 and without malice.

29 (b) As used in this section, "health care provider" means a  
 30 person licensed to practice any branch of the healing arts or  
 31 engaged in a postgraduate training program approved by the state  
 32 board of healing arts, mid-level practitioner as defined under  
 33 section 1, and amendments thereto, licensed dentist, licensed  
 34 professional nurse, licensed practical nurse, licensed

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1 optometrist, licensed podiatrist, licensed pharmacist or physical  
2 therapist.

3 Sec. 11. K.S.A. 65-425 and 65-2872 and K.S.A. 1991 Supp.  
4 65-4909 are hereby repealed.

5 Sec. 12. This act shall take effect and be in force from and  
6 after its publication in the Kansas register.

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