

Approved

2-4-92

Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m./p.m. on January 30, 1992 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research
Norman Furse, Revisor's Office
Jo Ann Buntten, Committee Secretary

Conferees appearing before the committee:

Carolyn Bloom, Physical Therapist
Harold Riehm, Kansas Association of Osteopathic Medicine
Eugene M. Davidson, D.C., Kansas Chiropractic Association
Lawrence T. Buening, Board of Healing Arts
Wayne Probasco, Kansas Podiatric Medical Association
Chip Wheelen, Kansas Medical Society

Chairman Ehrlich called the meeting to order at 10:00 a.m.

The Chairman called upon Senator Strick who requested introduction of a bill which affects the Division of Assets relating to persons who are eligible for coverage of adult care home costs. Language in the bill would state an individual shall not be determined ineligible for adult care home services under any plan financed by federal funds and state funds because of the imposition of an income cap on the maximum amount of income such individual may receive, but an individual's eligibility for such services shall be based on the standards and criteria used for determining eligibility for such services during the month of June, 1991. Senator Hayden made a motion the Committee introduce the bill request, seconded by Senator Kanan. No discussion followed. The motion carried.

The Chairman called upon Senator Kanan who introduced his two pages from Kansas City that assisted at the Committee meeting.

Hearing on:

SB 64 - Providing physical therapy treatment without prior consultation.

Carolyn Bloom, physical therapist, submitted written testimony and appeared before the Committee in support of SB 64 with amendments by the Kansas Medical Society. (Attachment 1) Ms. Bloom also submitted written testimony from Peter S. Lepse, M.D., Kansas Orthopaedic Society, that stated an agreement was reached regarding an amendment with the following language. "Physical therapy evaluation and treatment may be rendered by a physical therapist with or without referral. If without a referral, treatment may be given for a maximum of 21 calendar days. Further treatment would require a consultation with a physician licensed to practice medicine and surgery, a licensed podiatrist, or a licensed dentist and appropriate referral to the physical therapists." He further stated that SB 64 should contain language to prevent patients from moving from one physical therapists to another, thereby circumventing the 21-day limit. (Attachment 2)

Harold Riehm, Kansas Association of Osteopathic Medicine, submitted written testimony and appeared before the Committee in opposition to SB 64 stating the three factors for opposition are: (1) diagnosis should be conducted by those with more extensive training in the art and science

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 SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

room 526-S, Statehouse, at 10:00 a.m./p.m. on January 30, 1992

of diagnosis, (2) the impact of treatment without referral, and (3) concern about the possible impact this bill might have on other efforts to increase the number of family physicians in rural areas. (Attachment 3)

Joe Furjanic, Kansas Chiropractic Association, introduced Eugene M. Davidson, D.C., president of the Kansas Chiropractic Association, who submitted written testimony and appeared in opposition to SB 64. Dr. Davidson stated his association is against passage of the bill because physical therapists are not trained to diagnose ailments of the human body or in the use of diagnostic equipment, -- and they are not allowed to use roentgen rays (X-rays) for diagnostic purposes or have the ability to read X-rays or evaluate an MRI. (Attachment 4) Committee discussion followed regarding 26 states that have direct access to physical therapists, quality of care and training, and insurance coverage for treatment.

The Chairman directed staff to obtain information from NCSL on what states have direct access, information on how states treat insurance coverage and liability, and other information that might be beneficial to the Committee addressing this issue.

Lawrence T. Buening, Board of Healing Arts, submitted written testimony and appeared before the Committee stating the Board is opposed to any amendments to SB 64 which would allow treatment without a physician's order. He also stated reasons for the Board's concerns are as follows: (1) Physical therapists cannot utilize X-rays, (2) physical therapists are unable to prescribe or administer medications which are often used as concomitant therapies in alleviating disability and pain, (3) whether the courses provided equip physical therapists to make appropriate diagnosis, utilize sophisticated diagnostic techniques and interpret the results obtained from various diagnostic means, and (4) liability issues which would attach to the initiation of treatment by a physical therapist. (Attachment 5)

Wayne Probasco, Kansas Podiatric Medical Association, submitted written testimony and appeared before the Committee stating his association believes SB 64 should not be passed and that the present law relating thereto should not be amended or changed in any way. (Attachment 6)

Chip Wheelen, Kansas Medical Society, submitted written testimony and appeared before the Committee stating countless hours have been spent with representatives of the various groups involved, and a good faith effort was made to draft amendments to SB 64 that would address the various concerns expressed by the members of KMS. However, the amendments were rejected by the KMS governing Council at its last meeting, and at this time the KMS must agree to disagree with the Physical Therapy Association on SB 64. Mr. Wheelen stated the issue may come before the Council again and be reconsidered. (Attachment 7) Committee discussion was held regarding the efforts spent on obtaining a compromise with the various groups involved and whether physical therapists could refer patients for treatment after the period of independent practice had lapsed. The liability issue and lack of insurance coverage for treatment not considered medically necessary were also discussed.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE _____,
room 526-S, Statehouse, at 10:00 a.m./p.m./on January 30, _____, 1992

Consideration and Final Action on Carry-over bills:

The Chairman asked for wishes of the Committee on SB 35 - Qualifications for registration as a masters level psychologist. Senator Reilly made the motion to report SB 35 adversely, seconded by Senator Hayden. Senator Hayden noted the sponsor of the bill (Michael Johnston) and stated the action taken by the Committee was "Road Kill." The motion carried.

The Chairman asked for wishes of the Committee on SB 54 - Transfer of certain powers and duties from SRS to Department of Aging relating to home care and in-home services. Senator Langworthy made the motion to report SB 54 adversely, seconded by Senator Strick. No discussion followed. The motion carried. Senators Hayden and Walker requested their votes be recorded as "No."

The meeting was adjourned at 11:00 a.m. The next meeting of the Committee is scheduled to be held February 4, 1992, 10:00 a.m., Room 526-S

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 1-30-93

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Jackie Rawlings, PT, Manhattan

Ks Physical Therapy Assn

FRANCES KASTNER Topeka

" "

Brendy Bahman Belvue

Ks Physical Therapy Assn

Janita Nice Overland PK

KPTA

Carolyn Bloom Emporia

KPTA

Harold Kiser Topeka

KADA

Gene Chandler Hawatha

KPTA

DWAYNE PROBASCIO Topeka

Ks Podiatric Med. Assoc

ALAN COBB WICHITA

WICHITA HOSPITALS

SHANI WALLACE Lawrence

Dr. Parrish

Chip Wheelen Topeka

Ks Medical Society

Dr. Larry W. Fullin Paola

Ks. Chiropractic Assoc

Dr. Edward D. McKenzie HOLTON

Ks. CHIROPRACTIC ASSOC.

Steve Dicksen Topeka

"

Mark Jones Dr K.C.K.

"

John H. Hester Lawrence

Ks Chiropr. Assoc.

Sam Chalken Meade

Ks Chiropr. Assoc.

KEITH R LANDIS TOPEKA

CHRISTIAN SCIENCE COMMITTEE
ON PUBLICATION FOR KANSAS

DEN WRIGHT MD EMPORIA

KAEP-

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 1-30-92

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Evel Steverson *Manhattan*

Doc. Padman/KSU- #2-5.

Harry Padman *Topeka*

None

Tom Bell *Topeka*

KHA

Testimony on SB 64

January 30, 1992

Mr. Chairman and Members of the Senate Public Health Committee:

I am Carolyn Bloom, a practicing physical therapist in Topeka and immediate past president of the Kansas Physical Therapy Association. A year ago I stood before you and testified on SB 64. At that time there were concerns expressed by organizations representing Kansas physicians, with Dr. John Lynch testifying on behalf of those physicians. The bill was held in committee to give us an opportunity to resolve those concerns.

Since then representatives of the Kansas Physical Therapy Association have met with members of the Osteopathic Society, the Orthopedic Section of the Kansas Medical Society, and the ad hoc committee of the Orthopedic Section. We reached an agreement with the ad hoc committee of the Orthopedic Section on an amendment to SB 64. This is the balloon you received from us on January 13th or 14th.

On January 16th the Kansas Physical Therapy Association received a balloon from the Kansas Medical Society changing the wording somewhat of the original agreement with the Orthopedic Section and proposing additional amendments to SB 64. On January 22 the Kansas Physical Therapy Association notified your committee and the Kansas Medical Society that we would accept the Kansas Medical Society's balloon.

On January 25th our association was informed that the Kansas Medical Society refuses to honor its own balloon.

Now we appear to be the only supporters of the Kansas Medical Society's balloon. We ask you to adopt the Kansas Medical Society's amendments to SB 64. We ask you to pass the bill as so amended so the people of Kansas will have the choice of direct access to physical therapy services.

We have a number of Physical Therapists here today from various size communities and different types of practices to answer any questions you may have.

Thank you.

Carolyn Bloom, PT
Past President KPTA
1045 SW Gage
Topeka, KS 66604
(913) 273-7575

January 28, 1992

To Whom It May Concern:


October 14, 1991 officers of the Kansas Physical Therapy Association met with members of an Ad Hoc Committee of the Kansas Orthopaedic Society regarding SB #64. After a lengthy discussion and due consideration, agreement was reached regarding SB #64. According to the agreement which was reached, the language in the bill would read as follows:

"Physical therapy evaluation and treatment may be rendered by a physical therapist with or without referral. If without a referral, treatment may be given for a maximum of 21 calendar days. Further treatment would require a consultation with a physician licensed to practice medicine and surgery, a licensed podiatrist, or a licensed dentist and appropriate referral to the physical therapist."

I think that SB #64 should also contain language to prevent patients from moving from one physical therapist to another, thereby circumventing the 21-day limit. We do not feel this is in the best interest of the health and safety of of Kansas citizens. It is possible that occult problems, such as tumor or infection, could be undetected.

This Ad Hoc Committee of the Kansas Orthopaedic Society was formed at the meeting of the Kansas Orthopaedic Society in May, 1991. They were given authority to act on behalf of the Kansas Orthopaedic Society in establishing this compromise with the Kansas Physical Therapy Association.

Sincerely,


Pete S. Lapse, M.D.
President

PSL:vw

Senate P H&W
Attachment #2
1-30-92

Kansas Association of Osteopathic Medicine

Harold E. Riehm, Executive Director

1260 S.W. Topeka Blvd.
Topeka, Kansas 66612
(913) 234-5563

SENATE BILL 64 – TESTIMONY OF THE KANSAS ASSOCIATION OF OSTEOPATHIC MEDICINE

January 30, 1992

Chairman Ehrlich and Members, Senate Public Health Committee:

My name is Harold Riehm and I represent the Kansas Association of Osteopathic Medicine. We appreciate this opportunity to express our views on S.B. 64.

Last year we testified in opposition to S.B. 64. During the past year, we reconsidered our stand, including making it a discussion item at a Continuing Education Session. We also met with PT officials of their Association to hear their views. Based upon this, a decision was made to continue opposition to PT treatment without referral.

As indicated last year, D.O.s have great professional respect for the physical therapy profession and those who practice it. They are an important part of the health care milieu. Many D.O.s, by referral, make extensive use of physical therapy services.

Notwithstanding this respect, we continue to oppose S.B. 64 for the reasons listed here. In the course of my testimony, I will elaborate a bit on each and express some specific views of the physicians I represent.

- (1) We continue to question whether physical therapists should be permitted to diagnose illnesses and injuries and, upon that diagnosis, proceed to treat. We think, by training and practice, diagnosis should be conducted by those with more extensive training in the art and science of diagnosis, primarily full service physicians. This is not to suggest the absence of instances in which PT's could correctly diagnose and proceed to treat. It is to say that this is not always the case and that by the nature of their training, others are better able to perform the diagnosis part of medical care.
- (2) We have reservations on what the impact of treatment without referral might have on the provision of physical therapy services in Kansas. Would it make practicing physical therapy in an urban setting even more attractive, exacerbating the already serious shortages in rural areas? Would those who provide the very valuable hospital based PT care now in rural Kansas, be inclined to leave that practice, or limit it, by setting up part-time or full-time offices of their own for diagnosis and treatment?
- (3) We also are concerned about a possible impact this might have on the many other efforts to increase the number of family physicians in our rural areas. Would permitting PT treatment without referral serve to have a negative effect on efforts to attract family physicians by eroding what, in some instances, may be a patient base load barely sufficient to support a viable family practice?

KAOM has consistently supported the use of mid-level practitioners such as physician assistants and ARNP's, but with the proviso that they work under the supervision or direction of a physician. We think that is not inconsistent with the stand we take today.

In summary, we think the system as it works today, in the relationship between PT's and referring providers, despite some shortcomings, works well, and provides quality health care. Accordingly, we oppose this substantial expansion of the practice act of those who practice physical therapy.

I will be pleased to respond to questions you may have.

Senate P H&W
Attachment #3
1-30-92



Kansas Chiropractic

ASSOCIATION

January 30, 1992

Senate Public Health and Welfare Committee

Testimony of Eugene M. Davidson, D.C., president Kansas Chiropractic Association, in opposition to Senate Bill Number 64.

Mr. Chairman and members of the committee:

I am Dr. Eugene M. Davidson, a chiropractor and president of the Kansas Chiropractic Association. Thank you for the privilege of being allowed to testify before you today.

The Kansas Chiropractic Association is against passage of Senate Bill No. 64. Physical therapists are not trained to diagnose ailments of the human body. They are not trained in the use of diagnostic equipment. Physical therapists are not allowed to use roentgen rays (X-rays) for diagnostic purposes. They don't have the ability to read x-rays or evaluate an MRI. The present PT statute and SB 64 clearly do not permit the use of laboratory diagnosis, vena puncture or differential diagnosis by physical therapists.

Doctors of Medicine, Osteopathy and Chiropractic have the legal obligation to diagnose and evaluate before treatment of any kind is initiated. Physical therapy evaluation is not equivalent to diagnosis required by licensees of the Healing Arts board. It must be diagnostically equal to protect the people of Kansas, the patient,

Senate P H&W
Attachment #4
1-30-92

from the chance of further injury to the body either due to wrong treatment or the lack of proper treatment at the correct time. Diagnosis is essential before any form of physical medicine is applied. For example, a patient with a stiff neck might have a simple idiopathic spasm, or fractured vertebra, a malignancy, a disk herniation or any number of other conditions.

A low back pain may be referred pain caused by a cancerous tumor. Early diagnosis is important in that it may be vital to that person's ability to overcome the condition.

Many hours must be spent studying diagnosis and many hours must be spent to learn to use and apply the diagnostic knowledge, experience in clinic atmosphere, (refer to the attachments). Physical medicine does directly affect ones health. To allow physical therapists or anyone to deal with sick people, a diagnosis should be made first.

Most insurance companies will not reimburse for physical therapy unless it is prescribed. The insurance companies have found the need for "gate keepers" or "primary care providers" to help reduce health care costs and to insure proper health treatment. Doctors of Medicine, Osteopathy and Chiropractic are qualified by training for this already. They have the expertise to direct the flow of proper care at the proper time within the health delivery system. Hospitals even now have patients in them due to iatrogenic' causes (adverse reactions to treatment), we don't need more.

The educational requirements for a physical therapist in his or her

professional program is two years in length. Diagnosis experience is minimal or non-existent at the level required for "direct access" quality of diagnosis and treatment initiation. Chiropractic professional college is 4 years in length.

The Kansas Chiropractic Association is against passage of Senate Bill No. 64. Thank you for allowing us the time to testify.

I would welcome any questions from the committee.



Texas Chiropractic College

Executive Office

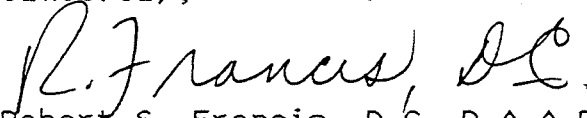
February 15, 1991

Gary Forchee, D.C.
Route 2, Box 137-G
Bonner Springs, Kansas 66012

Dear Dr. Forchee:

As per your request, please find enclosed the information you requested along with a Texas Chiropractic College catalog. If further information is required, please feel free to contact me.

Sincerely,


Robert S. Francis, D.C., D.A.A.P.M.
Dean of Clinical Sciences

Enclosure: Catalog
BCOM vs. TCC
Syllabi (5)

BAYLOR COLLEGE OF MEDICINE,
TEXAS CHIROPRACTIC COLLEGE, AND
TEXAS WOMAN'S UNIVERSITY SCHOOL OF PHYSICAL THERAPY

COMPARISON OF BASIC SCIENCE CURRICULA

SOURCES:

- BCOM: BULLETIN OF BCOM 1990-91
- TCC: TCC CATALOG 1989-91
- TWU: TWU GRADUATE CATALOG 1990-92

<u>DEPT/SUBJECT AREA</u>	<u>BCOM - HRS</u>	<u>TCC - HRS</u>	<u>TWU - PT HRS</u>
Anatomy	286	465	144
Biochemistry	115	150	0
Physiology	144	285 (incl. pathophysiology)	48
Pathophysiology	226	- (no separate subject area)	-
Pathology	176	240 (incl. pathophysiology)	32
Neurosciences	98	105 (incl. neuroanatomy, neurophysiology)	48
Microbiology/Immunology	<u>117</u>	<u>180</u>	<u>48</u>
TOTAL HOURS	1162	1425	320

COMPARISON OF CLINICAL SCIENCES

	* <u>BCOM - HRS</u>	<u>TCC - HRS</u>	<u>TWU - PT HRS</u>
Examination & Diagnosis	-	915	176
Advanced PT Courses	-	-	56
Patient Treatment & Case Management	-	765	400
X-Ray	-	375	-
Clinic Practicum & Internship	<u>-</u>	<u>1080</u>	<u>768 (est.)</u>
TOTAL HOURS	-	3135	1400

TOTAL WEEKS REQUIRED FOR
DEGREE AND LICENSURE IN
THE STATE OF TEXAS

150	150	80
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*Baylor: Except for a basic course in Physical Examination (72 hrs) the clinical training occurs in various clerkships in which classroom work, hospital rounds, discussion of patient examination, diagnosis and treatment, and independent study are integrated. Thus no specific hours requirements can be listed. However estimates based on 28 hours per week can be offered. Medicine - 12 weeks (336) other specialty areas including Pediatrics, OB/GYN, Surgery, Urology, etc. total 56 weeks (c 1568 hrs). In addition 28 more weeks of elective courses/clerkships are required.

State of Kansas

235 S. TOPEKA BLVD.
TOPEKA, KS 66603



913-296-7413
FAX 913-296-0852

Board of Healing Arts

M E M O R A N D U M

TO: Senate Committee on Public Health and Welfare
FROM: Lawrence T. Buening, Jr., Executive Director
DATE: January 30, 1992
RE: **TESTIMONY ON SENATE BILL 64**

Mister Chairman and members of the Committee, thank you for allowing me the opportunity to appear before you and provide testimony on behalf of the State Board of Healing Arts on Senate Bill 64. At the meeting of the Board on February 9, 1991, the Board reviewed Senate Bill 64 and adopted a position strongly in opposition to the enactment of the bill as originally introduced. Since the last meeting of the Board on December 13-14, 1991, I have received a copy of a balloon to Senate Bill 64 which would allow treatment without a physician's order for a period of 21 days. This balloon has been forwarded to the five member legislative subcommittee of the Board and I have talked with the individual subcommittee members. As a result, I have been authorized and directed to indicate the Board's opposition to any amendment to Senate Bill 64 which would allow treatment without a physician's order.

MEMBERS OF BOARD
JOHN P. WHITE, D.O., PRESIDENT
PITTSBURG
REX WRIGHT, D.C., VICE PRESIDENT
TOPEKA

FRANKLIN G. BICHLMEIER, M.D., OVERLAND PARK
DONALD B. BLETZ, M.D., OVERLAND PARK
JIMMY V. BULLER, D.O., PARSONS
HOWARD ELLIS, M.D., LEAWOOD
EDWARD J. FITZGERALD, M.D., WICHITA
HAROLD GULDNER, SYRACUSE
MARK HATESOHL, D.C., MANHATTAN

Senate P H&W
Attachment #5
1-30-92
GRACIELA MARION, EUDORA
JOHN PETERSEN, OVERLAND PARK
RICHARD UHLIG, D.O., HERINGTON
IRWIN WAXMAN, D.P.M., PRAIRIE VILLAGE
KENNETH D. WEDEL, M.D., MINNEAPOLIS
RON ZOELLER, D.C., TOPEKA

At present, the Board registers approximately 856 Physical Therapists. Approximately 645 of these individuals currently hold an active registration and have indicated on their last renewal that they do practice in the state of Kansas.

The reasons for the Board's concerns and opposition to Senate Bill 64 and the proposed balloon are as follows:

1. Pursuant to K.S.A. 1991 Supp. 65-2901(a), physical therapists can not utilize X-rays. It is felt by the Board that this is an extremely important diagnostic tool which should be available to any practitioner making a diagnosis as to the cause of physical disability or pain.

2. Physical therapists, under current law, are unable to prescribe or administer medications which are often used as concomitant therapies in alleviating disability and pain.

3. The Board questions whether the courses provided during the course of physical therapy school equip physical therapists to make appropriate diagnosis, utilize sophisticated diagnostic techniques and interpret the results obtained from various diagnostic means. An example of this is in the area of electromyography and nerve conduction studies. At present, in the state of Kansas, these procedures are first ordered by a licensee of the healing arts but the actual conducting of these procedures may be performed by a physical therapist. However, once the studies are completed, the results and interpretations are then referred back to the physician for appropriate diagnosis and to

determine the appropriate course of treatment, whether that be physical therapy, surgery, or some other method.

4. The Board is also concerned about the liability issues which would attach to the initiation of treatment by a physical therapist. First, the initiation of treatment by physical therapists without referral as presently required would result in a greater incidence of missed or inappropriate diagnosis. Secondly, there is a concern that if a physical therapist has been treating a patient for a period of time and the condition of that patient has either not improved or worsened, there may be difficulty in referring that patient to either a physician, podiatrist or dentist due to the increased liability exposure the doctor may face by taking that patient.

The State Board of Healing Arts has been vested by the Legislature with the purpose of administering the provisions of the Healing Arts Act. The purpose of the Healing Arts Act is to properly protect the public against unprofessional, improper, unauthorized and unqualified practice of the healing arts. For the reasons above stated, the Board has taken the position that Senate Bill 64 and any amendment which would allow treatment of patients without referral would not serve to properly protect the citizens of this state.

Thank you very much for the opportunity to appear before you and I would be happy to answer any questions.

K P M A

615 S. Topeka Blvd. • Topeka, Kansas 66603 • (913) 354-7611

Kansas Podiatric Medical Association

BOARD OF DIRECTORS

PRESIDENT

DONALD D. YODER, D.P.M.
3010 W. Central
Wichita, Kansas 67203
(316) 943-0521

PRESIDENT-ELECT

PHYLLIS A. RAGLEY, D.P.M.
901 Kentucky, #104
Lawrence, Kansas 66044
(913) 843-4202

SECRETARY-TREASURER

LAWRENCE GASTON, D.P.M.
3320 Clinton Parkway Ct., Suite 100
Lawrence, KS 66047
(913) 843-0973

DIRECTOR

DONALD A. MAHRLE, D.P.M.
4019 S.W. 21st
Topeka, KS 66604
(913) 272-7600

DIRECTOR

DAVID LAHA
12800 W. 87th St. Parkway
Suite 100
Lenexa, KS 66215
(913) 888-7229

IMMEDIATE PAST-PRESIDENT

RICHARD D. KRAUSE, D.P.M.
3109 12th Street
Great Bend, Kansas 67530
(316) 793-6592J

**IMMEDIATE PAST MEMBER OF
ST. BOARD OF HEALING ARTS**

HAROLD J. SAUDER, D.P.M.
200 N. 8th St., Box 372
Independence, Kansas 67301
(316) 331-1840

**MEMBER OF ST. BOARD
OF HEALING ARTS**

IRWIN WAXMAN, D.P.M.
7301 Mission Rd.
Prairie Village, Kansas 66208
(913) 432-2000

EXECUTIVE SECRETARY

WAYNE PROBASCO
615 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 354-7611

DATE: January 30, 1992

SUBJECT: Senate Bill No. 64, AN ACT concerning physical therapy relating to the providing of physical therapy treatment; amending K.S.A. 1990 Supp. 65-2901 and 65-2912 and repealing the existing sections.

Chairman Ehrlich and members of the Senate Public Health and Welfare Committee.

My name is Wayne Probasco, legal counsel for, and appear here on behalf of the Kansas Podiatric Medical Association.

The Association strongly believes that Senate Bill No. 64 should not be passed and that the present law relating thereto should not be amended or changed in any way.

Sincerely,

Wayne Probasco

Senate P H&W
Attachment #6
1-30-92



KANSAS MEDICAL SOCIETY

623 W. 10th Ave. • Topeka, Kansas 66612 • (913) 235-2383
WATS 800-332-0156 FAX 913-235-5114

January 30, 1992

TO: Senate Public Health and Welfare Committee
FROM: Kansas Medical Society *Chip Freelen*
SUBJECT: Senate Bill 64; Independent Practice by Physical Therapists

Attached to this statement is a copy of our original testimony on SB 64 that was presented to you almost a year ago. At that time we pledged to work with the Kansas Physical Therapy Association in an effort to develop an acceptable compromise. Since then we have devoted countless hours to meetings with representatives of various interests involved and have made a good faith effort to draft amendments to SB 64 that would address the various concerns expressed by our members. In the final analysis, however, our amendments were rejected by our governing Council at its meeting last Saturday and it appears that at this time we must simply agree to disagree with the Physical Therapy Association.

We recognize that you become weary of "turf battles" among health care professions and we sincerely regret that we could not make matters a little easier for you during this difficult session. Nonetheless, we must express our opposition to SB 64 at this time. Thank you for your consideration.

Senate P H&W
Attachment #7
1-30-92



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue • Topeka, Kansas 66612 • (913) 235-2383
Kansas WATS 800-332-0156 FAX 913-235-5114

February 5, 1991

TO: Senate Public Health and Welfare Committee

FROM: Kansas Medical Society *Thy W. Feiler*

SUBJECT: Senate Bill 64; Independent Practice by Physical Therapists

Thank you for this opportunity to express our reservations about the provisions of SB 64. We recognize that Registered Physical Therapists are well-trained health care professionals who are capable of evaluating and treating patients independently when the patient's diagnosis indicates that physical therapy is an appropriate mode of treatment for the condition.

It is the diagnosis, however, that becomes the critical consideration and we believe that every patient should have the benefit of a differential medical diagnosis by a physician to identify the cause of pain or discomfort. This means that if the patient's condition is caused by an injury, illness, or disease, the physician may prescribe appropriate medication or other treatment in addition to or in lieu of physical therapy techniques. Furthermore, physical therapy may involve exercises and devices that could aggravate an injury or undiagnosed condition.

The requirement under current law for "consultation" with a physician prior to initiating treatment does not necessarily require that the patient be examined by the physician. It simply imposes a measure of safety for purposes of assuring, to the extent possible, quality health care for the people of Kansas.

Thank you for considering our concerns related to SB 64.

CW/cb