

Approved 3-16-92
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 March 9, 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 Bunten, Committee Secretary

Conferees appearing before the committee:

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

Action on SB 693 - Defining a critically medically underserved county for KU medical scholarship purposes; requiring students who choose to pay back scholarship money double the amount received.

A proposed balloon of the bill was distributed to the Committee showing changes by the Kansas Medical Society which would delete all of Section 2 and incorporate technical changes on page 7, lines 11 and 13 of the bill. (Attachment 1) Senator Salisbury made a motion to delete Section 2 and the technical amendments be adopted. No second to the motion. The motion lost. The Chairman asked for wishes of the Committee on SB 693. Senator Hayden made a motion to delete Section 2, and technical amendments be adopted, seconded by Senator Salisbury. Committee discussion related to changes in the definition of eligibility in a community from a strict population figure to the definition of an underserved area or leave the bill intact. Senator Hayden withdrew his motion. Senator Salisbury withdrew her second.

Action on SB 603 - Dentists licensed in another state or country practicing dentistry while training as a student.

Committee discussion on SB 603 related to out-of-state students who are licensed dentists in another state or country that participate in continuing education and hands-on-work on patients in Kansas but do not have a Kansas license. Senator Burke made a motion to amend SB 603 by requiring out-of-state dentists meet the same requirements as dentists that practice in Kansas, including but not limited to malpractice insurance, seconded by Senator Hayden. During Committee discussion it was suggested the bill be studied further or changes could be made in the House Committee. The motion carried. Senator Hayden made a motion to recommend SB 603 as amended favorably for passage, seconded by Senator Burke. Committee discussion related to those licensed dentists-students who should be afforded the right to learn the latest technology. It was pointed out that under the Dental Practices Act, the Dental Board has the authority to adopt rules and regulations that relate to continuing education. The motion carried.

Action on SB 671 - Manipulation procedures limited to licensees of the healing arts.

A copy of SB 671 was distributed to the Committee showing proposed changes in the bill by the Board of Healing Arts. (Attachment 2) Additional information on SB 671 was distributed to the Committee from the Kansas Chiropractic Association. (Attachment 3) Mobilization and manipulation were discussed by the Committee in regard to physical therapists and chiropractors. It was noted that there were two parts of Section 3 that would not be workable (technical items) and should be eliminated. The title on page 1 of the bill should be rewritten, and dentists and podiatrists should not be addressed in the bill. Senator Strick made a motion to strike the language in reference to

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 9, 1992

dentists and podiatrists, seconded by Senator Kanan. No discussion followed. The motion carried. Senator Strick made a motion to recommend **SB 671 as amended** favorably for passage. No second on the motion.

Action on SB 694 - Use of criminal record/history in determining qualifications of physicians; confidentiality of complaints and patient records.

The Chairman asked for wishes of the Committee on **SB 694**. After Committee discussion on the bill, no action was taken.

The Chairman asked the Committee if there were other bills the Committee wished to work. No bills were recommended. The meeting was adjourned at 10:55 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-9-92

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Judy Beedone

Clinicare

Harold Korman

KADAM

Larry Buewing

Bd of Healing Arts

Mary Ann Walsh

BSRB

John Peterson

Ks Assoc Prof Psychologists

*Senate R. H&W
Attachment #1
3-9-92*

Strike all of Section 2 and incorporate the following technical changes:

SB 693

7

1 state treasury, and such amount shall be credited to the medical
2 scholarship repayment fund. All expenditures from the medical schol-
3 arship repayment fund shall be for scholarships awarded under
4 K.S.A. 76-373 through 76-377a, and amendments thereto, for pay-
5 ment of the salary of the medical scholarship program coordinator
6 and for the expenses of administration of these sections and shall be
7 made in accordance with appropriation acts upon warrants of the
8 director of accounts and reports issued pursuant to vouchers ap-
9 proved by the chancellor of the university of Kansas or by a person
10 designated by the chancellor.

11 ~~Sec. 2. K.S.A. 1991 Supp. 76-374 and 76-376 are hereby~~ ²
12 ~~repealed.~~ ^{is}

13 ~~Sec. 4. This act shall take effect and be in force from and after~~ ³
14 ~~its publication in the statute book.~~



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue • Topeka, Kansas 66612
(913) 235-2383 FAX # (913) 235-5114

Chip Wheelen
Director of Public Affairs

SENATE BILL No. 671

AN ACT relating to persons licensed by ~~the state~~ boards; ~~board of healing arts~~; limiting the performance of certain procedures to such persons. ~~declaring certain acts to be violations and providing penalties therefor.~~

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

Section 1. As used in this act:

(a) "Manipulation" means the application of directed manual or mechanical forces to the human living body's joints and adjacent tissues to produce audible or perceptible joint motion beyond the passive limits of the joint.

(b) "Adjustment" means the same as manipulation.

(c) "Mobilization" means the application of directed manual or mechanical forces to the human living body's joints and adjacent tissues without producing joint motion beyond the passive limits or elastic barrier of the joint.

~~(c)~~(d) "Board" means the state ~~board of healing arts~~.
licensing board of the licensee.

~~(d)~~(e) "Licensee" means persons licensed to practice medicine and surgery by the state board of healing arts, ~~and~~ doctors of chiropractic licensed by the state board of healing arts, ~~and~~ licensed dentists and licensed podiatrists as limited by their scope of practice.

Sec 2. Licensees shall be the only persons allowed to perform manipulation on the human living body in the state of Kansas. A licensee shall not prescribe, authorize or delegate such

Senate P. H&W
Attachment #2
3-9-92

manipulation to any other person unless such other person is also a licensee. ~~Any person violating this section shall be subject to the penalties of sections 3 and 4 and amendments thereto.~~ This act does not restrict or limit the use of mobilization procedures by Licensees or Registered Physical Therapists.

~~Sec 3. Any person not a licensee who violates section 2 and amendments thereto shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than \$50 nor more than \$200 for each separate offense, and a person for second violation of section 2 and amendments thereto shall be guilty of a misdemeanor and upon conviction thereto shall pay a fine of not less than \$100 nor more than \$500 for each separate offense.~~

~~Sec 4. The board, in addition to any other penalty prescribed under the Kansas healing arts act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of section 2 and amendments thereto in an amount not to exceed \$1,000 for the first violation, \$3,000 for the second violation and \$5,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted promptly to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state general fund.~~

~~Sec 5. Upon the request of the board, the attorney general or a county or district attorney shall institute in the name of the state the appropriate proceedings against any person charged, by complaint to the board, with the violation of section 2 and~~

~~amendments thereto, and the attorney general, and such county or district attorney, at the request of the attorney general or of the board shall appear and prosecute such actions.~~

Sec 6. 3. Sections 1 to 6, 3, inclusive, and amendments thereto, shall be part of and supplemental to the Kansas healing arts act, Kansas dental practices act and, the Kansas podiatry act and the physical therapy act.

Sec 7. 4. This act shall take effect and be in force from and after its publication in the statute book.



Kansas Chiropractic

ASSOCIATION

TO: SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

FROM: JOE FURJANIC, EXECUTIVE DIRECTOR, KANSAS CHIROPRACTIC ASSOCIATION

RE: ADDITIONAL INFORMATION ON SB 671

The Kansas Physical Therapy Association recently typed up and presented the Senate Public Health and Welfare Committee with a two page document entitled Physical Therapy and Chiropractic, A Report From the American Chiropractic Association. Testimony to the Committee inferred that this was the official policy of the American Chiropractic Association.

The document in question was actually fifteen excerpts from a twenty two page letter written in 1985 by Dr. Karl Kranz. Dr. Kranz stated on the first page that the opinions expressed were solely his and not necessarily those of the American Chiropractic Association.

Our contacts with the American Chiropractic Association indicated that they have no knowledge of Dr. Kranz's information ever having been published. They also stated that Dr. Kranz's opinions were never adopted by the House of Delegates and are in fact contrary to their official position which states:

Resolved, that the ACA inform the American public that there are inherent dangers in the misuse of the manipulative adjustment by persons other than those adequately trained and qualified by due educational and examination process. (Ratified by the House of Delegates July 1971.)

Resolved, that the ACA considers the use of manipulative adjustments by persons with less training than that required in the core curriculum of approved chiropractic or osteopathic educational institutions to be a danger to the public health, safety and welfare. (Ratified by the House of Delegates June 1984.)

We trust that after your review of this information, the Committee will see that the American Chiropractic Association's policy is the same as the testimony presented by the Kansas Chiropractic Association. Both organizations are in agreement that the use of manipulative therapy by untrained persons poses a public health risk and that manipulation should be performed only by licensed doctors.

*Senate P. H&W
Attachment # 3*

**PHYSICAL THERAPY AND CHIROPRACTIC:
COLLISION COURSE?**

1986

Karl C. Kranz, DC

The views and opinions expressed herein, are solely those of the author and do not necessarily reflect those of the American Chiropractic Association, the International Chiropractors Association, or the American Physical Therapy Association.

**Physical Therapy and Chiropractic
A Report From the American Chiropractic Association
Summary of Findings**

TO: John D. Reeder, D.C., Auburn, Maine
FROM: Karl C. Kranz, D.C., Library Services, Department of
Research and Statistics, American Chiropractic Association,
1916 Wilson Boulevard, Arlington, VA 22201 (703) 276-8800
DATE: May 7, 1985

1. Physical therapy technically a slightly younger or newer profession than Chiropractic (Osteopath 1860, Chiropractic 1890, PT 1917).
2. APTA standards of Physical Therapy higher than AMA standards for Physical Therapy.
3. Physical Therapy school standards of students "unquestionable value with impeccable standards".
4. Manipulation has been part of PT since the beginning.
5. Manipulation apparently has been developed along several separate and parallel pathways between PT, Chiropractic and other professionals probably due to the different emphasis placed on it by respective professions.
6. Earlier Chiropractic "self-taught manipulators".
7. "It may appear that other professions may be stealing Chiropractic techniques, this isn't necessarily the case."
8. Physical therapy pre-professional education requirements at the under-graduate level are no less exacting than Chiropractic and may be even more demanding. Pre-admission GPA requirements are higher for PT and there are no comparable admission requirements for Chiropractic.
9. Not unusual for PT program to be affiliated with 125 hospitals/institutions. Chiropractic schools list 1 hospital and have their greatest experience within clinics at institutions of admission. (Palmer School of Chiropractic 1991)
10. An examination of spinal mobilization methods (in PT) reveal that they are identical to those taught in Chiropractic Colleges and practiced by licensed Chiropractic doctors in the field.
11. Emphasis on manipulation as a prime form of therapy distinguishes Chiropractic from others.
12. Chiropractors do not have a monopoly on manipulative procedures.

13. Manual therapy: Chiropractors call it adjustment/manipulation to relocate vertebral position. Physical therapy/Manual therapy: mobilization Grades I-V, manipulation applied to restore normal joint motion.
14. Manipulation has developed within Physical Therapy and as such constitutes a part of Physical Therapy.
15. No data exists that would support the idea that Physical Therapists utilizing manipulative procedures are a greater risk to the public's health and welfare.

Complete copy of this 22 page document can be made available for your review.