

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Carlos Mayans at 1:30 p.m. on March 20, 1995 in Room 423-S of the State Capitol.

All members were present.

Committee staff present: Norman Furse, Revisor of Statutes
Emalene Correll, Legislative Research Department
Bill Wolff, Legislative Research Department
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:
Jim Sperry, Legislative Chairman, Kansas Athletic Trainers Society
Mark Stafford, General Counsel, State Board of Healing Arts
Charles L. (Chip) Wheelen, Kansas Medical Society
Thelma Hunter Gordon, Secretary of Aging
Alice Nida, Attorney, Department on Aging
Sandra Strand, Kansans for Improvement of Nursing Homes

Others attending: See Guest List, Attachment 1.

The minutes of the meeting held on March 16, 1995 were approved.

SB 57 - Athletic trainers registration act

The hearing was opened. Jim Sperry, Kansas Athletic Trainers Society, testified in support of the bill by presenting the history of the bill to register athletic trainers; set educational requirements; establish an athletic trainers advisory council; and require oversight by the Board of Healing Arts (see Attachment 2). He offered an amendment for the committee's consideration to clarify the makeup of the Council. Mr. Sperry indicated that passage of the bill will allow the state to determine the appropriate credentialing and registration of athletic trainers practicing in the state.

Mark Stafford, speaking for the State Board of Healing Arts, testified that the board supports the bill and the amendment proposed by Mr. Sperry. He offered additional amendments which would modify the bill's language [(a), page 4] relating to the expiration date and the requirements for renewal of registrations (see Attachment 3).

Chip Wheelen, Kansas Medical Society, testified in favor of **SB 57**, stating that the Society has no objections to the bill or the amendments offered (see Attachment 4).

Chairperson Mayans noted that a copy of letters in support of the bill from Kenneth Davis of the Kansas Physical Therapy Association, Overland Park (Attachment 5) and Cindy LaFleur, Director, Sports Medicine, St. Joseph Medical Center, Wichita (Attachment 6) have been distributed to each member of the committee.

Questions were then directed to the conferees. Mr. Furse noted that nothing in the bill relates to supervision of the trainers, but does refer to the trainer practicing via a protocol of a professional licensed by the Board of Healing Arts and wondered if that was a concern.

Representative Haley wanted to confirm that currently athletic trainers can work on adults as well as children. Mr. Sperry replied that the practice setting for trainers has expanded for adults and children into educational institutions, sports medicine, occupational medicine, corporate health, and hospital-based physical therapy clinics.

Representative Goodwin questioned if there are individuals who hold themselves out as athletic trainers who do not meet the criteria set by this bill. Mr. Sperry answered that some individuals do use the title, but this will allow only those licensed by the Board of Healing Arts to use the title once the bill is effective.

CONTINUATION PAGE

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S State Capitol, at 1:30 p.m. on March 20, 1995

Representative Gilmore noted that in her district's high school there are athletic trainers and she was not aware of a supervising physician. She asked what are high schools doing generally. Mr. Sperry stated in small towns, the team physician is usually one of the local doctors who volunteers his services.

Representative Landwehr asked if this bill increases the expenses by bringing on a physician. Mr. Sperry said there is nothing in the bill to require that; it is strictly a voluntary decision by local officials.

There being no other questions and no opponents present to testify, the hearing was closed.

SB 263 - Long-term care ombudsman access to records

The hearing was opened. Thelma Hunter Gordon, Secretary of Aging, testified in support of the bill, outlining the problems that are currently encountered by the Long-Term Care Ombudsman and the need for Kansas to assure compliance with federal law (see Attachment 7).

Sandra Strand, Kansans for Improvement of Nursing Homes, Inc., supported the intent of the bill and the Senate amendments (see Attachment 8).

Questions were then directed to the conferees. Representative Geringer stated he had concerns about the appropriateness of an ombudsman interceding on behalf of a person who is incapable of signing his name. Alice Nida, Department on Aging, stated that a complaint may be filed by an interested family member or an employee of a nursing home and the complaint would need to be investigated. Representative Geringer stated he had concerns about the government intervening in private family matters. Ms. Nida stated that the Ombudsman sees phenomenal exploitations being done by legal representatives of elderly nursing home residents.

Representative O'Connor asked what "social records" are and where did the terminology originate? Ms. Strand answered that it is a part of the Older Americans Act terminology, and that it could be social history information that could assist the Ombudsman to know about problems or disagreements within the family. Representative Hutchins asked if that kind of information appeared in medical records. Ms. Strand answered that only medical information is included in medical records. Representative Landwehr asked if financial information of a resident is recorded. Ms. Nida replied that the application to nursing homes in Kansas does include financial information, indicating it is beneficial when a resident is unable to pay for services and the record indicates that adequate funds were available at one time.

Representative Merritt expressed concerns with the bill, especially the intrusive nature of using personal records, and suggested the bill be tabled. Representative Gilmore questioned where complaints originate--are they from families or from care home personnel. Ms. Gordon stated she would get that information and report back.

Ms. Nida said that under federal law and a Kansas Attorney General's Opinion, the Ombudsman has the right to have access to those records and that cases found to have substance are reported to SRS who sponsors the investigation.

Representative Howell stated that giving the government, who is supposedly acting in the best interests of the resident by taking away written consent, strikes him as "big brother" government. Representative Kirk stated, speaking as a nursing home administrator, there is a legitimate problem when the patient has dementia. As to social records, she was not certain what they were. She reported she has experienced guardians who misused funds and there was little recourse. She asked that the issue be reviewed as to how to deal with that as it is troublesome.

The hearing on **SB 263** was closed. Chairperson Mayans stated that committee will not be taking action on the bill at this time and suggested that if the Department on Aging could come back with some answers next year, perhaps the committee could then address the issue.

Chairperson Mayans then called for action on the following bills.

SB 57 - Athletic trainers registration act

The committee discussed the proposed amendments put forth by Mr. Sperry, Mr. Stafford, and the committee staff members. After discussion, on motion of Representative Geringer, seconded by Representative Hutchins, the committee adopted amendments to SB 57 which (1) defines the membership of the athletic trainers council; (2) authorizes Healing Arts to set the date of renewal of licenses; (3) includes training and

CONTINUATION PAGE

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S State Capitol, at 1:30 p.m. on March 20, 1995

testing requirements for license renewals as determined by Healing Arts; and (4) allows Healing Arts to collect the costs of administering examinations in addition to the cost of the examination itself.

Ms. Correll questioned the referencing of "practice protocols" as shown on page 3, line 1, in the bill. Mr. Sperry replied that there is an agreement with the Board of Healing Arts that the board will require protocols.

Mr. Furse also questioned the Senate's amendment, that requires one member of the Athletic Trainers Council to be a person licensed to practice medicine and surgery, and asked if that is desired.

After discussion, on motion of Representative Henry, seconded by Representative Yoh, the committee passed SB 57, as amended. Representative Freeborn requested that her "No" vote be recorded.

Chairperson Mayans stated he is concerned and many different people have come to him and discussed the bill the House passed (**HB 2083**), requiring every medical care facility and every person licensed to practice medicine and surgery to annually report the number of terminated pregnancies performed. The bill passed the House by a vote of 98-26, and was sent over the Senate where it was referred to the Judiciary Committee. It was not allowed to surface for debate. Because of the number of House members who voted for the bill, Chairperson Mayans believes it deserves some kind of hearing and debate in the Senate. Therefore, a bill has been drafted--House Substitute for SB 309--as shown on Attachment 9, and Chairperson Mayans moved its introduction. Representative O'Connor seconded the motion. In discussion, Chairperson Mayans indicated that by virtue of this substitute bill, once it passes the House, it will go to the Senate where they must either concur or nonconcur--there will be a debate and a vote on the issue. On voice vote, the committee voted to pass House Substitute for SB 309.

The meeting was adjourned at 2:50 p.m.

No other meetings are scheduled for the 1995 session; however, meetings are on call of the Chair.

HOUSE COMMITTEE ON HEALTH
AND HUMAN SERVICES COMMITTEE
GUEST LIST
MARCH 20, 1995

NAME	REPRESENTING
KEITH R LAUDIS	CHRISTIAN SCIENCE COMM ON PUBLICATION FOR KS
Helma Hunter Dordon	Ks. Aging Department
Djin Szy	Ks. Ath. Trainers Society
Ausana Remonti	Ks Athletic Trainers Society
William Y. Green	Ks Athletic Trainers Society
Debra C Best	Kansas Athletic Trainers Society
Darren Odum	"
W. Gross	Shawnee Mission Med. CTR
Joseph F. Keow	KSHL
DONA BOON	SRS
Heidi K. K.	KTDH
Charlene Abbott	Bd. Healing Arts
Letty Johnson	"
Paul Stafford	"
Chip Wheeler	K's Medical Society
TK Shovel	KS LEGAL SERVICES
Joe Furjanic	KCA

**TESTIMONY TO HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES
SENATE BILL NO. 57
JIM SPERRY, KANSAS ATHLETIC TRAINERS SOCIETY
MARCH 20, 1995**

Mr. Chairman and members of the committee:

Thank you for the opportunity to appear before you and offer testimony in support of passage of Senate Bill No. 57, the athletic trainers registration act. My name is Jim Sperry and I am here today representing the Kansas Athletic Trainers Society. I have been a Certified Athletic Trainer for the past 14 years and a Registered Physician Assistant for the past 10 years. In that time I have had extensive experience providing care to the patients who will benefit from passage of SB 57.

Senate Bill No. 57 would make it unlawful for anyone to identify themselves to the public as an athletic trainer, unless they are so registered with the Kansas State Board of Healing Arts.

Athletic trainers are highly trained and skilled allied health care professionals, who provide expert care in the prevention, emergency stabilization and referral, and rehabilitation to those patients who have incurred an athletic or occupational related injury or illness. The athletic trainer is a dependent practitioner, providing care under the direction and supervision of licensed practitioner of the healing arts.

Summary of Senate Bill No. 57

SB 57 would require: 1) Certain educational and experiential credentials and registration with the Kansas State Board of Healing Arts; 2) Supervision by a licensed practitioner of the healing arts, with the establishment of a written practice protocol between the athletic trainer and the supervising practitioner; 3) Maintenance of continuing education hours, as prescribed by the Board; and 4) Formation of an athletic trainers advisory council to assist the Board in the implementation and administration of this act.

Facts on Athletic Trainers in Kansas

Currently, there are approximately 130-140 Certified Athletic Trainers practicing in Kansas. Athletic trainers are certified by the National Athletic Trainers Association Board of Certification, Inc., which is the only certifying agency for athletic trainers in the United States. This organization was established in 1989 as an independent entity to administer the certification program for entry-level athletic trainers and a continuing education program for Certified Athletic Trainers. The NATABOC is a member of the National Commission for Competency Assurance, based in Washington, D.C. In 1990, the American Medical Association formally recognized athletic training as an Allied Health Care Profession.

The Kansas Athletic Trainers Society completed the credential review process with the Kansas Department of Health and Environment, in 1989. In his executive summary of the findings of the committee, Secretary of Health and Environment, Dr. Stanley C. Grant, made several recommendations, including: 1) Athletic trainers should be regulated by the State of Kansas; 2) The appropriate form of regulation would be that of Registration; 3) The educational and experience standards to be used in the training of athletic trainers be that of the national certifying organization for athletic trainers.

The Kansas Athletic Trainers Society certainly agrees that registration is the appropriate form of regulation. We further feel that the Kansas State Board of Healing Arts is the most appropriate agency to implement and administer the provisions of SB 57. It is important to point out, at this time, that registration will only offer title protection and not restrict the performance of the duties commonly associated with athletic training. Others, who have knowledge of the duties and functions will still be able to provide these functions, they only will not be able to identify themselves as an athletic trainer, unless they are registered according to the provisions of SB 57.

Currently, without state regulation, anyone can identify themselves to the public as an athletic trainer, without any required credentials. This can be confusing to the consumer, which includes the patient and potential employers. Passage of SB 57 will make it easy for the consumer to identify those persons with the appropriate credentials to be able to offer a high standard of quality care.

Education and Clinical Experience Requirements

Athletic trainers should possess certain pre-requisite formal education, in order to be able to function at the appropriate level of expertise, and thereby enable them to provide an adequate standard of quality of care. This training should include formal college or university classes in the following courses: Human Anatomy, Human Physiology, Kinesiology/Biomechanics, Health, Physiology of Exercise, Basic Principles of Athletic Training and Physical Modalities, Advanced Principles of Athletic Training and Physical Modalities, First Aid (or training as an Emergency Medical Technician) and Cardiopulmonary Resuscitation (CPR).

In addition to this formal class work, the athletic trainer should complete a supervised clinical experience, under a certified athletic trainer, of no less than 800 clock hours. These hours should be distributed over at least a two year period and should include activities which are high risk for injury to the patient.

These requirements are not at all extraordinary, compared to similar didactic and clinical experience required by other allied health care education and training programs.

Practice Setting for the Athletic Trainer in Kansas

Traditionally, the practice setting for the athletic trainer was the amateur (both interscholastic and intercollegiate) and the professional athletic organization. Athletic trainers in Kansas, as well as nationwide, can now be found employed in secondary and collegiate educational institutions, sports medicine, occupational medicine, corporate health, and hospital-based physical therapy clinics. This increase in the practice setting and the increased utilization of these types of facilities by the broader public has placed the general public at higher risk to exposure to practitioners who do not possess the proper credentials to offer the highest standard of quality care. Passage of Senate Bill No. 57 would help protect the public by requiring documentation of credentials prior to applying for registration as an athletic trainer.

Balloon Amendment

The Kansas Athletic Trainers Society would finally like to offer a balloon amendment to page six of the bill. This amendment is offered as a compromise and has been endorsed by the Kansas Athletic Trainers Society, Kansas Medical Society, Kansas Chiropractic Association and the Kansas State Board of Healing Arts. This language change better defines and clarifies the membership of the athletic trainers council to the Board of Healing Arts. The language substitution is found on page six, as follows:

1. Page 6, line 9, beginning after the word "follows:" and through to line 13, ending before the word "and three members....". The substituted language should read, " One member shall be a licensee of the board, appointed by the board and who is acting as a supervisor of an athletic trainer; one member shall be the president of the board, or a board member designated by the president;". (Please see the attached copy)

Summary

Senate Bill No. 57 is good legislation, which enjoys a wide base of support from not only health care professional organizations, but also school administrators, corporate heads, lay persons, coaches and health care administrators. SB 57 addresses the problem of increased risk by the patient to exposure to practitioners who are not qualified to provide the care required by the patient. This bill does not expand an already highly regulated area, it simply offers the same protection and method of regulating quality which is currently offered to the consumer of other areas of health care.

Approximately 130-140 Certified Athletic Trainers are currently practicing, without regulation, in the state of Kansas. Kansas has no method of controlling the credentials of those who practice athletic training and must rely on a national organization, who does not have Kansans as their priority for controlling quality. The State of Kansas should

SB 57 Testimony
Jim Sperry, Kansas Athletic Trainers Society
March 20, 1995

4

determine the appropriate credentials for practitioners in Kansas, not a national organization.

The Kansas Athletic Trainers Society feels that athletic trainers in Kansas should be regulated, and the appropriate form of regulation is registration. Senate Bill No. 57 will ensure that only those with the appropriate credentials would be able to identify themselves to the public as athletic trainers, protecting the public from unqualified practitioners of athletic training.

We request this committee support passage of Senate Bill No. 57 and report it favorably to the entire House of Representatives for passage.

Again, thank you for your time in allowing me to appear and for your time and attention to this important matter. I will be happy to answer any questions you may have.

1 (9) violation of any professional trust or confidence;
 2 (10) the individual has committed unprofessional conduct as defined
 3 by rules and regulations adopted by the board.

4 (b) Any action authorized by this section shall be taken in accordance
 5 with the Kansas administrative procedure act.

6 Sec. ~~13 11~~ [12]. (a) There is hereby established an athletic trainers
 7 council to advise the board in carrying out the provisions of this act. The
 8 council shall consist of five members, all residents of the state of Kansas
 9 appointed as follows: ~~One member shall be a physician person licensed~~
 10 ~~to practice medicine and surgery appointed by the state board of heal-~~
 11 ~~ing arts and who is acting as a supervising physician for athletic trainers;~~
 12 ~~one member shall be the president of the state board of healing arts or~~
 13 ~~a person designated by the president; and three members shall be athletic~~
 14 ~~trainers appointed by the governor. The governor, insofar as possible,~~
 15 ~~shall appoint persons from different geographical areas.~~

16 (b) If a vacancy occurs on the council, the appointing authority of the
 17 position which has become vacant shall appoint a person of like qualifi-
 18 cations to fill the vacant position for the unexpired term, if any. The
 19 Kansas athletic trainers' society shall recommend the names of athletic
 20 trainers to the governor in a number equal to at least twice the positions
 21 or vacancies to be filled, and the governor may appoint members to fill
 22 the positions or vacancies from the submitted list.

23 (c) Members of the council appointed by the governor on and after
 24 the effective date of this act shall be appointed for terms of three years
 25 and until their successors are appointed and qualified except that of the
 26 members first appointed by the governor one shall be appointed for a
 27 term of one year, one shall be appointed for a term of two years and one
 28 shall be appointed for a term of three years, as designated by the gover-
 29 nor. The member appointed by the state board of healing arts shall serve
 30 at the pleasure of the state board of healing arts. A member designated
 31 by the president of the state board of healing arts shall serve at the pleas-
 32 ure of the president.

33 (d) Members of the council attending meetings of the council, or
 34 attending a subcommittee meeting thereof authorized by the council,
 35 shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and
 36 amendments thereto from the healing arts fee fund.

37 Sec. ~~13 12~~ [13]. When it appears to the board that any person is
 38 violating any of the provisions of this act, the board may bring an action
 39 in a court of competent jurisdiction for an injunction against such violation
 40 without regard to whether proceedings have been or may be instituted
 41 before the board or whether criminal proceedings have been or may be
 42 instituted.

43 Sec. 14 13 [14]. If any section of this act, or any part thereof, is

5
2

One member shall be a licensee of the board, appointed by
the board and who is acting as a supervisor of an athletic
trainer; one member shall be the president of the board,
or a board member designated by the president;

KANSAS BOARD OF HEALING ARTS

BILL GRAVES
Governor

LAWRENCE T. BUENING, JR.
Executive Director



235 S. Topeka Blvd.
Topeka, KS 66603-3068
(913) 296-7413
FAX # (913) 296-0852

To: House Committee on Health and Human Services

From: Mark W. Stafford
General Counsel

Date: March 20, 1995

Re: 1995 Senate Bill No. 57

Thank you for the opportunity to appear before you on behalf of the State Board of Healing Arts and speak in favor of 1995 Senate Bill No. 57. This bill provides for the registration of athletic trainers.

The Board has consulted with the athletic trainers and particularly with Mr. Sperry to work out any difficulties with the bill. We understand that he is offering an amendment to Section 12 regarding the composition of the advisory council. The Board supports the amendment as proposed by Mr. Sperry.

If adopted, the bill will be administered by the Board. In reviewing the ministerial provisions, we found three areas to which we would prefer modification. The request is intended for the Board's administrative convenience. I have attached a balloon to my testimony which addresses our concerns.

1. Section 9 states that a registration expires 24 months after issuance. If this matter is set by rules and regulations, then the expiration date can be coordinated with the renewals of the 10 other professions we license or register. This will assist our licensing section in maintaining efficiency.

2. Section 9 also gives rule-making authority for reinstatement issues. We request that this authority expressly include additional training and testing as appropriate. In some cases which have come before the Board, persons who request reinstatement but have been out of practice for a period of time have been reluctant to show current competency. Our request would address that situation.

3. Finally, we request that Section 10 which regards fees be expanded to allow us to collect not only the price of the examination, but also the cost of administering the examination. This includes the cost of things such as room rental and proctors.

Once again, thank you. I will be happy to answer questions.

MEMBERS OF BOARD
JOHN P. WHITE, D.O., PRESIDENT
PITTSBURG
RONALD J. ZOELLER, D.C., VICE-PRESIDENT
TOPEKA

DONALD B. BLETZ, M.D., OVERLAND PARK
C.J. CONRADY, JR., ANTHONY
SERGIO DELGADO, M.D., TOPEKA
JAMES D. EDWARDS, D.C., EMPORIA
HOWARD D. ELLIS, M.D., LEAWOOD
EDWARD J. FITZGERALD, M.D., WICHITA
JOHN P. GRAVINO, D.O., LAWRENCE

GRACIELA A. MARION, EUDORA
LAUREL H. RICKARD, MEDICINE LODGE
RONALD N. WHITMER, D.O., ELLSWORTH
ANNE WIGGLESWORTH, M.D., MANHATTAN
REX A. WRIGHT, D.C., TOPEKA
DONALD B. TOBER, D.P.M., WICHITA

HOUSE H&HS COMMITTEE
3-20-1995
Attachment 3-1

3 - 2

1 (c) passed an examination in athletic training approved by the board.
 2 Sec. 8. The board may contract with investigative agencies, commis-
 3 sions or consultants to assist the board in obtaining information about
 4 courses of study and clinical experience to be approved by the board
 5 under section 7 and amendments thereto.

6 Sec. 9. (a) An applicant who meets the requirements for registration
 7 pursuant to this act, has paid the registration fee and has otherwise com-
 8 plied with the provisions of this act shall be registered by the board.

9 (b) Registrations issued pursuant to this act shall expire 24 months
 10 ~~from the date of issuance unless~~ revoked prior to that time. A registration
 11 shall be renewed in the manner prescribed by the board.

Add: on the date established by rules and regulations of the board

12 (c) At least 30 days before the expiration of the registration of an
 13 athletic trainer, the board shall notify the registrant of the expiration by
 14 mail, addressed to the registrant's last mailing address, as noted upon the
 15 board's records. If the registrant fails to pay the fee and submit an ap-
 16 plication by the date of expiration of the registration, the registrant shall
 17 be given a second notice that the registrant's registration has expired and
 18 the registration may be renewed only if the renewal fee and the late
 19 renewal fee are received by the board within the 30-day period following
 20 the date of expiration and that if both fees are not received within the
 21 30-day period the registration shall be canceled for failure to renew and
 22 shall be reissued only after the athletic trainer has been reinstated under
 23 subsection (d).

24 (d) Any registrant who allows the registrant's registration to be can-
 25 celed by failing to renew as herein provided may be reinstated upon
 26 payment of the renewal fee, the reinstatement fee, filing an updated prac-
 27 tice protocol and upon submitting evidence of satisfactory completion of
 28 any applicable continuing education requirements established by the
 29 board. The board shall adopt rules and regulations for reinstatement of
 30 persons whose registrations have lapsed for failure to renew.

Add: which may include additional testing, training or education as the board may deem necessary to establish the persons present ability to perform the functions or duties of an athletic trainer.

31 Sec. 10. (a) The board shall charge and collect in advance fees pro-
 32 vided for in this act as fixed by the board by rules and regulations, subject
 33 to the following limitations:

34 Application fee, not more than	\$50
35 Temporary registration fee, not more than	\$50
36 Registration renewal fee, not more than	\$50
37 Registration late renewal fee, not more than	\$50
38 Registration reinstatement fee, not more than	\$50
39 Certified copy of registration, not more than	\$20

40 (b) The board shall charge and collect in advance fees for any ex-
 41 amination administered by the board under the athletic trainers registra-
 42 tion act as fixed by the board by rules and regulations in an amount equal
 43 to the cost to the board of the examination. If the examination is not

Add: and its administration.



KANSAS MEDICAL SOCIETY

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

March 20, 1995

To: House Health and Human Services Committee
From: C. L. Wheelen, KMS Director of Public Affairs *Chris*
Subject: Senate Bill 57; Registration of Athletic Trainers

Thank you for the opportunity to express our support for the provisions of SB57. We concur with the findings of the KDHE Credentialing Committee that professional athletic trainers should be registered. We also agree that the practice of athletic training does not warrant licensure.

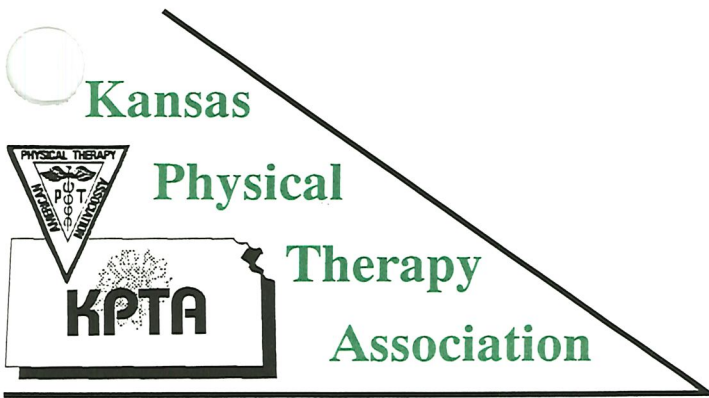
Registration would reserve the title "athletic trainer" to only those individuals who have met minimum academic and clinical training requirements. It would assure prospective employers such as college coaches and sports clinics that an applicant has already obtained a certain level of training and would also assure physicians who refer patients that the athletic trainer has been credentialed by the State Board of Healing Arts. But because this bill calls for registration rather than licensure, it would not in any way interfere with the ability of coaching assistants, team managers, or others to perform functions similar to those outlined in the description of the athletic trainer's scope of practice.

The original version of the bill included an elaborate scope of practice that differed from the scope of practice presented to and reviewed by the KDHE credentialing committee. We pointed out that because the bill calls for registration rather than licensure, the scope of practice is not particularly relevant and introduced issues that were distractions from the basic question. We therefore recommended that the scope of practice be restored to essentially the same scope reviewed by KDHE and the Senate Committee agreed.

We are informed that the Board of Healing Arts is requesting additional amendments that appear to be technical. We do not object to those changes.

Thank you for considering our comments.

HOUSE H&HS COMMITTEE
3 - 20 - 1995
Attachment 4



March 16, 1995

Representative Carlos Mayans, Chairperson
Health and Human Services Committee
House of Representatives
Capitol Building, State of Kansas
Topeka, KS

Re: Senate Bill #57

Honorable Chairperson Mayans:

On behalf of the Kansas Physical Therapy Association (KPTA), representing approximately 800 physical therapists and physical therapist assistants in the State of Kansas, I wish to convey our association's support for S.B.#57, a bill to duly register athletic trainers in the State of Kansas.

The physical therapy community recognizes the role of qualified athletic trainers in the State of Kansas, and we support the credentialing and oversight of athletic training services by the Kansas Board of Healing Arts. The public deserves the right to know that the services rendered to their high school and collegiate athletes are being provided by individuals who are appropriately qualified, by reason of education and training.

The KPTA appreciates the opportunity to provide this favorable testimony to the honorable members of the House Public Health and Human Services Committee, as you deliberate on Senate Bill #57.

Sincerely,

Kenneth Davis, PT
Chairperson, Legislative Committee
/kd

cc: Steven F. Kearney, Esq., KPTA Legislative Lobbyist
Jim Sperry, RPAC, ATC, Chairman, KATS Legislative Committee

HOUSE H&HS COMMITTEE
3 - 20 - 1995
Attachment 5



St. Joseph Medical Center
Health Enhancement Center
3600 East Harry / Wichita, Kansas 67218

March 16, 1995

The Honorable Carlos Mayans
The Kansas House of Representatives
Capitol Building-426-S
Topeka, KS 66612

Dear Senator Mayans:

This letter is in support of Senate Bill No. 57 which addresses regulation for the profession of athletic training.


As the Director of the Sports Medicine Department of St. Joseph Medical Center, I feel very strongly that athletic trainers should be regulated. We employ six certified trainers in our department. These trainers provide a very important service to the Medical Center as well as the teams, schools and events that we contract with. The duties of these trainers are very diverse. Injury evaluation and recognition are only a small part of what they do. Our trainers provide emergency first aid care for the athletes that we cover as well as their opponents. The trainers, along with the physicians they work under, make the decisions as to whether an athlete can return to competition after an injury. They also participate in the rehabilitation of injured athletes. They counsel athletes on many issues including nutrition, drug use, strength training and conditioning. These trainers work in a wide variety of settings and must have extensive education and training in order to cope with the myriad of injuries and situations that they deal with on a daily basis.

By requiring that these practitioners be registered, the Kansas legislature can insure that unqualified practitioners will not be allowed to put this patient population at risk. Because this patient population includes persons from every age group and walk of life, the general public is at risk.

I fully support the efforts of the Kansas Athletic Trainers Society (KATS) in introducing legislation to require the registration of athletic trainers in the state of Kansas. These highly educated and skilled health care providers play an important role in the health care team. Their patient population are those physically active persons, from the very young to the elderly. Your support of this legislation indicates that you are interested in the delivery of quality health care to physically active Kansas.

Thank you for your consideration in this important matter and your positive vote for quality health care in Kansas.

Sincerely,



Cindy La Fleur

Director, Sports Medicine
St. Joseph Medical Center

Testimony to the
House Committee on Health and Human Services
on Senate Bill 263
By Thelma Hunter Gordon, Secretary of Aging
March 20, 1995

Chairman Mayans and members of the House Committee on Health and Human Services:

Thank you for the opportunity to testify in support of Senate Bill 263, a bill concerning long term care ombudsman access to resident records.

Ombudsmen have, at times, had a problem with lack of access to records, thereby denying access to services for Kansas long term care consumers. During the five years tenure of the State Long Term Care Ombudsman, observations have been made of long term care facilities refusing ombudsmen access to resident records because the resident was not able to give written consent, as required in KSA 75-5920. In these cases the resident was confused and clearly unable to grant permission, lacked mental capacity to grant authority, or did not have the physical capacity to sign a consent form though they had verbally given their permission. It is estimated that as many as 60% of nursing facility residents may suffer from various types of dementia. These persons along with residents having legal representatives and the physically incapacitated may be barred from access to LTC ombudsman services when the ombudsman is unable to access records and intervene upon their behalf.

Title VII, Chapter two of the Older American's Act specifically gives the LTC Ombudsman access to resident records when the ombudsman has resident permission, when the resident lacks capacity and there is no legal representative. Also the ombudsman is granted access when there is reason to believe that a legal representative is not acting in the best interest of the resident. A Kansas Attorney General's opinion, 94-87 concludes that compliance with both the state and the federal law is physically impossible and that always requiring written consent is an obstacle to the accomplishment and execution to the full objective of Congress.

Current limits to access as stated in KSA 75-5920 unnecessarily limit access to records and permits facilities to delay or block investigations and complaint resolution process.

Therefore, the Kansas Department on Aging respectfully requests that Senate Bill 263 be passed as amended in the Senate into law as a technical update for purposes of compliance with federal law assuring LTC ombudsmen access to resident records.

HOUSE H&HS COMMITTEE
3 - 20 - 1995
Attachment 7



KINH Kansans for Improvement of Nursing Homes, Inc.

913 Tennessee, suite 2 Lawrence, Kansas 66044 (913) 842-3088

TESTIMONY PRESENTED TO
THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES
CONCERNING SB 263

March 20, 1995

Mr. Chairman and Members of the Committee:

KINH clearly supports the intent of this bill, which is to bring the Kansas Ombudsman statutes into compliance with the Ombudsman Provisions of the federal Older Americans Act.

Most of the changes we suggested to the Senate subcommittee were technical in nature, to bring the language closer to that in the federal law.

In our testimony to the Senate, we suggested that the language allowing access to records on applicants for admission to a facility deleted, because the definition of residents in the federal ombudsman provisions does not include applicants for admission to facilities.

We support the amendments to the bill made by the Senate subcommittee, and we ask this committee to recommend the amended bill favorably for passage.

Respectfully submitted,

Sandra Strand
Legislative and Community Liaison

HOUSE H&HS COMMITTEE
3 - 20 - 1995
Attachment 8

HOUSE Substitute for SENATE BILL NO. 309

AN ACT requiring certain reports of terminations of pregnancies;
amending K.S.A. 65-445 and repealing the existing section.

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

Section 1. K.S.A. 65-445 is hereby amended to read as follows: 65-445. (a) Every hospital medical care facility shall keep written records of all pregnancies which are lawfully terminated within such hospital medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by said the secretary. Such-report Every person licensed to practice medicine and surgery shall keep a record of all pregnancies which are lawfully terminated by such person in a location other than a medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary.

(b) Each report required by this section shall include the number of pregnancies terminated within-such-hospital-during-said during the period of time covered by the report, the type of medical facility in which the pregnancy was terminated and such other information as may be required by the secretary of health and environment, but said the report shall not include the names of the persons whose pregnancies were so terminated.

(c) Information obtained by the secretary of health and environment under this section shall be confidential and shall not be disclosed in a manner that would reveal the identity of any person licensed to practice medicine and surgery who submits a report to the secretary under this section or the identity of any medical care facility which submits a report to the secretary under this section. Information obtained by the secretary under this section may be used only for statistical purposes, except

that no information may be released which would identify any county or other area of this state in which the termination of the pregnancy occurred. A violation of this subsection (c) is a class A nonperson misdemeanor.

Sec. 2. K.S.A. 65-445 is hereby repealed.

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