

Approved: 3-10-95
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on February 22, 1995 in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research Department
Norman Furse, Revisor of Statutes
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Nancy Schobe, Executive Director, State Board of Cosmetology
Mike Meacham, National Cosmetology Association of Kansas

Others attending: See attached list

Approval of Minutes

Senator Walker made a motion to approve the minutes of February 13, 14, 15, 16, 17, 1995, seconded by Senator Harrington. The motion carried.

Action on SB 293 - Health care data governing board to collect and make information available to the public of established charges for services of health care providers

Senator Walker briefed the Committee on the balloon amendments of **SB 293**. (Attachment 1) Senator Walker made a motion the Committee adopt the balloon amendments of **SB 293**, seconded by Senator Hardenburger. The motion carried.

Senator Walker made a motion the Committee recommend **SB 293 as amended and a Substitute bill be drafted** favorably for passage, seconded by Senator Hardenburger. The motion carried.

Action on SB 8 - Definitions of adult care homes

Staff briefed the Committee on the Subcommittee balloon amendments to **SB 8**. (Attachment 2) The Chair called attention to an amendment from KINH that would add on page 4, in the definition of "operator" and language be inserted on line 40 before the period the following: "and has successfully passed an examination approved by the licensing agency on principles of assisted living". (Attachment 3) Senator Walker made a motion the Committee adopt the amendment from KINH, seconded by Senator Langworthy. The motion carried.

The Chair called attention to an amendment whereby county hospitals have the ability to develop an assisted living facility in conjunction with the county hospital. (Attachment 4) Senator Jones made a motion the Committee adopt the amendment, seconded by Senator Langworthy. The motion carried.

Senator Jones made a motion **SB 8 as amended** be recommended favorably for passage, seconded by Senator Papay. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S
Statehouse, at 10:00 a.m. on February 22, 1995.

Action on SB 57 - Athletic trainers registration act

Staff briefed the Committee on the balloon amendment to **SB 57**, (Attachment 5) Senator Ramirez called attention to the need to change the deadline date referred to on page 2, line 14, of the bill to read "July 1, 1996". Senator Ramirez made a motion the Committee add to the balloon amendment the deadline date to read "July 1, 1996" and strike the reference to supervising position and make that adjustment on page 6 of the bill, seconded by Senator Lee. The motion carried.

Senator Hardenburger made a motion to adopt the balloon amendments, seconded by Senator Langworthy. The motion carried.

Senator Hardenburger made a motion the Committee recommended **SB 57 as amended** favorably for passage, seconded by Senator Langworthy. The motion carried.

Hearing on: SB 286 - Cosmetologists licensure requirements and fees

Nancy Schobe, Board of Cosmetology, addressed the Committee in support of **SB 286** as noted in her written testimony (Attachment 6) as well as a balloon amendment that would repeal all fee limitation increase requests. (Attachment 7)

During Committee discussion concern was expressed by a member regarding grandfathering, and it was noted by Ms. Schobe that those who would fall within the grandfather clause would have been licensed for three years by the time this bill would take effect. She also noted that the terminology in the bill is the current terminology used nationwide in the profession.

Action on SB 286

Senator Ramirez made a motion to adopt the balloon amendments to **SB 286** and that the Committee recommend **SB 286 as amended** favorably for passage, seconded by Senator Hardenburger. The motion carried.

Hearing on: SB 267 - Continuing education for cosmetologist licenses

Mike Meacham, representing the National Cosmetology Association of Kansas, testified in support of **SB 267** that concerns the continuing education of cosmetologists and directs the Board of Cosmetology to implement this program by July 1, 1996, as noted in his written testimony. (Attachment 8)

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for February 23, 1995.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
GUEST LIST

DATE: 2-22-95

NAME	REPRESENTING
Cvet Johnson	Pet's Beauty Supply
Yella Dwyer	Transformations Salon
Shane Wolf	The Signpost, Inc.
Lou Sardi	KDHE
Susan Osterander	Hair Productions
Jeanie Crader	Hair Productions
Dana Green	Hair Productions
Jane Clyn	KSBW
Pat Johnson	KSBW
Mike Meacham	NCA-KS
Cathy Ferguson	NCA-KS
Edward F. ...	Kaw Valley Hair Company
Melissa Palmer	Com. College of Cosmetology
Erin Dumas	Com. College of Cosmetology
Sharon Hess	"
Kelly C Mumford	Community College of Cosmetology
Helen Shewey	KU graduate student
Patricia Maben	KDHE
Joseph Keoc	KDHE

SENATE BILL No. 293

By Committee on Federal and State Affairs

2-13

9 AN ACT concerning the health care data governing board, making infor-
10 mation relating to established charges for services of health care pro-
11 viders available to the public.
12

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

14 [Section 1. (a) As used in this section:

15 (1) "Board" means the health care data governing board created un-
16 der K.S.A. 65-6803 and amendments thereto.

17 (2) "Health care provider" means a person licensed to practice any
18 branch of the healing arts by the state board of healing arts, a medical
19 care facility licensed by the secretary of health and environment, a health
20 maintenance organization issued a certificate of authority by the com-
21 missioner of insurance, an optometrist licensed by the board of examiners
22 in optometry, a podiatrist licensed by the state board of healing arts, a
23 pharmacist licensed by the state board of pharmacy, a registered nurse
24 anesthetist authorized to practice by the board of nursing, an advanced
25 registered nurse practitioner who holds a certificate of qualification from
26 the board, a dentist licensed by the Kansas dental board, an optometrist
27 licensed by the board of examiners in optometry, a physical therapist
28 registered by the state board of healing arts, an occupational therapist
29 registered by the state board of healing arts, a psychiatric hospital licensed
30 under K.S.A. 75-3307b and amendments thereto, a psychologist licensed
31 by the behavioral sciences regulatory board, a master social worker li-
32 censed by the behavioral sciences regulatory board, a registered profes-
33 sional counselor registered by the behavioral sciences regulatory board
34 or a mental health center or mental health clinic licensed by the secretary
35 of social and rehabilitation services.

36 (b) Each health care provider shall submit annually to the health care
37 data governing board information requested by the board relating to the
38 established charges for services offered by such health care provider. The
39 board shall compile annually from this information a health care provider
40 cost reference book which shall be available to consumers.]

Sec. 2. This act shall take effect and be in force from and after its
publication in the statute book.

Section 1. K.S.A. 1994 Supp. 65-6807 is hereby amended to read as follows: 65-6807. The secretary of health and environment shall annually on or before February 1 each year make a report to the governor and the joint committee-on-health-care-decisions-for-the 1990's legislature as to health care data activity, including examples of policy analyses conducted and purposes for which the data was disseminated and utilized, and as to the progress made in compiling and making available the information specified under K.S.A. 1994 Supp. 65-6801 and amendments thereto.

SENATE BILL No. 8

Subcommittee Recommendations 2/22/95

By Special Committee on Public Health and Welfare

12-16

9 AN ACT concerning ~~adult care homes~~; defining certain terms; amending
10 K.S.A. 39-1501, 40-2,116 ~~and 65-3501~~ and K.S.A. 1994 Supp. 39-923
11 and repealing the existing sections.
12

certain care facilities

,

and 75-3307b

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

14 Section 1. K.S.A. 1994 Supp. 39-923 is hereby amended to read as
15 follows: 39-923. (a) As used in this act:

16 (1) "Adult care home" means any nursing facility, *nursing facility for*
17 *mental health, intermediate personal care home, one to five bed adult*
18 *care home and any care facility for the mentally retarded, assisted living*
19 *facility, residential health care facility, home plus, boarding care home*
20 *and adult day care facility, all of which classifications of adult care homes*
21 *are required to be licensed by the secretary of health and environment.*
22 *Adult care home does not mean adult family home.*

23 (2) "Nursing facility" means any place or facility operating for not less
24 than 24 hours in any week and a day, seven days a week, caring for six
25 or more individuals not related within the third degree of relationship to
26 the administrator or owner by blood or marriage and who by reason of
27 aging, illness, disease or physical or mental infirmity are unable to suffi-
28 ciently or properly care for themselves; and for whom reception, accom-
29 modation, board and skilled nursing care and treatment is provided; and
30 which place or facility is staffed to provide 24 hours a day licensed nursing
31 personnel plus additional staff, and is maintained and equipped primarily
32 for the accommodation of individuals who are not acutely ill and are not
33 in need of hospital care but who require skilled nursing care, due to
34 functional impairments, need skilled nursing care to compensate for ac-
35 tivities of daily living limitations.

36 (3) "Intermediate personal care home" means any place or facility
37 operating for not less than 24 hours in any week and caring for six or
38 more individuals not related within the third degree of relationship to the
39 administrator or owner by blood or marriage and who by reason of aging,
40 illness, disease or physical or mental infirmity are unable to sufficiently
41 or properly care for themselves and for whom reception, accommodation,
42 board, personal care and treatment or simple nursing care is provided;
43 and which place or facility is staffed, maintained and equipped primarily

J.F.

1 for the accommodation of individuals not acutely ill or in need of hospital
2 care, nursing facility care or moderate nursing care but who require domiciliary
3 care and simple nursing care.

4 (4) "One-to-five-bed adult care home" means any place or facility
5 which place or facility may be a private residence and which place or
6 facility is operating for not less than 24 hours in any week and caring for
7 not more than five individuals not related within the third degree of re-
8 lationship to the administrator or owner by blood or marriage and who
9 by reason of aging, illness, disease or physical or mental infirmity are
10 unable to sufficiently or properly care for themselves and for whom re-
11 ception, accommodation, board, personal care and treatment and skilled
12 nursing care, supervised nursing care or simple nursing care is provided
13 by the adult care home, and which place or facility is staffed, maintained
14 and equipped primarily for the accommodation of individuals not acutely
15 ill or in need of hospital care but who require domiciliary care and skilled
16 nursing care, supervised nursing care or simple nursing care provided by
17 the adult care home. When the home's capabilities are questioned in
18 writing, the licensing agency shall determine according to its rules and
19 regulations if any restriction will be placed on the care the home will give
20 residents.

21 (3) "Nursing facility for mental health" means any place or facility
22 operating 24 hours a day, seven days a week caring for three or more
23 individuals not related within the third degree of relationship to the ad-
24 ministrator or owner by blood or marriage and who, due to functional
25 impairments, need special mental health services to compensate for activ-
26 ities of daily living limitations.

27 (4) "Intermediate care facility for the mentally retarded" means any
28 place or facility operating 24 hours a day, seven days a week caring for
29 three or more individuals not related within the third degree of relation-
30 ship to the administrator or owner by blood or marriage and who, due
31 to functional impairments caused by developmental disabilities, need serv-
32 ices to compensate for activities of daily living limitations.

33 (5) "Assisted living facility" means any place or facility caring for
34 three or more individuals not related within the third degree of relation-
35 ship to the administrator, operator or owner by blood or marriage and
36 who, due to functional impairments, need personal care and may need
37 supervised nursing care to compensate for activities of daily living limi-
38 tations and in which the place or facility includes apartments for residents
39 and provides or coordinates a range of services available 24 hours a day,
40 seven days a week for the support of resident independence.

41 (6) "Residential health care facility" means any place or facility caring
42 for six or more individuals not related within the third degree or rela-
43 tionship to the administrator, operator or owner by blood or marriage

six

mental retardation or related conditions

six

by choice or

may

including personal care, supervised or skilled nursing care

23

and who, due to functional impairments, need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates a range of services available on a 24-hour, seven-day-a-week basis for the support of resident independence.

(7) "Home plus" means any residence or facility caring for not more than five individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary of the department of social and rehabilitation services, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided residents shall be determined by preparation of the operator and rules and regulations developed by the department of health and environment.

(8) "Boarding care home" means any place or facility operating for not less than 24 hours in any week and a day, seven days a week, caring for three or not more than 10 individuals not related within the third degree of relationship to the administrator operator or owner by blood or marriage and who by reason of aging, illness, disease or physical or mental infirmity are unable to sufficiently or properly care for themselves and for whom reception, accommodation, board and supervision is provided and which place or facility is staffed, maintained and equipped primarily to provide shelter to residents who require some supervision, but who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment need supervision or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services commonly performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel for individuals requiring 24 hour a day care by licensed nursing personnel including: Acts of observation, care and counsel of the ill, injured or infirm; the Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions requiring which require substantial specialized nursing judgment and skill based on the

by choice or

may

personal care and supervised or skilled nursing care

of

professional

2-4

1 knowledge and application of scientific principles.

2 (S) (12) "Supervised nursing care" means services commonly per-
3 formed by or under the immediate onsite supervision of licensed nursing
4 personnel at least eight hours a day for at least five days a week including:
5 Acts of observation, care and counsel of the ill, injured or infirm; the
6 licensed nurse or through delegation by a licensed nurse, including but
7 not limited to, administration of medications and treatments as prescribed
8 by a licensed physician or dentist; and other selected functions requiring
9 specialized judgment and certain skills based on the knowledge of sci-
10 entific principles assistance of residents with the performance of activities
11 of daily living.

provided by or under the guidance of a licensed
nurse with initial direction for nursing task and
periodic inspection of its actual act of
accomplishing the task;

12 (9) "Simple nursing care" means selected acts in the care of the ill,
13 injured or infirm requiring certain knowledge and specialized skills but
14 not requiring the substantial specialized skills, judgment and knowledge
15 of licensed nursing personnel.

16 (10) (13) "Resident" means all individuals kept, cared for, treated,
17 boarded or otherwise accommodated in any adult care home.

61 residents

18 (11) (14) "Person" means any individual, firm, partnership, corpora-
19 tion, company, association or joint-stock association, and the legal suc-
20 cessor thereof.

21 (12) (15) "Operate an adult care home" means to own, lease, estab-
22 lish, maintain, conduct the affairs of or manage an adult care home, except
23 that for the purposes of this definition the word "own" and the word
24 "lease" shall not include hospital districts, cities and counties which hold
25 title to an adult care home purchased or constructed through the sale of
26 bonds.

27 (13) (16) "Licensing agency" means the secretary of health and en-
28 vironment.

29 (14) "Skilled nursing home" means a nursing facility.

30 (15) "Intermediate nursing care home" means a nursing facility.

31 (17) "Apartment" means a private unit which includes, but is not
32 limited to, a toilet room with bathing facilities, a kitchen, sleeping, living
33 and storage area and a lockable door.

34 (18) "Individual living unit" means a private unit which includes, but
35 is not limited to, a toilet room with bathing facilities, sleeping, living and
36 storage area and a lockable door.

37 (19) "Operator" means an individual who operates an assisted living
38 facility or residential health care facility with fewer than 45 beds, a home
39 plus or adult day care facility and has completed a course approved by
40 the secretary of health and environment on principles of assisted living.

41 (20) "Activities of daily living" means those personal, functional ac-
42 tivities required by an individual for continued well-being, including but
43 not limited to eating, nutrition, dressing, personal hygiene, mobility, to-

3 Amendment

2-5

1 ~~ileting~~ and other activities such as meal preparation, shopping and man-
2 ~~agement of personal finances~~

3 (21) "Personal care" means care provided by staff to assist an indi-
4 vidual with, or to perform activities of daily living

5 (22) "Functional impairment" means an individual has experienced a
6 decline in physical, mental and psychosocial well-being and as a result, is
7 unable to compensate for the effects of the decline.

8 (b) The term "adult care home" shall not include institutions oper-
9 ated by federal or state governments, hospitals or institutions for the treat-
10 ment and care of psychiatric patients, child care facilities, maternity cen-
11 ters, hotels, offices of physicians or hospices which are certified to
12 participate in the medicare program under 42 code of federal regulations,
13 chapter IV, section 418.1 et seq. and amendments thereto and which
14 provide services only to hospice patients

15 (4) The licensing agency may by rule and regulation change the name
16 of the different classes of homes when necessary to avoid confusion in
17 terminology and the agency may further amend, substitute, change and
18 in a manner consistent with the definitions established in this section,
19 further define and identify the specific acts and services which shall fall
20 within the respective categories of facilities so long as the above categories
21 for adult care homes are used as guidelines to define and identify the
22 specific acts

23 Sec 2 K.S.A. 65-3501 is hereby amended to read as follows 65-
24 3501 As used in this act, or the act of which this section is amendatory,
25 the following words and phrases shall have the meanings respectively
26 ascribed to them in this section

27 (a) "Adult care home" means nursing facility and intermediate per-
28 sonal care home as the terms nursing facility and intermediate personal
29 care home are, nursing facilities for mental health, intermediate care fa-
30 cilities for the mentally retarded, assisted living facility licensed for more
31 than ~~45 beds~~ and residential health care facility licensed for more than
32 ~~45 beds~~ as defined by K.S.A. 39-923 and amendments thereto or by the
33 rules and regulations of the licensing agency adopted pursuant to such
34 section for which a license is required under article 9 of chapter 39 of
35 the Kansas Statutes Annotated, or acts amendatory thereof or supple-
36 mental thereto, except that the term "adult care home" shall not include
37 a facility that is operated exclusively for the care and treatment of the
38 mentally retarded and is licensed for ~~45~~ 16 or fewer beds

39 (b) "Board" means the board of adult care home administrators es-
40 tablished by K.S.A. 65-3506 and amendments thereto.

41 (c) "Administrator" means the individual directly responsible for
42 running, organizing, directing and controlling the operation of an adult
43 home.

(23) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(c) Facilities licensed under K.S.A. 39-1501 et seq. and amendments thereto or K.S.A. 75-3307b and amendments thereto or with license applications on file with the licensing agency as intermediate personal care homes on or before January 1, 1995, shall have the option of becoming licensed as either an assisted living facility or a residential health care facility without being required to add kitchens or private baths.

(d) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential health care facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(e) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the expiration of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

60 residents

2-6

1 (d) "Person" means an individual and does not include the term firm,
2 corporation, association, partnership, institution, public body, joint stock
3 association or any group of individuals.

4 Sec. 3. K.S.A. 39-1501 is hereby amended to read as follows: 39-
5 1501. As used in this act:

6 (a) "Adult family home" means a private residence in which care is
7 provided for not less than 24 hours in any week for one or two adult
8 clients who (1) are not related within the third degree of relationship to
9 the owner or provider by blood or marriage, (2) by reason of aging, illness,
10 disease or physical or mental infirmity are unable to live independently
11 but are essentially capable of managing their own care and affairs. The
12 home does not furnish skilled nursing care, supervised nursing care or
13 simple nursing personal care. Adult family home does not mean adult
14 care home.

personal

15 (b) "Skilled nursing care," "supervised nursing care" and "simple
16 nursing care" have the meanings respectively ascribed thereto in K.S.A.
17 39-923, and amendments thereof thereto.

18 (c) "Physician" means any person licensed by the state board of heal-
19 ing arts to practice medicine and surgery.

20 (d) "Secretary" means the secretary of social and rehabilitation serv-
21 ices.

()

22 Sec. 4. K.S.A. 40-2,116 is hereby amended to read as follows: 40-
23 2,116. As used in this act:

24 (a) "Contracting facility" means a health facility which has entered
25 into a contract with a service corporation to provide services to subscrib-
26 ers of the service corporation.

27 (b) "Contracting professional provider" means a professional pro-
28 vider who has entered into a contract with a service corporation to provide
29 services to subscribers of the service corporation.

30 (c) "Health facility" means a medical care facility as defined in K.S.A.
31 65-425 and amendments thereto; psychiatric hospital licensed under
32 K.S.A. 75-3307b and amendments thereto; adult care home, which term
33 shall be limited to nursing facility and intermediate personal care home,
34 assisted living facility and residential health care facility as such terms
35 are defined in K.S.A. 39-923 and amendments thereto; and kidney disease
36 treatment center, including centers not located in a medical care facility.

37 (d) "Professional provider" means a provider, other than a contract-
38 ing facility, of services for which benefits are provided under contracts
39 issued by a service corporation.

40 (e) "Service corporation" means a mutual nonprofit hospital service
41 corporation organized under the provisions of K.S.A. 40-1801 *et seq.*, and
42 amendments thereto, a nonprofit medical service corporation organized
43 under the provisions of K.S.A. 40-1901 *et seq.*, and amendments thereto

1 or a nonprofit medical and hospital service corporation organized under
the provisions of K.S.A. 40-19c01 *et seq.*, and amendments thereto.

[]

Sec. 5. K.S.A. 39-1501, 40-2,116 and 65-3501 and K.S.A. 1994 Supp.
39-923 are hereby repealed.

and 75-3307b

5 Sec. 6. This act shall take effect and be in force from and after its
6 publication in the statute book.

See attached

6-8

8-2

Sec. 6. K.S.A. 75-3307b is hereby amended to read as follows: 75-3307b. (a) The enforcement of laws relating to the hospitalization of mentally ill persons of this state in a psychiatric hospital and the diagnosis, care, training or treatment of persons in community mental health centers or facilities for the mentally ill, mentally retarded or other handicapped persons is entrusted to the secretary of social and rehabilitation services. The secretary may adopt rules and regulations on the following matters, so far as the same are not inconsistent with any laws of this state:

(1) The licensing, certification or accrediting of private hospitals as suitable for the detention, care or treatment of mentally ill persons, and the withdrawal of licenses granted for causes shown;

(2) the forms to be observed relating to the hospitalization, admission, transfer, custody and discharge of patients;

(3) the visitation and inspection of psychiatric hospitals and of all persons detained therein;

(4) the setting of standards, the inspection and the licensing of all community mental health centers which receive or have received any state or federal funds, and the withdrawal of licenses granted for causes shown;

(5) the setting of standards, the inspection and licensing of all facilities for the mentally ill, mentally retarded or other handicapped developmentally disabled persons receiving assistance through the department of social and rehabilitation services which receive or have received after June 30, 1967, any state or federal funds, or facilities where mentally ill, mentally retarded or other handicapped developmentally disabled persons reside who require supervision or require limited assistance with the taking of medication, and the withdrawal of licenses granted for causes shown. The secretary may adopt rules and regulations that

allow the facility to assist a resident with the taking of medication when the medication is in a

labeled container dispensed by a pharmacist. No license for a residential facility for eight or more persons may be issued under this paragraph unless the secretary of health and environment has approved the facility as meeting the licensing standards for a lodging establishment under the food service and lodging act. No license for a residential facility for the elderly or for a residential facility for persons with disabilities not related to mental illness or mental retardation, or both, or related conditions shall be issued under this paragraph;

(6) reports and information to be furnished to the secretary by the superintendents or other executive officers of all psychiatric hospitals, community mental health centers or facilities for the mentally retarded and facilities serving other handicapped persons receiving assistance through the department of social and rehabilitation services.

(b) An entity holding a license as a community mental health center under paragraph (4) of subsection (a) on the day immediately preceding the effective date of this act, but which does not meet the definition of a community mental health center set forth in this act, shall continue to be licensed as a community mental health center as long as the entity remains affiliated with a licensed community mental health center and continues to meet the licensing standards established by the secretary.

6-8

PROPOSED AMENDMENT TO S.B. 8

KINH

On page 4, in the definition of "operator" (lines 37 through 40), in line 40, insert before the period the following: "and has successfully passed an examination approved by the licensing agency on principles of assisted living"

PROPOSED AMENDMENT TO S.B. NO. 8

Be amended on page 7, preceding line 3, by inserting a section in the bill to read as follows:

K.S.A. 19-4601 is hereby amended to read as follows: 19-4601. As used in this act:

(a) "Board" means a hospital board which is selected in accordance with the provisions of this act and which is vested with the management and control of a county hospital;

(b) "commission" means the board of county commissioners of any county;

(c) "hospital" means a medical care facility as defined in K.S.A. 65-425 and amendments thereto and includes within its meaning any clinic, school of nursing, long-term care facility, *limited care residential facility* and child-care facility operated in connection with the operation of the medical care facility.

(d) "hospital moneys" means, but is not limited to, moneys acquired through the issuance of bonds, the levy of taxes, the receipt of grants, donations, gifts, bequests, interest earned on investments authorized by this act and state or federal aid and from fees and charges for use of and services provided by the hospital.

(e) *As used in this section, a "limited care residential facility" means a facility, other than an adult care home, in which there are separate apartment-style living areas, bedrooms, bathrooms and individual utilities and in which some health related services are available.*

And by adding references to K.S.A. 19-4601 to the repealer section and the title.

Senate Public Health and Welfare

Date: 2-22-95

Attachment No. 4

SENATE BILL No. 57

By Committee on Public Health and Welfare

1-18

KMS

Senate Public Health and Welfare
Date: 2-22-95
Attachment No. 5

9 AN ACT providing for the registration of athletic trainers; granting certain
10 powers to and imposing certain duties upon the state board of healing
11 arts; establishing an athletic trainers council and providing for the func-
12 tions thereof; declaring certain acts to be unlawful and providing pen-
13 alties for violations.

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

16 Section 1. Sections 1 through 14 shall be known and may be cited as
17 the athletic trainers registration act.

18 Sec. 2. As used in this act:

19 (a) "Board" means the state board of healing arts.

20 (b) "Athletic training" means the practice of prevention, physical injury
21 evaluation, emergency care and referral or physical reconditioning relat-
22 ing to injuries or illnesses incurred through physical activity and includes athletic activity.
23 all of the following—

24 (1) Administration of an injury prevention program in order to de-
25 velop and implement a comprehensive injury prevention program
26 through:

27 (A) Provision of assistance to coaches in the development and imple-
28 mentation of physical conditioning programs;

29 (B) designing, fabricating, applying or training, or any combination
30 thereof, specific and appropriate taping, protective braces and related
31 applications;

32 (C) supervision, inspection and monitoring of athletic training facili-
33 ties, equipment and athletic activity environments;

34 (D) provision of assistance to persons in the dissemination of health
35 topic issues and concerns, relating to physical activity; and

36 (E) instruction and supervision of student athletic trainer staff.

37 (2) Administration of an assessment of injuries or illnesses incurred
38 through physical activity, which occurs during the preparation for or par-
39 ticipation in physical activity or during a physical training program, in
40 order to provide management of emergency care and referral through:

41 (A) Provision of immediate injury care; and

42 (B) provision of assistance to the injured in the referral to the appro-
43 priate health care provider.

5-2

1 ~~(3) Coordination with the physician in order to provide physical re-~~
2 ~~conditioning through:~~

- 3 ~~(A) Follow-up injury care and protection;~~
- 4 ~~(B) follow-up injury reconditioning programs;~~
- 5 ~~(C) medical clearance for return to physical activity; and~~
- 6 ~~(D) maintenance of records of management of emergency care and~~
7 ~~referral and physical reconditioning of activity-induced trauma.~~

8 (c) "Athletic trainer" means a person registered under this act.

9 ~~(d) "Physician" means a person licensed by the state board of healing~~
10 ~~arts to practice medicine and surgery.~~

11 ~~(e) "Supervising physician" means a physician who has accepted the~~
12 ~~responsibility for the actions of an athletic trainer while performing under~~
13 ~~the direction and supervision of the supervisory physician.~~

14 Sec. 3. (a) On and after July 1, 1995, it shall be unlawful for any
15 person who is not registered under this act as an athletic trainer or whose
16 registration has been suspended or revoked to use, in connection with
17 such person's name or place of business, the words: "Athletic trainer"
18 or "athletic trainer registered" or "registered athletic trainer" or the let-
19 ters "A.T." or "A.T.R." or "R.A.T.", or any other words, letters, abbrevi-
20 ations or insignia indicating or implying that such person is an athletic
21 trainer or who in any way, orally, in writing, in print or by sign, directly
22 or by implication represents oneself as an athletic trainer.

23 (b) Any violation of this section shall constitute a class B nonperson
24 misdemeanor.

25 Sec. 4. ~~(a) Nothing in this act shall be construed to require the phys-~~
26 ~~ical presence of the supervising physician during the performance of the~~
27 ~~athletic trainer. In the physical absence of the supervising physician, the~~
28 ~~athletic trainer shall follow the current practice protocol established be-~~
29 ~~tween the supervising physician and the athletic trainer.~~

30 ~~(b) Nothing in this act shall be construed to authorize the unlicensed~~
31 ~~practice of the healing arts by any person registered under this act.~~

32 Sec. 5. (a) The board, in the manner hereinafter provided, shall ad-
33 minister the provisions of this act.

34 (b) The board may adopt rules and regulations consistent with the
35 provisions of this act for the administration and enforcement for this act
36 and may prescribe forms which shall be issued in the administration of
37 this act. The rules and regulations shall include standards for approval of
38 an educational course of study and clinical experience, continuing edu-
39 cation criteria, practice protocols, criteria for registration procedures for
40 the examination of applicants, and for professional conduct and discipline.

41 (c) The board shall maintain a registry of names and addresses of all
42 individuals who are currently registered under the athletic trainers reg-
43 istration act.



TESTIMONY IN SUPPORT OF SB 286

Madame Chairman and members of the committee, my name is Nancy Shobe and I appear before you in my capacity as the Executive Director of the Kansas State Board of Cosmetology. As you know the board's primary responsibility is to regulate the profession of cosmetology and protect the public by enforcing the laws that exist in Kansas Statutes. Since our agency deals with the public on a daily basis it would be fair to say that we have a good understanding of what laws work, and what laws could and should be clearer. Our agency administers the licensing exam for candidates to enter the profession, we get a first hand look at what students are being taught.

The board has spent countless hours in deliberation with direct contact from our legal counsel in the Attorney General's office on what is the most appropriate legislation to carry out our responsibility as a good agency that works for you.

There are three major proposals in SB 286 that would make Kansas Law more effective for the consumer, which in part of this bill is the student, and also for the cosmetologists.

The revisors office has prepared a balloon amendment of this bill, to repeal all fee limitation increase requests. This should make this bill more favorable to you. The only fees mentioned would be the new license categories that this legislation would establish.

The first and most important issue in this piece of legislation is establishing minimum requirements for Instructors who teach the profession of cosmetology. As our law exists now, as soon as you graduate from school and pass an entry level examination to practice cosmetology, you are eligible to begin teaching. The process is that you apply for a license. There is no training, experience, or fee required. There is no examination to determine if you are qualified to teach. There are 29 schools of cosmetology in the state. 10 of these schools are in Community Colleges or Vo-Techs, while 19 are privately owned. All of these schools with the exception of 3 participate in Title IV funds, which are federal and state funds in the form of grants and loans. The lowest tuition in a Community College is \$1320 and the highest in a private school is \$7500. We license a total of 164 instructors which includes community colleges and vo-tech's. Of that number 54 of them in private schools started their teaching career with less than one year experience, with over half of that number being less than 3 months. The Cosmetology training does not prepare someone to teach. We believe that there should be direct teaching skills

taught to someone before they begin to teach. Students are being cheated of the education they are paying for in that these teachers are not qualified to teach without valuable experience in the field and a training program. In this year alone there were 1650 students enrolled in schools throughout the state. There are only 5 states in the United States that does not credential its instructors with experience or an examination. Kansas is one of those states. The National exam is developed by subject matter experts from all parts of the United States. These are usually teachers. No teacher from Kansas has ever been asked to participate because their credentials are just not there. There is a school owner present in the room who had planned to testify, but because of time restraints is here in support of this bill. I have provided documentation from her and 2 private and one public school in support of this legislation. Most school owners that are really interested in giving a quality education, would have to be in support of this bill. Also here with the school owner are some students that firmly believe that their instructors should have experience and be trained. I can safely say that there would be no opposition from any student or their parents, who may be paying for their education, on this legislation. Cosmetologist who hire these graduates are for a better education. The requirements in this bill are minimum. We are asking for one year experience in the field and a 300 hour training program directly related to teaching. This can be provided by any school of Cosmetology, Vo-tech or Community College. The Instructor would then be required to pass an examination.

The second point is that we have no provision for an esthetician license (skin care). The only solution that we have to offer to someone coming here from another state, with a skin care license, is to return to school to learn to do nails and then be examined for a cosmetology technician license, which would finally allow them to do skin care. This bill would allow those who are already licensed as cosmetology technicians to remain licensed, but eliminate a cosmetology technician license for the future, then establish the appropriate categories of licenses. This would do no harm. Anyone who wishes to do both manicures and skin care can do so by completing both courses. If they choose to do only one of these professions then they would only need to go to school for that particular training.

The third point is that at the present time, we require that someone wishing to become an electrologist must first become a cosmetologist or a cosmetology technician. This is cumbersome and requires that the person attend two different schools to obtain one license. It should be their choice whether they choose to practice cosmetology or just electrolysis. If a nurse decides that they want to train as an electrologist, they first have to train as a cosmetologist. This does not make good sense.

The rest of the language in this bill reflects technical clean-up. I would be happy to answer any questions you may have. If not I would urge you to take action on this bill and pass it favorably.



3602 Topeka Blvd. • Topeka, Kansas 66611 • (913) 267-7701

Testimony in support of
Senate Bill 286
Kelly Mumford, Owner & Director
Community College of Cosmetology & Onychology

Madam Chairman and Members of the Committee:

I am presenting this written testimony in support of SB 286. I have been teaching for 7 1/2 years. I own a school of cosmetology and teach there full time.

When I taught with teachers who have had no salon experience or teacher training, I found that they shared incorrect information with students, had difficulty with respect from students and in general had a difficult time teaching.

Teaching the profession of cosmetology adequately, requires that the instructor has experience in the field of cosmetology and have teaching skills also. The course of cosmetology alone does not prepare one to teach cosmetology. In order to teach, an instructor should understand lesson plans, test development, job analysis and communication and motivational skills.

The biggest challenge for a school owner, with inexperienced teachers, is that they make as many mistakes as the students do. The quality of people entering the profession is directly related to the quality of the instructors.

I thank you for your time and ask that you pass SB 286 favorably.

X E N O N



INTERNATIONAL SCHOOL
OF HAIR DESIGN

February 22, 1995

Ms. Nancy Schobe
Executive Director
Kansas State Board of Cosmetology
603 S.W. Topeka Blvd.
Topeka, KS 66603-3230

Dear Ms. Schobe:

This letter is to confirm with you that Xenon International, Wichita, Kansas, is in favor of an instructors training program to require:

- One year of teaching experience; and
- 300 hours of training in a school setting

prior to teaching in the state of Kansas.

Please contact me if you have questions at (316) 943-5516.

Thank you.

Sincerely,



Deann Wiggers
Director

dyw

cc: Linda Adkisson

FEB 3 1993

UNITED SCHOOLS OF AMERICA, INC.

501 East Pawnee, Suite 515

Wichita, Kansas 67211

(316) 263-1261

FAX (316) 263-9985

TO: KANSAS STATE BOARD OF COSMETOLOGY

FROM: FREDRICK J. LAURINO



DATE: FEBRUARY 2, 1993

ISSUE 1

The training of cosmetology instructors needs to be addressed, but we would not adopt the methods used in Oklahoma or Arkansas. The model should perhaps be one from New York.

Hairdressers usually become teachers because of physical problems, a desire to teach, or they have failed in the salon. The first two types make great teacher material, the third type is hit and miss. Although it is said that those that can't do - teach... many great teachers have never actively done what they are teaching, consequently, a screening process on the front end is very difficult.

Step one - all licensed hairdressers who want to be teachers should know how to do hair.

Step two - Lesson planning, test writing, job analysis, learning styles and all of the things important to the transfer of information, communication and motivation.

These areas can not be well addressed in the beauty school, but most likely can be better addressed in a school doing teacher training in general.

A system that allows the prospect to enter the teaching field and then work toward completing a prescribed set of courses over a reasonable time frame would offer the best possible process. This is what our current process is supposed to do. It is somewhat hit and miss and depends on the school as to the type of training received.

Over the last 16 years we at Vernon's have helped to develop many good cosmetology instructors. They are not developed in a short time but over years of working with them and continuing the educational process.

The gate keeping function of schools to entry into the career field makes the schools a very important part of the process. A good working relationship with the schools by the Board is necessary. Board members should make an effort to visit schools formally and

Vernon's Kansas School
of Cosmetology - South
501 East Pawnee, Suite 525
Wichita, Kansas 67211

Vernon's Kansas School
of Cosmetology - East
1675 South Rock Road
Wichita, Kansas 67207

Vernon's Kansas School
of Cosmetology - West
7130 West Maple
Wichita, Kansas 67209

Vernon's Kansas School
of Cosmetology - Emporia
1402 Industrial
Emporia, Kansas 66801

Wichita Business College
501 E. Pawnee, Suite 515
Wichita, Kansas 67211

Paul's Beauty College
5912 N.W. 38th
Oklahoma City, Oklahoma 73122

6-5
Fayetteville Beauty College
1200 North College Avenue
Fayetteville, Arkansas 72703

informally and should spend at least 1 day per year talking with owners about the needs of the industry and schools. The schools need feedback on what the Board is seeing in exams, types of consumer concerns and complaints.

I have had the opportunity to work in several other states and must share that Kansas is one of the best developers of outstanding hairdressing talent. We must be doing something right.

ISSUE 2

1. Active and inactive license for hairdressers

- A. Statistics kill the schools when we talk with the Labor Department or SRS, because we have at least twice the number of licensed hairdressers needed to fill possible jobs.
- B. The reality is that many people maintain a license but are not active in the field and don't intend to be.
- C. 20 days active work for hire to maintain an Active License....don't worry about continuing education and other obstacles at this time...they can be added later.
- D. Both licenses should be the same price, current costs are negligible.

Law could read:

In order for a licensed cosmetologist, manicurist, esthetician, to maintain an active license status they must work for hire in a licensed salon or school no less than 20 days per license renewal period and meet the other requirements as established by the Kansas State Board. All licensed cosmetologists, manicurists and estheticians not meeting the requirements must apply for an Inactive license as established.

We verify 20 days of work from information collected by the Department of Labor on unemployment forms. Going from Inactive to Active needs only the demonstration of the hairdresser taking a job. One must request a status change in order to work actively if they currently have an inactive license. A \$10 change of status fee could be charged. Eventually we would put in continuing education requirements to do a status change.

ISSUE 3

Private schools in Kansas will not be able to participate in the government loan programs after October 1, 1993, unless we are included in the tuition recovery bill 2059 proposed by the Kansas Department of Education. (copy of bill and final rules included)

BARTON

COUNTY COMMUNITY COLLEGE

January 21, 1994

Nancy Shobe
Kansas State Board of Cosmetology
603 S.W. Topeka Blvd.
Suite 100
Topeka, KS 66603-3230

Dear Nancy:

I am happy to provide you information about the requirements we expect our cosmetology instructors to meet to be employed at our institution and to retain their position.

First, when we look for cosmetology instructors they must have previous work experience in a salon. Because we are not only training our students to perform services, they also need to understand salon management. This is a skill that cosmetologists with experience would have.

Second, in order to continue employment at our institution we expect the instructors to continue their education and work towards an Associate's Degree (64 credit hours or 2880 contact hours). One instructor now has a Bachelor's degree and the other two are working toward their Associate's Degree, one of whom should finish this spring. The types of courses the instructors take include math, English, humanities courses and social science courses. The instructor must have at least 15 credit hours (675 contact hrs) of these types of courses, the remaining can be cosmetology courses, management courses, etc. To encourage professionalism we believe that our instructors must possess good writing, speaking and mathematical skills.

In addition to the degree, we expect the instructor to take all the necessary training to keep their cosmetology skills updated. Much of this training is at the instructor's expense.

We believe that in order to attract the best students, we must have the best educated instructors. It has been a slow process in getting our standards at this level but the instructors, all of whom are putting in a minimum of 40 hours per week teaching, see the benefits in this process.

If I can provide any additional information, please feel free to contact me.

Sincerely,

Mary Anne Clark
Mary Anne Clark, Division Chairperson
Technical Division

JAN 24 1994

Foreword

The *Milady Cosmetology State Board Guide* was first published in 1947 and has since undergone revisions and improvements.

This newest edition reflects changes submitted by state organizations in mid-1992 and provides information on the regulations in effect in each state, U.S. possession, and provinces of Canada. In addition, this year we requested data on continuing education requirements for cosmetologists and for teachers. When provided by the states, we included these requirements on the applicable license analysis and educational analysis pages.

From its inception, *Milady's Guide to Cosmetology Licensing* has met with the warm approval of state licensing authorities, school owners, teachers, technicians, guest artists, manufacturers, and suppliers. This compilation is a desktop reference for those who need licensing facts and figures at their fingertips.

We wish to acknowledge the many state officials whose generous contribution and sustaining interest have made this edition possible.

For any information not covered in this guide, please contact the states directly.
—Editor

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6-8

1993 Teacher-Training Requirements

State	Exam	T.T. Lic.	Prog.	Education	Required Training and/or Experience and Other Information
Alabama	Yes	Yes	Yes	HS	Cosmetology license, 1 yr exp. & 650 T.T. hrs or cosmetology license, no exp. & 1250 T.T. hrs
Alaska	Yes	Yes	Yes		Alaska inst. lic.-1 yr practical exp. + 600 hrs T.T. or 3 yrs practical exp.
Arizona	Yes	Yes	Yes	HS or equiv.	Oper. lic. with 1 yr exp. + student instructor training; 650 hrs cosmetology, 350 hrs manicuring, 500 hrs esthetician
Arkansas	Yes	Yes	Yes	HS or equiv.	Cosmetology license + 600 hrs + 3 yrs experience
California	N/A	N/A	N/A		
Colorado					Requirements set by Dept. of Higher Education after Nov. 1, 1990
Connecticut	N/A	N/A	N/A		
Delaware	Yes	Yes	Yes		Licensed cosmetologist + 3-6 months T.T.
Dist. of Columbia	Yes	Yes	Yes	8th grade	3 yrs experience or 2000 hrs T.T. + 6 mos experience
Florida	Yes	Yes	Yes	HS or equiv.	Lic. cosm. with 2 yrs exp. + 600 hrs T.T.
Georgia	Yes	Yes		HS or equiv.	Master lic. with 1500 sch. + inst. training 1500 hrs
Hawaii	Yes	Yes	Yes	HS or equiv.	600 hrs instructor training from beauty school
Idaho	Yes	Yes	Yes	12 coll. cred.	6 mos T.T. or 3 mos T.T. and 2 yrs exp., or 5 yrs experience
Illinois	Yes	Yes	Yes	HS or equiv.	1000 hrs T.T. or 500 hrs T.T. + 2 yrs experience within 5 yrs preceding examination
Indiana	Yes	Yes	No	HS or equiv.	Lic. cosm.; 6 mos exp. in salon and 6 mos in school
Iowa	No*	Yes	Yes	HS or equiv.	Lic. cosm. + 2 yrs exp. or lic. cosm. + 1000 hrs T.T.
Kansas	No	Yes	Yes	HS or equiv.	60 hrs T.T. + 40 hrs hairstyling
Kentucky	Yes	Yes	Yes	HS or equiv.	Lic. cosm.; 1 yr exp. + 1000 hrs apprentice/instructor training in licensed school. Must pass science & practical exam
Louisiana	Yes	Yes	Yes	HS	Lic. operator + 500 hrs T.T. Lic. esthetician with 5 yrs experience
Maine	Yes	Yes	Yes	HS or equiv.	Licensed Maine Cosmetologist; 1000 hrs in cosmetologist instructor course
Maryland	Yes	Yes	Yes	HS or equiv.	Hold operator lic. + 1000 hrs of Jr. T.T. or operator for 2 yrs & complete board approved T.T. or complete degree
Massachusetts	Yes	Yes	No	HS or equiv.	2 yrs registered hairdresser
Michigan	Yes	Yes	Yes	HS	500 hrs T.T. + 3 yrs exp. (at least 1 yr in salon)
Minnesota	Yes	Yes	Yes	HS or equiv.	Plus 38 hrs formal training. 1400 hrs as lic. cosmetologist, manicurist or esthetician
Mississippi	Yes	Yes	Yes	HS or equiv.	Lic. oper. with 2 yrs exp. + 750 hrs T.T. Must have 12 semester hrs in "Methods of Teaching". Esthetics; license 2 yrs exp. + 600 hrs, 12 semester hrs in "Methods of Teaching"
Missouri	Yes	Yes	Yes	HS or equiv.	1200 hrs of instructor's training
Montana	Yes	Yes	Yes		Licensed cosmetologist, 3 yrs as operator or 650 hrs of teacher training
Nebraska	Yes	Yes	Yes	HS or equiv.	Licensed cosmetologist, 6 mos T.T. (925 hrs)
Nevada	Yes	Yes	Yes	HS or equiv.	Licensed cosmetologist 1 yr + 1000 hrs T.T. in cosmetology school
New Hampshire	Yes	Yes	Yes	HS or equiv.	Lic. oper. + 1 yr exp. or 900 hrs school training; or lic. oper. + 1000 hrs school training
New Jersey	Yes	Yes	Yes	HS or equiv.	Licensed cosmetologist-hairstylist or beautician; 500 hrs T.T. course; 30 clock hr methods of teaching certificate and 6 mos employment experience
New Mexico	Yes	Yes	Yes	HS or equiv.	Lic. cosm. with 3 yrs exp. + state examination or 1000 hrs T.T. plus state examination

*Must attend Instructor's Institute approved by Cosmetology Board

6-9

1993 Teacher-Training Requirements (Cont'd)

State	Exam	T.T. Lic.	Prog.	Education	Required Training and/or Experience and Other Information
New York	No	Yes	Yes	HS or equiv.	Temp. lic. 1 yr; 2 yrs exp. Prov. lic.: 2 yrs exp., complete T.T. course. Reg. lic.: 2 yrs salon experience + 90 hrs T.T.
North Carolina	Yes	Yes	Yes	HS or equiv.	Lic. cosmetologist with 5 yrs exp. or 6 mos as licensed cosmetologist + 800 hrs T.T.
North Dakota	Yes	Yes	Yes	HS or equiv.	Lic. cosmetologist & 960 hrs T.T. or 1 yr exp. & 480 hrs T.T. or 3 yrs exp. & 160 hrs T.T.
Ohio	No	Yes	Yes	HS or equiv.	1 yr working experience in licensed beauty salon or 1000 hrs apprentice instructor training in licensed school of cosmetology
Oklahoma	Yes	Yes	Yes	HS or equiv.	1500 hrs of cosmetology training + 1000 hrs of instructor training or 2 yrs salon exp. + 500 hrs instructor training
Oregon	No	No	Yes	HS or equiv.	Current Oregon lic. in hair design/barber, facial tech. & manicuring (or any comb.) + 1000 hrs T.T. or 2 yrs exp. lic. pract/formal training comb.
Pennsylvania	Yes	Yes	Yes	HS or equiv.	Lic. cosm. + 500 hrs cosm. training
Puerto Rico	Yes	Yes	Yes	HS or equiv.	30 hrs T.T. + 2 yrs exp.
Rhode Island	Yes	Yes	Yes	HS or equiv.	Hold Rhode Island license for 3 yrs plus 300 hrs instructor training
South Carolina	Yes	Yes	Yes	HS plus**	2 yrs practice or 750 hrs of T.T.; current practice lic.
South Dakota	No	Yes	Yes	HS or equiv.	Sr. Instructor: Lic. Mgr.-Oper. & 2 yrs exp. or 1 yr as Jr. Instructor. 10 hrs board approved seminar each year. Jr. Instructor: lic. oper. under supervision of Senior Instructor
Tennessee	Yes	Yes	No	HS or equiv.	Lic. cosmetologist; 300 hrs instructor training or 1 yr exp. as Jr. Instructor. Jr. instructors may work in school max. 3 yrs. Sr. Instr. must attend 24 hrs cont. ed. every 2 yrs
Texas	Yes	Yes	Yes	HS or equiv.	750 hrs training or 2 yrs lic. operator exp. + 250 hrs T.T.
Utah	Yes	Yes	Yes	N/A	Lic. cosm. & 6 mos T.T.
Vermont	No	Yes	No	HS or equiv.	Licensed Vermont operator with 2 yrs experience as hairdresser
Virgin Islands	Yes	Yes	Yes	HS	600 hrs T.T.
Virginia	Opt.	Yes	Yes		Be holder of a current cosm. license and pass a course in teaching techniques approved by the State Board of Ed. or complete an instructor training course approved by the Virginia Board of Cosm. supervised by a certified cosmetology instructor in a beauty school and a seminar approved by the Virginia Board of Cosm.; or pass an exam in cosmetology instruction administered by the Board.
Washington	Yes	Yes	Yes		500 hrs instruction in teaching techniques
West Virginia	Yes	Yes	No		Lic. cosmetologist + 3 yrs teaching experience and at least 15 hrs college credits
Wisconsin	Yes	Yes	Yes		2000 hrs prac. + 150 hrs instruct. train. course
Wyoming	Yes	Yes	Yes	HS or equiv.	Lic. Wyoming oper., 1 yr salon exp. + 1000 hrs T.T.
Alberta, Canada	No	N/A	N/A	HS or equiv.	Grade 12 trade certificate and vocational ed. degree
B.C., Canada	N/A	N/A	N/A	N/A	Current lic. + 3 yrs exp. or instructor course
N. S., Canada	Yes	N/A	N/A	HS	8 yrs in industry; 3 summer schools; 3 credits
Ontario, Canada	No	Yes	Yes	9th grade	Must hold valid certification in trade of hairstylist
Quebec, Canada	N/A	N/A	N/A	N/A	N/A
Saskatch., Canada	No	No	No	N/A	Grad. from registered school; valid Saskatch. journeyman's cert.

**Plus 45 hrs in Methods of Teaching course

Skin Care

Most states include skin care as part of the regular cosmetology curriculum, with no special license required. Some states do have special licenses covering this type of service. The states having special licenses are listed below, with the requirements for such licenses indicated.

State	Formal Education	Entrance Age (yr)	Training	Exam	License Period	License Fee Orig & Exam
Alabama	10th grade	16	1200 credit unit hr or 3000 hr apprentice	Yes	Sept. 30 odd yr	\$65
Alaska	N/A	N/A	350 hr	Yes	Aug. 31	\$55
Arizona	10th grade	None	600 hr	Yes	Birthdate	\$38
Arkansas	10th grade	16	600 hr	Yes	Dec. 31	\$30
California	10th grade	17	600 hr school or 18 mo exp outside Calif.	Yes	2 yr from issuance	\$32
Colorado	None	16	550 hr	Yes	March 31	\$41
Delaware	NI*	NI*	300 hr	Yes	Dec. 31	\$60
District of Columbia	8th grade or equiv.	16	125 hr	Yes	April 15 (biennially)	\$40
Florida	None	16 or HS diploma	240 hr	Yes	June 30 (biennially)	\$50
Georgia	9th grade	16	None	Yes	Biannual	\$45
Hawaii	12th grade	16	550 hr in school or 1100 hr apprentice	Yes	Dec. 31 odd yr	\$75
Idaho	10th grade	16-1/2	500 hr	Yes	Dec. 31	\$57
Illinois	8th grade	16	750 hr	Yes	Sept. 30 odd yr	\$99
Iowa	12th grade	None	600 hr	Yes	Biennial	\$55
Kansas	HS/GED	17	1000 hr in approved cosmetology school	Yes	Birth month odd/even yr	\$15
Louisiana	10th grade	16	750 hr (min 3 mo)	Yes	March 1	\$55
Maine	10th grade	16	750 hr (5 mo)	Yes	June 30 (biennially)	\$60
Maryland	9th grade	17	300 hr or 6 mo apprentice	Yes	Oct. 31 odd yr	\$91
Massachusetts	8th grade	16	300 hr skincare	Yes	Monthly	\$120
Minnesota	12th or GED	None	600 hr	Yes	Dec 31—3 yr	\$38
Mississippi	10th grade	17	600 hr	Yes	1 yr from issuance	\$40
Nebraska	12th grade	NI*	600 hr	NI*	Sept. 30 even yr	NI*
Nevada	10th grade	18	600 hr in school	Yes	June 30 odd yr	\$55
New Hampshire	12th grade	16	450 hr	Yes	June 30 odd yr	\$70
New Mexico	2 yr HS	16	900 hr	Yes	Birthmonth	\$45
North Dakota	12th grade	17	900 hr	Yes	Dec. 31	NI*
Ohio	8th grade	16	600 hr	Yes	Jan. 30 odd yr	\$41
Oklahoma	8th grade	16	300 hr	Yes	Birthmonth	\$30
Oregon	None	None	350 hr	Yes	1 yr from issuance	\$35
Pennsylvania	10th grade	16	300 hr	Yes	NI*	NI*
Rhode Island	HS	18	600 hr	Yes	June 30	\$15
South Carolina	10th grade	None	450 hr	Yes	March 10	\$45
Tennessee	10th grade	16	750 hr	Yes	Sept. 1 (biennially)	set by contract
Texas	7th grade	16	600 hr	Yes	Birthdate	\$60
Vermont	12th grade or equiv	17	550 hr	Yes	Nov. 30	\$60
Virgin Islands	NI*	18	1200 hr	Yes	Dec. 31	\$120
Washington	NI*	17	500 hr	Yes	Birthdate	\$25
Wisconsin	HS/GED	NI*	450 hr	Yes	July 1 odd yr	\$63
Nova Scotia	None	17	150 hr	Yes	1 yr	\$25

*NI = Not indicated

6-11

Cosmetology Fees

Senate Public Health and Welfare
Date: 2-22-95
Attachment No. 7

1 within ~~three years~~ 90 days after the date of expiration of the applicant's
2 last license upon submission of proof, satisfactory to the board, of the
3 applicant's qualifications to renew practice as a cosmetologist, cosmetol-
4 ogy technician, electrologist or manicurist and payment of the applicable
5 renewal fee and delinquent fee prescribed pursuant to this section. Any
6 applicant whose license as a cosmetologist, cosmetology technician, elec-
7 trologist or manicurist has expired for more than ~~three years~~ one year
8 prior to application for renewal may obtain a license in the same manner
9 and on payment of the same fees as provided for an applicant for an
10 original license.

11 ~~(c)~~ (d) At the time of application for license renewal, a cosmetologist
12 licensed in this state may apply to the board and qualify for a three-year
13 senior cosmetologist license by:

- 14 (1) Paying the fee required by this section;
- 15 (2) showing evidence satisfactory to the board of having been actually
16 employed in a licensed salon or licensed school for not less than 120 days
17 during the preceding three years;
- 18 (3) furnishing evidence satisfactory to the board of attendance of 40
19 clock hours of courses of instruction in cosmetology approved by the
20 board.

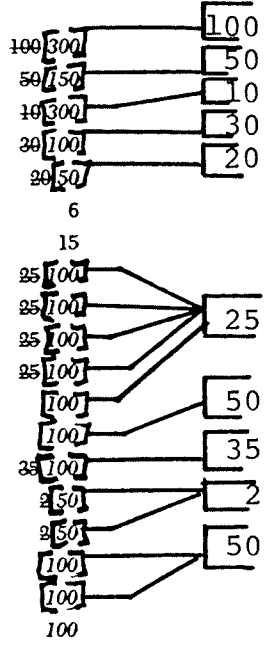
21 ~~(d)~~ (e) Any applicant for a license other than a renewal license shall
22 make a verified application to the board on such forms as the board may
23 require and, upon payment of the examination fee shall be examined by
24 the board or their appointees and shall be issued a license, if found to be
25 duly qualified to practice the profession of cosmetologist, ~~cosmetology~~
26 technician ~~technician~~ esthetician, electrologist or manicurist.

27 ~~(e)~~ (f) The board is hereby authorized to adopt rules and regulations
28 fixing the amount of fees for the following items and to charge and collect
29 the amounts so fixed, subject to the following limitations:

30	Cosmetologist license or renewal, for two years — not more than	\$30 [100]	\$ 30
31	Delinquent cosmetologist license	+ [100]	
32	Cosmetology technician license or renewal, for two years — not more		4
33	than	30 [100]	
34	Electrologist license or renewal, for two years—not more than	30 [150]	30
35	Delinquent electrologist license	+ [100]	
36	Senior cosmetologist license or renewal, for three years — not more		4
37	than	45	24
38	Manicurist license renewal or renewal, for two years — not more than .	24 [100]	4
39	Delinquent manicurist license	+ [100]	
40	Esthetician license or renewal, for two years — not more than	100	
41	Delinquent esthetician license	100	
42	Any apprentice license — not more than	12 [25]	12
43	Additional training license — not more than	12 [25]	

7-8

- 1 New school license
- 2 School license renewal — not more than
- 3 Delinquent school license — not more than
- 4 New salon or electrology clinic license — not more than
- 5 Salon or electrology clinic license renewal — not more than
- 6 Delinquent salon or electrology clinic license
- 7 Transfer of salon or electrology clinic license — not more than
- 8 Cosmetologist's examination — not more than
- 9 Cosmetology technician's examination — not more than
- 10 Electrologist's examination — not more than
- 11 Manicurist's examination — not more than
- 12 Esthetician examination — not more than
- 13 Instructor's examination — not more than
- 14 Out-of-state examinations — not more than
- 15 Out-of-state affidavits
- 16 Any duplicate license
- 17 Instructor's license or renewal, for two years — not more than
- 18 Delinquent instructor's license — not more than
- 19 Continuing education program approval fee



20 (f) (g) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

31 (g) (h) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application and paying the renewal fee for the current year during which the person has been discharged.

35 Sec. 5. K.S.A. 65-1907 is hereby amended to read as follows: 65-1907. The chairperson, with the approval of the board, shall employ inspectors to inspect schools, salons and clinics and the inspectors shall perform all of the inspection duties of the board, as required by this act, rules and regulations of the board and sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148. It shall be the duty of the board to determine the number of hours and practice work required of students in each subject of cosmetology, ~~ony-~~chology nail technology, esthetics and electrology taught in a licensed

Testimony

of

*The National Cosmetology Association
of Kansas*

in support of

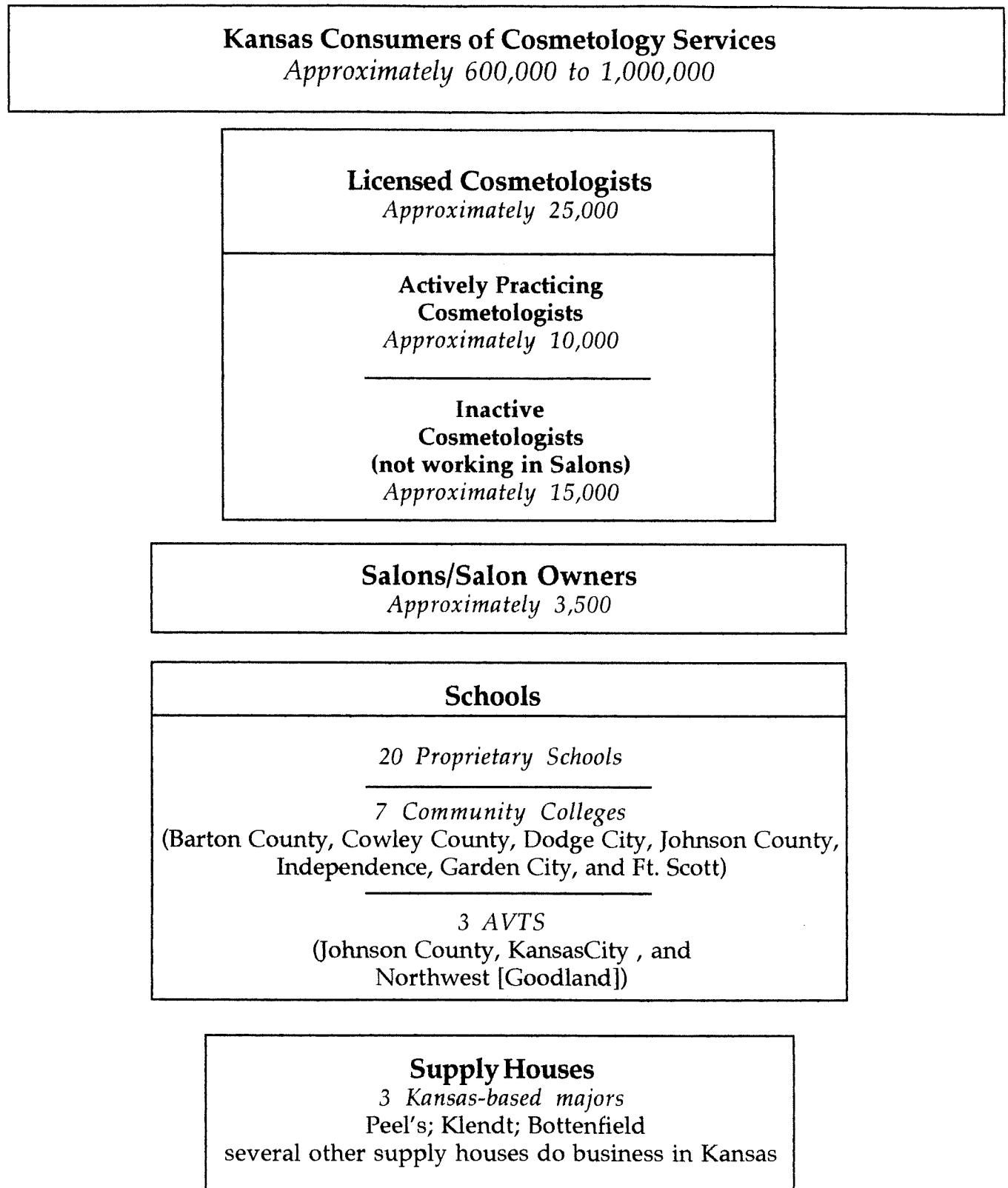
Senate Bill 267

February 22, 1995

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I. The Cosmetology Industry. The chart below is a representation of the Kansas Cosmetology industry. Senate Bill 267 addresses the public safety interests of 600,000 to 1,000,000 consumers and the professional interests of 25,000 cosmetologists and 3,500 salons.



II. Content of the Bill. This legislation:

- requires cosmetologists wishing to maintain an *active* license take 20 clock hours of continuing education during the biennium of their license;
- establishes a new category of license -- *inactive* for those not wishing to participate in continuing education;
- directs the State Board of Cosmetology to implement this program by July 1, 1996;
- provides for the State Board to set guidelines and retain control over approved curriculum of continuing education programs, and;
- authorizes the State Board to promulgate rules and regulations, and to set and receive certain fees, to implement this program.
- Further, the State Board is authorized to name a designee for management of the continuing education record-keeping so *no additions to the state payroll* are required to enforce this act.

III. Public Policy for the Bill. In recent years, in other states, litigation has been initiated by consumers injured by cosmetologists. The most dramatic case has been an allegation of the spread of AIDS by a cosmetologist using non-sterile manicure instruments, breaking the skin, thereby infecting the client. While this is an extreme example, it serves to demonstrate the public interest in safe and sanitary equipment and salons while receiving this personal service, so often taken for granted. Additionally, consumers receive scalp burns, hair loss and other injuries when applications of chemicals are performed incorrectly, something more likely to occur at the hands of those not current in their training with respect to the use of these compounds. Continuing education, while certainly not a cure-all for all the potential woes potentially facing consumers, would indeed provide consumers a certain measure of reassurance that the person working on them with potentially harmful chemicals and equipment at least undertakes a minimum of current training.

IV. Examples. Examples of course offerings which would be beneficial as continuing education include the handling of hazardous waste (blood and some types of chemicals); sanitation procedures for implements; operation of a small business; proper application of certain chemicals, and; courses which teach how blood-related diseases (AIDS and Hepatitis) are spread.

V. Precedents from other states. Nebraska, Iowa, Illinois, South Carolina and Ohio all have mandatory continuing education for cosmetologists.

VI. Precedents from Kansas -- other professions. It seems to be the prevailing public policy of this state to require continuing education of those engaged in professions licensed by the State of Kansas. The following is a partial list of professions whose members are required to obtain some continuing education and the requirement imposed by state law.

Accountants	40 hours per year
Attorneys	12 hours per year
Chiropractors	50 hours per year
Dentists	30 hours per year
Embalmers	12 hours per two years
Insurance Agents	15 hours per year
Medical Doctors	150 hours per three years
Nurses	30 hours per two years
L.P.N.s	30 hours per two years
Occupational Therapists	40 hours per two years
Optometrists	20 hours per year
Osteopaths	50 hours per year
Real Estate Brokers	12 hours per two years

VII. Conclusion. In closing we ask the Senate Public Health and Welfare Committee to recognize that this request is coming from *actively practicing* cosmetologists and from the public. We believe you should give greater weight to the compelling interest in public safety voiced by those knowledgeable about the practice of cosmetology and their clients.

VIII. Thank you. We appreciate your consideration of this legislation in light of the many demands on your schedule, especially at this point in the session.