

Approved: 3-24-95
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 March 14, 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

Others attending: See attached list

Conferees appearing before the committee:

Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts
Pamela Scott, Executive Director, Kansas Funeral Directors and Embalmers Assn.
Steven F. Kearney, Kansas Physical Therapy Association

Hearing on: HB 2163 - Mortuary arts license fees and unlawful acts and penalties

Mack Smith, State Board of Mortuary Arts, briefed the Committee on **HB 2163** which amends various statutes relating to the licensing of embalmers and licensed funeral establishments. Mr. Smith also requested a new section be added to the bill that would make it unlawful for any person to operate, offer to operate or advertise a funeral establishment or a branch establishment unless they were licensed to do so. (Attachment 1)

Pam Scott, Kansas Funeral Directors and Embalmers Association, testified in support of the bill as well as the proposed amendments. (Attachment 2)

Hearing on: HB 2127 - Health care provider insurance availability act, physical therapists

Steve Kearney, Kansas Physical Therapy Association, addressed the Committee in support of **HB 2127** which would amend several statutes within the Health Care Provider Insurance Availability Act requiring certain designated health care providers to maintain professional liability insurance as a condition for practicing their profession in Kansas. The bill would remove physical therapists from the list of health care providers required to maintain professional liability insurance and to pay a surcharge for coverage under the Health Care Stabilization Fund. Mr. Kearney noted that while physical therapists have paid into the Fund since its inception in 1976, no claims have been paid or expenses incurred to the Fund on behalf of a physical therapist. (Attachment 3)

Written testimony in support of **HB 2127** was received from Carolyn Bloom, Kansas Physical Therapy Association. (Attachment 4)

Action on: HB 2127

Senator Hardenburger made a motion the Committee recommend **HB 2127** favorably for passage, seconded by Senator Langworthy. The motion carried.

Action on: HB 2163

Senator Ramirez made a motion the Committee adopt the amendments offered by Mr. Smith, seconded by Senator Papay. The motion carried.

Senator Papay made a motion the Committee recommend **HB 2163 as amended** favorably for passage, seconded by Senator Langworthy. 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 March 14, 1995.

Discussion and Action on: SB 348 - Licensing and regulation of speech-language pathologists and audiologists

Staff briefed the Committee on balloon amendments to **SB 348**. (Attachment 5)

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

Senator Hardenburger made a motion the Committee recommend **SB 348 as amended** favorably for passage, seconded by Senator Langworthy. The motion carried.

Confirmation action on: Thelma Hunter-Gordon, Secretary of Kansas Department on Aging

Senator Langworthy made a motion the Committee recommend Thelma Hunter-Gordon for confirmation as Secretary of Kansas Department on Aging, seconded by Senator Jones. The motion carried.

Confirmation action on: James O'Connell, Secretary of Kansas Department of Health and Environment

Senator Ramirez made a motion the Committee recommend James O'Connell for confirmation as Secretary of Kansas Department of Health and Environment, seconded by Senator Walker. The motion carried.

The meeting was adjourned at 10:35 a.m.

The next meeting is scheduled for March 15, 1995.

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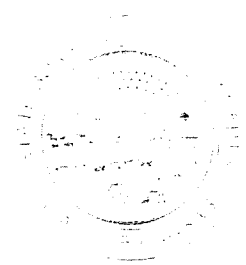
MACK SMITH,
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INSPECTOR-INVESTIGATOR
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The Kansas

State Board of Mortuary Arts

CREATED AUG. 1, 1907

700 S.W. JACKSON ST., SUITE 904
TOPEKA, KANSAS 66603-3758
(913) 296-3980



Tuesday, March 14, 1995

The Senate Public Health and Welfare Committee
Senator Sandy Praeger, Chair
Room 526-South, State Capitol
Topeka, Kansas 66612

Chairperson Praeger and Members of the Committee:

My name is Mack Smith, and I am the executive secretary to the Kansas State Board of Mortuary Arts. I am here to testify in favor of House Bill 2163 which I requested the House Health and Human Services Committee to introduce.

The bill has six sections dealing with six different statutes that I will describe, and then do my best to answer any questions of the committee.

Section 1 deals with KSA 65-1703. Amendments would give better definition in regards to supervision of student and apprentice embalmers in regards to the embalming process. Student embalmers would be required to be under the direct personal supervision (defined as physical supervision) of a licensed embalmer. Student embalmers are enrolled in mortuary school, and they must serve two semesters of practicum at a funeral home prior to graduation. Apprentice embalmers would be required to be under the personal supervision (defined as taking on the full responsibility for the action thereof--but not requiring the physical presence) of a licensed embalmer. Apprentice embalmers have graduated from Mortuary School with at least an AA degree in Mortuary Science and passed the national embalmer examination.

Section 2 deals with KSA 65-1705 and up-dates the penalty for the practice of unlicensed embalming to a class A nonperson misdemeanor. This change coincides with the Kansas Sentencing Guidelines. KSA 21-4503a defines the penalty for a class A misdemeanor as a sum not to exceed \$2,500. This maximum penalty is considerably higher than current language, but it should help serve as a warning to possible violators.

Section 3 involves KSA 65-1713a and amends the definition of funeral establishments. The current definition includes language involving retail sales, while the amended language covers

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HB 2163...continued...

situations where a dead human body would be present. Other changes include clarification that a funeral merchandise room is not required in cases of branch establishments and the addition of the word "cremation" where it is currently omitted.

Section 4 deals with KSA 65-1726 and up-dates the penalty for violating any provision of article 17 of chapter 65. Once again this change coincides with the Kansas Sentencing Guidelines. KSA 21-4503a defines the penalty for a class A misdemeanor as a sum not to exceed \$2,500. This maximum penalty is again considerably higher than current language, but it should help serve as a warning to possible violators.

Section 5 is KSA 65-1727 adds four new areas of fees that could be charged by the board. Two of these areas (duplicate licenses and rulebooks) are currently authorized via the Department of Administration statutes. The fees requested for continuing education program sponsor and licensee applications would be new. Please note that these fees are the maximum amounts. If this bill becomes law, the Mortuary Arts Board would set the exact amounts to be charged via regulation. Although no figures have been finalized by the board, fees of \$20 for sponsors and \$10 for licensees have been discussed. The only time a licensee would apply for approval of any individual continuing education program would be if the particular program had not already been applied for credit by a sponsor. Based on the figures of \$10 and \$20 as previously stated, an annual income of \$4,800 would go to the Mortuary Arts Fee Fund. This estimate is based on 200 sponsor applications @ \$20 (\$4,000) and 200 licensee applications @ \$10 (\$2,000) with 80% or \$4,800 going into the Mortuary Arts Fee Fund and 20% or \$1,200 going into the General Fund.

Section 6 deals with KSA 65-1751 and would include some minor amendments and grammatical changes dealing with the board's licensure action law.

X I would like to request that a new section 7 be added to the bill, and I have included a copy of the proposed amendment. The amendment would involve KSA 65-1729 and would make it unlawful for any person to operate, offer to operate or advertise a funeral establishment or a branch establishment unless they were licensed to do so. Current language mentions misrepresentation, but the board's appointed legal counsel feels that this language would be more appropriate. I apologize for not making this language a part of the original request for introduction, but it was not finalized at that time. This amendment was requested in the House Committee with no known opposition, but it was inadvertently omitted when action to move the bill was considered.

Thank you very much for the opportunity to testify in front of you today, and I would be happy to answer any questions.

65-1729. FUNERAL ESTABLISHMENT LICENSE; BRANCH ESTABLISHMENT LICENSE; FEES; DISPOSITION OF MONEYS. (a) The funeral director in charge of a funeral establishment, as defined by K.S.A. 65-1713a and amendments thereto, including any branch establishment, located or doing business within the state shall apply for and obtain a funeral establishment license or branch establishment license, as appropriate, from the state board of mortuary arts for each location within the state of such funeral establishment or branch establishment.

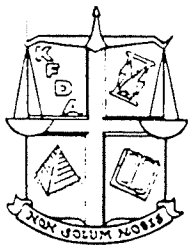
(b) An application for a new license is required if the funeral establishment or branch establishment changes ownership, name or location. Such application shall be made to the state board of mortuary arts at least 30 days prior to such change of ownership, name or location.

(c) The funeral establishment license fee or branch establishment license fee shall be fixed by the state board of mortuary arts under K.S.A. 65-1727 and amendments thereto and shall be due and paid to the state board of mortuary arts on or before the expiration date of such license. The disposition of all funds collected under the provision of this act shall be in accordance with the provisions of K.S.A. 65-1718 and amendments thereto.

(d) Each funeral establishment license or branch establishment license shall expire every two years on a date established by the state board of mortuary arts by duly adopted rules and regulations.

(e) It is unlawful for any person who does not hold a funeral establishment or branch establishment license to operate, offer to operate, advertise or represent oneself as operating a funeral or branch establishment.

HISTORY: L. 1973, ch. 250, & 1; L. 1979, ch. 188, & 12; L. 1981, ch. 300, & 5; L. 1985, ch. 215, & 16; L. 1986, ch. 238, & 4; L. 1991, ch. 190, & 7; L. 1992, ch. 51, & 2; July 1.



AFFILIATED WITH N.F.D.A.

THE KANSAS FUNERAL DIRECTORS AND EMBALMERS ASSOCIATION, INC.

EXECUTIVE OFFICE — 1200 KANSAS AVENUE, P.O. BOX 1904
TOPEKA, KANSAS 66601
PHONE 913-232-7789 FAX 913-232-7791

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TESTIMONY PRESENTED TO

SENATE PUBLIC HEALTH & WELFARE COMMITTEE

ON

HOUSE BILL NO. 2163

MARCH 14, 1995

Madam Chairman and members of the committee, my name is Pamela Scott, and I am Executive Director of the Kansas Funeral Directors and Embalmers Association, Inc. (KFDA). I appear before you today in support of House Bill No. 2163.

The amendments to K.S.A. 65-1703 found in Section 1 are welcomed by the KFDDA. Those amendments will better define the degree of supervision an embalmer must exert over student and apprentice embalmers. This will eliminate any confusion our membership currently has over the amount of supervision they must exert over such embalmers by distinguishing between "direct personal supervision" and "personal supervision".

The KFDDA has no objection to the other sections of the bill which update the definition of funeral establishment and clarify other provisions of the law regulating funeral directors and embalmers.

The KFDDA supports the amendments requested by the State Board of Mortuary Arts and urges their adoption. Thank you for the opportunity to appear before you today.

"Service Beyond Expectation"

Senate Public Health & Welfare
Date: 3-14-95
Attachment No. 2

MEMORANDUM

To: Senate Public Health and Welfare
From: Steve Kearney, Legislative Counsel for the Kansas Physical Therapy Association
Date: March 13, 1995
Subject: House Bill 2127

Senator Praeger and members of the Committee:

Thank you for the opportunity to appear on behalf of the Kansas Physical Therapy Association in support of House bill 2127. House bill 2127 would remove the Physical Therapists from the Health Care Stabilization Fund.

During the summer months the Health Care Stabilization Fund Board passed a motion no longer requiring the Physical Therapist's participation in the Fund. A copy of those minutes are attached.

I have also attached a letter from Rita Noll, Senior Attorney with the Health Care Stabilization Fund, dated December 14, 1994 that more fully explains this issue. Additionally, Ms. Noll supplied a chart which shows that the Physical Therapists have had no claims filed since the inception of this fund in 1976 and that they contribute only .24% of the surcharge for the Fund.

This measure allows the Physical Therapists to stop contributing and to withdraw from the Fund. Others have previously withdrawn from the Fund under identical provisions. I respectfully request your favorable consideration of this measure.

Thank you for the opportunity to appear before you today.

FROM THE DESK OF...
STEVE KEARNEY

STEVEN F. KEARNEY AND ASSOCIATES
PO BOX 2428
TOPEKA, KANSAS 66601-2428
913-234-5859

Senate Public Health & Welfare
Date: 3-14-95
Attachment No. 3



STATE OF KANSAS

KANSAS INSURANCE DEPARTMENT

420 S.W. 9th
Topeka 66612-1678 913-296-3071

1-800-432-2484
Consumer Assistance
Division calls only

RON TODD
Commissioner

December 14, 1994

MR STEVE KEARNEY
P O BOX 2428
TOPEKA KS 66601

RE: Physical Therapists

Dear Mr. Kearney:

Finally I provide to you the information you had requested regarding physical therapists.

Enclosed are copies of minutes of the Health Care Stabilization Fund Board of Governors meetings held July 28th and August 25th during which removing physical therapists from the Fund was discussed. Also enclosed is a sheet that shows how much has been paid from the Fund for each health care provider group. No money has been paid out on behalf of PTs. Of the total amount of surcharge moneys paid into the Fund, 0.24% of that amount has been paid by physical therapists.

You also inquired about the Fund's claims experience regarding physical therapists. Since the inception of the Fund in 1976, the Fund has been notified of seven law suits naming eight physical therapists as defendants (one suit named two PTs). In every case the physical therapist was not the only defendant, also named were other health care providers such as a hospital or M.D.

The Fund has never paid any money, or incurred any expenses, on behalf of a physical therapist. The Fund has been notified of only one instance (of the eight claims made against PTs) in which a primary insurance carrier paid money to settle a claim.

I hope this information is helpful. Let me know if we can be of further assistance.

Very truly yours,

Rita L. Noll, Senior Attorney
Health Care Stabilization Fund

RLN:st
LE2720
Enclosures

1/24/94 Review of HCSF Paid Losses and Surcharge Payments by Type of Provider

33

AGENCY PROVIDER TYPE	SETTELMENTS	INTEREST PAID	EXPENSES PAID	TOTAL LOSSES	% of Paid Losses	% of Surcharge Paid-In
110 M.D.	\$144,603,145	\$6,002,701	\$14,059,625	\$164,665,471	77.08%	69.02%
120 D.O.	\$7,661,437	\$0	\$1,165,226	\$8,826,663	4.13%	4.04%
130 Chiropractors	\$2,434,174	\$0	\$74,110	\$2,508,284	1.17%	1.31%
140 Podiatrists	\$58,473	\$0	\$39,471	\$97,944	0.05%	0.37%
→ 150 Reg. Phys. Ther.	\$0	\$0	\$0	\$0	0.00%	0.24%
160 Dentist-Anesthet.	\$335,611		\$52,803	\$188,414	0.09%	0.68%
200 HMO	\$0	\$0	\$2,958	\$2,958	0.00%	0.67%
All 300's Hospitals & Facilities	\$17,531,075	\$1,523,893	\$1,285,031	\$20,339,999	9.52%	17.42%
400 Pharmacists	\$150,000	\$0	\$2,012	\$152,012	0.07%	0.25%
500 Optometrists	\$95,000	\$0	\$13,177	\$108,177	0.05%	0.18%
600 Nurse Anesthetists	\$3,378,648	\$1,296,701	\$519,163	\$5,194,512	2.43%	2.36%
700 Prof. Corps.	\$5,576,883	\$401,743	\$574,765	\$6,553,391	3.07%	4.06%
710 Not-for-Profit Corps.	\$2,614,597	\$44,952	\$229,950	\$2,889,499	1.35%	See Prof. Corps.
800 Partnerships	\$1,457,544	\$584,461	\$52,501	\$2,094,506	0.98%	See Prof. Corps.
999 Misc.	\$0	\$0	\$898	\$898	0.00%	
				\$213,622,728		

MINUTES OF THE AUGUST 25, 1994 MEETING
OF THE BOARD OF GOVERNORS
OF THE
HEALTH CARE STABILIZATION FUND

The August 25, 1994 meeting of the Board of Governors of the Health Care Stabilization Fund was called to order at 1:06 p.m., chaired by Ron Todd, Commissioner of Insurance.

The following members were in attendance: Ms. Sara Ullman, Ms. Wilma Naethe, Dr. James Lueger, Ms. Carolyn Bloom, Mr. Robert Ohlen, Dr. George Learned, Dr. Ross Shook, Dr. John Young and Dr. John Hill. Present from the Fund were Claire McCurdy, Stacy Moorhead, Bill Wempe, Bob Hayes and Rita Noll. Stacie Tuell, Secretary for the Fund, took the minutes of the meeting.

The minutes of the July 28, 1994, meeting were approved. (Note: a correction in attendance has since been made: Dr. James Lueger was not present, Dr. George Learned was present.)

Rita notified the Board that all requests for increased coverage and tail coverage exemption from the July 28, 1994, meeting were given final approval after the review by Dr. John Hill.

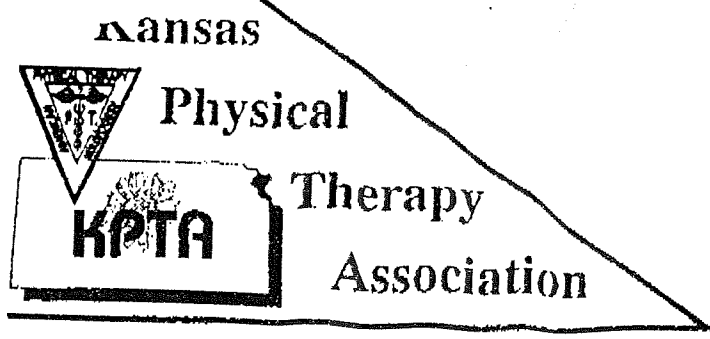
As a matter of new business, the motion presented by Carolyn Bloom at the July 28, 1994, meeting regarding registered physical therapists being changed from their present health care provider status under the law (i.e. being removed from the Health Care Stabilization Fund), as was done with the optometrists and pharmacists in 1991 was discussed by the Board. Bob Hayes presented Board members with his report of Health Care Stabilization Fund paid losses and surcharge payments by registered physical therapists in comparison to all other health care providers. Information presented in his report included provider type, settlement amounts, interest paid, expenses paid, total losses, percentage of paid losses and percentage of surcharge paid-in. After discussion and review, the Board moved to support the motion by the registered physical therapists to no longer be subject to the mandatory professional liability coverage requirements and participation of the Health Care Stabilization Fund. This motion was seconded and passed.

Next on the agenda, Rita presented eight requests for increased Fund coverage. Motions were made, seconded, and passed on the following health care providers: Alva E. Bowyer, R.N.A., Geary Anesthesia Associates, P.A., Cecelia A. Griffith, R.P.T., Lawrence Clinical Laboratory, Chartered, Paul W. Murphy, M.D., Laurance W. Price, Jr., M.D., Michael G. Reynolds, M.D. and Michael R. Thomas, R.N.A.

Rita then requested the Board consider a request for exemption to 30-day requirement to purchase tail coverage made by Dr. Benn Haynes, M.D. Dr. Haynes correctly made a request for continuing tail coverage in a timely manner, but due to circumstances beyond his control receipt of the request was delayed. This was due to a mailing problem which was not his error. Motions were made, seconded and passed granting him exemption. The Board granted Dr. Haynes two weeks after receipt of the Health Care Stabilization Fund approval letter to submit payment.

The monthly report ending July 31, 1994, was received by the Board.

The Board recessed shortly.



March 14, 1995

Carolyn Bloom, PT
 1045 SW Gage Blvd.
 Topeka, KS 66604
 913-273-7700

Dear Senate Public Health and Human Services Chairman and Members:

My name is Carolyn Bloom and I rise to speak in favor of HB 2127. This bill will remove physical therapists from the list of health care providers required to pay into the Kansas Health Care Stabilization Fund. This Fund provides higher levels of professional malpractice insurance than could be purchased by many medical professionals in the 1970's when this Fund was developed. It is now possible for physical therapists to purchase the higher levels of insurance coverage from private insurance companies, and at a cost less than the combined private basic insurance premium plus the Fund coverage premium.

There are no negative effects of passage of this bill. Kansas physical therapists have paid into the Fund since its inception, and \$0.00 have been paid out of the Fund on claims for physical therapists. Physical therapists must provide proof of tail coverage insurance when they exit from the Fund. This tail coverage can be provided by the Fund, as was done several years ago when Kansas pharmacists and optometrists were removed from participation in the Fund.

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The positive effects of passage of this bill can be listed under several categories.

1. Speaking as an employer of physical therapists, this bill will reduce the administrative hurdles therapists must jump to obtain a license in Kansas each year. Therapists coming in and out of the state must be aware of the extra steps in dealing with the Fund policy as well as their private policy. There are only two states that have a similar Fund coverage, and many private insurance representatives do not send the proper forms used for Kansas therapists only. Without the proper forms, the therapist does not know to send the additional Fund surcharge amount which is to be sent back to Kansas, and may then have their license in jeopardy.

Hospital employers who pay for benefits of malpractice liability insurance for their employees, must pay a blanket policy premium, then must pay additional separate private and Fund policies for each of the physical therapists employed by the hospital. This is actually a double coverage and cost to the hospital.

If there were a case filed against an employed therapist and against the employer hospital, having two insurance companies on the same case is confusing, and could be a conflict between the therapist and the employer in resolution of the case.

2. Speaking as a Past-President of the Kansas Physical Therapy Association, I have heard many complaints from physical therapists and employers across the state similar to the ones stated above. The extra confusion by therapists in obtaining a license only after obtaining liability insurance, may even discourage a therapist from coming into Kansas, where we have a shortage of physical therapists.

Pg. 3

Therapists coming into Kansas to provide educational programs that includes practice on patients of Kansas, must have applied for temporary coverage of the Fund on a prorated basis for the number of days per year lecturing in Kansas. This is also very confusing to out of state speakers.

This Fund process is very confusing to therapists who live in Missouri and have work offers in Kansas; they frequently decide it is easier to work in Missouri.

3. Speaking as a past member of the Board of Governors of the Health Care Stabilization Fund, the representation of the Kansas physical therapists has been removed from the Board by the 1994 Kansas Legislature. The Board of Governors voted unanimously at the August, 1994 meeting to allow the physical therapists to withdraw from the Fund.

4. Speaking as a practicing physical therapist, I can purchase private professional liability insurance at \$1.5 million to \$3 million coverage at a cost less than the Fund, and with greatly reduced paperwork requirements.

I urge you to support passage of this bill.

Thank you for allowing me to speak to your Committee. I will answer any questions.

Carolyn Bloomer

SENATE BILL No. 348

REVISED: 3/9/95 KDHE

By Committee on Federal and State Affairs

2-21

9 AN ACT concerning licensing of speech-language pathologists and au-
10 diologists; amending K.S.A. 65-6505, 65-6506 and 65-6508 and re-
11 pealing the existing sections.
12

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

14 Section 1. K.S.A. 65-6505 is hereby amended to read as follows: 65-
15 6505. Speech-language pathologists or audiologists shall meet the follow-
16 ing qualifications for licensure under this act:

17 (a) ~~Possess Possession of~~ at least a master's degree ~~or equivalent~~ in
18 speech-language pathology or audiology from an educational institution
19 with standards consistent with those of the state universities of Kansas
20 approved by the secretary which consists of a course of study consistent
21 with the standards of the state universities of Kansas approved by the
22 secretary pursuant to the rules and regulations;

23 (b) ~~complete completion of~~ supervised clinical practicum experiences
24 from an educational institution or its cooperating programs the content
25 of which shall be approved by the secretary and shall be consistent with
26 the standards of the state universities of Kansas and delineated in the
27 rules and regulations;

28 (c) ~~complete completion of~~ a postgraduate professional experience as
approved by the secretary pursuant to the rules and regulations; and

(d) ~~pass passage of~~ an examination in speech-language pathology or
audiology approved by the secretary pursuant to rules and regulations.

Sec. 2. K.S.A. 65-6506 is hereby amended to read as follows: 65-
6506. (a) Any applicant for licensure shall submit an application to the
secretary upon the forms prescribed and furnished by the secretary and
shall pay appropriate fees as established by the secretary, including ex-
amination fees if required. All licenses shall expire after two years and
may be renewed by submitting an application, showing proof of com-
pleting required continuing education and paying a renewal fee to be
established by rule and regulation and collected by the secretary.

(b) At least 30 days before the expiration of the license, the secretary
shall notify the licensee of the expiration by mail addressed to the licen-
see's last place of residence as noted upon the office records. If the li-
censee fails to submit an application and fee by the date of expiration of

The secretary may issue a license for a period of less than two
years for the purpose of administratively adjusting renewals. In
such case, the licensee shall be charged a pro-rated renewal fee
based upon current renewal fee structure.

Senate Public Health & Welfare
Date: 3-14-95
Attachment No. 5

75

1 the license, the licensee shall be given a second notice that the license
2 has expired and the license may only be renewed if the application, re-
3 newal fee, and late renewal fee are received by the secretary with the
4 ~~thirty-day~~ 30-day period following the date of expiration and, if both fees
5 are not received within the ~~thirty-day~~ 30-day period, the license shall be
6 considered to have lapsed for failure to renew and shall be reissued only
7 after the applicant has been reinstated under subsection (c). *Temporary*
8 *licenses may be renewed for one consecutive 12-month period upon pay-*
9 *ment of renewal fee and documentation of failure to complete require-*
10 *ments for which the temporary license was originally issued.*

11 (c) ~~Any licensee who allows the licensee's license to lapse by failing~~
12 *A licensee who fails to renew as herein provided may be reinstated upon*
13 *payment of the renewal fee and the reinstatement fee, and upon sub-*
14 *mitting evidence of satisfactory completion of any applicable continuing*
15 *education requirements established by the secretary. The secretary shall*
16 *adopt rules and regulations establishing appropriate continuing education*
17 *requirements for reinstatement of persons whose licenses have lapsed for*
18 *failure to renew.*

19 (d) ~~Upon due application and payment of a licensure fee as estab-~~
20 ~~lished by the secretary within one year subsequent to September 1, 1992,~~
21 ~~the secretary may waive the examination and grant a license to any ap-~~
22 ~~plicant so long as the applicant: (1) Has met the educational, supervised~~
23 ~~clinical practicum experiences and postgraduate professional experience~~
24 ~~set forth in this act on or before September 1, 1992; or (2) has a master's~~
25 ~~degree or equivalent in speech-language pathology or audiology and has~~
26 ~~been actively engaged in the practice of speech-language pathology or~~
27 ~~audiology for at least two years of the last four years immediately pre-~~
28 ~~ceding September 1, 1992; or (3) holds a current teaching certificate by~~
29 ~~the Kansas department of education as a speech-language pathologist or~~
30 ~~audiologist on the effective date of this act; or (4) has a bachelor's degree~~
31 ~~in speech-language pathology or audiology and has been actively engaged~~
32 ~~in the practice of speech-language pathology or audiology for at least~~
33 ~~three years of the last four years immediately preceding September 1,~~
34 ~~1992.~~

35 (e) ~~The secretary, upon application and payment of the fee fixed by~~
36 ~~the secretary, may issue a license as a speech-language pathologist or~~
37 ~~audiologist to any person who holds a valid license or its equivalent issued~~
38 ~~to such person by another state or country if the requirements for the~~
39 ~~licensure of the speech-language pathologist or audiologist under which~~
40 ~~such license or equivalent was issued are equivalent to or exceed the~~
41 ~~standards of this act.~~

42 (d) *The secretary may issue a license to a person holding a valid li-*
43 *cence in another state if:*

1 (1) The secretary receives from the issuing state or states document-
2 tation that the licensee is currently in good standing with no violations or
3 sanctions pending or in effect;

4 (2) the applicant: (A) Meets current educational, clinical practicum,
5 postgraduate professional experience and examination requirements; or
6 (B) has received a masters degree awarded prior to January 1, 1993, with
7 a major course of study in speech-language pathology or audiology, or
8 both, and 300 hours or more of supervised clinical practicum experience
9 and has completed postgraduate professional experience and passed an
10 examination in speech-language pathology or audiology, or both, pursu-
11 ant to rules and regulations; and

, pursuant to rules and regulations:

12 (3) the applicant pays an endorsement and application fee pursuant
13 to rules and regulations.

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14 (f) (e) The secretary, upon application and payment of the temporary
15 licensure fee, and submission of evidence of successful completion of the
16 education and supervised clinical practicum experiences, may issue a tem-
17 porary license, which shall expire 12 months from the date of issuance.
18 The temporary license may be renewed for one period not to exceed 12
19 months by appeal to the secretary if the applicant has failed the exami-
20 nation or failed to complete the postgraduate professional experience may
21 issue a temporary speech-language pathology or audiology license for a
22 period of 12 months to a person who has met the licensure requirement
23 of educational and clinical practicum as specified in K.S.A. 65-6505 and
24 amendments thereto but has not yet completed the postgraduate profes-
25 sional experience or passed the examination required by K.S.A. 65-6505
26 and amendments thereto.

pursuant to rules and regulations.

27 Sec. 3. K.S.A. 65-6508 is hereby amended to read as follows: 65-
28 6508. The secretary shall deny, revoke, suspend or limit the license pro-
29 vided for in this act for any of the following reasons:

30 (a) Making a false statement on an application for a license, or any
31 other document required by the secretary;

32 (b) engaging or attempting to engage, or representing oneself as so
33 entitled, to perform procedures not authorized in the license;

34 (c) demonstrating incompetence or making consistent negligent er-
35 rors in tests or procedures;

36 (d) engaging in dishonorable, unethical or unprofessional conduct of
37 a character likely to deceive, defraud or harm the public, as defined by
38 rules and regulations;

39 (e) providing professional services while mentally incompetent, un-
40 der the influence of alcohol or narcotic or controlled substance that is in
41 excess of therapeutic amounts or without valid medical indication;

42 (f) violating or aiding and abetting in a violation of any provisions of
43 this act or any of the rules or regulations adopted under this act; or

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1 (g) *having been convicted of a crime found by the secretary to have*
2 *a direct bearing on whether one should be entrusted to serve the public*
3 *in the capacity of a speech-language pathologist or audiologist.*

4 Sec. 4. K.S.A. 65-6505, 65-6506 and 65-6508 are hereby repealed.

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

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