

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Vice-Chairperson Jim Morrison, at 1:30 p.m. on March 19, 1997 in Room 423-S-of the State Capitol.

All members were present except Representative Carlos Mayans.

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

Conferees appearing before the committee:

Jerry Slaughter, Executive Director, Kansas Medical Society  
Ms. Evan Griggs, Kansas Physical Therapists Association  
Joseph Conroy, Kansas Association of Nurse Anesthetists  
Terri Roberts, Kansas State Board of Nursing  
Dr. Carla Lee, President, Kansas Alliance of Advanced Nurse Practitioners  
Patsy Johnson, Executive Administrator, Kansas State Board of Nursing  
Tuck Duncan, Medevac Medical Services, Inc.

Others attending: See Guest List (Exhibit 1)

The committee approved the minutes of the meeting held on March 17, 1997.

The vice-chairperson opened the hearing on **SB 220 - Supervision and direction of personnel by healing arts licensees.**

Jerry Slaughter, Kansas Medical Society, testified in support of the bill, which had been introduced at the Society's request. A task force concluded that the Healing Arts Board was hampered by insufficient or unclear statutory authority with respect to regulating the manner in which physicians direct, supervise or delegate acts of other personnel. He reviewed the various changes made by the bill and offered three additional amendments shown in his written testimony (see Exhibit 2).

Emalene Correll asked Mr. Slaughter if the intent was to still include that which is in section (c) on page 2? Mr. Slaughter answered that he believed it to be unnecessary, but to keep everyone happy, it was preferred to have it left in the bill.

Representative Henry asked why the Healing Arts board is not recommending that amendment: why KMS? Mr. Slaughter replied that these amendments allow the Society to help the Healing Arts board by policing themselves. The relationship with the Board is a kind of tension; the Society doesn't always agree with their decisions, but wants to create a balance. Representative Henry commented that turf battles are heard regularly, as this bill represents. Representative Welshimer asked who is bound by the bill. Mr. Slaughter answered medical doctors, doctors of osteopathic medicine, and chiropractors.

Ms. Evan Griggs, speaking in behalf of the Kansas Physical Therapists Association, stated support for the bill.

Joseph Conroy, representing the Kansas Association of Nurse Anesthetists, testified that the association has concerns with section 1, new section (e) as it relates to nurse anesthetists, who are licensed by the Kansas State Board of Nursing. He offered a balloon amendment to either delete the section or replace it with language shown in his written testimony (see Exhibit 3).

Terri Roberts, in testifying in support of **SB 220**, stated that the nurses association agrees with the deletion of section (e). She also related the history of the last five or six years relating to giving statutory authority to place responsibility upon professions (physicians especially) for acts performed by personnel whom they supervise or direct, and asserted agreement with the proposed KMS amendments (see Exhibit 4).

Dr. Carla Lee, Kansas Alliance of Advanced Nurse Practitioners, testified in full support of the bill and of the proposed amendments proposed by the Kansas Medical Society (see Exhibit 5).

Tuck Duncan, Medevac Medical Services, Inc., offered an amendment to delete section 1(e), lines 9-14, stating that the Board has regulatory authority pursuant to K.S.A. 65-2865 (see Exhibit 6).

CONTINUATION PAGE

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the State Capitol, at 1:30 p.m. on March 19, 1997.

Patsy Johnson, Kansas State Board of Nursing, in testifying on **SB 220**, stated that either subsection (e) be deleted, or not take any action on the bill (see Attachment #7).

There being no others to testify on the bill, the hearing on **SB 220** was closed.

In discussing the KMS amendment, it was believed by Mr. Slaughter and others that the Board has rule making authority from other statutes.

Representative Henry moved that **SB 220** be amended on page 2, lines 9 through 14, by deleting section (e) and adding new sections (e) and (f) as shown on the proposed Kansas Medical Society balloon amendment included in Exhibit 2; on page 2, line 9, after the word "the," add "proper;" on page 4, line 27, by deleting the word "adequately" and inserting in lieu thereof, the word "properly; and renumbering the sections appropriately." Representative Geringer seconded the motion. The motion carried.

Representative Geringer moved, seconded by Representative Hutchins, that **SB 220**, as amended, be passed favorably. The motion carried.

The vice-chairperson noted that **SB 12 - Social welfare, health insurance and other health benefit plan data matches with medicaid beneficiary data** - was withdrawn from this committee and referred to the House Insurance Committee on March 18, 1997.

Vice-Chairperson Morrison announced those who are in attendance at 1:30 p.m. tomorrow (when the next committee meeting is scheduled) will receive an ice cream bar.

The meeting adjourned at 2:15 p.m.

The next meeting is scheduled for March 20, 1997.

**HOUSE COMMITTEE ON HEALTH AND HUMAN  
SERVICES COMMITTEE GUEST LIST  
MARCH 19, 1997**

NAME	REPRESENTING
Mary HANSON	KMS
Susan Baker	Hein + Weir
Charles Fuchs	Welshimer
Doug Morphis	Contributor to medication
Hayle Morphis	Welshimer
Bob Williams	Ks Pharmacists Assoc.
GARY Robbins	Ks Optometric Assn
CAWDA Byrne	KSNA
Terri Roberts	KSNA
Dawn Leid	KSNA
Susan Jackson	Leadership Newton
Pat Gerber	Leadership Newton
Anita Camp Smith	" "
James Rixner	KAAM
John Sinnering	✓ ↓
TIM DUDDE	Leadership Newton
Tom Wilkams	" "

HOUSE COMMITTEE ON HEALTH AND HUMAN  
SERVICES COMMITTEE GUEST LIST  
MARCH 19, 1997

NAME	REPRESENTING
<i>Michelle Peterson</i>	<i>Peterson Public Affairs</i>
LARRY BUENING	BD OF HEALING ARTS
<i>Amy Campbell</i>	<i>R. Rice Law Office</i>



# KANSAS MEDICAL SOCIETY

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March 19, 1997

TO: House Health & Human Services Committee

FROM: Jerry Slaughter  
Executive Director

SUBJECT: SB 220; relating to supervision and direction of certain personnel

The Kansas Medical Society appreciates the opportunity to appear today in support of SB 220, which was introduced at our request. The bill originated out of a KMS task force of physicians representing a wide spectrum of specialties and geographic areas which studied at length the whole area of physician responsibility for the acts of personnel whom they supervise or direct.

The task force concluded that regulation by the Healing Arts Board was hampered by insufficient or unclear statutory authority in this area. Consequently, we are proposing this bill which gives the Board the clear authority to regulate the manner in which physicians direct, supervise or delegate acts to other personnel.

Depending on the particular situation, a physician accepts varying levels of responsibility and liability for the acts of those he or she supervises or directs. Problems which result because of inadequate direction or supervision are the responsibility of the physician, not the individual being directed or supervised. Some of those individuals have separate practice acts and well defined scopes of practice. However, some are unregulated or unlicensed and their skills and preparation can vary substantially. The bill is intended to establish minimum requirements for the physician's role in such relationships, as well as giving the Board the authority to adopt rules and regulations governing this area.

For example, on page 1, subsection (1) requires that the licensee supervising such personnel actually be practicing in Kansas, something current law doesn't require. Additionally, subsection (4) provides that the licensee supervise only within his or her normal and customary specialty, practice or competence. This is not only common sense, but it protects patients from licensees whose motivation may not be entirely defensible. Subsection (6) requires that a "responsible licensee" provide for a qualified substitute when he or she is absent. Again, common sense requirements, but absent in current law.

HOUSE HEALTH/HUMAN SERVICES

Attachment 2-1  
3 - 19 - 97

House Health & Human Services Committee

SB 220

March 19, 1997

Page 2

You will notice that subsection (c) at the top of page 2 refers to the law which governs physician assistants. This law is quite specific about the responsibilities of physicians insofar as it relates to physician assistants, and we felt it was appropriate to have that statute govern such relationships. Additionally, after discussions with representatives of the nurse anesthetists, we offered an amendment which appears at subsection (d) on page 2, to address concerns they raised in the Senate. Basically, neither they nor we want this bill to complicate the unique practice arrangement which is governed by K.S.A. 65-1158. In the case of physician assistants and nurse anesthetists, each group has specific statutory language which describes the nature of their interactions with physicians.

After further review and discussions, we also believe that additional language needs to be added to reference the specific relationships between physicians and physical therapists, and optometrists. For example, in the case of optometrists, the legislature just last year created a unique interprofessional care process which we do not want to inadvertently impede with this bill.

Another amendment we are suggesting appears on lines 9 - 14 on page 2, which is the provision which gives the Board of Healing Arts rule and reg authority. After discussing this provision with several provider groups, we believe the amendment we have suggested clarifies and focuses the responsibilities of the Board, to develop regulations which define "proper" supervision, direction, etc. The original language in this provision was too broad.

Finally, the change on page 4, lines 27-30, adds a new element to the list of items constituting unprofessional conduct. A licensee's failure to adequately direct or supervise other personnel would be grounds for discipline by the Board. Again, after discussing this with a number of interested parties, we believe the word "properly" should be inserted in place of the word "adequately." "Properly" is a term which better references the quality of such supervisory relationships, which is point we are trying to address with this bill. A balloon is attached which contains all the amendments described above.

This bill shouldn't pose a threat to any group of health care providers. It simply says that when physicians or other licensees of the Board of Healing Arts supervise or direct others, they should do so in a manner that is proper for good patient care. We urge your support for SB 220, with the amendments we have suggested today. Thank you for considering our comments.

1 (c) Notwithstanding the provisions of this section, K.S.A. 65-2896 to  
2 65-2897b, inclusive, and amendments thereto, shall govern the direction  
3 and supervision of physicians' assistants by persons licensed by the state  
4 board of healing arts to practice medicine and surgery.

5 (d) *Nothing in subsection (a)(4) shall be construed to prohibit*  
6 *a person licensed to practice medicine and surgery from ordering,*  
7 *authorizing or directing anesthesia care by a registered nurse anes-*  
8 *thetist pursuant to K.S.A. 65-1158 and amendments thereto.*

9 ~~(d) (e)~~ The board may adopt rules and regulations governing the di-  
10 rection, supervision, order, referral, use of practice protocols and the  
11 delegation of acts which constitute the practice of the healing arts by  
12 responsible licensees to other persons. ~~Such rules and regulations shall~~  
13 ~~establish such conditions and limitations as the board determines to be~~  
14 ~~necessary to protect the public health and safety.~~

15 ~~(e) (f)~~ This section shall be part of and supplemental to the Kansas  
16 healing arts act.

17 Sec. 2. K.S.A. 1996 Supp. 65-2837 is hereby amended to read as  
18 follows: 65-2837. As used in K.S.A. 65-2836, and amendments thereto,  
19 and in this section:

20 (a) "Professional incompetency" means:

21 (1) One or more instances involving failure to adhere to the appli-  
22 cable standard of care to a degree which constitutes gross negligence, as  
23 determined by the board.

24 (2) Repeated instances involving failure to adhere to the applica-  
25 ble standard of care to a degree which constitutes ordinary negligence, as  
26 determined by the board.

27 (3) A pattern of practice or other behavior which demonstrates a  
28 manifest incapacity or incompetence to practice medicine.

29 (b) "Unprofessional conduct" means:

30 (1) Solicitation of professional patronage through the use of fraudu-  
31 lent or false advertisements, or profiting by the acts of those representing  
32 themselves to be agents of the licensee.

33 (2) Representing to a patient that a manifestly incurable disease, con-  
34 dition or injury can be permanently cured.

35 (3) Assisting in the care or treatment of a patient without the consent  
36 of the patient, the attending physician or the patient's legal representa-  
37 tives.

38 (4) The use of any letters, words, or terms, as an affix, on stationery,  
39 in advertisements, or otherwise indicating that such person is entitled to  
40 practice a branch of the healing arts for which such person is not licensed.

41 (5) Performing, procuring or aiding and abetting in the performance  
42 or procurement of a criminal abortion.

43 (6) Willful betrayal of confidential information.

(e) Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing physical therapy services pursuant to K.S.A. 65-2901, et seq.

(f) Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from entering into a co-management relationship with an optometrist pursuant to K.S.A. 1996 Supp. 65-1501, et seq.

proper

1. improper or inappropriate manner or quantity or not in the course of the  
2 licensee's professional practice.

3 (24) Repeated failure to practice healing arts with that level of care,  
4 skill and treatment which is recognized by a reasonably prudent similar  
5 practitioner as being acceptable under similar conditions and circum-  
6 stances.

7 (25) Failure to keep written medical records which accurately de-  
8 scribe the services rendered to the patient, including patient histories,  
9 pertinent findings, examination results and test results.

10 (26) Delegating professional responsibilities to a person when the  
11 licensee knows or has reason to know that such person is not qualified by  
12 training, experience or licensure to perform them.

13 (27) Using experimental forms of therapy without proper informed  
14 patient consent, without conforming to generally accepted criteria or stan-  
15 dard protocols, without keeping detailed legible records or without having  
16 periodic analysis of the study and results reviewed by a committee or  
17 peers.

18 (28) Prescribing, dispensing, administering or distributing an ana-  
19 bolic steroid or human growth hormone for other than a valid medical  
20 purpose. Bodybuilding, muscle enhancement or increasing muscle bulk  
21 or strength through the use of an anabolic steroid or human growth hor-  
22 mone by a person who is in good health is not a valid medical purpose.

23 (29) Referring a patient to a health care entity for services if the  
24 licensee has a significant investment interest in the health care entity,  
25 unless the licensee informs the patient in writing of such significant in-  
26 vestment interest and that the patient may obtain such services elsewhere.

27 (30) ~~Failing to adequately supervise, direct or delegate acts which~~  
28 ~~constitute the healing arts to persons who perform professional services~~  
29 ~~pursuant to such licensee's direction, supervision, order, referral, dele-~~  
30 ~~gation or practice protocols.~~

31 (c) "False advertisement" means any advertisement which is false,  
32 misleading or deceptive in a material respect. In determining whether  
33 any advertisement is misleading, there shall be taken into account not  
34 only representations made or suggested by statement, word, design, de-  
35 vice, sound or any combination thereof, but also the extent to which the  
36 advertisement fails to reveal facts material in the light of such represen-  
37 tations made.

38 (d) "Advertisement" means all representations disseminated in any  
39 manner or by any means, for the purpose of inducing, or which are likely  
40 to induce, directly or indirectly, the purchase of professional services.

41 (e) "Licensee" for purposes of this section and K.S.A. 65-2836, and  
42 amendments thereto, shall mean all persons issued a license, permit or  
43 special permit pursuant to article 28 of chapter 65 of the Kansas Statutes

properly



# KANSAS ASSOCIATION OF NURSE ANESTHETISTS



March 19, 1997

Representative Carlos Mayans  
Chairman, House Health and Human Services Committee  
State Capitol Building  
Topeka, Kansas 66612

Chairman Mayans and Members of the Committee,

My name is Joseph P. Conroy, and I am a Certified Registered Nurse Anesthetist from Emporia, Kansas and I am representing the Kansas Association of Nurse Anesthetists.

I am here to provide testimony in support of S.B. 220, concerning licensees who direct, supervise, order, refer, use practice protocols or delegate to other persons.

In the original bill, our organization had conflicts with (a), (4), and with (a), (5), but we were able to work out those difficulties prior to our hearing in the Senate.

Our Association still has concerns with Section 1, new (e), where the Board of Healing Arts shall establish such conditions and limitations as the board determines to be necessary to govern the direction, supervision, order, etc. Because this language is so broad, we question what rules and regulations may be developed in the future under this section.

It has been stated by the Kansas Medical Society that this bill will only effect licensees of the Board of Healing Arts, physicians, chiropractors, etc. But new (e) would appear to impact all of those with whom physicians have collaborative relationships, including Nurse Anesthetists, Nurse Practitioners, etc.

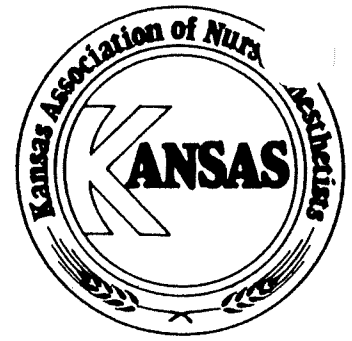
In their testimony before Senate Public Health and Welfare, the Medical Society expressed concerns for situations where the supervised individual is unregulated or unlicensed, and we share those concerns and support the effort to establish requirements for the physician's role in such relationships.

But in the situation of Nurse Anesthetists, we are licensed and authorized by the Kansas Board of Nursing, whose duty it is to establish standards and requirements for Advanced Registered Nurse Practitioners (ARNP's). The statutes also state that it is the responsibility of the Board of Nursing to define the expanded role and establish limitations and restrictions of such expanded role which protects the public.

HOUSE HEALTH/HUMAN SERVICES

Attachment 3-1  
3 - 19 - 87

# KANSAS ASSOCIATION OF NURSE ANESTHETISTS



That is why our Association is introducing the balloon amendment to S.B. 220, (e), where the Board of Healing Arts may adopt rules and regulations governing the direction, supervision, order, etc., of acts which lie solely within the practice of healing arts and are not acts within the scope of practice of any other health care licensee.

There are many areas where the scope of practice of licensed individuals and the practice of healing arts overlap. This balloon would ensure that the Board of Healing Arts would not be able to assume super-board authority and supersede the authority of other regulatory boards when their health care licensees are performing within their scope of practice.

Because this last section new (e) seems to create more problems than it solves, it would seem that it is probably not even necessary. Sections (a), (1) through (6) appear adequate to address the problems that prompted the Medical Society to introduce this bill.

The Kansas Association of Nurse Anesthetists would like to thank Chairman Mayans and the Committee for their time and effort.

Sincerely,

A handwritten signature in cursive script that reads "Joseph P. Conroy". The signature is written in dark ink and is positioned above the typed name and address.

Joseph P. Conroy C.R.N.A., A.R.N.P.  
2614 Apple Drive  
Emporia, Kansas 66801  
316-342-0856

3-3

1 (c) Notwithstanding the provisions of this section, K.S.A. 65-2896 to  
2 65-2897b, inclusive, and amendments thereto, shall govern the direction  
3 and supervision of physicians' assistants by persons licensed by the state  
4 board of healing arts to practice medicine and surgery.

5 (d) *Nothing in subsection (a)(4) shall be construed to prohibit*  
6 *a person licensed to practice medicine and surgery from ordering,*  
7 *authorizing or directing anesthesia care by a registered nurse anes-*  
8 *thetist pursuant to K.S.A. 65-1158 and amendments thereto.*

9 (e) The board may adopt rules and regulations governing the di-  
10 rection, supervision, order, referral, use of practice protocols and the  
11 delegation of acts which constitute the practice of the healing arts by  
12 responsible licensees to other persons. Such rules and regulations shall  
13 establish such conditions and limitations as the board determines to be  
14 necessary to protect the public health and safety.

15 (e) (f) This section shall be part of and supplemental to the Kansas  
16 healing arts act.

17 Sec. 2. K.S.A. 1996 Supp. 65-2837 is hereby amended to read as  
18 follows: 65-2837. As used in K.S.A. 65-2836, and amendments thereto,  
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23 determined by the board.

24 (2) Repeated instances involving failure to adhere to the applicable  
25 standard of care to a degree which constitutes ordinary negligence, as  
26 determined by the board.

27 (3) A pattern of practice or other behavior which demonstrates a  
28 manifest incapacity or incompetence to practice medicine.

29 (b) "Unprofessional conduct" means:

30 (1) Solicitation of professional patronage through the use of fraudu-  
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32 themselves to be agents of the licensee.

33 (2) Representing to a patient that a manifestly incurable disease, con-  
34 dition or injury can be permanently cured.

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36 of the patient, the attending physician or the patient's legal representa-  
37 tives.

38 (4) The use of any letters, words, or terms, as an affix, on stationery,  
39 in advertisements, or otherwise indicating that such person is entitled to  
40 practice a branch of the healing arts for which such person is not licensed.

41 (5) Performing, procuring or aiding and abetting in the performance  
42 or procurement of a criminal abortion.

(6) Willful betrayal of confidential information.

Delete Section (e)

or

Replace (e) with the following language:

(e) *The Board may adopt rules and regulations governing the direction, supervision, order, referral, use of practice protocols and the delegation of acts which lie solely within the practice of healing arts and are not acts within the scope of practice of any other health care licensee.*

S.B. 220 Admendments  
March 13, 1997

Kansas Association of Nurse Anesthetists  
Kansas State Nurses Association



700 SW Jackson, Suite 601  
Topeka, Kansas 66603-3731

913/233-8638 \* FAX 913/233-5222

the Voice of Nursing in Kansas

Betty Smith-Campbell, Ph.D., R.N.  
President

Terri Roberts, J.D., R.N.  
Executive Director

March 19, 1997

## S.B. 220 PHYSICIAN SUPERVISION AND DIRECTION

Representative Morrison and members of the House Health and Human Services Committee, my name is Terri Roberts and I am the Executive Director of the Kansas State Nurses Association. Thank you for the opportunity to address S.B. 220.

S.B. 220 goes a very long way in providing guidance and authority to the Board of Healing Arts to discipline physicians for inappropriate delegation and supervision of others (both unlicensed and licensed) who practice the healing arts pursuant to such direction by a physician.

The Kansas Medical Society by bringing this measure forward for your consideration is taking responsibility for providing authority to the regulatory body to monitor and correct inappropriate actions by physicians.

We are however concerned that the scope the of the rule and regulation authority in (e) is quite broad. Mr. Slaughter has given you a ballon that removes the sentence:

Such rules and regulations shall establish such conditions and limitations as the board determines to be necessary to protect the public health and safety.

The entire new section 1 (a) through (d) and now with other amendments gives great direction to the Board of Healing Arts to discipline. Those items provide performance standards that the Board can use when evaluating a licensee. We are concerned that (e) gives the BOHA authority beyond what is necessary to protect the public. That such authority may be used to control or attempt to control other disciplines through "practice protocol" restrictions, and the like. We respectfully request that the entire (e) section be deleted. Clearly the framework contained in (a)1-5 provides the necessary parameters for the BOHA to pursue disciplinary actions against licensees, and this is what will protect the public.

**THANK YOU**

1 (c) Notwithstanding the provisions of this section, K.S.A. 65-2896 to  
2 65-2897b, inclusive, and amendments thereto, shall govern the direction  
3 and supervision of physicians' assistants by persons licensed by the state  
4 board of healing arts to practice medicine and surgery.

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6 *a person licensed to practice medicine and surgery from ordering,*  
7 *authorizing or directing anesthesia care by a registered nurse anes-*  
8 *thetist pursuant to K.S.A. 65-1158 and amendments thereto.*

9 ~~(d)~~ (e) The board may adopt rules and regulations governing the di-  
10 rection, supervision, order, referral, use of practice protocols and the  
11 delegation of acts which constitute the practice of the healing arts by  
12 responsible licensees to other persons. Such rules and regulations shall  
13 establish such conditions and limitations as the board determines to be  
14 necessary to protect the public health and safety.

15 ~~(e)~~ (f) This section shall be part of and supplemental to the Kansas  
16 healing arts act.

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39 in advertisements, or otherwise indicating that such person is entitled to  
40 practice a branch of the healing arts for which such person is not licensed.

41 (5) Performing, procuring or aiding and abetting in the performance  
42 or procurement of a criminal abortion.

43 (6) Willful betrayal of confidential information.

Delete Section (e)

or

Replace (e) with the following language:

(e) The Board <sup>proper</sup> may adopt rules and regulations governing the direction, supervision, order, referral, use of practice protocols and the delegation of acts which lie solely within the practice of healing arts and are not acts within the scope of practice of any other health care licensee.

S.B. 220 Admndments  
March 13, 1997

Kansas Association of Nurse Anesthetists  
Kansas State Nurses Association

6-7

# kaanp

## Kansas Alliance of Advanced Nurse Practitioners

3/19/1997

Dear Chair Carlos Mayans and members of the committee:

My name is Carla A. B. Lee, Ph.D., ARNP.,C, FNP, CNS, currently serving as President of the Kansas Alliance of Advanced Nurse Practitioners.

We, nurse practitioners of Kansas, are most appreciative of your constant, attentive addressment of concerns and issues that relate to the excellent facilitation of further and expanded provision of primary health care services for the citizens of Kansas.

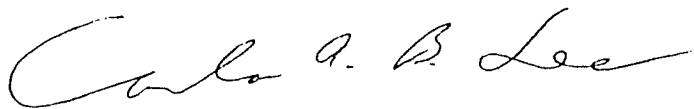
Specifically, today we wish to ask your support of the recommended amendments to S.B. 220 as requested by the Kansas Association of Nurse Anesthetists and the Kansas State Nurses Association, i.e. delete Section c; replace with new e—the specific language proposed by said organizations. We, also, as the Kansas Alliance of Advanced Nurse Practitioners, which also includes the Great Plains Nurse Practitioner Society, support this action.

It is imperative that credentialing germane to health professionals, independently licensed, be honored. Such has been the case for registered professional nursing since its inception in the United State in 1903 and 1913 for the State of Kansas. Jurisdiction for regulation of this discipline, including, since 1980, advanced registered nurse practitioners, resides with the Kansas State Board of Nursing.

Kansas, with the wisdom of its legislature and the vision of the early nursing leaders, including current ones, pioneering over the approximate last 50 years, i.e. nurse anesthesia, nurse midwifery, nurse practitionering, and clinical specialization, established laws that authorized said professional practices. It is noted that in the new roles, such as expanded nursing in the 50s (critical care/intensive care and the like) and advanced nursing practice in the late 60s/early 70s in Kansas) that collaborative, contractual arrangements are understood as the mechanism for the expedition of said roles. However, supervisory regulations by other boards for such practices do not serve this precedence appropriately. It is also noted that the fiduciary relationship/s for said roles have historically in the health care delivery arena been established and monitored through business arrangements and said contractual law for such.

So, we anticipate your continuing wisdom to understand the “fine” balance that was established from our conception and the need to honor and continue such arrangements in the regulation of advanced nursing practice by nursing boards so authorized to do so.

Thanks for your attention to this request and note that we are in full support of the amendments proposed by the aforementioned associations.



HOUSE HEALTH/HUMAN SERVICES

Attachment 5

3 - 19 - 87

**MEDEVAC MEDICAL SERVICES, INC.**  
**401 Jackson Street**  
**Topeka, Kansas 66603**

March 19, 1997

To: House Committee on Health and Human Services

From: R.E. "Tuck" Duncan *RSD*  
General Counsel  
Medevac Medical Services, Inc.

RE: SB 220

I appear today to ask the committee to revise SB 220 New Section 1(e) by deleting said section (page 2, lines 9-14). That section is not necessary because the Board has regulatory authority pursuant to K.S.A. 65-2865.

**65-2865. Rules and regulations; filing.**  
The board shall promulgate all necessary rules and regulations, not inconsistent herewith, for carrying out the provisions of this act, which rules and regulations shall include standards for the dispensing of drugs by persons licensed to practice medicine and surgery. It may also adopt rules and regulations supplementing any of the provisions herein contained but not inconsistent with this act. All rules and regulations promulgated and adopted by the board shall be filed with the secretary of state as required by law.

The new language regarding rules "as the board determines to be necessary to protect the public health and safety" is over broad, and could intrude upon the authority of other regulatory bodies governing the person directed by or delegated acts by the "responsible licensee."

Thank you for your attention to and consideration of this matter.

RED:td

HOUSE HEALTH/HUMAN SERVICES  
Attachment 6  
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# Kansas State Board of Nursing

Landon State Office Building  
900 S.W. Jackson, Rm. 551  
Topeka, Kansas 66612-1230  
913-296-4929  
FAX 913-296-3929



Patsy L. Johnson, R.N., M.N.  
Executive Administrator  
913-296-5752

To: The Honorable Representative Carlos Mayans, Chairperson  
and Members of the Health & Human Services Committee

From: Patsy L. Johnson, M.N., R.N., A.R.N.P.  
Executive Administrator  
Kansas State Board of Nursing

Date: March 19, 1997

Re: SB 220

Thank you for allowing me to testify on SB 220 for the Board of Nursing. Because of the number of telephone calls the Board staff receives usually in regard to physicians delegating to unlicensed persons, the Board does believe there are components in SB 220 that are needed. If the Healing Arts Act has been silent as to disciplining physicians based on inadequate supervision or inappropriate delegation, then the addition in Section 2, K.S.A. 65-2837 will be useful.

The Board of Nursing does have some reservations about new Section 1. Two amendments have been made which address some problems; however, revised subsection (e) still remains a concern. Rules and regulations that may be written in the future could greatly impact the practice of other health care providers who work in independent and interdependent relationships with physicians. Because there are still many unanswered questions, the Board of Nursing would propose to either delete subsection (e) or just not take any action on SB 220 this year. The Board would gladly send representatives to meet with the Board of Healing Arts and the Kansas Medical Society to review the issues.

Thank you.

Janette Pucci, R.N., M.S.N.  
Education Specialist  
296-3782

Patricia McKillip, R.N., Ph.D.  
Education Specialist  
296-3782

Diane Glynn, R.N., J.D.  
Practice Specialist  
296-4325

Mark S. Braun, J.D.  
Assistant Attorney General  
Disciplinary Counsel  
296-4325

HOUSE HEALTH/HUMAN SERVICES

Attachment 7

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