

Approved: May 10, 2002
Date

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 14, 2002 in Room 231-N of the Capitol.

All members were present except: Senator Nancey Harrington
Senator Jim Barnett (EA)
Ms. Emalene Correll, Kansas Legislative Research Department

Committee staff present: Mr. Norm Furse, Revisor of Statutes
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. R. E. "Tuc" Duncan, KS Occupational Therapy Assoc.

Others attending: See attached guest list.

Hearing on HB2315 - an act concerning occupational therapists licensure

Chairperson Susan Wagle opened the meeting by announcing there would be a hearing on HB2315, an act concerning occupational therapists licensure. She asked Mr. Norm Furse, Revisor of Statutes to give a briefing on the bill.

Mr. Furse summarized the major policy changes in the bill:

1. Scope of practice extensively rewritten and updated;
2. Supervision required of an OT (occupational therapist) changed and considerably broadened from current law language;
3. Creates new classification of provider (OTA or occupational therapy aide);
4. Changes title from "registered" to "licensed";
5. Those not construed to be practicing OT are listed in Sec 10; and
6. Some services may be provided by an OT without prior referral or supervision of another health care provider.

He stated other changes are technical in nature in the internal references to years are updated and the effective date of the legislation would be April 1, 2003. A copy of his memorandum is (Attachment 1) attached hereto and incorporated into the Minutes by reference.

As he stood before the Committee for questions, the Chair recognized Senator Brungardt who asked if line 32, page 9, Sec. C, was changed in the House to which Mr. Furse answered that the entire section was worked by the House.

Written testimony was next on the agenda. A copy of the Kansas Association of Osteopathic Medicine testimony, presented by Mr. Chip Wheelen, Executive Director is (Attachment 2) attached hereto and incorporated into the Minutes by reference.

The Chair then introduced the only conferee to testify, Mr. R. E. "Tuc" Duncan, Kansas Occupational Therapy Association, who stated that the bill provides a new definition of the "practice of occupational therapy", clarifies the manner in which applicants for licensure are examined, specifically identifies individuals who shall not be construed to be practicing occupational therapy, and permits education-related therapy services. Mr. Duncan also included a chart indicating jurisdictions regulating OT's and two maps indicating where OT's are located in Kansas. A copy of his proponent testimony and attachments are (Attachment 3) attached hereto and incorporated into the Minutes by reference.

As there was no opponent testimony to be heard, the Chair then asked for questions or comments from the Committee. Questions and comments from Mr. Furse, Senators Wagle and Salmans ranging from seven states recognizing OTAs', what year did the KOTA obtain credentialing, better third party reimbursement so as to be beneficial to the consumer, to language change from "client" to "individual".

As there was no more discussion, the Chair closed the hearing on the bill and adjourned the meeting.

Adjournment

Adjournment time was at 2:20 p.m.

The next meeting is scheduled for March 19, 2002.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

att 13

GUEST LIST

DATE: Thurs. 3-14-02

NAME	REPRESENTING
Chip Wheelen	Osteopathic Association
Tuck DUNCAN	Ks. Occupational Therapy Assn
Jeff Weeks	Ks O.T. Assoc
Sandy McInay	KS OT ASSOC.
Lesq Roberts	KDHE/HOC
Rich Cristoforo	Health Medivest

MEMORANDUM

TO: Senate Committee on Public Health and Welfare

FROM: Norm Furse, Revisor of Statutes

DATE: March 13, 2002

RE: HB No. 2315 (as amended by House Committee)

In summary, the major policy changes in the bill are as follows:

1. The scope of practice of occupational therapy is extensively rewritten and updated. (pp. 1-2)
2. The supervision required of an occupational therapist is changed and considerably broadened from the current law language "under the supervision of a physician" (see p. 1, lines 22-23) to the proposed bill language on page 2 in lines 1 through 3 "pursuant to the referral, supervision, order or direction of a physician, a licensed podiatrist, a licensed dentist or a licensed optometrist. . . ."
3. The bill creates a new classification of provider, an occupational therapy aide (see p. 3, lines 4-7 and Sec. 11). This classification operates under the supervision of occupational therapists subject to rules and regulations of the board.
4. The bill changes the title for this group from registered to licensed throughout the bill. This bill does not protect the scope of practice. See Sec. 9.
5. Individuals and entities not construed to be practicing occupational therapy are listed in Sec. 10.
6. Some services may be provided by an occupational therapist without the prior referral or supervision of another health care provider: Education related therapy services provided by an occupational therapist in school systems for consultation regarding prevention, ergonomics and wellness within the occupational therapy scope of practice. (See p. 8, lines 32-42)

Other changes are made to the bill and are technical in nature in the internal references to years are updated. The effective date of the legislation would be April 1, 2003.

*Senate Public Health & Welfare Committee
Date: March 14, 2002
Attachment 1*



Statement on House Bill 2315
Senate Public Health and Welfare Committee
March 14, 2002

The Kansas Association of Osteopathic Medicine opposed the original version of HB2315 when it was considered by the House Health and Human Services Committee. Our principal objection was the repeal of any kind of supervision requirement for occupational therapists.

You will note that HB2315 was amended substantially by the House Committee. A significant amendment in subsection (b) of section 1 (lines 1-3 on page 2) imposes a requirement for "referral, supervision, order or direction of a physician," etc. This amendment addresses our concern and results in a position of neutrality.

Thank you for reading our comments.

*Senate Public Health & Welfare Committee
Date: March 14, 2002
Attachment 2*



SUITE 310
720 SW JACKSON STREET
TOPEKA, KS 66603
(785) 233-4111

To: Senate Committee on Public Health and Welfare
From: R.E. "Tuck" Duncan
Kansas Occupational Therapy Association
RE: HB 2315
DATE: March 14, 2002

HB 2315, as amended, changes the designation of occupational therapists and occupational therapy assistants from registration to licensure. Occupational Therapy was initially recommended for licensure through the credentialing process. This bill was thoroughly examined by the House Health Committee and its sub-committee on credentialing.

The bill:

- Provides a new definition of the "practice of occupational therapy" which recognizes that occupational therapists are not employed under the supervision of a physician, but evaluate and treat, pursuant to the referral, supervision, order, or direction of a physician, a licensed podiatrist, a licensed dentist, or a licensed optometrist;
- Clarifies the manner in which applicants for licensure are examined;
- Specifically identifies individuals who shall not be construed to be practicing occupational therapy, including health care providers formally trained and licensed, registered, credentialed, or certified by appropriate agencies of the state; persons rendering assistance in emergency situations; persons studying for a degree or certificate in occupational therapy or completing fieldwork necessary to meet degree or certification requirements; self-care by a patient or gratuitous care by a friend or family member; and manufacturers of prosthetic devices;
- Permits education-related therapy services provided by an occupational therapist to school systems or consultation regarding prevention, ergonomics, and wellness within the occupational therapy scope of practice to be provided without a referral, supervision, order, or direction of a physician, licensed podiatrist, licensed dentist, or a licensed optometrist; however, when in the course of providing such services the therapist believes the client may have an underlying injury, illness, disease, disorder, or impairment, the therapist must refer the client to the appropriate health care provider.

The K.O.T.A. has worked with other health care provider groups in drafting this legislation and their respective suggestions were incorporated into this bill.

*Senate Public Health and Welfare Committee
Date: March 14, 2002
Attachment 3*

A person holding a valid registration issued by the Board of Healing Arts as an occupational therapist or as an occupational therapy assistant immediately prior to the effective date of this act is deemed to be a licensed occupational therapist or occupational therapy assistant.

Kansas is one of a minority that has a registration law. Licensing is *"the process by which an agency of government grants permission to an individual to engage in a given occupation upon finding that the applicant has attained the minimal degree of competency necessary to ensure that the public health, safety, and welfare will be reasonably well protected."*

Licensure laws ensure that only individuals with specified training and experience may refer to themselves as occupational therapists or occupational therapy assistants. Licensure laws deter untrained individuals from practicing occupational therapy and prohibit unqualified individuals from engaging in the professional activities covered by the definition (scope) of services.

There are approximately 1500 OTs and OT Assistants in Kansas. While the majority of states, the District of Columbia, and Puerto Rico have enacted licensure laws for OT practitioners, Kansas is one of a minority of states that has a registration law. Defining a scope of practice articulates the parameters of OT practice and provides important guidance to facilities, providers, consumers and major public and private health and education systems on the appropriate use of OT services and practitioners.

Occupational therapy practitioners provide important health and rehabilitation services to people of all ages who, because of illness, injury, developmental or psychological impairment, need specialized treatment. OTs also provide extensive early intervention and school-based services to children under the Federal Individuals with Disabilities Education Act. Because occupational therapy practitioners work extensively with extremely vulnerable and frail populations, it is especially important to regulate members of this profession in a manner that assures the highest level of consumer protection.

We respectfully request your favorable approval of HB 2315. Thank you for your attention to this matter.

Active Occupational Therapists by KS County

Cheyenne	Rawlins 1	Decatur	Norton 1	Phillips	Smith 1	Jewell	Republic	Washington	Marshall 1	Nemaha 3	Brown 6	Doniphan 5		
Sherman 1	Thomas 1	Sheridan	Graham	Rooks 1	Osborne	Mitchell 3	Cloud 2	Clay 2	Pottawatomie 4	Jackson 1	Atchison 5	Leavenworth 17		
Wallace 1	Logan	Gove 1	Trego 1	Ellis 10	Russell	Lincoln	Ottawa 2	Riley 19	Geary 4	Wabaunsee 2	Shawnee 65	Douglas 65	Johnson 392	Wyandotte 27
Greeley 1	Wichita 1	Scott	Lane	Ness 1	Rush	Barton 9	Ellsworth 1	Saline 14	Dickinson 5	Morris 1	Lyon 2	Osage 3	Franklin 6	Miami 10
Hamilton	Kearny	Finney 6	Hodgeman	Pawnee	Stafford	Rice 2	McPherson 8	Marion 4	Chase	Coffey 1	Anderson 2	Linn	Bourbon	
Stanton	Grant 1	Haskell	Gray 1	Ford 2	Edwards	Reno 10	Harvey 6	Butler 16	Greenwood	Woodson 2	Allen 5	Crawford 11		
Morton 1	Stevens 1	Seward 3	Meade	Clark 1	Kiowa	Pratt 3	Kingman 3	Sedgwick 157	Elk 1	Wilson	Neosho 2	Cherokee		
					Comanche	Barber	Harper	Sumner 4	Cowley 5	Chautauqua	Montgomery 4	Labette 6		

*2-8
2002*

Total Count: 971
January 23, 2002

Active Occupational Therapy Assistants by KS County

Cheyenne	Rawlins	Decatur	Norton 1	Phillips 1	Smith	Jewell	Republic 1	Washington	Marshall 2	Nemaha 1	Brown	Doniphan 5			
Sherman	Thomas 1	Sheridan	Graham	Rooks 1	Osborne 2	Mitchell 2	Cloud 1	Clay	Pottawatomie 5	Jackson	Atchison 1	Leavenworth 2			
Wallace	Logan	Gove	Trego 1	Ellis 3	Russell 2	Lincoln	Ottawa 2	Riley 3	Shawnee 5	Jefferson 5	Wyandotte 12	Johnson 60			
Greeley 1	Wichita	Scott	Lane	Ness 1	Rush 1	Barton 18	Ellsworth 6	Saline 6	Dickinson 3	Wabaunsee 1	Morris 1	Douglas 10	Franklin 2	Miami 2	
Hamilton	Kearny	Finney 4	Hodgeman	Pawnee 1	Stafford 3	Reno 8	Rice 7	McPherson 3	Marion	Chase 2	Lyon 2	Osage 1	Coffey 2	Anderson 2	Linn 2
Stanton 1	Grant	Haskell	Gray 1	Ford 2	Edwards	Pratt	Harvey 3	Butler 5	Greenwood	Woodson	Allen 1	Bourbon 4	Wilson 1	Neosho 1	Crawford 2
Morton 1	Stevens	Seward	Meade	Clark 1	Comanche	Barber	Harper 1	Sumner 1	Cowley 3	Chautauqua	Elk	Montgomery 5	Labette 1	Cherokee	

Total Count: 275
January 23, 2002

3-4

JURISDICTIONS REGULATING OCCUPATIONAL THERAPISTS (OTs)

Jurisdictions with Licensure Law

1990	Alabama	1977	Oregon
1987	Alaska	1982	Pennsylvania
1989	Arizona	1968	Puerto Rico
1977	Arkansas	1984	Rhode Island
2000	California	1977	South Carolina
1978	Connecticut	1986	South Dakota
1985	Delaware	1983	Tennessee
1978	District of Columbia	1983	Texas
1975	Florida	1977	Utah
1976	Georgia	1998	Virginia
1998	Guam	1984	Washington
1987	Idaho	1978	West Virginia
1983	Illinois	2000	Wisconsin
1980	Iowa	1991	Wyoming
1986	Kentucky		
1979	Louisiana		
1984	Maine		
1977	Maryland		
1983	Massachusetts		
2000	Minnesota		
1988	Mississippi		
1997	Missouri		
1985	Montana		
1984	Nebraska		
1991	Nevada		
1977	New Hampshire		
1993	New Jersey		
1983	New Mexico		
1975	New York		
1984	North Carolina		
1983	North Dakota		
1976	Ohio		
1984	Oklahoma		

States with Registration Law

1998	Hawaii
1986	Kansas
1988	Michigan

States with Certification Law

1989	Indiana
1993	Vermont

States with Trademark Law

1996	Colorado
------	----------

- 44 states with licensure laws for occupational therapists
- 47 jurisdictions with licensure laws for occupational therapists
- 3 states with registration laws for occupational therapists
- 2 states with certification laws for occupational therapists
- 1 state with trademark law for occupational therapists

Total: 53 Jurisdictions Regulate Occupational Therapists

Occupational therapy practitioners are skilled professionals.

The occupational therapist enters the field with a bachelor's, master's, or doctoral degree. The occupational therapy assistant earns an associate's degree.

Occupational therapy education includes the study of human growth and development with specific emphasis on the social, emotional, and physiological effects of illness and injury.

Each occupational therapy practitioner completes a period of supervised clinical experience and must pass a national examination. Most states also regulate occupational therapy.

To learn more about occupational therapy, contact:

AOTA® The American
Occupational Therapy
Association, Inc.

4720 Montgomery Lane
PO Box 31220
Bethesda, MD 20824-1220

301-652-2682 Phone
301-652-7711 Fax
800-377-8555 TDD
www.aota.org

© 2000 The American Occupational Therapy Association, Inc.



What Is Occupational Therapy?

Occupational therapy is a health and rehabilitation profession that helps individuals achieve independence in their lives despite disabilities. Occupational therapists and occupational therapy assistants work with people of all ages who, because of physical, developmental, social, or emotional problems, need specialized assistance to lead productive and satisfying lives.

The Facts About Occupational Therapy

Occupational therapy is skilled treatment that helps individuals achieve independence. Services include:

- Customized treatment programs aimed at improving abilities to carry out activities of daily living
- Comprehensive evaluation of home and job environments and recommendations on necessary adaptations
- Assessment of and treatment for work performance skills
- Recommendations and training in the use of adaptive equipment to replace lost function
- Instructions to family members and attendants in safe and effective methods of caring for persons with disabilities



Who Needs Occupational Therapy?

- People with work-related injuries
- People who have had a stroke or heart attack
- People with arthritis, multiple sclerosis, or other serious illnesses
- Children with birth injuries, learning problems, or developmental disabilities
- People with mental health or behavioral problems, including Alzheimer's disease, schizophrenia, and post-traumatic stress disorder
- People with substance abuse problems and eating disorders
- People with burns, spinal cord injuries, or amputations
- People with broken bones or other injuries from sports, falls, or accidents
- People at risk for losing their driver's license due to visual or cognitive problems