

Approved: 1-29-03  
Date

## MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE.

The meeting was called to order by Chairperson Jim Morrison at 1:35 p.m. on January 27, 2003 in Room 243-N of the Capitol.

All members were present except Representative Landwehr.

Committee staff present:

Renaee Jefferies, Revisor of Statutes' Office  
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Kevin Robertson, Executive Director, Kansas Dental Association  
Ron Hein, Hein Law Firm

Others attending: See Guest List.

The minutes for January 16, 2003, were approved.

The Chair opened the meeting for introduction of bill requests. Representative Kirk requested the Committee sponsor a bill broadening the qualifications for the director of the Division of Health, Kansas Department of Health and Environment (KDHE). (Attachment 1) She said current law allows only a physician to be director; the change would allow advanced nurse practitioners, master's degree nurses, and master's degree public health administration individuals also to be eligible for the position. A motion was properly made, seconded and passed to sponsor the bill.

Representative Kirk requested the Committee sponsor another bill to increase the number of social work members on the Behavioral Sciences Regulatory Board from 2 to 8, increasing the total number of board members to 16. (Attachment 2) A motion was made, seconded, and passed to sponsor the bill.

Representative Kirk also requested a bill to prohibit an inspection of an adult care facility from being used in any judicial proceeding. (Attachment 3) A motion was properly made, seconded and passed to sponsor the bill.

Representative Bethell requested a bill creating a Kansas Health Commission, a 19-member group promoting healthy lifestyles for Kansans. (Attachment 4) A motion was properly made, seconded and passed to sponsor the bill.

Representative DeCastro requested a House Concurrent Resolution be drawn to recognize school nurses as first responders. (Attachment 5) She said school nurses are already trained in emergency procedures and would be a valuable asset especially in light of a possible terrorist attack. A motion was properly made, seconded and passed to sponsor the resolution.

Kevin Robertson, Executive Director, Kansas Dental Association, requested the Committee sponsor two

## CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at on January 27, 2003 in Room 243-N of the Capitol.

bills. The first would amend K.S.A. 65-1456 to allow dental hygienists to work in certain off-site settings, such as public schools, clinics for indigent dental services, etc., under the delegated supervision of a dentist. (Attachment 6) A motion was properly made, seconded and passed to sponsor the bill. The second request, amending K.S.A. 65-1426, would allow temporary licensure for out-of-state dentists and dental hygienists to provide indigent dental care at special clinics. (Attachment 7) He noted the license would apply only to charitable care and would not allow later reciprocity for obtaining a license in Kansas. A motion was properly made, seconded and passed to sponsor the bill.

Ron Hein, Hein Law Firm, requested the introduction of a bill to License Radiologic Technologists. (Attachment 8) He said the Kansas Society of Radiologic Technologists had been approved by the KDHE credentialing process for licensure with regulation provided by the Board of Healing Arts. A motion was properly made, seconded and passed to sponsor the legislation.

The meeting was adjourned at 1:59 p.m. The next meeting is scheduled for January 28, 2003, in Room 243-N.



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TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER: INSURANCE  
MEMBER: HEALTH & HUMAN SERVICES  
TAXATION  
JT. COMMITTEE ON SRS  
TRANSITION OVERSIGHT

## Health and Human Services Bill Introduction

**Brief overview:** This bill broadens the qualifications for the director of the Division of Health. Currently the director must be a physician licensed to practice medicine in Kansas. The bill allows for advanced nurse practitioners, master degree nurses, and persons with a minimum of a master's degree in public health administration to be eligible for the position of Director of Health in the Department of Health and Environment.

**Cost:** It is anticipated that broadening the qualifications for this position will enable the Department to interest more individuals in the role and to control the salary costs associated with hiring qualified individuals.

**Rational:** It has been a challenge to find medical doctors who have a public health background willing to consider this position. It seems logical to consider that we now have nurses and public health administrators who are well trained in administration and public health who could competently carry out the responsibilities of Health Director.

*Attachment 1*

*1-27-03 HHS*

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TAXATION  
JT. COMMITTEE ON SRS  
TRANSITION OVERSIGHT

## Health and Human Services Bill Introduction

Brief overview: This bill increases the number of social work members on the Behavioral Sciences Regulatory Board to 8.

Costs: There is no expected increase in costs to the State.

Rationale: Currently the BSRB has 11 members, 3 psychologists, two social workers, one counselor, one marriage and family therapist, and four community representatives. The Board licenses 5500 social workers compared to 1000 psychologists, and even fewer in the other professions. The increase in the number of social work representatives is not proportional to their numbers, but more realistically reflects the much larger number of licensees. The Board majority still rests with the non-social work representatives and maintains an odd number of Board members to prevent deadlocks.

Attachment 2  
HHS 1-27-03

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MEMBER: HEALTH & HUMAN SERVICES  
TAXATION  
JT. COMMITTEE ON SRS  
TRANSITION OVERSIGHT

## Health and Human Services Bill Introduction

**Brief Overview:** This bill would add language to the adult care home statutes that would prohibit the introduction of any inspection report into any judicial proceeding.

**Cost:** No cost to the state of Kansas

**Rationale:** The inspection reports on Kansas nursing homes are inconsistent from area to area and vary statistically from those conducted in other states. The inspection reports are only snap shot views, views that reflect only one point in time. The reports are public information, but it is my contention that they are inappropriate documents for use in a judicial proceeding.

This bill is controversial and there are compelling arguments on both sides. I believe it is time to have the discussion and therefore, I am requesting this be accepted as a committee bill.

Attachment 3  
HHS 1-27-03

## Brief for Health Commission

**Sponsored by:** Representative Bethell

**Date:** 01/2002

**A Bill Concerning:** Health of Kansans and the creation of a Kansas Health Commission

**What Bill Does:** Creates a 19 member Kansas Commission on Health comprised of four legislators and 15 gender, ethnically, and geographically diverse appointments by the Governor. The Commission will be charged with evaluating the health of Kansans to include wellness prevention and public health and will be concerned with the delivery of health care through innovative and cost effective methods. In addition the Commission will publish and circulate a report of activities and recommendations each year.

**Political Reality/Implications:** Gives an opportunity to evaluate programs of the state and determine effectiveness

**Possible Floor Amendments:** Possible,

**Proponents:** Kansas Medical Society  
Kansas Health Institute  
Kansas Public Health Association, Inc. (Sally Finney)  
Kansas State Nurses Association (Carolyn Middendorf)  
AARP Kansas (Ernest Kutzley)  
Kansas Department on Aging  
Kansas Department of Health and Environment  
Kansas Department of Social & Rehabilitation Services

**Opponents:** None

**Fiscal Note:** None funding is considered in the bill to be done by securing grants.

*Attachment 4*  
*HHS 1-27-03*



WILLA DECASTRO  
REPRESENTATIVE 96TH DISTRICT  
MAJORITY CAUCUS CHAIR



COMMITTEE ASSIGNMENTS  
MEMBER: HEALTH & HUMAN SERVICES  
K-12 EDUCATION  
SOCIAL SERVICE BUDGET  
JT. COMMITTEE ON CHILDREN'S ISSUES

TOPEKA

HOUSE OF  
REPRESENTATIVES

January 24, 2003

Chairman Jim Morrison

I would like to request the Health Committee to sponsor a House Concurrent Resolution to recognize School Nurses as First Responders.

This resolution would be patterned after House Concurrent Resolution 298 which was introduced by Congressman Israel (D-NY). The resolution provides that state and local officials designate school nurses as first responders and remove any legal or regulatory barriers that would impede school nurses from responding to a biological or chemical attack. Considering that school children and teachers work in close proximity to other people, an outbreak among children could prove to be a launching ground for a wider epidemic.

Respectfully,

A handwritten signature in cursive script that reads "Rep Willa DeCastro".

Representative Willa DeCastro  
District 96

*Attachment 5*  
*HHS 1-27-03*



**Access Bill**  
**2002-03**

**65-1456. Dental hygienists; suspension or revocation of licenses, when; notice and hearing; practice of dental hygiene defined; rules and regulations; supervision defined; issuance of permits for dental screening; authorized activities, requirements.**

(a) The board may suspend or revoke the license of any dentist who shall permit any dental hygienist operating under such dentist's supervision to perform any operation other than that permitted under the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory thereof, and may suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory thereof. No license of any dentist or dental hygienist shall be suspended or revoked in any administrative proceedings without first complying with the notice and hearing requirements of the Kansas administrative procedure act.

(b) The practice of dental hygiene shall include those educational, preventive, and therapeutic procedures which result in the removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci. Included among those educational, preventive and therapeutic procedures are the instruction of the patient as to daily personal care, protecting the teeth from dental caries, the scaling and polishing of the crown surfaces and the planing of the root surfaces, in addition to the curettage of those soft tissues lining the free gingiva to the depth of the gingival sulcus and such additional educational, preventive and therapeutic procedures as the board may establish by rules and regulations.

(c) Subject to such prohibitions, limitations and conditions as the board may prescribe by rules and regulations, any licensed dental hygienist may practice dental hygiene and may also perform such dental service as may be performed by a dental assistant under the provisions of K.S.A. 65-1423 and amendments thereto.

(d) Except as otherwise provided in this section, the practice of dental hygiene shall be performed under the direct or general supervision of a licensed dentist at the office of such licensed dentist. The board shall designate by rules and regulations the procedures which may be performed by a dental hygienist under direct supervision and the procedures which may be performed under general supervision of a licensed dentist. As used in this section: (1) "Direct supervision" means that the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient evaluates the performance; and (2) "general supervision" means a Kansas licensed dentist may delegate verbally or by written authorization the performance of a service, task or procedure to a licensed dental hygienist under the supervision and responsibility of the dentist, if the dental hygienist is licensed to perform the function, and the supervising dentist examines the patient at the time the dental hygiene procedure is performed, or during the 12 calendar months preceding the performance of the procedure, except that the licensed hygienist shall not be permitted to diagnose a dental disease or ailment, prescribe any treatment or a regimen thereof, prescribe, order or dispense medication or perform any procedure which is irreversible or which involves the intentional cutting of the soft or hard tissue by any means. A dentist is not required to be on the premises at the time a hygienist performs a function delegated under part (2) of this subsection.

(e) The practice of dental hygiene may be performed at an adult care home, hospital long-term care unit, state institution, local health department or indigent health care clinic on a resident of a facility, client or patient thereof so long as:

(1) A licensed dentist has delegated the performance of the service, task or procedure;

(2) the dental hygienist is under the supervision and responsibility of the dentist;

*Attachment 6*  
*HHS 1-27-03*

(3) either the supervising dentist is personally present or the services, tasks and procedures are limited to the cleaning of teeth, education and preventive care;

(4) the supervising dentist examines the patient at the time the dental hygiene procedure is performed or has examined the patient during the 12 calendar months preceding performance of the procedure; and

5) nothing in this subsection (e) shall be construed to prevent a dental hygienist from providing dental education ~~hygiene instruction or visual oral health screenings~~ in a school or community based setting.

**(f) The practice of dental hygiene may be performed at a public school or accredited non public school , as defined in KSA 72-89b02, and amendments thereto, head start program, state correctional institution, local health department or indigent health care clinic, as defined in KSA 65-1466, on a student who meets the requirements of medicaid, healthwave or the federal free and reduced lunch program, an inmate, client or patient thereof so long as:**

**1) the dental hygienist has received an "extended care permit I" from the Kansas Dental Board specifying that the dental hygienist has performed 1,800 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for four semesters during the three years prior;**

**2) the dental hygienist shows proof of professional liability insurance;**

**3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit;**

**4) the tasks and procedures are limited to: a) removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; b) the application of fluoride; c) dental hygiene instruction, d) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries; and other abnormalities, and; e) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act.**

**5) the dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute comprehensive dental diagnosis and care;**

**6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in subsection (f);**

**7) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in subsection (f);**

**8) nothing in this subsection (f) shall be construed to prevent a dental hygienist from providing dental hygiene instruction or visual oral health screenings in a school or community based setting.**

**(g) The practice of dental hygiene may be performed at an adult care home, hospital long-term care unit, state institution, or at the home of a homebound person who qualifies for the federal Home and Community Based Service (HCBS) Waiver on a resident of a facility, client or patient thereof so long as:**

**1) the dental hygienist has received an "extended care permit II" from the Kansas Dental Board specifying that the dental hygienist has: a) performed 1,800 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for four semesters during the three**

*years prior, and; b) completed six hours of training on the care of special needs patients or other training as may be accepted by the board;*

*2) the dental hygienist shows proof of professional liability insurance;*

*3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit;*

*4) the tasks and procedures are limited to: a) removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; b) the application of fluoride; c) dental hygiene instruction; d) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities, and; e) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act.*

*5) the dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute comprehensive dental diagnosis and care;*

*6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in subsection (g);*

*7) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in subsection (g);*

*8) the dental hygienist completes a minimum of six-hours of education in the area of special needs care within the board's continuing dental education requirements for relicensure, and;*

*9) nothing in this subsection (g) shall be construed to prevent a dental hygienist from providing dental hygiene instruction or visual oral health screenings in a school or community based setting.*

~~(f) The board may issue a permit to a licensed dental hygienist to provide dental screening under such terms and conditions as the board may reasonably establish in such permit. Such permit shall be subject to renewal at the time the license for dental hygiene is renewed.~~

~~(g) (h)~~ In addition to the duties specifically mentioned in subsection (b) of K.S.A. 65-1456, and amendments thereto, any duly licensed dental hygienist may:

(1) Give fluoride treatments as a prophylactic measure, as defined by the United States public health service and as recommended for use in dentistry;

(2) remove overhanging restoration margins and periodontal surgery materials by hand scaling instruments; and

(3) administer local block and infiltration anaesthesia and nitrous oxide. (A) The administration of local anaesthesia shall be performed under the direct supervision of a licensed dentist. (B) Each dental hygienist who administers local anaesthesia shall have completed courses of instruction in local anaesthesia and nitrous oxide which have been approved by the board.

~~(h) (i)~~ (1) The courses of instruction required in subsection (g)(3)(B) of K.S.A. 65-1456, and amendments thereto, shall provide a minimum of 12 hours of instruction at a teaching institution accredited by the American dental association.

(2) The courses of instruction shall include courses which provide both didactic and clinical instruction in:  
(A) Theory of pain control; (B) anatomy; (C) medical history; (D) pharmacology; and (E) emergencies and complications.

(3) Certification in cardiac pulmonary resuscitation shall be required in all cases.

# 65-1426

## Chapter 65.--PUBLIC HEALTH Article 14.--REGULATION OF DENTISTS AND DENTAL HYGIENISTS

**65-1426. Application for license; qualifications of applicants; approval of dental schools or colleges.** (a) Except as otherwise provided in subsection (c), every person who desires to practice dentistry in this state shall file with the secretary-treasurer of the board a written application for a license, and furnish satisfactory proof that the applicant is at least 21 years of age, of good moral character and a graduate of a dental school or college approved by the board. Such application shall be upon the form prescribed and furnished by the board and verified by the oath of the applicant and shall be accompanied by the required fee and a recent unmounted, autographed photograph of the applicant.

(b) The board shall approve only those dental schools or colleges which require the study of dentistry and dental surgery and which the board determines have standards of education not less than that required for accreditation by the commission on dental accreditation of the American dental association or its equivalent.

(c) Notwithstanding the provisions of subsection (a), the board shall consider an application of:

1) any graduate of a dental school which has not been approved by the board if the applicant successfully completes a course of remedial or refresher instruction offered by a dental school or college where both the course and the school have been approved by the board.

**2) a temporary permit of not more than 14 calendar days to a graduate of an accredited dental school or college or the dental department of a college or university, who (i) has a D.D.S. or D.M.D. degree and is otherwise qualified, (ii) is not licensed to practice dentistry in Kansas, (iii) holds a license to practice in the state from which they are applying, and (iv) has not failed an examination for a license to practice dentistry in this state, Such temporary permits may be issued only to those eligible graduates who serve as providers operated by an entity defined under 75-6102.**

(d) The board is hereby authorized and empowered to adopt such further rules in regard to the qualifications of applicants for licensure, not in conflict with this section, as it from time to time may deem necessary and proper.

(e) The board shall adopt rules and regulations establishing the criteria which a school shall satisfy in meeting the standards of education established under subsection (b). The board may send a questionnaire developed by the board to any school for which the board does not have sufficient information to determine whether the school meets the requirements of subsection (b) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools. In entering such contracts the authority to approve schools shall remain solely with the board.

# 65-1455

Attachment 7  
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**65-1455. Licensing of dental hygienists; examination, fee; license fee; qualifications; display of license; approval of schools of dental hygiene, criteria; unlawful practice of dental hygiene, penalties.** (a) No person shall practice as a dental hygienist in this state until such person has passed an examination by the board under such rules and regulations as the board may adopt. The board shall accept clinical board examination results for graduates of dental hygiene schools approved by the board from all nationally recognized regional dental hygiene clinical testing agencies and from individual state dental hygiene licensure authorities. The fee for such examination shall be fixed by the board pursuant to K.S.A. 65-1447 and amendments thereto. A license fee shall be paid to the board in the amount fixed by the board pursuant to K.S.A. 65-1447 and amendments thereto.

***3) a temporary permit of not more than 14 calendar days to a graduate of an accredited dental hygiene school, college, or university, who (i) has a R.D.H. or L.D.H. degree and is otherwise qualified, (ii) is not licensed to practice dentistry in Kansas, (iii) holds a license to practice in the state from which they are applying, and (iv) has not failed an examination for a license to practice in this state. Such temporary permits may be issued only to those eligible graduates who serve as providers operated by an entity defined under 75-6102.***

(b) The board shall issue licenses as dental hygienists to those who have passed the examination in a manner satisfactory to the board. Each license shall be posted and displayed in the office in which the hygienist is employed, but no person shall be entitled to such license unless such person is more than 18 years of age, of good moral character and a graduate of a school approved by the board for dental hygienists. The board shall approve only those dental hygiene schools which require the study of dental hygiene and which the board determines have standards of education not less than that required for accreditation by the commission on dental accreditation of the American dental association or its equivalent.

(c) The board shall adopt rules and regulations establishing the criteria which a school for dental hygienists shall satisfy in meeting the standards of education established under subsection (b). The board may send a questionnaire developed by the board to any school for dental hygienists for which the board does not have sufficient information to determine whether the school meets the requirements of subsection (b) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools. In entering such contracts the authority to approve schools shall remain solely with the board.

(d) Any person practicing dental hygiene in violation of the provisions of this act shall be guilty of a misdemeanor, and the board may revoke or suspend such person's license therefor.

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## **Request for Introduction of Licensure of Radiologic Technologists Legislation**

### **Executive Summary**

**By Ronald R. Hein on behalf of  
Kansas Society of Radiologic Technologists  
January 20, 2003**

The proposed bill would provide for licensure of radiologic technologists, to be regulated by the Board of Healing Arts. Radiologic technologists are sub-divided into four specialties: radiographer, radiation therapist, and nuclear medical technologist. An applicant would apply for/receive a license applicable to that particular specialty.

Radiologic technology does not include echocardiography, diagnostic sonography, or magnetic resonance imaging. The Act will not apply to licensed practitioners (i.e., persons licensed to practice medicine and surgery, dentistry, podiatry, chiropractic or osteopathic medicine and surgery), resident physicians or students under the direct supervision of a licensed practitioner, radiographer, radiation therapist or nuclear medicine technologist, or dental health care workers defined by K.A.R. 71-1-18(a)(1).

As required by the Kansas Health Occupations Credentialing Act, the radiologic technologists were reviewed by the KDHE credentialing process, and were approved by the technical committee and the Secretary for credentialing at the level of licensure. The technical committee determined that licensure will not cause a negative impact on the availability or affordability of healthcare and yet will protect against harm to the public..

Legislation was introduced previously (see 2002 HB 2964) for the purpose of having a printed bill that could be reviewed by other interested healthcare providers. Over the 2002 Interim, the KSRT has communicated with numerous groups including the Board of Healing Arts, Kansas Medical Society, Kansas Dental Association, Kansas Dental Hygienists Association, Kansas Dental Assistants Association, Kansas Hospital Association, Kansas Association of Osteopathic Medicine, and the Kansas State Nurses Association. As a result of that communication, changes have been incorporated in this proposed legislation.

**Economic impact:** Licensees will pay fees as set out in the bill. To the extent that licensure and continuing education improve the quality of radiologic technology services, there should be improved healthcare and improved economic impact on the public, the amount being undeterminable. Fees should generate additional revenue for the Board of Healing Arts, but expenses of the Board of Healing Arts would increase commensurately. Pursuant to statute, a portion of the fees will be remitted to the State General Fund.

*Attachment 8*

*HHS 1-27-03*



HOUSE BILL No. \_\_\_\_\_

By Committee on Health and Human Services

AN ACT providing for the regulation and licensing of radiologic technologists; granting powers and duties of the state board of healing arts; establishing a radiologic technology council and providing for the functions thereof; declaring unlawful acts and penalties.

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

Section 1. Sections 1 through 12 and amendments thereto shall be known and may be cited as the radiologic technologists practice act.

Sec. 2. As used in this act:

- (a) "Board" means the state board of healing arts.
- (b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta particles, high speed electrons, protons, neutrons and other nuclear particles capable of producing ions directly or indirectly in its passage through matter.
- (c) "License" means a certificate issued by the board authorizing the licensee to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.
- (d) "Licensed practitioner" means a person licensed to practice medicine and surgery, dentistry, podiatry, chiropractic or osteopathic medicine and surgery in this state.
- (e) "Nuclear medicine technologist" means a person who uses radiopharmaceutical agents on humans for diagnostic or therapeutic purposes.
- (f) "Nuclear medicine technology" means the use of radionuclides on human beings for diagnostic or therapeutic purposes.
- (g) "Radiation therapist" means a person who applies radiation to humans for therapeutic purposes.
- (h) "Radiation therapy" means the use of any radiation procedure or article intended for the cure, mitigation or prevention of disease in humans.
- (i) "Radiographer" means a person who applies radiation to humans for diagnostic purposes.
- (j) "Radiography" means the use of ionizing radiation on human beings for diagnostic purposes.
- (k) "Radiologic technologist" means any person who is a radiographer, radiation therapist or nuclear medicine technologist.
- (l) "Radiologic technology" means the use of radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner. The term includes the practice of radiography, nuclear medicine technology and radiation therapy, but does not include echocardiography, diagnostic sonography and magnetic resonance imaging.

Sec. 3. (a) No person, other than a licensed practitioner or licensed radiologic technologist shall perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.

(b) A person holding a license under this act shall use radioactive substances or equipment for radiologic technology procedures on humans only for diagnostic or therapeutic purposes by prescription of a licensed

practitioner, and only if the application of a substance or the use of equipment is limited in a manner herein specified.

(c) The board shall establish licensure standards for the persons licensed under this act. Only

persons licensed under this act shall be entitled to use the titles or designated letters of this act. No person shall depict one's self orally or in writing, expressly or by implication, as holder of a license who does not hold a current license under this act.

(d) No person shall employ a person to engage in the practice of radiologic technology unless the person possesses a valid license issued under the provisions of this act within that specific category.

(e) A person shall not engage in the practice of radiologic technology unless the person possesses a valid license-issued under this act within that specific category.

(f) Nothing in the provisions of this act relating to radiologic technology procedures shall limit, enlarge or affect the practice of a licensed practitioner.

Sec. 4. (a) On and after January 1, 2004, it shall be unlawful for any person who is not licensed under this act or whose license has been suspended or revoked to hold one's self out to the public as a licensed radiologic technologist, or use the words radiologic technologist, radiographer, nuclear medicine technologist or radiation therapist or any other words, letters, abbreviations or insignia indicating or implying that such person is a radiologic technologist to practice the art and science of radiologic technology.

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

Sec. 5. The following shall be exempt from the provisions of this act and the requirement of a license pursuant to this act:

(a) a licensed practitioner;

(b) a resident physician or a student enrolled in and attending a school while under the direct supervision of a licensed practitioner, radiographer, radiation therapist or nuclear medicine technologist; and

(c) a dental health care worker defined by K.A.R. 71-1-18(a)(1).

Sec. 6 (a) There is established the radiologic technology council to assist the state board of healing arts in carrying out the provisions of this act. The council shall consist of nine members, all citizens and residents

of the state of Kansas appointed as follows: The board shall appoint two members; at least one of which shall be a physician. The governor shall appoint: Two members who shall be radiographers; one member who shall be a nuclear medicine technologist; one member who shall be a radiation therapist; one member who shall be a hospital administrator currently employed by a hospital; and two members who shall be physicians specializing in radiology.

(b) Council members shall have been actively practicing in their fields for not less than five years.

(c) The terms of office shall be four years, except that of the members first appointed, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term.

(d) Radiologic technologists initially appointed to the council must be eligible for licensure under section 9 and amendments thereto. On and after, January 1, 2004, new appointees must be licensed under the provisions of this act.

(e) The council, for administrative purposes, shall meet at least once each year at a time and place of its choosing and at such other times as may be necessary on the chairperson's call. The first meeting of the council shall be for organization only.

(f) A majority of the council constitutes a quorum. No action may be taken by the council except by affirmative vote of the majority of the members present and voting.

(g) Members of the council attending meetings of the council, or a subcommittee of the council, shall

be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto, from the healing arts fee fund.

Sec. 7. The radiologic technology council shall advise the board regarding:

(a) Examination and licensing fees; (b) rules and regulations to be adopted to carry out the provisions of this act, and amendments thereto; (c) subject areas to be covered during schooling and on the licensure examination; (d) the number of yearly continuing education hours required to maintain active licensure; (e) changes and new requirements taking place in the area of radiologic technology; and (f) such other duties and responsibilities as the board may assign.

Sec. 8. (a) The board, with the advice and assistance of the radiologic technology council, shall pass upon the qualifications of all applicants for examination and licensing, contract for examinations, determine the applicants who successfully pass the examination, duly license such applicants, adopt rules and regulations as may be necessary to administer the provisions of this act, and amendments thereto, and prescribe

forms which shall be issued in the administration of this act.

(b) The board shall establish, with the advice and assistance of the examining council, rules and regulations which shall establish criteria for educational programs for radiologic technologies which include standards for approval of an educational course of study and clinical experience, continuing education criteria, practice protocols, criteria for registration procedures for the examination of applicants and standards for professional conduct and discipline.

(c) The board shall keep a record of all proceedings under this act, and amendments thereto, and a roster of all individuals licensed under this act.

(d) The board shall conduct hearings upon charges calling for discipline of a licensee.

(e) The board, after obtaining the advice and assistance of the radiologic technology council, shall establish by rules and regulations, the date for expiration of a license under this act providing for the renewal of licenses under this act. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee and satisfactory evidence of having successfully completed the required number of continuing education courses prescribed by rule and regulation.

(f) The board, after obtaining the advice and assistance of the radiologic technology council, shall establish by rules and regulations, procedures for reinstatement of expired, suspended and revoked licenses.

Sec. 9. (a) An applicant applying for licensure as a radiologic technologist shall file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements: (1) At the time of the application is at least 18 years of age and (2) has successfully completed a four-year course of study in a secondary school approved by the state board of education, passed an approved equivalency test or has graduated from a secondary school outside Kansas having comparable approval by the state board of education.

(b) In addition to the requirements of subsection (a), any person seeking to obtain a license shall specify a specific area of radiologic technology and shall comply with the following requirements:

(1)(A) Each applicant for a license as a radiographer shall have satisfactorily completed a course of study in radiography which is approved by the board. (B) Each applicant for a license as a radiation therapist shall have satisfactorily completed a course of study in radiation therapy which is approved by the board. (C) Each applicant for a license as a nuclear medicine technologist shall have satisfactorily completed a course of study in nuclear medicine technology, which is approved by the board.

(2) The curriculum for each course of study shall be no less stringent than the standards of existing national organizations which approve radiologic technology programs, provided the standards are not



in conflict with board policy;

(3) Except as provided in section 10, has successfully passed a license examination approved by the board; and

(4) has paid all fees required for licensure prescribed in this act.

(c) An applicant for renewal shall submit proof of having successfully completed continuing education courses as prescribed by rules and regulations.

(d) The board may accept, in lieu of its own licensure examination, a current certificate by the American registry of radiologic technologists, nuclear medicine technologist certification board or other recognized national voluntary credentialing bodies, which the board finds was issued on the basis of an examination which meets standards at least as stringent as those established by the board.

(e) The board may accept, in lieu of its own licensure examination, a current certificate, registration or license of an applicant which was issued by another state, whose standards the board finds are at least as stringent as those established by the board.

(f) The board may issue a temporary license to any person whose licensure or renewal application may be pending and when issuance may be justified by special circumstances. A temporary license shall be issued only if the board finds that it will not violate the purpose of this act or endanger the public health and safety. Such temporary licensure shall expire when determination is made either to issue or deny the applicant a regular license and in no event shall a temporary license be issued for a period longer than 180 days. No more than one such temporary license shall be permitted to any one person, without the majority approval of the members of the council and board.

(g) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for in section 11, and amendments thereto.

(h) A licensee holding a license under this act whose license has lapsed and who has ceased activities permitted in this act, may apply for relicensure upon making a request for renewal upon a form provided by the board and payment of a fee set by the board and satisfactorily meeting the requirements established by rules and regulations of the board.

(i) At least 30 days before the expiration of a license issued under this act, the board shall notify the licensee of the expiration date by mail addressed to the licensee's last mailing address as noted upon office records.

(j) A licensee holding a license under this act shall notify the board in writing within 30 days of any name or address change.

Sec. 10. The board shall waive the education and examination requirements for applicants who, on the effective date of this act:

(a) have been engaged in the practice of radiologic technology in the specialty or specialties for which application is made for a period of at least two years of the three years immediately preceding the effective date of this act; are 18 years of age or older; and have successfully completed secondary schooling or its equivalency; or

(b) have engaged in the practice of radiologic technology in the specialty or specialties for which application is made prior to the effective date of this act; submit an affidavit from a hospital administrator, an affidavit from a radiologist, and an affidavit from a licensed practitioner other than the radiologist attesting to the applicant's competency in the practice of radiologic technology; are 18 years of age or older; and have successfully completed secondary schooling or its equivalency.

Sec. 11. (a) The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, but not exceeding:

Application for examination. . . . .	\$200
Application for license. . . . .	50
Temporary licensing fee. . . . .	50
License renewal . . . . .	50
Late license renewal . . . . .	60
License reinstatement fee . . . . .	50
Certified copy of license . . . . .	20
Verified copy . . . . .	10

(b) If the examination is not administered by the board, the board may require that fees paid for any examination under the radiologic technologists practice act be paid directly to the examination service by the person taking the examination.

Sec. 12. (a) The license of a licensee may be limited, suspended or revoked, or the individual may be censured, reprimanded or otherwise sanctioned by the board in accordance with the provisions and procedures of this act or an application for a license may be denied if, after due process, it is found that the individual:

- (1) Is guilty of fraud or deceit in the procurement or holding of the license;
- (2) has been convicted of a felony in a court of competent jurisdiction, either within or outside of this state, unless the conviction has been reversed and the holder of the license discharged or acquitted or if the holder has been pardoned with full restoration of civil rights in which case the license shall be restored;
- (3) is addicted to or has distributed intoxicating liquors or drugs for other than lawful purposes;
- (4) is or has been afflicted with any medical problem, disability or addiction which, in the opinion of the board, would impair professional competence;
- (5) has aided and abetted a person who is not a licensee under this act or is not otherwise authorized to perform the duties of a license holder under this act;
- (6) has undertaken or engaged in any practice beyond the scope of duties permitted a licensee under this act;
- (7) has engaged in the practice of radiologic technology under a false or assumed name or the impersonation of another licensee. The provisions of this subsection relating to an assumed name shall not apply to licensees practicing under a professional corporation or other legal entity authorized to provide such professional services in Kansas;
- (8) has been found guilty of unprofessional conduct which the board may establish by rules and regulations;
- (9) has interpreted a diagnostic image for a fee; or
- (10)(a) is, or has been found guilty of incompetence or negligence while performing as a license holder.

(b) The denial, refusal to renew, suspension or revocation of a license may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act.

Sec. 13. This act shall take effect and be in force from and after January 1, 2004, and its publication in the statute book.