

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 1:30 p.m. on March 23, 2004 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Ms. Emalene Correll, Legislative Research  
Mr. Norm Furse, Revisor of Statutes  
Mrs. Diana Lee, Revisor of Statutes  
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee:

Others attending:

Please See Attached List.

**Action on HB2657 - an act concerning mortuary arts; relating to removal of dead bodies; educational requirements; examination and licensure; subpoenas; amending statutes and repealing existing sections.**

The Chair stated, the Committee was working on a balloon on HB2657 yesterday when they adjourned, and Senator Journey had made a motion to replace the stricken language on line 23 with "an attested copy of the record of the action of the other jurisdiction meaning presumptive evidence thereof," and it had passed. Also passed, a motion made again by Senator Journey that the amended language "crime" be stricken on page 3, line 27 and replaced with "felony" as originally drafted and on lines 29 and 30, the stricken language be reinserted with additional language to read as "or has been convicted of any offense involving moral turpitude or criminal desecration."

Senator Brungardt made a conceptual motion to change the language on page 3 from "incapacitated" to "impaired" to reflect other statutes in the healing art acts dealing with impairment. It was seconded by Senator Jordan. The motion carried.

Senator Brungardt made a conceptual amendment to allow this person to get a professional opinion or evaluation, such as a person licensed to practice medicine and surgery or a person licensed to diagnose or treat mental illness, to determine if the person is impaired and for the Board to have the right to request or review. The motion was seconded by Senator Barnett and the motion carried

Senator Brownlee made a motion to approve the technical amendments on page 1. Senator Barnett seconded and the motion carried.

Senator Barnett made a motion to adopt the technical change on page 2, line 19, inserting the words "or after," and the two policies by: 1) striking language in lines 22 and 23 as current law requires 30 semester hours in mortuary arts, the change would leave to the board to determine the hours and 2) striking language on lines 30 and 31, the change would leave to the board the passing score. This was seconded by Senator Brownlee and the motion carries.

Senator Barnett made a motion to adopt the policy change on page 5, lines five through 11, which adds three additional grounds for disciplinary action. Senator Jordan seconded the motion and the motion carried.

The Chair then asked Mr. Furse to reread Senator Journey's amendment beginning on line 27, of page 3 per Senator Haley's request, who then asked for clarification of the use of the word "or."

As there were no other amendments of the bill, Senator Barnett made a motion to move the bill favorably as amended. This was seconded by Senator Brownlee and the motion carried.

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**Action on HB2658 - an act concerning adult care licenses; relating to informal dispute resolution; providing for an independent review panel**

The Chair said the next order of business was action on HB2658 and stated that the proponents were concerned they were receiving deficiencies and when they would appeal them, they were appealing to the supervisors of those who wrote the deficiencies. As the Secretary just took this function over in July, felt like she wanted some time to work on it. In visiting with her recently, the Chair asked her if she could offer the Committee some language that would not cost money and allow these people to feel like they are being treated in a fair manner, as the bill is costing money. The Chair stated the original bill in the House said the Secretary of Aging would appoint a 3-person panel, but as it came out of the House Committee, they had a contract with the Center for Medicare and Medicaid which meant it was going to cost money to review these filings and she is reluctant to pass a bill that is going to cost money.

The Chair then asked Mr. Furse to explain the balloon with the Secretary of Aging's suggestions. He stated the change would basically give the Secretary the authority to appoint a panel of three persons to compose the independent review panel and goes on to explain how the members would be chosen. Also, on page 2, the change would strike the reference again to the medicaid/medicare agency and is being replaced by this panel that the Secretary will appoint. A copy of the balloon is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair asked for questions and recognized Senator Barnett who asked: 1) will the two outside of the department be paid and if so, it's still going to cost a little bit of money, and 2) if we are really trying to create an independent panel, it seems like the last sentence should be changed to "two members shall be appointed from outside, not from within the Department of Aging, and suggest maybe people from the health care profession or from a consumer group. The Chair recognized Ms. Kathy Greelee, representing the Secretary, who stated:

1) There is a fiscal note involved if they go outside the agency and that Senator Barnett's comments really reflect the way the bill was drafted initially and the department does have the resources to do that;

2) The current process they have internally is just absorbed into the agency budget and this amendment was drafted to have the option as stated; and

3) Some of the proponents of the bill have suggested they might be able to find volunteers.

The Chair asked for questions of Ms. Greelee and was asked by Senators Brungardt and Salmans regarding: does this group remain advisory, wasn't there an agency that volunteered to fund this; and do you think that the lack of legislation will work against you?

The Chair again recognized Ms. Greelee who pointed out that when the Secretary sent this over, there was one other change she made that was not picked up in the balloon on page 1, line 41 which strikes the words "not to dispute."

Senator Barnett made the motion to amend as per the balloon, make this advisory which is a conceptual amendment, and strikes the words "not in dispute" on line 41, page 1 as per the balloon. This was seconded by Senator Brungardt and the motion carried.

**Action on HB2770 - an act concerning the state board of healing arts; relating to the supervision of physician assistants.**

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The next order of business was action on **HB2770**, an act concerning the State Board of Healing Arts, relating to the supervision of physician assistants, and the Chair stated that during the testimony, the proponents said they were having problems implementing the language of a limit of two when it could be full time equivalent, so a balloon had been offered and asked Senator Barnett to explain. Senator Barnett stated he had visited with Mr. Buening, representing the Board of Healing Arts, and the physician assistants to have their approval of these two amendments. He said this essentially, the change on page 6, allowed the Board to comply with all the rules and regs of the Board establishing limits and conditions on the delegation and supervision of services constituting the practice of medicine and surgery, with the recommendation from Ms. Correl, for two full time PAs and they do not consider 40 hours full time, it may be more. A copy of the balloon is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair asked for questions and Senator Brownlee asked why they are limiting to two? Senator Barnett said from a physician and physician assistant's standpoint, they feel like two is a maximum number for safety and is a practiced pattern that has been observed. Senator Haley asked what is considered full time and it was stated that the Board would determine that by rules and regs.

As there was no further discussion, a motion was made by Senator Barnett to adopt the two amendments in the balloon and advance the bill favorably. This was seconded by Senator Steineger and the motion carried.

**Action on HB2813 - an act concerning health care records; relating to the abandonment thereof;**

The next order of business was action on **HB2813** and the Chair stated that this is a Board of Healing Arts bill dealing with health care records which have become a problem with the passing of HIPPA. The Chair then asked Mr. Furse to explain the balloon which basically were clean up amendments. A copy of the balloon is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Mr. Furse stated the language separates out clearly where the problem is, because the health care providers are deceased, or have quit practicing or for some other reason (ex. License revoked). He stated this language eliminates line 30 through 38 on page 1 and picks it up again to say that the two situations where the Board would immediately petition the court:

- 1) One where the records have been abandoned where otherwise the licensee is still alive but just not providing records to their patients, or
- 2) Has died and the health care providers' patients are unable to access their health care records.

The Chair asked for questions and Senator Haley asked if the Kansas Medical Society (KMS) had resolved the question they had during the hearing of the bill? The Chair recognized Ms. Chris Collins, representing the KMS, stated she was concerned about the definition of "abandoned." The Chair provided a copy of the balloon for Ms. Collins to review, giving her time to look over and would come back to the bill.

**Action on HB2820 - an act concerning the state board of healing arts; relating to actions taken for unprofessional conduct, expiration of licenses and registrations; creation of designations for certain licenses.**

The Chair moved on to **HB2820** for action, stating this bill was also requested by the Board of Healing Arts, provided amendments to their own clean up bill, and with Mr. Buening Executive Director of the Board, being the only conferee to testify on clean up language. After it came over from the House, she

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asked the Committee to refer back to Mr. Buening's testimony on page 6, dealing with podiatry and, as an oversight, does not have a charge for a post graduate permit in the amount of not more than \$60. She said he had provided us with a balloon the day he testified to put a line item in there for \$60. She then asked him to explain the three amendments that were attached to his testimony of March 16, 2004.

Mr. Buening stated at the time they introduced the bill they were working with the insurance commission office on appropriate language; we received a letter from the commissioner indicating that insurance for naturopaths in 7217, there is no policy of professional liability insurance that has been approved by the commissioner and has been issued by an insurer duly authorized to transact business in the state. They do all have insurance as required of all of them but they are through an excess line which says "the policies issued by the insurer not authorized to do business, financial conditions of the rates are not subject to review by the Commissioner of Insurance and the insurer is not protected by any guaranteed fund." They do have insurance but have no ability to get insurance as the statute says. And likewise last year, and starting April 1, physical therapists will have the same difficulty in that there will be a number of PT's employed by Washburn University, K-State, etc. that have coverage through the university or otherwise but they don't have a policy that has been approved by the Commissioner and issued by an insurer duly authorized to transact business. However, this language would allow them to get the coverage but not necessarily through an approved policy and insurer authorized to do business. A copy of his amendments is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

As there were no questions from the Committee, Senator Salmans made a motion to adopt the amendments that were in the Board of Healing Arts testimony of March 16, 2004. It was seconded by Senator Brownlee and the motion carried.

Senator Brownlee made a motion to move the bill out as amended. It was seconded by Senator Barnett and the motion carried.

### **Action on SB530 - an act concerning public water supply; requiring fluoridation in certain public water supply systems**

The next order of business was action on SB530 which the Chair stated the Committee spent three days on the bill requiring fluoridation and if there was a nonprofit that would provide for it to be in towns of 10,000 hookups or more. She sensed there was not support from the Committee to tell a local community what to do. The Kansas Dental Association has brought before the Committee a resolution in support of fluoride that has to do with some of the information that we received during this hearing and there is the option to introduce this resolution by Public Health and Welfare Committee in the Senate to this effect, put it on the floor, and run it.

The Chair asked for questions or comments. Senator Haley suggested, if this ran, perhaps take a copy of it and forward it to all major communities.

Senator Jordan made a motion to draft a resolution with this language and send it to the floor and have it be from the Public Health and Welfare Committee. It was seconded by Senator Haley and the motion passed.

### **Continuation of Action on HB2813**

There was a discussion among Senators Brownlee, Brungardt, Haley, Wagle and Barnett and Mr. Buening and Ms. Collins regarding the language on page 2 beginning on line 12 through 16, of a fiduciary notifying each patient of their last known address and how to access; who will be paying for this; would

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this place a burden then to take every medical record and notify each patient that you now own these records; how do you know who to notify to retrieve your records if that medical practice shuts down; couldn't you forward this information, of the clinic closing, to the fiduciary so there would be a mechanism for the patient; who would pay for this; if the practice does dissolve, there should be some mechanism that we are trying to put into place where we can contact through the contact who is responsible for the records; and if someone does retire or leaves their practice, they are required by law to notify the Board of Healing Arts, so there is already something in practice and the statutory scheme is already in place.

As there was no further discussion, Senator Haley made a motion to send out the bill as amended. It was seconded by Senator Brownlee and the motion carried.

### **Adjournment**

As there was no further business, the Chair thanked the Committee for all of their hard work and adjourned the meeting. The time was 2:30 p.m.



HOUSE BILL No. 2658

By Committee on Health and Human Services

1-30

10 AN ACT concerning adult care homes; relating to informal dispute res-  
11 olution; providing for an independent review panel.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) Upon receipt of a statement of deficiencies, an adult  
15 care home administrator may within 10 calendar days after receipt of a  
16 statement make a written request to the secretary of aging for informal  
17 dispute resolution by an independent review panel. The administrator  
18 may make one request for informal dispute resolution per inspection to  
19 dispute any deficiencies with which such administrator disagrees. The  
20 informal dispute resolution may be based upon the statement of defi-  
21 ciencies and any other materials submitted; however, the department  
22 shall provide the administrator with a face to face informal dispute res-  
23 olution meeting upon request by the administrator.

24 (b) A written request for informal dispute resolution shall:

- 25 (1) State the specific deficiencies being disputed;
- 26 (2) provide a detailed explanation of the basis for the dispute; and
- 27 (3) include any supporting documentation, including any information  
28 that was not available at the time of the inspection.

29 (c) Upon receipt of the written request provided for in subsection  
30 (a), the secretary of aging shall appoint a panel of three persons to com-  
31 pose the independent review panel. One member of the panel shall be a  
32 physician of medicine and surgery. The remaining two members shall be  
33 appointed because of their knowledge of appropriate health care or other  
34 expertise that may be beneficial to the informal dispute resolution. None  
35 of the panel members shall be an employee of the department of aging  
36 or an employee of any other agency that did the inspection. ~~contact the  
37 center for medicaid and medicare services designated quality im-  
38 provement organization for Kansas and request a hearing be con-  
39 ducted concerning any disputed deficiency.~~

40 (d) A request for informal dispute resolution shall not delay the timely  
41 correction of any deficiency not in dispute. A facility may not seek a delay  
42 of any enforcement action against it on the grounds that the informal  
43 dispute resolution has not been completed before the effective date of

Proposed Amendment

[material within brackets would be deleted]

appoint a panel of three persons to compose the independent review panel. One member shall be an employee from the department on aging adult care home survey unit, provided that the individual did not participate in the survey in dispute. Two members shall be appointed from outside of the survey unit and may be employees of the department on aging, or a health care professional or consumer not employed by the department on aging

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- 1 the enforcement action.
- 2 (e) Costs of the panel including traveling expenses and other expenses
- 3 of the review shall be paid by **contractual agreement with the center**
- 4 **for medicaid and medicare services designated quality improve-**
- 5 **ment organization for Kansas and** the department of aging.
- 6 (f) The secretary of aging shall by rules and regulations implement
- 7 the provisions of this section.
- 8 (g) This act shall be a part of and supplemental to the adult care home
- 9 licensure act.
- 10 Sec. 2. This act shall take effect and be in force from and after its  
publication in the statute book.



1 (1) Be actively engaged in the practice of the healing arts in Kansas;  
 2 (2) review and keep current any required practice protocols between  
 3 the responsible licensee and such persons, as may be determined by the  
 4 board;

5 (3) direct, supervise, order, refer, enter into a practice protocol with,  
 6 or delegate to such persons only those acts and functions which the re-  
 7 sponsible licensee knows or has reason to believe such person is com-  
 8 petent and authorized by law to perform;

9 (4) direct, supervise, order, refer, enter into a practice protocol with,  
 10 or delegate to other persons only those acts and functions which are  
 11 within the normal and customary specialty, competence and lawful prac-  
 12 tice of the responsible licensee;

13 (5) provide for a qualified, substitute licensee who accepts responsi-  
 14 bility for the direction, supervision, delegation and practice protocols with  
 15 such persons when the responsible licensee is temporarily absent.

16 (b) "Responsible licensee" means a person licensed by the state board  
 17 of healing arts to practice medicine and surgery or chiropractic who has  
 18 accepted responsibility for the actions of persons who perform acts pur-  
 19 suant to practice protocols with, or at the order of, or referral, direction,  
 20 supervision or delegation from such responsible licensee.

21 (c) ~~Notwithstanding the provisions of this section~~ *Except as otherwise*  
 22 *provided by rules and regulations of the board implementing this section,*  
 23 the physician assistant licensure act shall govern the direction and super-  
 24 vision of ~~physicians'~~ *physician* assistants by persons licensed by the state  
 25 board of healing arts to practice medicine and surgery.

26 (d) Nothing in subsection (a)(4) shall be construed to prohibit a per-  
 27 son licensed to practice medicine and surgery from ordering, authorizing  
 28 or directing anesthesia care by a registered nurse anesthetist pursuant to  
 29 K.S.A. 65-1158 and amendments thereto.

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

34 (f) Nothing in this section shall be construed to prohibit a person  
 35 licensed to practice medicine and surgery from entering into a co-man-  
 36 agement relationship with an optometrist pursuant to K.S.A. 65-1501 *et*  
 37 *seq.* and amendments thereto.

38 (g) This section shall be part of and supplemental to the Kansas heal-  
 39 ing arts act.

40 Sec. 6. K.S.A. 65-28a10 is hereby amended to read as follows: 65-  
 41 28a10. No responsible physician shall have under such physician's direc- shall  
 42 tion and supervision more than two physician assistants. The board ~~may~~  
 43 limit ~~by rules and regulations~~ the number of physician assistants a re-

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to the equivalent of two full-time physician assistants as approved in each case by the board

Handwritten initials or marks.

1 *responsible physician may supervise at any one time.* Any limitation on the  
2 number of physician assistants in this section shall not apply to services  
3 performed in a medical care facility, as defined in K.S.A. 65-425 and  
4 amendments thereto.

5 Sec. 7. K.S.A. 65-5001 is hereby amended to read as follows: 65-  
6 5001. As used in this act unless the context requires otherwise, the fol-  
7 lowing words and phrases shall have the meanings respectively ascribed  
8 to them herein:

9 (a) "Credentialing" or "credentialed" means the formal recognition  
10 of professional or technical competence through the process of registra-  
11 tion, licensure or other statutory regulation.

12 (b) "Certification" means the process by which a nongovernmental  
13 agency or association or the federal government grants recognition to an  
14 individual who has met certain predetermined qualifications specified by  
15 the nongovernmental agency or association or the federal government.

16 (c) "Registration" means the process by which the state identifies and  
17 lists on an official roster those persons who meet predetermined quali-  
18 fications and who will be the only persons permitted to use a designated  
19 title.

20 (d) "Licensure" means a method of regulation by which the state  
21 grants permission to persons who meet predetermined qualifications to  
22 engage in an occupation or profession, and that to engage in such occu-  
23 pation or profession without a license is unlawful.

24 (e) "Health care personnel" means those persons whose principal  
25 functions, customarily performed for remuneration, are to render serv-  
26 ices, directly or indirectly, to individuals for the purpose of:

- 27 (1) Preventing physical, mental or emotional illness;
  - 28 (2) detecting, diagnosing and treating illness;
  - 29 (3) facilitating recovery from illness; or
  - 30 (4) providing rehabilitative or continuing care following illness; and
- 31 who are qualified by training, education or experience to do so.

32 (f) "Provider of health care" means an individual:

- 33 (1) Who is a direct provider of health care (including but not limited
- 34 to a person licensed to practice medicine and surgery, licensed dentist,
- 35 registered professional nurse, licensed practical nurse, licensed podiatrist,
- 36 or ~~physician's~~ *physician* assistant) in that the individual's primary current
- 37 activity is the provision of health care to individuals or the administration
- 38 of facilities or institutions (including medical care facilities, long-term care
- 39 facilities, outpatient facilities, and health maintenance organizations) in
- 40 which such care is provided and, when required by state law, the individ-
- 41 ual has received professional training in the provision of such care or in
- 42 such administration and is licensed or certified for such provision or
- 43 administration;

If the bill's language is approved by the committee, then a sentence or phrase needs to be added saying the following: The limitation on the number of physician assistants authorized by law immediately prior to the effective date of this act and who may work under the direction and supervision of a physician shall continue in effect until rules and regulations are adopted by the board under this section.

HOUSE BILL No. 2813

By Committee on Judiciary

2-11

10 AN ACT concerning health care records; relating to the abandonment  
11 thereof.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

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

15 (1) "Health care provider" means a person licensed to practice any  
16 branch of the healing arts by the state board of healing arts, a podiatrist  
17 licensed by the state board of healing arts, a professional corporation  
18 organized pursuant to the professional corporation law of Kansas by per-  
19 sons who are authorized by such law to form such a corporation and who  
20 are health care providers as defined by this subsection, a Kansas limited  
21 liability company organized for the purpose of rendering professional  
22 services by its members who are health care providers as defined by this  
23 subsection and who are legally authorized to render the professional serv-  
24 ices for which the limited liability company is organized, a partnership of  
25 persons who are health care providers under this subsection, a Kansas  
26 not-for-profit corporation organized for the purpose of rendering profes-  
27 sional services by persons who are health care providers as defined by  
28 this subsection.

29 (2) "Board" means the state board of healing arts.

30 (b) ~~If~~ If the board is notified or has independent knowledge that a  
31 health care provider has abandoned health care records, abandoned such  
32 health care provider's practice, died, ~~failed to renew a license,~~ had such  
33 health care provider's license revoked or suspended, ~~had a license can-~~  
34 ~~canceled~~ or dissolved a business entity and the ~~board has reason to believe~~  
35 ~~that health care provider is unable or refuses to allow patients ean~~  
36 ~~not~~ access to such patient's health care records as authorized by law,  
37 the board shall immediately petition the court for appointment of a cus-  
38 todian of the health care records. ~~The petition shall nominate a person~~  
39 or business entity who is capable and willing to serve as the custodian of  
40 health care records.

41 (c) Notice of hearing on the petition shall be served on the health  
42 care provider at the last known address and if the health care provider is  
43 a business entity, on the registered agent of such business entity. If the

[material within brackets would be deleted]

The board shall immediately petition the court for appointment of a custodian of a health care provider's health care records if the board is notified or has independent knowledge that a health care provider: (1) Has abandoned health care records, abandoned the health care provider's practice, had the health care provider's license suspended or revoked, had a license canceled or dissolved a business entity and the health care provider is unable or refuses to allow patients access to their health care records as authorized by law or (2) has died and the health care provider's patients are unable to access their health care records as authorized by law.

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; and  
(p) for a postgraduate permit, an amount of not more than \$60.

HB 2820

- 1 (n) for conversion of an exempt or inactive license to a license to
- 2 practice podiatry, an amount of not more than \$300; ~~and~~
- 3 (o) for reinstatement of a revoked license, an amount of not more than
- 4 \$1,000;

5 Sec. 3. K.S.A. 65-28a03 is hereby amended to read as follows: 65-  
6 28a03. (a) The state board of healing arts shall maintain a registry of the  
7 names of physician assistants who may engage in active practice. No per-  
8 son's name shall be entered on the registry of physician assistants unless  
9 such person has:  
10 —(1) Presented to the state board of healing arts proof of current  
11 licensure;  
12 —(2) presented to the board a request signed by the applicant's pro-  
13 posed responsible physician on a form provided by the board which shall  
14 contain such information as required by rules and regulations adopted by  
15 the board;  
16 —(b) A person's name may be removed from the registry of physician  
17 assistants who may engage in private practice if:  
18 —(1) The person whose name is entered on the registry as a licensed  
19 physician assistant requests or consents to the removal thereof;  
20 —(2) the state board of healing arts determines that the person whose  
21 name is entered on the registry as a licensed physician assistant has not  
22 been employed as a physician assistant or as a teacher or instructor of  
23 persons being educated and trained to become a physician assistant in a  
24 course of education and training approved by the state board of healing  
25 arts under this act and amendments thereto at sometime during the five  
26 years immediately preceding the date of such determination;  
27 —(3) the board determines, after notice and opportunity to be heard,  
28 in accordance with the provisions of the Kansas administrative procedure  
29 act, that a physician assistant has violated any provision of this act and  
30 amendments thereto, or any rules and regulations adopted pursuant  
31 thereto; or  
32 —(4) the board determines, after notice and opportunity to be heard,  
33 in accordance with the provisions of the Kansas administrative procedure  
34 act, that the request by the proposed responsible physician pursuant to  
35 this act and amendments thereto should not be approved;  
36 —(c) The state board of healing arts may remove a person's name from  
37 the registry as a licensed physician assistant or may refuse to place a  
38 person's name on the registry as a licensed physician assistant if the board  
39 determines, after notice and opportunity for hearing in accordance with  
40 the provisions of the Kansas administrative procedure act, that a physician  
41 assistant has exceeded or has acted outside the scope of authority given  
42 the physician assistant by the responsible physician or by this act. As a  
43 condition of engaging in active practice as a physician assistant, each

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## ATTACHMENT 2

New Section 11. K.S.A. 2003 Supp. 65-2920 is hereby amended to read as follows: 65-2920. ~~A policy of Professional liability insurance approved by the commissioner of insurance and issued by an insurer duly authorized to transact business in this state~~ coverage shall be maintained in effect by each licensed physical therapist actively practicing in this state as a condition to rendering professional services as a physical therapist in this state. ~~The state board of healing arts shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.~~

New Section 12. K.S.A. 65-7217 is hereby amended to read as follows: 65-7217. ~~(a) A policy of Professional liability insurance approved by the commissioner of insurance and issued by an insurer duly authorized to transact business in this state~~ coverage shall be maintained in effect by each naturopathic doctor as a condition to rendering professional service as a naturopathic doctor in this state. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

~~(b) The provisions of this section shall take effect on and after January 1, 2003.~~