

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:30 P.M. on January 18, 2005 in Room 526-S of the Capitol.

Committee members absent:

Representative Brenda Landwehr- excused

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department

Mary Galligan, Kansas Legislative Research Department

Rena Jefferies, Revisor of Statutes Office

Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Ron Hein, Kansas Society of Radiologic Technologists

Others attending:

See attached list.

The Committee approved the minutes for January 11 and January 12 if no changes are made by the morning of January 19.

The Chairman announced that, in order for members to get better acquainted with each other, an informal lunch would be held over the noon hour on Monday, January 24. He also announced that the Wednesday meeting would be to participate in the Legislator Health Policy orientation in 313-S, a presentation sponsored by the Kansas Health Institute and the Kansas Legislative Research Department; the orientation will be held from 11:00 a.m. to 3:00 p.m.

The Chair announced that the deadline for bill introductions by individuals occurs Monday, January 24.

Representative Jason Watkins requested a bill to provide healthy food choices in schools to combat obesity. A motion was properly made, seconded, and passed.

Ron Hein, representing the Kansas Society of Radiologic Technologists, said that radiologic technologists were granted licensure last year through **HB 2698**, noting that the bill needed some cleanup amendments, all but one of which are technical in nature. He requested the committee sponsor the bill. (Attachments 1 and 2) A motion was made, seconded and passed to sponsor the bill

Representative Nancy Kirk requested that the committee sponsor a bill to create a medical panel to review and assess a complaint involving a long-term-care patient before a lawsuit could be filed. She stated that the bill was considered last year (**HB 2867**) but was not passed; she asked the committee to sponsor the bill. A motion was made, properly seconded, and passed unanimously to sponsor the bill.

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:30 P.M. on January 18, 2005 in Room 526-S of the Capitol.

Representative Bob Bethell, noting that authorization for the Long-Term Task Force sunsetted this year, requested the committee sponsor a bill to re-authorize the task force and extend its existence to 2013.

Members moved, seconded and passed a motion to sponsor such a bill

Representative Bethell, observing that Kansas law requires home-health organizations to be surveyed by Kansas Department of Health and Environment every 15 months, said that the law is at variance with federal law, which allows up to 36 months between surveys. He requested a bill bringing Kansas' law into compliance with federal statutes. By motion and second, the committee passed a motion to sponsor the bill.

The remainder of the time was, with the help of Legislative Computer Services, utilized by members to develop expertise in navigating the various aspects of a paperless committee.

The meeting was adjourned at 2:52 p.m. The next meeting is scheduled for Wednesday, January 19, in Room 313-S.

**HOUSE HEALTH AND HUMAN SERVICES COMMITTEE
GUEST LIST**

DATE: JANUARY 18 2005

NAME	REPRESENTING
<u>Tom Bruno</u>	<u>KATS</u>
<u>Karen Moser</u>	<u>Intern Rep Kirk</u>
<u>Zach Cobl</u>	<u>Intern Rep. Showalter</u>
<u>Michelle Peterson</u>	<u>Kansas Governmental Consulting</u>
<u>Joshua Bender</u>	<u>Intern Rep. Bethell</u>
<u>Ron Hein</u>	<u>Ks Society of Radiologic Technologists</u>

HEIN LAW FIRM, CHARTERED

5845 SW 29th Street, Topeka, KS 66614-2462

Phone: (785) 273-1441

Fax: (785) 273-9243

Ronald R. Hein

Attorney-at-Law

Email: rhein@heinlaw.com

**Testimony Re: Radiologic Technologist Licensure Clean Up Legislation
House Health and Human Services Committee
Presented by Ronald R. Hein
on behalf of
Kansas Society of Radiologic Technologists
January 18, 2005**

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Kansas Society of Radiologic Technologists. The KSRT is the professional association for radiologic technologists in Kansas.

I am requesting introduction of a bill to make minor amendments, which are primarily technical, to the Radiologic Technologists Licensure Act which was passed by the 2004 Legislature (2004 HB 2698). The bill draft, a copy of which has been submitted to the committee, also delays the effective date of several of the sections of the law, including the date on which licensure is effective, in order to permit the Board of Healing Arts (BOHA) to complete the rules and regulations process and to better coordinate the collection of fees and the actual licensure process.

The radiologic technologists advisory council to the Board of Healing Arts has approved this bill draft and it's my understanding the Board of Healing Arts will be testifying in support of this legislation.

Thank you very much for permitting me to testify, and I will be happy to yield to questions.

*Attachment 1
HAS 1-18-05*

**Draft Legislation to Amend Radiologic Technologists Licensure Act
Presented to House Health and Human Services Committee
By Kansas Society of Radiologic Technologists
For Introduction
January 18, 2005**

HOUSE BILL No. _____

AN ACT concerning the radiologic technologists practice act; amending K.S.A. 2004 Supp. 65-7303, 65-7304, 65-7306, 65-7310, 65-7314 and 65-7315 and repealing the existing sections.

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

Section 1. K.S.A. 2004 Supp. 65-7303 is hereby amended to read as follows: 65-7303.

(a) On and after ~~July~~ October 1, 2005, except as otherwise provided in this act, no person shall perform radiologic technology procedures on humans for diagnostic or therapeutic purposes unless the person possesses a valid license issued under this act.

(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.

(c) 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) (1) Only persons licensed under this act as a radiologic technologist shall be entitled to use the title "radiologic technologist", abbreviations thereof, or words similar thereto or use the designated letter "R.T." or "~~R.T. (R)~~" "L.R.T".

(2) ~~Only persons licensed under this act as a radiologic technologist and who have received additional certification from the American registry of radiologic technologists (ARRT) or the nuclear medicine technology certification board (NMTCB) shall be entitled to use the title "radiation therapist" or "nuclear medicine technologist", abbreviations thereof, or words similar thereto or use the designated letters "R.T. (N)" or "R.T. (T)".~~ Only persons licensed

*Attachment 2
HHS 1-18-05*

under this act as a radiologic technologist and who have received certification from the American registry of radiologic technologists (ARRT) in radiography shall be entitled to use the title “radiologic technologist radiographer” or abbreviations thereof, or words similar thereto or use the designated letters “R.T. (R)”.

(3) Only persons licensed under this act as a radiologic technologist and who have received additional certification from the American registry of radiologic technologists (ARRT) in radiation therapy shall be entitled to use the title “radiation therapist”, abbreviations thereof, or words similar thereto or use the designated letters “R.T. (T)”.

(4) Only persons licensed under this act as a radiologic technologist and who have received additional certification from the American registry of radiologic technologists (ARRT) in nuclear medicine technology and/or from the nuclear medicine technology certification board (NMTCB) shall be entitled to use the title “nuclear medicine technologist”, “certified nuclear medicine technologist”, or “registered nuclear medicine technologist”, abbreviations thereof, or words similar thereto or use the designated letters “R.T. (N)” or “C.N.M.T.”

~~(3)~~ (5) This section shall not prohibit a person who is licensed as a respiratory therapist by this state from using any letter or designation indicating that such person is engaged in the practice of respiratory therapy.

(e) This section shall take effect on and after ~~July~~ October 1, 2005.

Sec. 2. K.S.A. 2004 Supp. 65-7304 is hereby amended to read as follows: 65-7304. The following shall be exempt from the requirement of a license pursuant to this act:

(a) A licensed practitioner;

(b) a person issued a postgraduate permit by the board or students while in actual attendance in an accredited health care educational program for ~~radiography~~ radiologic technology and under the supervision of a qualified instructor;

(c) health care providers in the United States armed forces, public health services, federal facilities and other military service when acting in the line of duty in this state;

(d) persons rendering assistance in the case of an emergency;

(e) a licensed dental hygienist or an unlicensed person working under the supervision of a licensed dentist who has been trained by a licensed dentist on the proper use of dental radiographic equipment for the purpose of providing medical imaging for dental diagnostic purposes consistent with K.S.A. 65-1422 et seq., and amendments thereto; and

(f) a licensed physician assistant, a licensed nurse or an unlicensed person performing radiologic technology procedures who is (1) working under the supervision of a licensed practitioner or a person designated by a hospital licensed pursuant to K.S.A. 65-425 et seq., and amendments thereto, and (2) who has been trained on the proper use of radiographic equipment for the purpose of performing radiologic technology procedures consistent with K.S.A. 65-2001, et seq., or K.S.A. 65-2801, et seq., and amendments thereto. The board shall adopt rules and regulations to assure that persons exempted from licensure under this subsection receive continuing education consistent with their practice authorized herein.

(g) This section shall take effect on and after July 1, 2005.

Sec. 3. K.S.A. 2004 Supp. 65-7306 is hereby amended to read as follows: 65-7306. The board shall waive the education and examination requirements for an applicant who, on or before July 1, 2005:

(a) (1) Has been engaged in the practice of radiologic technology for a period of at least two years of the three years immediately preceding July 1, 2005;

(2) is 18 years of age or older; and

(3) has successfully completed secondary schooling or its equivalency; or

(b) (1) has been engaged in the practice of radiologic technology prior to July 1, 2005;

(2) has, at the time of application, a current valid certificate by the American registry of radiologic technologists, nuclear medicine ~~technologist~~ technology 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;

(3) is 18 years of age or older; and

(4) has successfully completed secondary schooling or its equivalency;

(c) This section shall take effect on and after July 1, 2005.

Sec. 4. K.S.A. 2004 Supp. 65-7310 is hereby amended to read as follows: 65-7310. (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 five members, all citizens and residents of the state of Kansas appointed as follows: The board shall appoint one member who is a physician licensed to practice medicine and surgery who is also certified as a radiologist and one member who is a member of the state board of healing arts. Members appointed by the board shall serve at the pleasure of the board. The governor shall appoint three radiologic technologists who have at least three years' experience in radiologic technology preceding the appointment and are actively engaged, in this state, in the practice of radiologic technology or the teaching of radiologic technology. At least two of the governor's appointments shall be made from a list of four nominees submitted by the Kansas society of radiologic technologists.

(b) The members appointed by the governor shall be appointed for terms of four years except that of the members first appointed, one shall be appointed for a term of two years, one for a term of three years, and technology one for a term of four years, with successor members appointed for four years and to serve until a successor member is appointed. 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.

(c) Radiologic technologists initially appointed to the council must be eligible for licensure under section 5, and amendments thereto. On and after ~~July~~ October 1, 2005, new appointees shall be licensed under the provisions of this act.

(d) The council 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 or on the request of a majority of the council's members.

(e) 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.

(f) 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. 5. K.S.A. 2004 Supp. 65-7314 is hereby amended to read as follows: 65-7314. (a) When it appears that any person is violating any provision of this act, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard as to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(b) This section shall take effect on and after ~~July~~ October 1, 2005.

Sec. 6. K.S.A. 2004 Supp. 65-7315 is hereby amended to read as follows: 65-7315. On and after ~~July~~ October 1, 2005, any violation of this act shall constitute a class B misdemeanor.

Sec. 7. K.S.A. 2004 Supp. 65-7303, 65-7304, 65-7306, 65-7310, 65-7314, and 65-7315 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.