

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Brenda Landwehr at 1:30 p.m. on March 3, 2010, in Room 784 of the Docking State Office Building.

All members were present except:

Representative Aaron Jack
Representative Peggy Mast
Representative Gail Finney
Representative Marc Rhoades

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Kathie Sparks, Kansas Legislative Research Department
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Marla Rhoden, Director, Health Occupations Credentialing, KDHE (Attachment 1)
Larry Ruder, Member - Speech Pathology/Audiology Advisory Board and
Licensed Audiologist (Attachment 2)
Dan Morin, Kansas Medical Society (Attachment 3)
Kathleen Selzler Lippert, Acting Executive Director, Kansas Board of Healing Arts
(Attachment 4)

Others attending:

See attached list.

SB 449 - Audiologists; educational requirements for licensure

Chairperson Landwehr opened the hearing on **SB 449** and recognized Marla Rhoden, Director, Health Occupations Credentialing, Kansas Department of Health and Environment. Director Rhoden spoke in favor of the bill, which would change the minimum educational requirement for licensure as an audiologist from at least a master's degree or equivalent to at least a doctorate degree or equivalent. She stated the bill would exempt applicants who meet the educational requirement prior to January 1, 2012 and grandfather existing licensees. She reported applicants who possess an audiology clinical doctoral degree would be exempt from the requirement to complete a postgraduate professional experience pursuant to rules and regulations because the clinical degree would have covered such experience. Changing the educational requirement is recommended by the Department of Health and Environment's Advisory Board on Speech-Language Pathology and Audiology. (Attachment 1)

Testimony in support of the bill was provided by Larry Ruder, a member of the Speech Pathology/Audiology Advisory Board and a Licensed Audiologist. (Attachment 2)

Dan Morin, Kansas Medical Society, presented testimony as an interested neutral party. The Kansas Medical Society respectfully requested keeping the Senate committee amendment requiring identification of educational credentials associated with a doctorate degree of audiology in Kansas. (Attachment 3)

The Chair gave the Committee members the opportunity to ask questions and when all were answered, the hearing on **SB 449** closed.

SB 489 - Distribution of contact lenses

Chairperson Landwehr opened the hearing on **SB 489**.

Kathleen Selzler Lippert, Acting Executive Director, Kansas Board of Healing Arts, presented testimony in support of the bill. She stated the bill proposes to amend **K.S.A. 65-4967** of the Patient's Contact Lens Prescription Relief Act, which, as presently written, applies only to contact lens providers that send their product through the United States Postal Service, but excludes providers that send their product through

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 1:30 p.m. on March 3, 2010, in Room 784 of the Docking State Office Building.

common commercial carriers such as Fed Ex, UPS, etc. **SB 489** addresses the issue by replacing the word "mail" with the phrase "mails or delivers, using commercial courier or overnight or other delivery services" for the purpose of broadening the statute, making it applicable to all contact lens providers who use commercial carriers and/or the United States Postal Service. She reported this minor change will allow the Board of Healing Arts to regulate all contact lens distributors in an equal and unbiased manner. (Attachment 4)

Written testimony in support of the bill was provided by Gary Robbins, Executive Director, Kansas Optometric Association. (Attachment 5)

The Chair gave the Committee members the opportunity to ask questions and when all were answered, the hearing on **SB 489** closed.

Chairperson Landwehr asked the Committee if there were any objections to moving forward with working **SB 489**. There were no objections so the Committee proceeded to work the bill.

SB 489 - Distribution of contact lenses

Representative Mah made a motion that SB 489 be passed and be placed on the consent calendar. The motion was seconded by Representative Furtado. The motion carried.

The next meeting is scheduled for March 4, 2010.

The meeting was adjourned at 2:23 p.m.

HOUSE HEALTH & HUMAN SERVICES COMMITTEE

DATE: 3-3-10

NAME	REPRESENTING
MATTHEW Blankens	KU School of Social Welfare
Will Fernholz	KU school of social welfare
JACOB NEWELL	KU School of Social Welfare
Anna Bailey	KU School of Social Welfare ^(BSW)
Meghoma Chakrabarti	KU School of Social Welfare BSW
Lauren Tullis	"
Nicole Shirley	"
Mark Tilford	"
Shannon Eberlein	" "
Andrea Gillip	" "
Marla Rhoden	KDHE
Lisa Corwin	KSRHA
Michelle Duller	Cap. Strategies
Dixie Herrick	KSTHA
Larry L. Ruder	Adv. Bd. Ks. Sp & Health License Bd.
Anne Spiess	American Cancer Society
Wigh Keck	Hein Law firm

Please use black ink



Mark Parkinson, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

**Testimony on Senate Bill 449
Licensure of Audiologists**

**Presented to
House Health & Human Services Committee**

**By
Marla Rhoden, Director Health Occupations Credentialing
Kansas Department of Health and Environment**

March 3, 2010

Chairperson Landwehr and members of the committee, I am Marla Rhoden, Director of the Health Occupations Credentialing Program for the Department of Health and Environment. Thank you for the opportunity to appear before you today in support of Senate Bill 449, which would change the minimum educational requirement for licensure as an audiologist from at least a master's degree or equivalent to at least a doctorate degree or equivalent.

Changing the educational requirement as noted is recommended by the Department of Health and Environment's Advisory Board on Speech-Language Pathology and Audiology. It would also make the educational requirement consistent with the accredited programs currently offered by Kansas Board of Regents institutions, The University of Kansas, Kansas State University, Wichita State University, and Fort Hays State University, as well as the national accrediting body for audiologists, the American Speech-Language-Hearing Association.

The bill would exempt applicants who meet the educational requirement prior to January 1, 2012 and grandfather existing licensees. Applicants who possess an audiology clinical doctoral degree would be exempt from the requirement to complete a postgraduate professional experience pursuant to rules and regulations because the clinical degree would have covered such experience.

The Department of Health and Environment respectfully requests the committee act favorably on Senate Bill 449. I will now stand for questions.

WRITTEN TESTIMONY
IN SUPPORT OF KANSAS SENATE BILL 449
Larry L. Ruder, 8708 Woodward, Overland Park, Kansas 66212
Member Speech Pathology/Audiology Advisory Board
and Licensed Audiologist, State of Kansas
March 3, 2010
House Health and Human Services Committee

The profession of Audiology was born during the years of World War II when many combat veterans of that war returned home with serious, and in most cases, permanent damage to their ears and hearing leading to permanent, partial disability. Pioneers of the profession stepped forward to develop auditory therapy and techniques and procedures and amplifying devices to help these veterans overcome their disabilities. These pioneers came from the ranks of medicine, electronic engineering, hearing science, speech and language therapy, deaf education, psychology, and other human and biological sciences.

In the 1950's the profession grew and developed many diagnostic tests to help physicians and other disciplines working in communication disorders to diagnose the cause of a patients hearing loss and differentiate between a loss that could be helped medically or surgically and one that could only be helped with hearing aid amplification and rehabilitation.

In the 1960's and to this date, new and better diagnostic tests/methods continue to be developed. More importantly, however, the profession returned to its roots in the rehabilitation of hearing loss. Since the 1960's Audiologists have taken an ever increasing role in the fitting and dispensing of hearing aids and the rehabilitation of hearing loss. They also contribute heavily in the development of more advanced and improved electronic circuits within hearing aids to improve their performance. Clinically, they make a huge difference in improving the quality of life for the hearing impaired.

From its infancy of twenty to thirty founders, Audiologists now number over 11,000 in the United States.

From the 1950's into the 1990's, the store of knowledge in the field of Audiology has grown tremendously. The education, clinical and technical training of a Masters degree was, at one time, sufficient to practice as an Audiologist. In the late 1990's and early 2000's it became apparent to practicing clinical and educational leaders in Audiology across the country that the one to two years of Masters degree education was no longer sufficient to adequately educate and train an Audiologist.

HEALTH AND HUMAN SERVICES
DATE: 3-3-10
ATTACHMENT: 2-1

Accordingly, the elected leaders of the American Speech/Language Hearing Association (ASHA) and the American Academy of Audiology (AAA) made the decision in the late 1990's to require that any person desiring to practice as an Audiologist after January 1, 2012 must have completed at least a doctorate degree or equivalent in Audiology from an educational institution certified as an approved training site by the Council for Clinical Certification (CCC) of ASHA. Anyone who has already completed their Masters degree and is certified or licensed in Audiology would be grandfathered in.

The new standards in Audiology were written in 2007 and were to take effect in two phases. The first phase.....addressing the change to acquisition of knowledge and skills, increased post-baccalaureate course work and graduate level clinical practicum, and the cessation of the clinical fellowship requirement.... went into effect January 1, 2008 for all individuals submitting applications on or after that date. The second phase of the new standards will take effect on January 1, 2012, and will require that all individuals applying for initial or reinstatement of certification as of that date have earned a doctoral degree, i.e. AuD, PhD, EdD, ScD etc.

The first phase deadline of January 1, 2008 is behind us. It means that anyone who had not completed their Masters degree program by that date must now complete a doctoral program under the new standards. The first phase primarily affected educational institutions offering degrees in audiology and those students just beginning their studies in pursuit of a degree in audiology. In effect, it eliminated Masters degree programs.

Many States have already upgraded their statutes to accommodate the new standards, i.e. Alabama, Colorado, Georgia, Illinois, Indiana, Maryland, Minnesota, New Mexico, Ohio, Oklahoma, Rhode Island, Tennessee, and Wyoming. I am sure that by now there are other states which have also joined this list. I EXPECT THAT ALL STATES IN THE USA WILL ALSO UPDATE THEIR STATUTES AND I URGE THE KANSAS LEGISLATURE TO BE AMONG THEM.

We would urge you to support SB 449.



To: House Committee on Health and Human Services

From: Dan Morin
Director of Government Affairs

Date: March 3, 2010

Subject: SB 449--Audiologists; educational requirements for licensure and representation

The Kansas Medical Society appreciates the opportunity to appear today as a interested neutral party as you consider SB 449 which would require that any individual seeking licensure as an audiologist on or after January 1, 2012, possess at least a doctorate degree or equivalent in audiology. The bill was amended by the Senate Committee on Public Health and Welfare to address how individuals licensed as audiologists using the term "doctor" may represent themselves to the general public.

With the emergence of the clinical doctorate degree in allied healthcare fields including nursing, audiology, and speech-language pathology, allied healthcare providers who have achieved their doctorate degrees are increasingly using the title of "Doctor" in their practice settings, advertisements, and other patient communications. When a doctoral degree is cited among an individual's professional qualifications in any form of advertisement or other patient communication, the field of study for the degree should be specified in order to avoid confusion and/or misrepresentation. Individuals who use the title "Doctor" or the abbreviation "Dr." in any form of advertising or other patient communication in connection with his/her practice should simultaneously use a clarifying title, initials, abbreviations or designation, or language that identifies the type of practice for which he/she is certified or licensed.

The American Academy of Audiology in 2005 issued the following statement on use of the term "Doctor" in Advertising:

The American Academy of Audiology recommends that, in printed media such as on business cards, in letterhead, and in advertisements, audiologists with doctoral degrees in audiology or a directly relevant area refer to themselves in one of the following manners:

Jane Doe, AuD, Doctor of Audiology
or
Jane Doe, AuD
or
Jane Doe, PhD, Audiologist

HEALTH AND HUMAN SERVICES
DATE: 3-3-10
ATTACHMENT: 3-1

or
Jane Doe, PhD

Members are advised to check applicable state laws, including licensure laws, before referring to themselves in writing in another manner or using other terminology, such as Dr. Doe, without further designation of degree.

The Kansas Healing Arts Act requires similar disclosure for every licensee when presenting oneself to the general public.

65-2885. Use of title by licensee. No person licensed hereunder shall use a title in connection with his name which in any way represents him as engaged in the practice of any branch of the healing arts for which he holds no license: Provided, however, That every such licensee when using the letters or term "Dr." or "Doctor" shall use the appropriate words or letters to identify himself with the particular branch of the healing arts in which he holds a license.

Thank you for the time and opportunity to comment on SB 449. Should your committee recommend moving the bill favorably, the Kansas Medical Society respectfully requests keeping the Senate committee amendment requiring identification of educational credentials associated with a doctorate degree of audiology in Kansas.

March 3, 2010

TO: Health and Human Services Committee
FROM: Kathleen Selzler Lippert, Acting Executive Director

RE: Senate Bill 489, Affecting the Patient's Contact Lens Prescription Release Act

Dear Chairperson Landwehr and Committee Members:

The Kansas State Board of Healing Arts supports SB 489. This bill proposes to amend K.S.A. 65-4967 of the Patient's Contact Lens Prescription Release Act, regulated by the Kansas State Board of Healing Arts.

This Act was drafted and passed into law in 2003. Currently, K.S.A. 65-4967 applies only to those persons who distribute contact lenses through the mail. Mail is statutorily defined by K.S.A. 8-1433 as follows: *'Mail' means to deposit in the United States mail properly addressed and with postage prepaid.*

Therefore, K.S.A. 65-4967, as presently written, applies only to contact lens providers that send their product through the United States Postal Service, but excludes providers that send their product through common commercial carriers such as Fed Ex, UPS, etc.

SB 489 addresses this issue by replacing the word "mail" with the phrase "mails or delivers, using commercial courier or overnight or other delivery services" for the purpose of broadening the statute making it applicable to all contact lens providers who use commercial carriers and/or the United States Postal Service. This minor change will allow the Board to regulate all contact lens distributors in an equal and unbiased manner.

The passage of this Bill will have a fiscal impact on the Board of Healing Arts. The Board estimates that the agency will incur costs of approximately \$1,000.00 to revise online booklets and other affected website information. Additional costs may be incurred if the number of distributors accumulates to 1,500 or more. At this time, the Board has been unable to determine the number of contact lens providers distributing their product to Kansans. Currently, there are six contact lens providers registered with KSBHA. If the total number of distributors covered under this Act increases to 1,500, the Agency anticipates it would need to add an additional FTE position at approximately \$34,290 per year. However, if the volume of distributors does reach 1,500, their licensing fees would offset the cost of the additional FTE. (1500 distributors @ \$150 per license=\$225,000).

House Health and Human Services Committee
Testimony on Senate Bill 489
March 3, 2010

My name is Gary Robbins and I appreciate the opportunity to submit written testimony on Senate Bill 489 on behalf of the Kansas Optometric Association. We want to commend the Kansas State Board of Healing Arts for clarifying the Patient's Contact Lens Prescription Release Act. We proposed this act and helped pass it in 2002. We are supportive of clarifying that this act applies to companies who ship contact lenses by methods other than the U.S. Postal Service.

In recent years, we have seen growth among internet-based contact lens suppliers, which is fine. However, we are seeing some alarming trends with claims that no prescription is required. Doctors report that they receive requests to verify a prescription request for a patient and they are unable to reach these companies. Other problems include seeing more contact lens complications due to patients not receiving regular care. One of the most alarming trends is an increase in the number of requests to verify contact lens prescriptions for individuals who are not even a patient of the doctor being contacted. SB 489 would be helpful so that there is a way to register and communicate with these new suppliers who ship by means other than the mail.

The Kansas Optometric Association supports Senate Bill 489 as amended by the Senate. Thanks you for your consideration of this measure.

Gary Robbins, Executive Director
Kansas Optometric Association
1266 SW Topeka Blvd
Topeka, KS 66612
232-0225

HEALTH AND HUMAN SERVICES
DATE: 3-3-10
ATTACHMENT: 5-1