

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT  
HOUSE BILL NO. 2665**

As Agreed to May 10, 2002

**Brief \***

As amended by Conference Committee, HB 2665 concerns emergency medical services, critical access hospitals, occupational therapists, and naturopathic doctors.

**Emergency Medical Services**

HB 2665 amends laws that apply to emergency medical services and the certification of and authorized procedures that may be carried out by emergency medical services attendants and first responders. The bill makes it clear that an applicant for an attendant's certificate must have completed a Board approved course of instruction. New provisions allow the Board, at the request of an ambulance operator, to authorize an applicant for certification to perform the procedures authorized for the level of certification for which an application has been made, if the applicant:

- Has successfully completed the appropriate coursework for the level of certification for which an application has been made;
- Works only with the ambulance service whose operator has made the request; and
- Works only under the direct supervision of a physician, physician's assistant, licensed professional nurse, or an attendant who is at or above the certification level for which an application has been made.

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\*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.

Any such authorization would expire in 120 days from the last class in which the applicant for certification participated or until the results of the examination are received by the Board, whichever comes first.

Current law is changed to require an applicant for an initial certification at a level above that of emergency medical technician to hold the latter certification in order to become eligible for a higher level of certification. A certificate in a higher classification may be renewed without holding an emergency medical technician certification.

Another of the laws that concern emergency medical personnel is amended to authorize an emergency medical technician to administer epinephrine auto injectors if the emergency medical technician:

- Successfully completes a course in the administration of epinephrine approved by the Board;
- Serves with an ambulance service or first response organization that provides emergency medical services; and
- The emergency medical technician is acting pursuant to medical protocols.

### **Critical Access Hospitals**

HB 2665 amends a statute that is a part of an act authorizing the establishment and operation of rural health networks. The amendment changes the definition of a critical access hospital for the purposes of the act. Under the new definition, a critical care hospital is a member of a rural health network that has 24-hour emergency services available; has not more than 15 acute care beds or, in the case of a facility having swing beds, not more than a total of 25 beds, with not more than 15 available for acute inpatient care at any time; provides acute inpatient care for a period that does not exceed 96 hours per patient on an annual average; and provides 24-hour a day nursing services when any bed is occupied or the facility is open to provide services to patients.

### **Occupational Therapists and Occupational Therapy Assistants**

HB 2665 amends statutes under which occupational therapists and occupational therapy assistants are currently registered by the

Board of Healing Arts; creates new laws relating to the practice of occupational therapy; and amends laws relating to optometry, the act often referred to as the good samaritan act, peer review, and an act that pertains to risk management programs in medical care facilities. The latter amendments make no substantive changes in the laws, but change statutory references to occupational therapist from “registered” to “licensed.”

One of the changes resulting from amendments to the existing law is in the terminology used in protected titles whose use is limited to those persons who meet the criteria set out in the statutes. Under the provisions of HB 2665, those persons who meet the educational and other criteria set out in the act may use the word licensed rather than registered in titles referring to occupational therapy or in the use of initials indicating that such person is an occupational therapist or occupational therapy assistant. A number of the amendments in the bill are solely a change in terminology from registered to licensed.

The bill also expands the definition of occupational therapy by:

- Defining occupational therapy as the therapeutic use of purposeful and meaningful occupations to evaluate and treat individuals who have a disease, disorder, impairment, or activity limitation that interferes with their ability to function independently in daily life roles pursuant to referral, supervision, order, or direction by a person licensed to practice medicine or surgery or podiatry, a dentist, or an optometrist rather than as persons who are employed under the supervision of a physician;
- Creating new occupational therapy interventions;
- Creating new occupational therapy services, and
- Creating new statutory definitions of occupational therapy service providers to be known as occupational therapy aides, occupational therapy techs, or occupational therapy paraprofessionals.

The bill creates two new statutes that are made a part of the Occupational Therapy Practice Act. One sets out a list of persons who are not to be construed as engaged in the practice of occupational therapy. The other sets out the role of occupational therapy aides, techs, or paraprofessionals and requires compliance with supervision requirements for such persons that are to be developed by the Board of Healing Arts by rules and regulations.

Pursuant to the provisions of HB 2665 persons holding a valid registration as an occupational therapist or occupational therapy assistant immediately prior to the effective date of the bill are to be deemed a licensed occupational therapist or occupational therapy assistant.

Those sections of HB 2665 that concern occupational therapy become effective on April 1, 2003.

### **Naturopathic Doctor Registration Act**

HB 2665 creates a new Naturopathic Doctor Registration Act which is to be administered by the State Board of Healing Arts with the assistance of an Naturopathy Advisory Council appointed pursuant to the provisions of the bill. The sections of the bill that create the Naturopathic Doctor Registration Act become effective on January 1, 2003.

The bill defines terms used in the new act, including “naturopathic medicine” or naturopathy which is defined as a system of health care practiced by naturopathic doctors for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that use education, natural medicines, and therapies to support and stimulate the individual’s intrinsic self-healing processes, and includes prescribing, recommending, or administering:

- Food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeopathic preparations, nonprescription drugs, plant substances that are not designated as controlled substances or prescription drugs, and certain topical drugs;
- Health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, and barrier contraceptive devices;
- Substances on a naturopathic formulary authorized for intramuscular or intravenous administration pursuant to a written protocol entered into with a person licensed to practice medicine and surgery;
- Noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests, and oroficial examinations, excluding endoscopies;

- Minor office procedures; and
- Naturopathic acupuncture.

Naturopathic medicine or naturopathy does not include surgery, obstetrics, administering ionizing radiation, or prescribing, dispensing, or administering controlled substances or any prescription-only drugs except those listed on a naturopathic formulary adopted by the Board of Healing Arts. Other terms, including some used in the foregoing definition of naturopathic medicine, are defined in the bill.

HB 2665 requires the Board of Healing Arts to adopt a naturopathic formulary which lists the drugs and substances that are approved for intramuscular or intravenous administration by a registered naturopathic doctor pursuant to the order of a person licensed to practice medicine and surgery. In creating the formulary, the Board is to appoint a Naturopathic Formulary Advisory Committee to advise the Board and make recommendations on the list of substances to be included in the formulary. The Advisory Committee is to be made up of a licensed pharmacist, a person knowledgeable in medicinal plant chemistry, two persons licensed to practice medicine and surgery, and two registered naturopathic doctors.

The proposed new legislation provides for the registration of those naturopathic doctors who meet the criteria set out in the bill and directs the Board of Healing Arts to administer the provisions of the act, judge the qualifications of applicants for examination and registration, and adopt specified rules and regulations. Provision is made for the registration of those persons who, prior to the effective date of the new act had: (1) graduated from a school of naturopathy that required four years of attendance and was at the time of the applicant's graduation, accredited or a candidate for accreditation by an accrediting body approved by the Board, (2) passed an examination approved by the Board covering appropriate naturopathic subjects, and (3) not committed any act that would subject such person to a disciplinary action resulting in the suspension or revocation of a registration. The Board may waive education or examination requirements, or both, and register those applicants who are authorized to practice in another jurisdiction that has standards equivalent to those required by Kansas law and for any applicant for registration who on the day preceding the effective date of the new act was practicing under KSA 65-2872a.

Provision is made in HB 2665 for a temporary registration for applicants for registration who have met all requirements for registra-

tion or all requirements except the examination. Holders of a temporary registration may practice only under the supervision of a registered naturopathic doctor.

The bill makes it unlawful for any person not registered under the Naturopathic Doctor Registration Act to hold himself or herself out to the public as a registered naturopathic doctor, to use specified titles or abbreviations, or to use other words or letters indicating or implying such person is a naturopathic doctor. A violation is a class B misdemeanor. On and after July 1, 2004, it will be unlawful for any person who is not registered under the new act as a naturopathic doctor to use any of the titles or abbreviations noted above or to use the title "naturopath."

Each naturopathic doctor rendering professional services in Kansas must maintain professional liability insurance as a condition to practicing in Kansas.

The Board of Healing Arts is authorized to deny, refuse to renew, suspend, or revoke a registration if the registrant or applicant for registration has been guilty of unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public. Actions that constitute unprofessional conduct are set out in the bill. The Board is given authority to seek injunctions for relief of violations of the law or regulations.

The bill creates a five-member Naturopathic Advisory Council to advise the Board of Healing Arts in the administration of the Naturopathic Doctor Registration Act. Three members are to be naturopathic doctors appointed by the Board, one member shall be the president of the Board or such person's designee, and one member is to be a public member appointed by the Governor. Members of the Advisory Council attending meetings or subcommittee meetings are to receive subsistence allowances, mileage, and other expenses.

Pursuant to the provisions of HB 2665, during the 2003 Session of the Legislature consideration is to be given to establishing an alternative health care board composed of designated representatives of existing health care regulatory agencies, alternative health care providers, and public members for the purpose of advising the Legislature on matters relating to alternative health care, administering the Naturopathic Doctor Registration Act, and performing such other duties as established by law.

## **Background**

The provisions of HB 2665 that pertain to emergency medical services were originally contained in HB 2665; the provisions pertaining to critical access hospitals were originally in SB 417; the provisions concerning occupational therapy are from HB 2315 as amended by Senate Committee; and the sections relating to naturopathic doctors are, for the most part, taken from HB 2315 as amended by Senate Committee.