

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 19, 2001 in Room 231-N of the Capitol.

All members were present except: Senator Jordan (EA)

Committee staff present: Ms. Emalene Correll, Legislative Research Department  
Ms. Renae Jefferies, Revisor of Statutes  
Ms. Lisa Montgomery, Revisor of Statutes  
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee: Ms. Susan Grace, President,  
Kansas Physical Therapy Association  
Mr. Paul Silovsky, Legislative Chair,  
Kansas Physical Therapy Association  
Ms. Evelyn Guzzo, State-Licensed Cosmetologist,  
Instructor/Salon Owner, Student, Kansas Massage Institute  
Ms. Patricia Bresnahan, Consumer  
Ms. Karen Jorgensen, PTA, President National Assembly  
Mr. Tom Bell, Sr, Vice President/Legal Counsel  
Kansas Hospital Association  
Mr. Blaine Miller, Republic City Hospital, Belville  
Ms. Kimberly Templeton, M.D.  
President of Kansas Orthopedic Society  
Mr. Jerry Slaughter - Kansas Medical Society  
Mr. Larry Buening, State Board of Healing Arts  
Ms. Kathy Damron, American Massage Therapy Assoc.  
Ms. Judy Pope, Lobbyist for KS Chiropractic Association  
Mr. Charles Wheelen, Executive Director  
Kansas Association of Osteopathic Medicine  
Ms. Paulette Danielson, RN, NCMT

Others attending: See Attached Guest List

**Hearing on SB 187 - licensure of physical therapists**

Upon calling the meeting to order, Chairperson Wagle announced that the Committee would be hearing a fair amount of testimony on **SB187** and asked each conferee to limit their testimony to three minutes. She introduced Ms. Susan Grace, President, Kansas Physical Therapy Association, as the first conferee to address the bill.

Ms. Grace presented proponent Testimony. A written copy of her testimony is (Attachment #1) attached hereto and incorporated into the Minutes by reference. Highlights of Ms. Grace's testimony included: licensure, definition of scope of practice, consumer access and initiation of physical therapy treatment.

The next proponent conferee was Mr. Paul Silovsky, Legislative Chair, Kansas Physical Therapy Association who defined the specific practice issues introduced by Ms. Grace and clarified the effects of these changes so that the Committee could compare both sides of the issues and their net effect on Kansas. A written copy of his testimony is (Attachment #2) attached hereto and incorporated into the Minutes by reference.

The next proponent conferee was Ms. Evelyn Guzzo, state-licensed cosmetologist, an instructor/salon owner/full time student at Kansas Massage Institute. She stated the current bill imposes undue restrictions for public access to those massage services that would not require diagnosis, treatment, or prescription as identified in the current bill for physical therapists. A copy of her testimony is (Attachment #3) attached hereto and incorporated into the Minutes by reference.

The last proponent conferee on the list was Ms. Patricia Bresnahan, Consumer, stating her disabilities from surgeries but that she benefitted from physical therapy. A copy of Ms. Bresnahan's testimony is (Attachment #4) attached hereto and incorporated into the Minutes by reference.

Written Proponent Testimony was also provided by Ms. Karen Jorgensen, PTA, President National Assembly stating that this bill accurately reflects the very basics of safe, quality patient care the National Assembly upholds for physical therapist assistants. A written copy of her testimony is ([Attachment #5](#)) attached hereto and incorporated into the Minutes by reference.

Opponent Testimony began with the introduction of Mr. Tom Bell, Sr. Vice President/Legal Counsel, Kansas Hospital Association, stating that there will always be instances where the hospital physical therapist is not immediately available, placing process ahead of patient care. A written copy of his testimony is ([Attachment #6](#)) attached hereto and incorporated into the Minutes by reference.

Mr. Blaine Miller, Republic City Hospital, Belville, was the next opponent conferee to come before the committee. Mr. Miller testified in behalf of the small community hospital A copy of his testimony and an opponent email from Ms. Lynette Nichol Withington, MSPT/ATC-R are ([Attachment #7 and 8](#)) attached hereto and incorporated into the Minutes by reference.

Ms. Kimberly Templeton, M.D., President of Kansas Orthopedic Society, was the next opponent conferee stating that optimal patient care requires that all members of the health care team work together, each being specifically trained to meet a specific need of each patient. A copy of her testimony is ([Attachment #9](#)) attached hereto and incorporated into the Minutes by reference.

Mr. Jerry Slaughter, Kansas Medical Society, was the next to give opponent testimony stating that the KMS concern is that physical therapists are not trained to make a medical diagnosis or use diagnostic tools such as x-rays. A copy of his testimony is ([Attachment #10](#)) attached hereto and incorporated into the Minutes by reference.

Mr. Larry Buening, State Board of Healing Arts, gave opponent testimony stating that a meeting was held on February 10, 2001 by the Board who reviewed the provisions and directed him to indicate to the Committee its opposition. A copy of his written testimony is ([Attachment #11](#)) attached hereto and incorporated into the Minutes by reference.

Ms. Coleen Mullen presented opponent testimony on behalf of the Kansas Chapter of the American Massage Therapy Association for Kathy Damron and Associates. Ms. Mullen gave a brief history of the AMTA and stating this bill would hurt the public by leaving persons seeking massage with no choice but to access the medical community. A copy of the written testimony is ([Attachment #12](#)) attached hereto and incorporated into the Minutes by reference.

Next on the opponent list was Ms. Judy Pope, Lobbyist for Kansas Chiropractic Association, who explained their concerns about authorizing physical therapists to perform manipulation based on three academic and ethical grounds. A copy of her written testimony and handouts are ([Attachments #13](#)) attached hereto and incorporated into the Minutes by reference.

Mr. Charles Wheelen, Executive Director, Kansas Association of Osteopathic Medicine, was the next opponent to testify stating they are not aware of any compelling evidence that licensing of physical therapists would improve quality of care. A copy of his written testimony is ([Attachment #14](#)) attached hereto and incorporated into the Minutes by reference.

The last opponent to testify before the committee was Ms. Paulette Danielson, RN, NCMT, covering her experience as a teacher of sports massage and massage therapy that takes a different approach from physical therapy. A copy of her written testimony is ([Attachment #15](#)) attached hereto and incorporated into the Minutes by reference.

Written Opponent Testimony was also provided by Ms .Lesa Roberts, Director, Health Occupations Credentialing, KDHE, that stated the bill was simply a move to license rather than register physical therapists without benefit of a credentialing review. A copy of her testimony is (Attachment #16 ) attached hereto and incorporated into the Minutes by reference.

#### **Update of Kansas Credentialing Review Program Manual for Applicants**

With all the testimony presented, Chairperson Wagle called on Ms. Marla Rhoden, Health Occupations Credentialing Program, Bureau of Health Facilities, Kansas Department of Health and Environment, who presented an update of the Kansas Credentialing Review Program, Manual for Applicants. A copy of her presentation and handout are (Attachment #17) attached hereto and incorporated into the Minutes by reference. A copy of the Manual is on file in the Chairperson's office.

The Chair then called the Committee's attention to an article regarding credentialing (65-5006) A copy of the article is filed in Chairperson Wagle's office.

The Committee then was able to present their questions to the conferees. Questions were asked by Senators Haley, Barnett, Harrington, and Salmans and responses from Mr. Silovsky, Ms. Pope, Ms. Grace, and Ms. Templeton ranging from misdiagnosis resulting in an increase in claims, bypassing primary care physicians for HMO, malpractice law suits, medical as opposed to muscular diagnoses to no increase in utilization, but decrease in utilization.

#### **Adjournment**

As it was 2:30 p.m., Chairperson Wagle thanked all of the conferees and adjourned the meeting.

The next meeting is scheduled for February 20, 2001.