

Approved: _____
Date

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 8, 2000 in Room 423-S of the Capitol.

All members were present except: Representative Brenda Landwehr, Excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department
Dr. Bill Wolff, Kansas Legislative Research Department
Norman Furse, Revisor of Statute's Office
June Evans, Secretary

Conferees appearing before the committee: Cassie Lauer, ACSW, Kansas Department of Health and Environment
Larry Buening, Executive Director, Kansas Board of Healing Arts
Tuck Duncan, Occupational Therapy Assn.
Rebecca Rice, KS Chiropractic Association
Tom Bell, Kansas Hospital Association
Susan Grace, President, KS Physical Therapy Assn.

Others Attending: See Attached Sheet

The Chairperson opened the hearing on **HB 2756 - Commission on Epilepsy.**

Staff gave a briefing on the background creating **HB 2756** and stated there had been many new strides taken on epilepsy. The Department of Health and Environment was unaware there was a Commission on Epilepsy as it had not been functioning and there was no funding for the Commission.

Cassie Lauer, ACSW, Kansas Department of Health and Environment, testified as a proponent to **HB 2756**, stating the bill was created in 1990 by **SB 371** and was effective July 1, 1990. The Commission was to sunset July 1, 1993. The Commission submitted what they considered their Final Report to Governor Joan Finney in August of 1993. The Final Report was accepted and the commission held no further meetings.

The Chairperson closed the hearing on **HB 2756.**

Representative Geringer moved and Representative Bethell seconded to move HB 2756 out and put on the Consent Calendar.

Representative Henry moved and Representative Long seconded a Substitute motion to pass HB 2756 out favorably. The motion carried.

The Chairperson opened the hearing on **HB 2235 - Relating to Licensure of Physical Therapy.**

Staff gave a briefing on **HB 2235** the bill relates to the change of the word "registration" as it relates to physical therapist to licensure and that necessitates several changes throughout the bill which does not have that much to do with physical therapy except that the term "registered physical therapist" and that needs to be amended and changed if the bill were enacted into law to "licensure". Several sections need to be changed from "registered" to "licensure." If registered the title is protected, can not use that title unless they are registered under the Act. Under licensure, under the pristine form of the law would protect both the title and scope of practice. Therefore, no individual could use the title nor could any individual practice physical therapy without being licensed as a physical therapist. This is a carryover bill so it would have to be updated with the 99 Session changes. There are several technical changes needed if the bill is enacted.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on February 8, 2000.

The Chairperson stated there was a hearing a year ago and closed the hearing, but did not work the bill. That is what is proposed now but prior to doing that are going to have some short testimony bringing members up to date.

Lawrence Buening, Executive Director, Kansas Board of Healing Arts, stated he had a change to last year's testimony and that would be basically changing paragraph 2. In light of the action this committee took last year in licensing respiratory therapists, change somewhat the position of the board as what had traditionally been licensed doctors and registered people who take direction and supervision and delegation from doctors. With the licensure of respiratory therapists, that distinction has now been blurred and probably no longer as valid as stated in my testimony last year. The only other thing in looking back at the testimony there was some question and referred to at that time to the respiratory therapy bill that was going through and particularly refer to page 27 of the bill and there is a question whether there should be some exclusions from the practice of physical therapy because no longer talking title and protection but talking scope of practice. For those people who work within their own scope of practice or their own profession, things that may overlap into physical therapy such as occupational therapy, nursing, physician assistants, etc. In the respiratory therapy legislation there were 11 exceptions and if engaged in those things not violating the Practice Act and invading the scope of physical therapy. Perhaps those exceptions would be considered.

Susan Grace, President Kansas Physical Therapy Association, testified **HB 2235** with the suggested amendment would change the credentialing of physical therapists from registration to licensure and would not alter the current practice of other health care professionals. This is merely a clarification and protects the consumer.

Physical therapy is the care and services provided by or under the direction and supervision of a physical therapist. Care provided by other individuals is not physical therapy and should not be represented as such. Misrepresentation of physical therapy services can be confusing to the public and place consumers at serious health risk (See Attachments 2 & 3 #).

R. E. "Tuck" Duncan, Kansas Occupational Therapy Association, stated his intention would be to amend **HB 2235** to also include the professional of occupational therapy. Physical Therapists and Occupational Therapists are, in a manner of speaking, "partners in rehabilitation services." Both professions make unique contributions to health care outcomes. Current law defines physical therapy as "the term 'physical therapy' means a health specialty concerned with the evaluation, treatment or instruction of human beings to assess, prevent and alleviate physical disability and pain." Occupational Therapy is defined as: "Occupational Therapy" is a health care profession whose practitioners, other than a occupational therapy practitioners working with the educationally handicapped in a school system, are employed under the supervision of a physician and whose practitioners provide therapy, rehabilitation, diagnostic evaluation, care and education of individuals who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities or the aging process in order to maximize independence, prevent disability and maintain health. There has been a new bill introduced which is **HB 2886** which parallels most everything you have heard with simply substituting Occupational Therapist for Physical Therapist. The procedures of these professions are similar but the outcomes are different. Possibly **HB 2886** could be amended into **HB 2235** and both of these professions considered for licensure at the same time. (See Attachment #4).

Tom Bell, Senior Vice President/Legal Counsel, Kansas Hospital Association, testified in opposition to **HB 2235** for two main reasons: (1) it bypasses the state credentialing process; and (2) it does not sufficiently recognize the scope of practice of other health care personnel (See Attachment #5).

Rebecca Rice, representing the Kansas Chiropractic Association, testified in opposition of **HB 2235** and requested the following amendments: (1) on page 21, line 14 after *cauterization*, insert *chiropractic adjustments or thrust manipulation*; and (2) on page 21, line 26 after *a licensed podiatrist* insert *a licensed chiropractor*.

The Kansas Chiropractic Association would support the bill if the two amendments were included. If

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on February 8, 2000.

licensure is granted to physical therapist, the KCA believes future misunderstandings could be avoided and the public best protected if the Legislature codifies the existing positions of the Board of Healing Arts and the Kansas Attorney General (See Attachment #6).

Keith Landis, Christian Science Committee on Publication for Kansas, opposed the amendment offered because of item (2) "members of any church practicing their religious tenets."

Representative Showalter moved and Representative Flaharty seconded to insert amendment requested by the Kansas Physical Therapy Association into the bill. The motion carried.

The Chairperson asked staff to draft a balloon with the amendment and include the needed technical changes and will try to work the bill at that time.

Representative Geringer asked if the committee would want to have draft include Occupational Therapists and make more buoyant.

The Chairperson suggested the turf battles be knocked out, the people that still have issues to get those issues taken care of either in terminology or through some agreement and once that is done can answer that question as to whether others should be included because at this point might be just adding more weight to the ship. At this point we need to get the turf battles whipped.

Representative Henry requested that the balloon reflect amendment requested from the Chiropractic Association, and discuss those at that time.

The Chairperson stated the balloon should be all inclusive because anything can be wiped out as the bill is worked. Everything we have discussed here should be in the balloon.

Carolyn Bloom, physical therapist, in the audience, explained the different techniques.

The Chairperson stated that the interested parties would meet to discuss their differences and come up with a balloon that will be satisfactory to all parties. Lawrence Buening will moderate the meeting. After these differences are worked out, staff will draft a balloon and the committee will work the balloon if there is time.

The meeting adjourned at 3:15 p.m. and the next meeting will be February 9.