

Approved: May 10, 2002  
Date

## MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 21, 2002 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department  
Mr. Norm Furse, Revisor of Statutes  
Ms. Lisa Montgomery, Revisor of Statutes  
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. Larry Buening, Executive Director,  
KS Board of Healing Arts

Others attending: See attached guest list.

### **Status of SB508 - emergency medical services board, financial support, authorizing certain transfers**

Chairperson Wagle updated the Committee on the status of SB508, stating that after talking to Senator Morris on the Floor, they both decided that with the amendments needing to go into that bill, it would be best done in Appropriations. So she and Senator Morris had the bill moved, she cancelled the hearing and announced that today, she has scheduled some informational hearings on two issues.

She also wanted to remind the Committee that she has had numerous health care occupations wanting certain statuses in Kansas, ex. registration licensure and has told any group that comes to her with bills like that, they have to go through the credentialing process first. She said she has placed before them, the Kansas law on credentialing just as a reminder. A copy of the statute is (Attachment 1) attached hereto and incorporated into the Minutes by reference. She mentioned that the Committee overviewed it last year from KDHE.

### **Overview of SB610 - naturopathic doctor licensure act**

The Chair stated that the naturopaths did go through this process starting right after the session ended last year. They were recommended for licensure and the Committee does have a bill they will be hearing next Monday and Tuesday (February 25 - 26). She then recognized Mr. Norm Furse, Revisor of Statutes, who has been working on the bill, to give an overview of SB610, so that next week the Committee can attend to conferees. A copy of Mr. Furse's overview is (Attachment 2) attached hereto and incorporated into the Minutes by reference.

Highlight's of Mr. Furse overview included: the definition of a number of terms used throughout the act which are important to the substance of the bill; administrative provisions set out in Sections 3 through 10; title and practice protection and exclusions; practice authorizations and restrictions under Section 13; Naturopathic acupuncture and the advisory council in Sections 14 and 15; and miscellaneous provisions in Sections 16 through 20.

As range of questions were presented by Senators Praeger, Barnett, and Wagle of Mr. Furse as he stood before the Committee, ranging from carrying liability insurance, statutory requirements, and a technical committee report by Health and Environment, and reference to an Attorney General's opinion related to this Committee.

### **Scope of Practice Issues Overview**

The Chairperson then mentioned that Mr. Larry Buening, Executive Director, Kansas Board of Healing Arts, attended yesterday's Committee hearing pertaining to the physical therapist bill. She mentioned, he has to implement the laws the Committee passes for the Healing Arts Board and even though he is a neutral party he had some thoughts he would like to share with the Committee.

She then recognized Mr. Buening who stated that the Board does not try to get involved in issues such as scope of practice, particularly regarding those professionals whom they regulate. But a couple of issues they are concerned within **SB583**, are as follows. Protecting the doctor directed health care team was a concern. Also, many of the things that were being defined as being physical therapy are also being performed by occupational therapists as well. He referred to examples on page 2 of the bill, particularly "alleviating impairments", "functional training in self-care", "fabrication of", "debridement and wound care". Then regarding page three beginning with line 13, to him, this wording seems to be creating a scope of practice as opposed to changing the category here.

The second issue he stated, was in regards to billing. Most licensing boards do not get involved in billing issues, primarily because these are controlled by entities outside the regulations of the legislature and them. He then went to the CPT code and read where it is used whenever a physician wants to bill for services, and under this, it actually lists physical medicine, therapy, occupational therapy, all being under the same code. No written testimony was offered.

As he stood before the Committee for questions and comments, the Chair stated that for the Committee's information the group that was before them yesterday, will be making changes, striking the language on the billing and make the language on page 2 a "may include" rather than what it is. A healthy discussion of questions followed, asked by Senator Salmans, Barnett, and Wagle ranging from "doctor directed health care team", how does a licensed occupational therapist and athletic trainers' bill for services, does the language change mentioned take care of the issue that was raised chiropractic association, how would this apply to the governing of the naturopaths and how they would fit into your governing structure, and how would it work with **SB610** regarding their Advisory Board, to type of qualification.

All were answered by Mr. Buening with the exception of Senator Barnett's regarding chiropractic association which was answered by Mr. Steve Kearney, Legislative Council for KS Physical Therapists Association and Ms. Rebecca Rice, Legislative Council for KS Chiropractic Association.

### **Final Action on SB447 - an act concerning the state board of healing arts; relating to compensation of review committee members and expert witnesses**

The Chairperson Wagle then mentioned they would be working a couple of bills, the first being **SB447**. She recognized Senator Praeger who did have concerns regarding the appointment of members, especially the wording "for duration of term". She stated that on the Healing Arts Board, the appointment does not cease if that person is no longer living in the state. She stated the amendment would state that "For the duration of their terms; licensed appointees to the board shall be a resident and maintain a primary residence an average of nine months in the state of Kansas and remain actively engaged in the practice of his or her profession. A copy of this amendment is (Attachment 3) attached hereto and incorporated into the Minutes by reference.

A motion was made by Senator Praeger to adopt the amendment to the healing arts act and seconded by Senator Salmans. The motion carried. Senator Praeger motioned to move the bill as amended. Senator Steineger seconded the motion. The motion carried.

**Final Action on SB418 - an act concerning adult care home administrators; relating to the board of adult care home administrators; also relating to licensure**

Chairperson Wagle then asked Ms. Lisa Montgomery to pass out the amendments to the bill. Ms. Montgomery explained the balloon contained only language changes (striking and inserting) made on page 5 of the bill. A copy of the balloon is (Attachment 4) attached hereto and incorporated into the Minutes by reference.

Senator Steineger made a motion to adopt the bill as amended and it was seconded by Senator Praeger. The motion carried.

Senator Steineger made a motion to move the bill favorably as amended. Senator Brungardt seconded the motion. The motion carried.

**Adjournment**

Adjournment time was at 2:30 p.m.

The next meeting is scheduled for February 25, 2002.

CONTINUATION SHEET