

Approved: Feb. 18, 1993
Date

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Joann Flower at 1:30 p.m. on February 11, 1993 in Room 423-S of the Capitol.

All members were present except:
Representative Elaine Wells, excused

Committee staff present: Emalene Correll, Legislative Research Department
William Wolff, Legislative Research Department
Norman Furse, Revisor of Statutes
Sue Hill, Committee Secretary

Conferees appearing before the committee:
Donna Whiteman, Secretary of SRS
Pamela Betts, Director of Government & Community Relations, Department of
Health and Environment
Larry Buening, Director, Kansas Board of Healing Arts

Others attending: See attached list

Chair called the meeting to order, welcoming all the Nurses who were visiting today. She hoped they would find the Committee meeting interesting. Chair drew attention to the agenda and invited those will bill requests to begin.

Donna Whiteman, Secretary of SRS offered hand-outs, (Attachment No. 1) refers to juvenile offenders and direct placement. She explained if enacted, this legislation would limit the ability of the courts to refer individuals to placements at the Youth Center only if they have committed felony offenses. She pointed out this particular bill may be referred to another Committee, but she is requesting the introduction of it before the Public Health and Welfare Committee.

(Attachment No. 2) refers to proposed legislation that would clarify that SRS, particularly the Commission of Mental Health and Retardation Services, may provide grants-in-aid to fund services for individuals who are mentally retarded or otherwise developmentally disabled. Basically it is to clarify existing language.

(Attachment No. 3) refers to amending K.S.A. 1992 Supp. 39-708a, is to extend the time in which providers may file claims. Currently providers of SRS services in the Title XIX Medicaid of the state-funded MediKan programs have only 6 months to file claims with the SRS fiscal agent. This proposed language would extend that time period to 11 months. She offered rationale.

Rep. Neufeld moved to introduce all three bill requests by the Secretary of SRS, seconded by Rep. Rutledge. No discussion. Motion carried.

Ms. Pamela Betts, Department of Health and Environment offered hand out. She stated Secretary Harder requested she appear before the Committee today in his absence and on his behalf to request a bill introduction on licensing speech-language pathologists and audiologists, (Attachment No. 4) She detailed proposed changes, i.e., removing the equivalent degree as a means of meeting the educational standards; setting the licensure period to begin 12/31/92; language on accepting an equivalent degree as meeting the educational standards; requires a licensure fee and an endorsement fee for persons licensed in another state desiring a Kansas license; allows the comparing of the current licensing standards against another state when endorsing an out of state license; allows unprofessional conduct to be defined in regulation; allows disciplinary sanctions to be imposed if a person is convicted of a crime that has a bearing on the functioning of the practitioner. This will bring the program consistent with other licensure programs. There will be no fiscal impact, and no impact on other Agencies. She answered questions. Discussion ensued

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on February 11, 1993.

Rep. Swall moved to accept this proposed legislation requested by the Department of Health and Environment, seconded by Rep. Sader. No discussion. Motion carried.

Larry Buening, Executive Director of Kansas Board of Healing Arts offered hand out (Attachment No.5), an act that would amend one provision of the Healing Arts Act, and three provisions of the Physical Therapy Act, both of which are regulated and administered by the Board of Healing Arts. It will enable and indicate that the Board, by rule and regulation, may establish those particular professional services which would be listed only to being performed by those people licensed by the Healing Arts Act. There is proposed language that would change the manner in which a physical therapist may initiate treatment; would add a clause to grounds for action in unprofessional conduct to enable the Board by rules and regulations to define unprofessional conduct; to delete the violation of the Physical Therapy Act to initiate treatment without prior consultation, but would indicate that it would be a violation of the Physical Therapy Act to violate any rule and regulation or lawful order of the Board. He stated these proposed provisions could be carried out by the Board without additional personnel or additional funding. He answered numerous questions.

Rep. Wagle moved to introduce this legislation proposed by the Board of Healing Arts, seconded by Rep. Neufeld. No discussion. Motion carried.

Chair drew attention to Committee minutes for February 8, and 9, ready for approval. Chair stated a new procedure in respect to Committee minutes, i.e., she requested members read them over, if there are corrections please notify the secretary by 5:00 p.m. the following day they are presented. If there are no changes suggested, the minutes will be considered approved.

Chair directed attention to the Sub-Committee report on HB2072.

Rep. Neufeld, Chair of the Sub-Committee offered a balloon copy on HB2072, (Attachment No.6). He noted that interested parties had been present as the Sub-Committee and Staff members met to discuss HB2072, i.e., the Board of Nursing, Kansas State Nurses Association, the Attorney General's office representative. Rep. Neufeld noted in his opinion, the interested parties have made a good compromise and they bring before the Committee a good clean bill. He detailed the proposed amendments in HB2072 section by section.

The Sub-Committee recommended the following on HB2072:--

Page 1, delete section 1, and renumber subsequent sections; page 5, amend language regarding continuing education; page 6, delete line 31; page 7, add language on continuing education requirements for advanced registered nurse practitioners; page 9, delete line 23 after the word "regulation" through line 24, and add language, "in accordance with K.S.A. 65-118 and amendments thereto"; on page 11, new section 12, be stricken; on page 12, the addition of new language for new section 11, and renumbering sections as necessary.

There was a lengthy discussion in regard to language on page 7, in the area of continuing education requirements allowing flexibility in study courses. Several language changes were proposed, i.e., change "shall not" to "need not", or "may not". Numerous questions were asked.

Rep. Neufeld moved to adopt the Sub-Committee report and amendments proposed therein, seconded by Rep. Sader. No discussion. Motion carried.

Rep. Samuelson moved to report HB2072 favorable for passage as amended, seconded by Rep. Morrison. No discussion. Motion carried.

Chairperson Flower thanked members of the Sub Committee and Staff for the hard work and time they had spent on preparing the report for Committee.

Chair drew attention to HB2223.(Smoking in the State Capitol). Chair requested Mr. Furse to explain a list of (alternatives) that had been brought to the attention of the Chair by Rep. Helgerson.

Mr. Furse indicated that Rep. Helgerson wished to have it made clear, he is not suggesting these (alternatives) as amendments, but wished the Committee members to hear about the ideas in order to allow them to hold discussion on them if that is the wish of the Chair and the Committee. Mr. Furse detailed each option indicated in a hand out (Attachment No. 7). Mr. Furse then answered technical questions.

Rep. Bishop moved to amend HB2072 to include items III and IV as indicated in Attachment No.7. Motion seconded by Rep. Scott. Discussion ensued. It was the wish of some members to separate these two items and discuss them separately.

Rep. Bishop and Rep. Scott both withdrew their motions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on February 11, 1993.

Rep. Bishop then moved to amend HB2072 in line 30 after "thereto", by adding "except nothing shall prevent cabinet secretaries' from designating certain areas as smoking areas for controlled populations including, but not limited to corrections facilities and state institutions. Motion seconded by Rep. Scott.

A lengthy discussion began, i.e., concerns about the definition of a self-contained room; does proper ventilation enter into this proposal; define controlled population; prison and state hospital populations are both vulnerable; enforcing a smoking ban in both these environments would be difficult; language changes were proposed; consideration of re-opening hearings to allow personnel from corrections and state hospitals opportunity to offer input on this issue.

Vote taken, Chair in doubt. Show of hands indicated 6 in favor, 9 against. The motion failed.

Rep. Swall moved to strike all of sub section (c) in HB2223, seconded by Rep. Morrison.

After a lengthy discussion, vote taken, Chair in doubt, show of hands indicated 10 in favor. Motion carried.

The record indicates NO votes by Representatives Bishop, Freeborn, Bruns.

Rep. Neufeld moved to amend conceptually, to ask the Secretary of Administration to report within a year to this Committee and the Senate Committee on Public Health and Welfare on the effects of what impact sub section (c) would have had, had it been implemented. Motion seconded by Rep. O'Conner.

After a lengthy discussion, vote taken, Chair in doubt. Show of hands indicated 2 in favor. Motion failed.

Rep. Rutledge moved to reinsert sub section (c) with the specific exemption for only correctional institutions and state institutions in the state. There was no second.

Rep. Sader moved to reinsert subsection (c) and reopen hearings on HB 2223, seconded by Rep. Swall.

Rep. Neufeld made a substitute motion to report HB2223 as amended, favorable for passage. Motion seconded by Rep. Wagle. Discussion ensued.

Vote taken on substitute motion. Chair in doubt. Show of hands indicated 6 in favor. Motion failed.

Rep. Sader called for Question on the original motion made by Rep. Sader and Rep. Swall.

Discussion continued on the issue of changing the title of the bill. Staff was consulted. It was suggested a more detailed description of the bill could be placed in the Agenda if HB2223 is re-scheduled for a hearing and people from Corrections and State Institutions are notified.

Vote taken. Motion carried. (HB 2223 will be re-opened for hearings).

Chair adjourned meeting at 3:07 p.m.

The next meeting is scheduled for Monday, February 15, 1993.

VISITOR REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

(Thurs)

DATE 2-11-1993

NAME	ORGANIZATION	ADDRESS
Samuel John Bette	KD # E	Topeka
Bette Brister RN	Home Health Care St Luke	OP/KS - Salina KS
Dennis Adams - Zimmerman	KSNA / KNEA / BCC	Wichita, KS.
Doris C. Bushner	KSNA	Topeka
Wendy Wright	KSNA - Lawrence Memorial Hospital	Lawrence, KS
Adair Gf	KSNA	Leamsech, KS.
San McElendon	KSNA	Emporia
Judith (Lachon)	KSNA	Emporia
Lisa Rickley	Baker University School of Nursing	Topeka, KS
Ellie Camp	Baker University ISA	Topeka
Jennifer Clark	KSNA / Baker University	Hilton, Kansas
Hennifer Livingston	Baker University / KSNA	Topeka, KS
Amy Alorca	BAKER UNIVERSITY / KSNA	Lawrence KS.
Kim Simmons	Baker University KSNA	Topeka, Kansas
Lammy Wigginton	Baker University KSNA	Topeka, KS
Sam / Kim	Baker University	Topeka KS
Angela Casey	EOS	Topeka, KS
Marge Buckman	KSNA	Independence, KS
Jackie Blochmore	KSNA	Thayer, KS
Joyce M. Post	ANNA - KSNA	
Karen Cytalano	Intern / Rep Bishop	Lawrence
Dinger Kane	Intern	Baxter Springs KS
Weather Gray	Intern	Lawrence

VISITOR REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE Thursday
2-11-93

NAME	ORGANIZATION	ADDRESS
Veresa Weiland	KSNA	Hiawatha, KS
Kelly Close	Dodge City Comm. College	Dodge City, KS
Brenda Bayne	DCCC - Hiring Program	Dodge City, KS
Carol Crith	KSNA	Vopeka, KS
Carol Gengler	KONE	Beloit, KS
Anita Culbertson	KONE	Websterland, KS
Diane Reid	KONE	Scandia, KS
Karen Lynch	KSNA / KONE	Seneca, KS
Lura Liza	KSNA	Opoka, KS
Theresa Skult	KSNA	Winfield, KS
Brenda Mando	KSNA	Wichita, KS
Sara Barber	KSNA	Winfield, KS
Margi G. Collins	KSNA	Arkansas City, KS
Perry Johnson	KSNA	Derby, KS
Bopha Chan	BCSN	Wichita, KS
Vicki Mahoney	Bethel College Student nurse	Newton, KS
Beggy Bruce	KSNA Southwestern College	Winfield, KS
Gandy L. Wilkey	KSNA - Southwestern College	Ark City, KS
Donna Fazzini	Southwestern College Nursing sch.	Winfield, KS
Sue Grauer	Baker Un SMVC	Holton, KS
Krista Julian	BAKER UNIV. SVC	LAWRENCE, KS
Mark Edwin Clark	KSNA - Med Resources	Lawrence, KS
Sharon Wolf	KS Gov't Consulting	Lawrence

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
PROPOSED LEGISLATION
3 RS 0057
Juvenile Offenders: Direct Placement

Summary

The proposed legislation amends the Kansas Juvenile Offenders Code to permit courts to order youth center placements only for felony type offenses. K.S.A. 38-1663(a)(6)(A) is amended to read, "has been adjudicated a juvenile offender for an offense that would be a felony if committed by a person 18 years of age or older".

Background

The current Juvenile Offender Code allows the court to order into a youth center any youth 13 years of age or older who had a prior adjudication as a juvenile offender or who is currently adjudicated for committing an A,B, or C felony offense. The proposed amendment would restrict direct commitments to Youth Centers to youth adjudicated for A, B or C felony offenses. The purpose is to provide the department with discretion over the admission of youth who have not committed felony offenses and thus utilize the youth centers for securing those youths who commit the most serious offenses.

The number of youth admitted to youth centers and the length of stay of those youth have been significantly reduced because of the number of admissions. With stricter controls on the release of youths adjudicated for violent offenses, youth center beds become increasingly a premium. Communities and the professionals serving the youth recommend longer stays for serious offenders in the youth centers. A significant percentage of the youth in the centers are misdemeanor type offenders. Typically, these are severely behavior disordered youth who have failed foster care and/or mental health placements but who have not committed a serious offense.

Effect of passage

The the proposed legislation provides an adequate level of supervision to meet public safety needs consistent with the level of risk the youth presents. It supports development of more community based and family focused resources consistent with the department's Family Agenda for Children and Youth. The department does not propose to refuse to admit all less-serious offenders, rather it is requesting authority to determine which offender youth require youth center treatment and which can be satisfactorily treated in their communities.

The proposed changes will permit the department to provide a longer period of confinement and treatment for the most serious offenders while enabling the department to appropriately manage the population of juvenile offenders placed in our care.

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Attn #1.

Legislative Testimony

Topic: An act concerning grants-in-aid for services to individuals who are mentally retarded or otherwise developmentally disabled.

Summary: This proposed bill clarifies that Social and Rehabilitation Services (SRS), particularly the Commission of Mental Health and Retardation Services, may provide grants-in-aid to fund services for individuals who are mentally retarded or otherwise developmentally disabled. The current statute's reference to other handicaps is vague, out of date and without specific definition. This wording and lack of specific definition may unnecessarily restrict these grants. Such possible restrictions could prevent grants-in-aid from being awarded to serve many other people who have severe life long disabilities such as autism, Prader-Willi etc.. Clarifying the statute specifying that grants-in-aid may be awarded to serve people who are otherwise developmentally disabled will allow funds to be awarded to agencies willing to serve people who have these other types of specific severe developmental disabilities.

Attached is the definition SRS uses in determining whether a person is otherwise developmentally disabled. This definition is consistent with definitions used in other states, with general practice in state administration of MR/DD services and with the definition which was adopted by the legislative interim subcommittee on MH&RS in 1992.

Expanding this definition does not in any way entitle individuals to services in excess of those appropriated by state and local governments. Expanding this definition does not automatically require funding be provided to serve everyone who meets this new target definition.

Finally, this expanded definition does not require every community agency to serve all individuals who meet this definition. Requiring community agencies to comply with this definition would require a change of the legislation which establishes such agencies in K.S.A. 19-4001 et. seq.. Currently, some community agencies do not support such a change. SRS/MH&RS will continue discussing this issue with these agencies in the next year in hopes of recommending changes in this statute next year.

Submitted by: Secretary Donna L. Whiteman
Commission: Mental Health and Retardation Services\
Date:
Committee:

PHW
2-11-93
attm # 2

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

1993 Legislative Proposal Summary

3 RS 0030 Timely Filing

The purpose of the proposed legislation to amend K.S.A. 1992 Supp. 39-708a is to extend the time in which providers may file claims. Currently, medical providers who participate in the Title XIX Medicaid or the state-funded MediKan programs have only six months to file claims with the SRS fiscal agent. This proposed amendment would extend the time for a provider to file a claim to 12 months.

The purpose of this bill is to eliminate unnecessary work and reduce provider "hassle". Medical Services and EDS Claims Resolution staff spend a significant amount of time researching timely filing denials to confirm agency errors or delays and override the timely filing limits. A considerable amount of time will be saved in the Division of Medical Services Claims Resolution Unit and Appeal unit explaining and confirming reasons to override timely filing. A great amount of time by the fiscal agent will be saved by eliminating special batching of overridden claims.

In addition, many claims have to have timely filing limits by-passed because of retroactive SSI determinations. These claims are being denied for the sole reason that the recipient's eligibility was not know in time for the provider to submit their claims timely. In each case the service provided was payable, except for the timely filing denial.

Medicare and most insurance companies have a one year initial filing and two year final adjudication limit. Providers are sometimes confused by this and fail to send their claims to Medicaid timely.

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Attn #3

H&E
Rene Benoit

October 13, 1992

_____ BILL NO.
BY _____

AN ACT relating to licensing speech-language pathologists and audiologists; amending K.S.A.

1991 Supp. 65-6505, K.S.A. 65-6506, and K.S.A. 65-6508. and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1991 Supp. 65-6505 is hereby amended to read as follows: 65-6505. Qualifications for licensure. Speech-language pathologists or audiologists shall meet the following qualifications for licensure under this act:

(a) Possess at least a master's degree ~~or equivalent~~ in speech-language pathology or audiology from an education institution with standards consistent with those of the state universities of Kansas approved by the secretary which consists of a course of study consistent with the standards of the state universities of Kansas approved by the secretary pursuant to the rules and regulations;

(b) complete supervised clinical practicum experiences from an educational institution or its cooperating programs the content of which shall be approved by the secretary and shall be consistent with the standards of the state universities of Kansas and delineated in the rules and regulations;

(c) complete a postgraduate professional experience as approved by the secretary pursuant to the rules and regulations; and

(d) pass an examination in speech-language pathology or audiology approved by the secretary.

Sec. 2. K.S.A. 65-6506 is hereby amended to read as follows: 65-6506. Application for licensure; expiration and renewal; fees; reinstatement of lapsed license; licensure without examination; licensure by another jurisdiction; temporary license. (a) Any applicant for licensure shall submit an application to the secretary upon the forms prescribed and furnished by the secretary and shall pay appropriate fees as established by the secretary, including examination fees if required. All licenses shall expire after two years and may be renewed by submitting an application, showing proof of completing required continuing education and paying a renewal fee to be established in regulations and collected by the secretary.

(b) At least 30 days before the expiration of the license, the secretary shall notify the licensee of the expiration by mail addressed to the licensee's last place of residence as noted upon the office records. If the licensee fails to submit an application and fee by the date of expiration of the license, the licensee shall be given a second notice that the license has expired and the license may only be renewed if the application, renewal fee, and late renewal fee are received by the secretary with the ~~thirty~~ 30-day period following the date

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of expiration and, if both fees are not received within the ~~thirty~~ 30-day period, the license shall be considered to have lapsed for failure to renew and shall be reissued only after the applicant has been reinstated under subsection (c).

(c) Any licensee who allows the licensee's license to lapse by failing to renew as herein provided may be reinstated upon payment of the renewal fee and the reinstatement fee, and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the secretary. The secretary shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of persons whose licenses have lapsed for failure to renew.

(d) Upon due application and payment of a licensure fee as established by the secretary within one year subsequent to ~~September 1, 1992~~ December 31, 1992, the secretary may waive the examination and grant a license to any applicant so long as the applicant:

(1) Has ~~met the education~~ at least a master's degree or equivalent in speech-language pathology or audiology, supervised clinical practicum experiences, and postgraduate professional experience set forth in this act on or before September 1, 1992; or

(2) has at least a master's degree or equivalent in speech-language pathology or audiology and has been actively engaged in the practice of speech-language pathology or audiology for at least two years of the last four years immediately preceding September 1, 1992; or

(3) holds a current teaching certificate by the Kansas department of education as a speech-language pathologist or audiologist on the effective date of this act; or

(4) has a bachelor's degree in speech-language pathology or audiology and has been actively engaged in the practice of speech-language pathology or audiology for at least three years of the last four years immediately preceding September 1, 1992.

(e) The secretary, upon application and payment of the endorsement fee and licensure fee fixed by the secretary, may issue a license as a speech-language pathologist or audiologist to any person who holds a valid license ~~or its equivalent~~ issued to such person by another state ~~or country~~ if the ~~requirements for the current~~ licensure standards in the issuing state of the speech language pathologist or audiologist under which such license or equivalent was issued are equivalent to or exceed the standards of this act.

(f) The secretary, upon application and payment of the temporary licensure fee, and submission of evidence of successful completion of the education and supervised clinical practicum experiences, may issue a temporary license, which shall expire 12 months from the date of issuance. The temporary license may be

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renewed for one period not to exceed 12 months by appeal to the secretary if the applicant has failed the examination or failed to complete the postgraduate professional experience.

Sec. 3. K.S.A. 65-6508 is hereby amended to read as follows: 65-6508. Denial, revocation, suspension, or limitation of license; grounds. The secretary shall deny, revoke, suspend, or limit the license provided for in this act for any of the following reasons:

(a) Making a false statement on an application for a license, or any other document required by the secretary;

(b) engaging or attempting to engage, or representing oneself as so entitled, to perform procedures not authorized in the license;

(c) demonstrating incompetence or making consistent negligent errors in tests or procedures;

(d) engaging in dishonorable, unethical, or unprofessional conduct ~~of a character likely to deceive, defraud or harm the public~~ as defined by rules and regulations;

(e) providing professional services while mentally incompetent, under the influence of alcohol or narcotic or controlled substance that is in excess of therapeutic amounts or without valid medical indication;

(f) violating or aiding and abetting in a violation of any provisions of this act or any of the rules and regulations adopted under this act; or

(g) having been convicted of a crime found by the secretary to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a speech-language pathologist or audiologist.

Sec. 4. K.S.A. 1991 Supp. 65-6505, K.S.A. 65-6506, and K.S.A. 65-6508 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

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L. Bue 9

KANSAS STATE BOARD OF HEALING ARTS BILL PROPOSAL

Session of 1993

HOUSE BILL NO. _____

AN ACT concerning the state board of healing arts; relating to the delegation of certain acts; authorizing the establishment of rules and regulations concerning disciplinary actions against physical therapists and physical therapist assistants; amending K.S.A. 65-2872, 65-2901, 65-2912 and 65-2918 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-2872 is hereby amended to read as follows: The practice of the healing arts shall not be construed to include the following persons:

(a) Persons rendering gratuitous services in the case of an emergency.

(b) Persons gratuitously administering ordinary household remedies.

(c) The members of any church practicing their religious tenets provided they shall not be exempt from complying with all public health regulations of the state.

(d) Students while in actual classroom attendance in an accredited healing arts school who after completing one (1) year's study treat diseases under the supervision of a licensed instructor.

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(e) Students upon the completion of at least three (3) years study in an accredited healing arts school and who, as a part of their academic requirements for a degree, serve a preceptorship not to exceed ninety (90) days under the supervision of a licensed practitioner.

(f) Persons who massage for the purpose of relaxation, muscle conditioning, or figure improvement, provided no drugs are used and such persons do not hold themselves out to be physicians or healers.

(g) Persons whose professional services are performed under the supervision or by order of or referral from a practitioner who is licensed under this act except that the board may by rules and regulations not inconsistent with the healing arts act establish those professional services which can only be performed by persons licensed under the healing arts act.

(h) Persons in the general fields of psychology, education and social work, dealing with the social, psychological and moral well-being of individuals and/or groups provided they do not use drugs and do not hold themselves out to be the physicians, surgeons, osteopathic physicians or chiropractors.

(i) Practitioners of the healing arts in the United States army, navy, air force, public health service, and coast guard or other military service when acting in the line of duty in this state.

(j) Practitioners of the healing arts licensed in another state when and while incidentally called into this state in

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consultation with practitioners licensed in this state, or residing on the border of a neighboring state, duly licensed under the laws thereof to practice a branch of the healing arts, but who do not open an office or maintain or appoint a place to regularly meet patients or to receive calls within this state.

(k) Dentists practicing their professions, when licensed and practicing in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, or amendments thereto, and any interpretation thereof by the supreme court of this state.

(l) Optometrists practicing their professions, when licensed and practicing under and in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, or amendments thereto, and any interpretation thereof by the supreme court of this state.

(m) Nurses practicing their profession when licensed and practicing under and in accordance with the provisions of article 11 of chapter 65 of the Kansas Statutes Annotated, or amendments thereto, and any interpretation thereof by the supreme court of this state.

(n) Podiatrists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, or amendments thereto, and any interpretation thereof by the supreme court of this state.

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(o) Every act or practice falling in the field of the healing art, not specifically excepted herein, shall constitute the practice thereof.

(p) Pharmacists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 16 of chapter 65 of the Kansas Statutes Annotated, or amendments thereto, and any interpretation thereof by the supreme court of this state.

(q) A dentist licensed in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated who administers general and local anesthetics to facilitate medical procedures conducted by a person licensed to practice medicine and surgery if such dentist is certified by the board of healing arts under K.S.A. 65-2899 to administer such general and local anesthetics.

Section 2. K.S.A. 65-2901 is hereby amended to read as follows: 65-2901. (a) As used in this act, 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. This includes the administration and evaluation of tests and measurements of bodily functions and structures in aid of treatment; the planning, administration, evaluation and modifications of treatment and instruction, including the use of physical measures, activities and devices for prevention and therapeutic purposes; and the provision of consultative, educational and advisory services for the purpose

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of reducing the incidence and severity of physical disability and pain. The use of roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the practice of medicine and surgery are not authorized or included under the term "physical therapy" as used in this act.

(b) "Physical therapist" means a person who practices physical therapy as defined in this act and delegates selective forms of treatment to supportive personnel under the supervision of such person. Any person who successfully meets the requirements of K.S.A. 65-2906 and amendments thereto shall be known and designated as a physical therapist and may designate or describe oneself as a physical therapist, physiotherapist, registered physical therapist, P.T., Ph.T. or R.P.T. Physical therapists may evaluate patients without ~~physician~~ referral but may initiate treatment only after ~~consultation with and approval by a physician licensed to practice medicine and surgery, a licensed podiatrist or a licensed dentist in appropriately related cases~~ in accordance with rules and regulations which shall be established by the state board of healing arts.

(c) "Physical therapist assistant" means a person who works under the direction of a physical therapist, and who assists in the application of physical therapy, and whose activities require an understanding of physical therapy, but do not require professional or advanced training in the anatomical, biological and physical sciences involved in the practice of physical therapy. Any person

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who successfully meets the requirements of K.S.A. 65-2906 and amendments thereto shall be known and designated as a physical therapist assistant, and may designate or describe oneself as a physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst.

Section 3. K.S.A. 65-2912 is hereby amended to read as follows: 65-2912. (a) The board may refuse to grant a certificate of registration to any physical therapist or a certificate to any physical therapist assistant, or may suspend or revoke the registration of any registered physical therapist or certificate of any certified physical therapist assistant for any of the following grounds:

(1) Addiction to or distribution of intoxicating liquors or drugs for other than lawful purposes;

(2) conviction of a felony if the board determines, after investigation, that the physical therapist or physical therapist assistant has not been sufficiently rehabilitated to warrant the public trust;

(3) obtaining or attempting to obtain registration or certification by fraud or deception;

(4) finding by a court of competent jurisdiction that the physical therapist or physical therapist assistant is a disabled person and has not thereafter been restored to legal capacity;

(5) unprofessional conduct as defined by rules and regulations adopted by the board;

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(6) the treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by this act;

(7) failure to refer patients to other health care providers if symptoms are present for which physical therapy is inadvisable or if symptoms indicate conditions for which treatment is outside the scope of knowledge of the registered physical therapist;

(8) ~~initiating treatment without prior consultation and approval by a physician licensed to practice medicine and surgery, by a licensed chiropractor, a licensed podiatrist or by a licensed dentist; and~~

~~(9) knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement; and~~

(9) violating any lawful order or rule and regulation of the board.

(b) All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.

Section 4. K.S.A. 65-2918 is hereby amended to read as follows: Physical therapists practicing their profession, when registered and practicing under and in accordance with the provisions of article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or

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supplemental thereto, and in accordance with rules and regulations adopted pursuant thereto, shall not be construed to be practicing the healing arts or be subject to the healing arts act.

Section 5. K.S.A. 65-2872, 65-2901, 65-2912 and 65-2918 are hereby repealed.

Section 6. This act shall take effect and be in force from and after its publication in the statute book.

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HOUSE BILL No. 2072

By Committee on Public Health and Welfare

1-20

AN ACT concerning the board of nursing; licensure, qualification and authorization; unlawful acts; amending K.S.A. 65-1114, 65-1115, 65-1116, 65-1117, 65-1118, 65-1118a, 65-1132, 65-1152, 65-1155, 65-4203 and 65-4205 and repealing the existing sections; also repealing K.S.A. 65-1156, 65-1157 and 65-1160.

Be it enacted by the Legislature of the State of Kansas:

[Section 1. K.S.A. 65-1114 is hereby amended to read as follows: 65-1114. (a) It shall be unlawful for any person to:

(1) To Practice or to offer to practice professional nursing in this state; or

(2) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a registered professional nurse; or

(3) to practice or offer to practice practical nursing in this state; or

(4) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed practical nurse, unless such person has been duly licensed under the provisions of this act Kansas nurse practice act.

(b) It shall be unlawful for any person to:

(1) To Practice or offer to practice as an advanced registered nurse practitioner in this state; or

(2) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is an advanced registered nurse practitioner, unless such person has been duly issued a certificate of qualification as an advanced registered nurse practitioner under the Kansas nurse practice act.

(c) It is unlawful for any person to:

(1) Practice or to offer to practice as a registered nurse anesthetist in this state; or

(2) use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a registered nurse anesthetist, unless such person has been duly authorized as a registered nurse anesthetist under the Kansas nurse practice act.]

[Sec. 2.] K.S.A. 65-1115 is hereby amended to read as follows:

Note: Material in [brackets] would be deleted.

[Section 1.

And by renumbering sections accordingly

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65-1115. (a) *Qualifications of applicants.* An applicant for a license to practice as a registered professional nurse shall file with the board written application for a license and submit satisfactory proof that the applicant: (1) Has graduated from a high school accredited by the appropriate legal accrediting agency or has obtained the equivalent of a high school education, as determined by the state department of education; (2) has successfully completed the basic professional curriculum in an accredited school of professional nursing and holds evidence of graduation from the school or has successfully completed the basic professional curriculum in a school of professional nursing located outside this state which maintains standards at least equal to schools of professional nursing which are accredited by the board and holds evidence of graduation from the school; (3) has been satisfactorily rehabilitated if the applicant has ever been convicted of a felony; and (4) has obtained other qualifications not in conflict with this act as the board may prescribe.

(b) *License.* (1) *By examination.* An applicant shall be required to pass an examination in such subjects as the board may prescribe. Each examination may be supplemented by an oral or practical examination. Upon successfully passing such examinations the board shall issue to the applicant a license to practice nursing as a registered professional nurse.

(2) *Without examination.* The board may issue a license to practice nursing as a registered professional nurse without examination to an applicant who has been duly licensed or registered as a registered professional nurse by examination under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the qualifications required of a licensed professional nurse in this state.

(3) *Persons licensed under previous law.* Any person who was licensed immediately prior to the effective date of this act as a registered professional nurse, shall be deemed to be licensed as a registered professional nurse under this act and shall be eligible for renewal licenses upon compliance with K.S.A. 65-1117 and any amendments thereto.

(4) *Repeated examination failure.* Persons who are unsuccessful in passing the licensure examination after four failures shall petition the board for permission prior to subsequent attempts. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination for the fifth time or any subsequent attempt.

(c) *Title and abbreviation.* Any person who holds a license to practice as a registered professional nurse in this state shall have

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1 the right to use the title, "registered nurse," and the abbreviation,
2 "R.N." No other person shall assume the title or use the abbreviation
3 or any other words, letters, signs or figures to indicate that the
4 person is a registered professional nurse.

5 (d) *Temporary permit.* The board may issue a temporary permit
6 to practice nursing as a registered professional nurse for a period
7 not to exceed ~~60~~ 90 days, ~~except that. The 90-day temporary permit~~
8 *may be renewed for an additional 30 days but not to exceed a*
9 *combined total of 120 days.* The board may issue a temporary permit
10 to practice nursing as a registered professional nurse for a period
11 not to exceed 180 days to an applicant for a license as a registered
12 professional nurse who is enrolled in a refresher course required by
13 the board for reinstatement of a license which has lapsed for more
14 than five years or for licensure in this state from another state if
15 the applicant has not been engaged in practice of nursing for five
16 years preceding application. The 180-day temporary permit may be
17 renewed by the board for one additional period not to exceed 180
18 days.

19 Sec. 3. K.S.A. 65-1116 is hereby amended to read as follows:
20 65-1116. (a) *Qualification.* An applicant for a license to practice as
21 a licensed practical nurse shall file with the board a written appli-
22 cation for a license and submit to the board satisfactory proof that
23 the applicant: (1) Has graduated from a high school accredited by
24 the appropriate legal accrediting agency or has obtained the equiv-
25 alent of a high school education, as determined by the state de-
26 partment of education; (2) has successfully completed the prescribed
27 curriculum in an accredited school of practical nursing and holds
28 evidence of graduation from the school or has successfully completed
29 the prescribed curriculum in an accredited school of practical nursing
30 located outside this state which maintains standards at least equal
31 to schools of practical nursing which are accredited by the board
32 and holds evidence of graduation from the school; and (3) has ob-
33 tained other qualifications not in conflict with this act as the board
34 may prescribe.

35 (b) *License.* (1) *By examination.* The applicant shall be required
36 to pass an examination in such subjects as the board may prescribe.
37 Each examination may be supplemented by an oral or practical ex-
38 amination. Upon successfully passing such examinations, the board
39 shall issue to the applicant a license to practice as a licensed practical
40 nurse. (2) *Without examination.* The board may issue a license to
41 practice as a licensed practical nurse without examination to any
42 applicant who has been duly licensed or registered by examination
43 as a licensed practical nurse or a person entitled to perform similar

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1 services under a different title under the laws of any other state,
2 territory or foreign country if, in the opinion of the board, the
3 applicant meets the requirements for licensed practical nurses in this
4 state. (3) *Renewal license.* A licensed practical nurse licensed under
5 this act shall be eligible for renewal licenses upon compliance with
6 K.S.A. 65-1117 and ~~any~~ amendments thereto. (4) *Repeated exami-*
7 *nation failure. Persons who are unsuccessful in passing the licensure*
8 *examination after four failures shall petition the board for permission*
9 *prior to subsequent attempts. The board may require the applicant*
10 *to submit and complete a plan of study prior to taking the licensure*
11 *examination for the fifth time or any subsequent attempt.*

12 (c) *Title and abbreviation.* Any person who holds a license to
13 practice as a licensed practical nurse in this state shall have the right
14 to use the title, "licensed practical nurse," and the abbreviation,
15 "L.P.N." No other person shall assume the title or use the abbrevi-
16 ation or any other words, letters, signs or figures to indicate that
17 the person is a licensed practical nurse.

18 (d) *Temporary permit.* The board may issue a temporary permit
19 to practice nursing as a licensed practical nurse for a period not to
20 exceed 60 days, ~~except that 90 days.~~ *The 90-day temporary permit*
21 *may be renewed for an additional 30 days not to exceed a combined*
22 *total of 120 days.* The board may issue a temporary permit to practice
23 nursing as a licensed practical nurse for a period not to exceed 180
24 days to an applicant for a license as a licensed practical nurse who
25 is enrolled in a refresher course required by the board for rein-
26 statement of a license which has lapsed for more than five years or
27 for licensure in this state from another state if the applicant has not
28 been engaged in practice of nursing for five years preceding appli-
29 cation. The 180-day temporary permit may be renewed by the board
30 for one additional period not to exceed 180 days.

31 Sec. 4. K.S.A. 65-1117 is hereby amended to read as follows:
32 65-1117. (a) All licenses issued under the provisions of this act,
33 whether initial or renewal, shall expire every two years. The expi-
34 ration date shall be established by the rules and regulations of the
35 board. The board shall mail an application for renewal of license to
36 every registered professional nurse and licensed practical nurse at
37 least 60 days prior to the expiration date of such person's license.
38 Every person so licensed who desires to renew such license shall
39 file with the board, on or before the date of expiration of such license,
40 a renewal application together with the prescribed biennial renewal
41 fee. Every licensee who is no longer engaged in the active practice
42 of nursing may so state by affidavit and submit such affidavit with
43 the renewal application. *An inactive license may be requested along*

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R. 10

Continuing nurse education means organized learning experiences which are designed to enhance knowledge, improve skills and develop attitudes that enhance nursing and improve health care to the public.

with payment of a fee which shall be fixed by rules and regulations of the board. The board shall require every licensee in the with an active practice of nursing within the state license to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to such licensees by medical care facilities. Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116 and amendments thereto in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

(b) Any person who fails to secure a renewal license within the time specified herein may secure a renewal reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for renewal set forth in subsection (a), reinstatement including payment to the board of a reinstatement fee as established by the board.

(c) Each licensee shall notify the board in writing of a change in name or address within 30 days of the change. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.

Sec. 5. K.S.A. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

Application for license—professional nurse	\$75
Application for license—practical nurse	50
Application for biennial renewal of license—professional nurse and practical nurse	40 60
Application for reinstatement of license	50 70
Application for reinstatement of licenses with temporary permit	100
Certified copy of license	25
Duplicate of license	25
Inactive license	20

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1	Application for certificate of qualification—advanced registered nurse	
2	practitioner.....	50
3	Application for certificate of qualification with temporary permit—ad-	
4	vanced registered nurse practitioner.....	100
5	Application for renewal of certificate of qualification—advanced regis-	
6	tered nurse practitioner.....	20
7	Application for reinstatement of certificate of qualification—advanced	
8	registered nurse practitioner.....	50
9	Application for authorization—registered nurse anesthetist	75
10	Application for authorization with temporary authorization—registered	
11	nurse anesthetist.....	110
12	Application for biennial renewal of authorization—registered nurse	
13	anesthetist.....	60
14	Application for reinstatement of authorization—registered nurse	
15	anesthetist.....	75
16	Application for reinstatement of authorization with temporary authori-	
17	zation—registered nurse anesthetist	100
18	Verification of license to another state.....	30
19	(b) The board may require that fees paid for any examination	
20	under the Kansas nurse practice act be paid directly to the exam-	
21	ination service by the person taking the examination.	
22	Sec. 6. K.S.A. 65-1118a is hereby amended to read as follows:	
23	65-1118a. (a) The board shall collect fees provided for in this act as	
24	fixed by the board, but not exceeding:	
25	Application for accreditation—schools of nursing	\$1,000
26	Biennial renewal Annual fee of accreditation—schools of nursing....	500 400
27	Application for approval of continuing education providers.....	200
28	Annual fee for continuing education providers.....	75
29	Approval of single continuing education offerings	100
30	Consultation by request, not to exceed per day on site	400
31	[Application for course of intravenous fluid therapy.....	100]
32	(b) In addition to the above prescribed fees, consultants' travel	
33	expenses shall be charged to the person, firm, corporation or insti-	
34	tution requesting consultation services to be provided by the board.	
35	Sec. 7. K.S.A. 65-1132 is hereby amended to read as follows:	
36	65-1132. (a) All certificates of qualification issued under the provisions	
37	of this act, whether initial or renewal, shall expire every two years.	
38	The expiration date shall be established by rules and regulations of	
39	the board. The board shall mail an application for renewal of a	
40	certificate of qualification to every advanced registered nurse prac-	
41	titioner at least 60 days prior to the expiration date of such person's	
42	license. Every person who desires to renew such certificate of qual-	
43	ification shall file with the board, on or before the date of expiration	



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The continuing education requirements established by the board under this section shall not be in addition to continuing education requirements established for the renewal of a license under K.S.A. 65-1117 and amendments thereto. Out of the total hours of continuing education established by the board under K.S.A. 65-1117 and amendments thereto, the board may require certain categories of licensees with an active certification as advanced registered nurse practitioners to obtain a minimum number of continuing education hours in pharmacology, as established by rules and regulations of the board, (but the board shall not require that the remaining number of required continuing education hours be in the area of specialty of the advanced registered nurse practitioner.)

1 of such certificate of qualification, a renewal application together
2 with the prescribed biennial renewal fee. *The board shall require*
3 *every licensee with an active certification as an advanced registered*
4 *nurse practitioner to submit with the renewal application evidence*
5 *of satisfactory completion of a program of continuing education re-*
6 *quired by the board. The board shall adopt rules and regulations*
7 *to establish the requirements for such program of continuing edu-*
8 *cation.* Upon receipt of such application and payment of any appli-
9 cable fee, and upon being satisfied that the applicant for renewal of
10 a certificate of qualification meets the requirements established by
11 the board under K.S.A. 65-1130 and amendments thereto in effect
12 at the time of initial qualification of the applicant, the board shall
13 verify the accuracy of the application and grant a renewal certificate
14 of qualification.

15 (b) Any person who fails to secure a renewal certificate of qual-
16 ification prior to the expiration of the certificate of qualification may
17 secure a renewal reinstatement of such lapsed certificate of quali-
18 fication by making application therefor on a form provided by the
19 board, upon furnishing proof that the applicant is competent and
20 qualified to act as an advanced registered nurse practitioner and
21 upon satisfying all of the requirements for renewal set forth in
22 subsection (a), reinstatement including payment to the board of a
23 reinstatement fee as established by the board.

24 (c) Any person who on June 20, 1982, held a certificate of
25 qualification as an advanced registered nurse practitioner may
26 secure a certificate of qualification as an advanced registered
27 nurse practitioner under this act by making application therefor
28 on a form provided by the board, by furnishing proof that the
29 applicant is competent and qualified to act as an advanced
30 registered nurse practitioner, by furnishing proof that any ap-
31 plicable continuing education requirement has been satisfied
32 by the applicant and by paying to the board a fee equal to the
33 prescribed biennial renewal fee as established by the board
34 reduced (but not below zero) by an amount computed by di-
35 viding the fee paid for the certificate of qualification as an
36 advanced registered nurse practitioner by the person who on
37 June 20, 1982, held such certificate by 24 and multiplying that
38 amount by a number equal to the number of whole months
39 which remained after June 20, 1982, before such certificate
40 would have expired.

41 Sec. 8. K.S.A. 65-1152 is hereby amended to read as follows:
42 65-1152. (a) In order to obtain authorization from the board of nursing
43 to practice as a registered nurse anesthetist an individual shall meet

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1 the following requirements:

2 (1) Is licensed to practice professional nursing under the Kansas
3 nurse practice act;

4 (2) has successfully completed a course of study in nurse anes-
5 thesia in a school of nurse anesthesia accredited or approved by the
6 board; and

7 (3) has successfully completed an examination approved by the
8 board or has been certified by a national organization whose certifying
9 standards are approved by the board as equal to or greater than the
10 corresponding standards established under this act for obtaining au-
11 thorization to practice as a registered nurse anesthetist.

12 (b) *Accreditation of schools of nurse anesthesia shall be based*
13 *on accreditation standards specified in K.S.A. 65-1119 and amend-*
14 *ments thereto.*

15 ~~(b)~~ (c) Schools of nurse anesthesia accredited or approved by the
16 board under this section may offer, but shall not be required to
17 offer, a masters level degree program in nurse anesthesia.

18 ~~(c)~~ (d) For the purposes of determining whether an individual
19 meets the requirements of item (2) of subsection (a), the board by
20 rules and regulations shall establish criteria for determining whether
21 a particular school of nurse anesthesia maintains standards which are
22 at least equal to schools of nurse anesthesia which are accredited or
23 approved by the board. The board may send a questionnaire de-
24 veloped by the board to any school of nurse anesthesia for which
25 the board does not have sufficient information to determine whether
26 the school meets the standards established under this subsection ~~(c)~~
27 ~~(d)~~. The questionnaire providing the necessary information shall be
28 completed and returned to the board in order for the school to be
29 considered for approval. The board may contract with investigative
30 agencies, commissions or consultants to assist the board in obtaining
31 information about schools of nurse anesthesia. In entering such con-
32 tracts the authority to approve schools of nurse anesthesia shall re-
33 main solely with the board.

34 Sec. 9. K.S.A. 65-1155 is hereby amended to read as follows:
35 65-1155. (a) All authorizations to practice under this act, whether
36 initial or renewal, shall expire every two years. ~~To provide for a~~
37 ~~system of~~ *The* biennial authorizations to practice as a registered
38 nurse anesthetist ~~that shall~~ expire at the same time as the license
39 to practice as a registered nurse; ~~the board may provide by rules~~
40 ~~and regulations that authorizations to practice issued or re-~~
41 ~~newed for the first time after the effective date of this act may~~
42 ~~expire less than two years from the date of issuance or renewal.~~
43 ~~In each case in which an authorization to practice is issued or~~

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1 renewed for a period of time less than two years, the board
2 shall prorato to the nearest whole month the authorization to
3 practice original application fee or renewal fee established pur-
4 suant to K.S.A. 65-1154 and amendments thereto. The board
5 shall mail an application for renewal of the authorization to practice
6 to every registered nurse anesthetist at least 90 60 days prior to the
7 expiration date of such person's authorization to practice. To renew
8 such authorization to practice the registered nurse anesthetist shall
9 file with the board, before the date of expiration of such authorization
10 to practice, a renewal application together with the prescribed bi-
11 ennial renewal fee. Upon satisfaction of the requirements of sub-
12 section (a) of K.S.A. 65-1159 and amendments thereto the board
13 shall grant the renewal of an authorization to practice as a registered
14 nurse anesthetist to the applicant.

15 (b) Any person who fails to secure the renewal of an authorization
16 to practice prior to the expiration of the authorization may secure
17 a ~~renewal~~ reinstatement of such lapsed authorization by making
18 application on a form provided by the board. Such ~~renewal rein-~~
19 ~~statement~~ shall be granted upon receipt of proof that the applicant
20 is competent and qualified to act as a registered nurse anesthetist,
21 has satisfied all of the requirements ~~for renewal set forth in sub-~~
22 ~~section (a)~~ and has paid the board a reinstatement fee as established
23 by the board by rules and regulation ~~in an amount not to exceed~~
24 \$80.

[in accordance with K.S.A. 65-1118 and amendments thereto]

25 Sec. 10. K.S.A. 65-4203 is hereby amended to read as follows:
26 65-4203. (a) Except as is hereinafter provided, an applicant for a
27 license to practice as a mental health technician shall file with the
28 board a written application for such license, on forms prescribed by
29 the board, and shall submit satisfactory evidence that the applicant:

30 (1) Has been satisfactorily rehabilitated if the applicant has ever
31 been convicted of a felony;

32 (2) possesses a high school education or its recognized equivalent;
33 and

34 (3) has satisfactorily completed an approved course of mental
35 health technology.

36 (b) A license to perform as a mental health technician may only
37 be issued by the board to an applicant:

38 (1) Meeting the qualifications set forth in subsection (a) and who
39 has successfully passed a written examination in mental health tech-
40 nology as prescribed and conducted by the board; or

41 (2) ~~to an applicant~~ who has been duly licensed by examination
42 under the laws of another state, territory or foreign country if, in
43 the opinion of the board, the requirements for licensure in such

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1 other jurisdiction equal or exceed the qualifications required to prac-
2 tice as a mental health technician in this state.

3 (c) *Persons who are unsuccessful in passing the licensure ex-*
4 *amination after four failures shall petition the board for permission*
5 *prior to subsequent attempts. The board may require the applicant*
6 *to submit and complete a plan of study prior to taking the licensure*
7 *examination for the fifth time or any subsequent attempt.*

8 (e) (d) The board may issue a one-time temporary permit to
9 practice as a mental health technician for a period not to exceed 60
10 days when a reinstatement application has been made.

11 (d) (e) The board may adopt rules and regulations as necessary
12 to administer the mental health technician's licensure act.

13 Sec. 11. K.S.A. 65-4205 is hereby amended to read as follows:
14 65-4205. (a) ~~On or before September 1, 1983, the board shall~~
15 ~~mail an application for renewal of license to all licensed mental~~
16 ~~health technicians. Commencing with the 1984 calendar year,~~
17 ~~all licenses of mental health technicians, whether initial or~~
18 ~~renewal, shall expire on December 31 of the second calendar~~
19 ~~year after issuance. On or before September 1, 1984, and on~~
20 ~~or before such date every year thereafter, The board shall mail~~
21 ~~an application for renewal of license to all licensed mental health~~
22 ~~technicians whose license expires during such year at least 60~~
23 ~~days prior to the expiration date of December 31. Every mental~~
24 ~~health technician who desires to renew a license shall file with the~~
25 ~~board, on or before December 31 of such year even-numbered years,~~
26 ~~a renewal application together with the prescribed renewal fee. Every~~
27 ~~licensee who is no longer engaged in the active practice of mental~~
28 ~~health technology may so state by affidavit and submit such affidavit~~
29 ~~with the renewal application. An inactive license may be requested~~
30 ~~along with payment of a fee as determined by rules and regulations~~
31 ~~of the board.~~

32 (b) ~~Commencing with calendar year 1986, The board shall~~
33 ~~require every licensee in the with an active practice license of~~
34 ~~mental health technology within the state to submit with the renewal~~
35 ~~application evidence of satisfactory completion of a program of con-~~
36 ~~tinuing education required by the board. The board by duly adopted~~
37 ~~rules and regulations shall establish the requirements for such pro-~~
38 ~~gram of continuing education.~~

39 (e) ~~Upon receipt of such application and fee during calendar~~
40 ~~year 1983, the board shall verify the accuracy of the application~~
41 ~~and grant a renewal license which shall be effective for the~~
42 ~~1984 calendar year, and such renewal license shall render the~~
43 ~~holder thereof a practitioner of mental health technology for~~

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the period stated. Upon receipt of such application and fee during calendar year 1984 and each year thereafter and, commencing with renewal applications received during calendar year 1986 and each year thereafter, upon receipt of the evidence of satisfactory completion of the required program of continuing education and evidence of satisfactory completion of the required program of continuing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-4203 and amendments thereto in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license which shall be effective for the next two calendar years, and such renewal license shall render the holder thereof a practitioner of mental health technology for the period stated.

(d) (b) Any licensee who fails to secure a renewal license within the time specified herein may secure a renewal reinstatement of such lapsed license by making verified application therefor on a form prescribed by the board together with the prescribed reinstatement fee and, for licenses which lapsed during calendar year 1986 and thereafter, evidence of satisfactory completion of the required program of continuing education. Such application shall furnish satisfactory evidence as required by the board that the applicant is presently competent and qualified to perform the responsibilities of a mental health technician, with the board to be the sole judge of the adequacy of the evidence so presented and of satisfying all the requirements for reinstatement.

(c) Each licensee shall notify the board in writing of a change in name or address within 30 days of the change. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.

~~[New Sec. 12. The board shall appoint a disciplinary counsel, with the duties set out in this act. The disciplinary counsel shall be an attorney admitted to practice law in Kansas. The disciplinary counsel shall have the power and the duty to investigate or cause to be investigated all matters involving professional incompetency, unprofessional conduct or any other matter which may result in disciplinary action against a licensee pursuant to the Kansas nurse practice act or the mental health technician's licensure act and amendments thereto. In the performance of these duties, the disciplinary counsel may apply to any court having power to issue subpoenas for an order to require by subpoena the attendance of any person or by subpoena duces tecum the production of any records for the purpose of the~~

HB 2223--Alternatives

I. Options

- A. Delete the sentence commencing in line 23.
- B. Delete the sentence commencing in line 23 and all of subsection (c) and delete "Prior to July 1, 1995," in line 19.
- C. Strike all of (b) and leave (c).
- D. Strike all of (c) and leave (b).

Any combination of these options.

II. Grandfather designated room and individuals as long as they are employed. Upon termination from state service, room would be a no-smoking area.

III. Define enclosed office to allow for offices partitioned off where the partition does not extend to the ceiling to constitute "enclosed offices" under subsection (b).

IV. In subsection (c) give cabinet secretaries authority to designate specific self-contained rooms as smoking areas for controlled population (correctional institution, state hospitals).

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