

Approved: 2-24-93  
Date

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

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on February 15, 1993 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Norman Furse, Revisor of Statutes  
William Wolff, Legislative Research Department  
Emalene Correll, Legislative Research Department  
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Robert C. Harder, Secretary, Kansas Health and Environment  
Kay Farley, Children and Youth Advocacy Committee - Corporation for Change  
Mark Tallman, Director of Governmental Relations, Kansas Association of School Boards  
Chip Wheelen, Kansas Medical Society

Others attending: See attached list

The Chair opened the hearing on **SB 199** - Preschool students required to receive inoculations.

Staff briefed the Committee on the bill and provided copies of the statutes pertaining to the bill. (Attachment 1) Staff stated more information would be provided to the Committee on whether or not the new section in the bill would conform to federal law or be consistent with state statutes.

Robert Harder, Secretary, Kansas Department of Health and Environment, appeared in support of **SB 199** and noted passage of the bill would provide coverage for approximately 5,000 to 6,000 children in the state not presently covered. (Attachment 2) In response to questions, Dr. Harder stated the immunization records of the child would be the only information disclosed and not his/her total health history. Committee discussion related to what individuals should have access to this information, and it was agreed further study needed to be made regarding this issue. Dr Harder stated it was the Department's goal to have a tracking system in place by 1995, and parents at that time would also be able to indicate on a birth certificate whether to share information about their child's health record.

Kay Farley, Corporation for Change, appeared in support of **SB 199** and stated the bill would fulfill one of the "Blueprint for Investing in the Future of Kansas Children and Families" objectives by closing a gap for those children that attend preschool by requiring them to receive such tests and inoculations as deemed necessary by the Secretary of Health and Environment. (Attachment 3) In answer to a member's question in regard to releasing of records, Ms. Farley stated one of the problems identified in the "Blueprint" was barriers and that confidentiality plays a big part. She sees no problems with the language in new Section 2.

Mark Tallman, KASB, stated the Board supports immunization requirements as set forth in the bill, and would confer with their legal department regarding complying with federal confidentiality requirements. (Attachment 4) It was noted that school districts do not have the authority to operate day care programs, and this bill may be ahead of **HB 2036** in regard to dealing with day care facilities in school districts. Mr. Tallman stated he would look into the issue of confidentiality and what the school board policy would be on this issue. Staff stated there is no specific statutory authority for sharing individual names with the Department of Health and Environment.

Chip Wheelen, KMS, stated the privilege does not belong to the physician -- the privilege belongs to the patient, and this bill allows the physician's office to communicate immunization information to the day care center. Committee discussion related to the question of who should have access to such information and changing language in the bill that would define this action.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S  
Statehouse, at 10:00 a.m. on February 15, 1993.

Final action and discussion on **SB 83** - Examinations for embalmer's license.

A balloon copy of the bill was distributed to the Committee showing a proposed amendment to be added on page 1, line 41 of the bill, "The board may require that fees paid for an examination by the person taking the examination directly to the examination service providing the examination approved by the board." (Attachment 5) Senator Salisbury made a motion to adopt the amendment, seconded by Senator Langworthy. No discussion followed. The motion carried. Senator Lee made a motion to recommend **SB 83 as amended** favorably for passage, seconded by Senator Salisbury. The motion carried.

Final action and discussion on **SB 84** - Civil penalties for the violation of pharmacy act.

A balloon copy of the bill was distributed to the Committee showing an amendment on page 5, line 23, after the word "registration", insert "as a nonresident pharmacy", (Attachment 6) Senator Salisbury made a motion to adopt the amendment, seconded by Senator Langworthy. The motion carried. Senator Langworthy made a motion to recommend **SB 84 as amended** favorably for passage, seconded by Senator Salisbury. The motion carried.

Final action and discussion on **SB 17** - The advanced registered nurse practitioner student scholarship program.

Two amendments were adopted at the February 11, 1993, Committee meeting stating that scholarship priority go to those nurses under specific categories and scholarship recipients be enrolled full time. Committee discussion related to attracting students to the program from rural areas, the number of slots to be filled and concerns regarding the fiscal impact of the bill. Senator Salisbury made a motion language be added to the bill clarifying the program is subject to appropriations and not an entitlement program, seconded by Senator Ramirez. The motion carried. Senator Salisbury made a motion to recommend **SB 17 as amended** favorably for passage, seconded by Senator Langworthy. The motion carried. Senator Walker requested his vote be recorded as "No".

The Chair called for consideration of the minutes of February 9, 10, 11, and 12, 1993. Senator Langworthy made a motion to approve the minutes as written, seconded by Senator Ramirez. No discussion followed. The motion carried.

The meeting was adjourned at 11:00 A.M.

The next meeting is scheduled for February 17, 1993.

## GUEST LIST

COMMITTEE: SENATE PUBLIC HEALTH AND WELFARE

DATE: 2-15-93

[illegible]

SB 199

## 72-5208

## SCHOOLS

"Industrial quality eye protective devices," as used in this section, means devices meeting the standards of the United States of America standard practice for occupational and educational eye and face protection, Z87. 1-1968, promulgated by the American national standards institute, inc.

The provisions of this section shall apply to industrial quality eye protective devices purchased or otherwise obtained for use after the effective date of this act, and shall not have retroactive application to disqualify any such device in use on or before the effective date of this act.

**History:** L. 1967, ch. 408, § 1; L. 1978, ch. 290, § 1; July 1.

### IMMUNIZATION

**72-5208.** Health tests and inoculations; definitions. As used in this act:

(a) "School board" means the board of education of a school district and the governing authority of any nonpublic school;

(b) "school" means all elementary, junior high, or high schools within the state;

(c) "local health department" means any county or joint board of health established under the laws of Kansas and having jurisdiction over the place where any pupil affected by this act may reside;

(d) "secretary" means the secretary of the state department of health and environment;

(e) "physician" means a person licensed to practice medicine and surgery.

**History:** L. 1961, ch. 354, § 1; L. 1978, ch. 291, § 1; July 1.

#### Research and Practice Aids:

Schools 158(1).

C.J.S. Schools and School Districts § 453.

#### Attorney General's Opinions:

Doctors of chiropractic cannot use the term "chiropractic physician." 87-42.

**72-5209.** Health tests and inoculations; certification of completion required, alternatives; duties of school boards. (a) Subject to the provisions of subsection (c), in each school year, every pupil enrolling or enrolled in any school for the first time in this state, and such other pupils as may be designated by the secretary, prior to admission to and attendance in school, shall present to the appropriate school board certification from a physician or local health department that the pupil has received, or is in the process of receiving and will have completed within 90 days after admission to school, such tests and inoculations as are

deemed necessary by the secretary by such means as are approved by the secretary.

(b) As an alternative to the certification required under subsection (a), a pupil shall present:

(1) Certification from a licensed physician stating the physical condition of the child to be such that the tests or inoculations would seriously endanger the life or health of the child, or

(2) a written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations, or

(3) a written statement signed by one parent or guardian that such tests or inoculations are in the process of being received and will be completed within 90 days after admission to school.

(c) Every pupil enrolling or enrolled in any school in this state who has not complied with the requirements of subsections (a) or (b) of this section, shall present evidence of compliance with either of such subsections to the school board upon admission to school.

(d) Prior to the commencement of each school year, the school board of every school affected by this act shall give to all known pupils who are enrolled or who will be enrolling in the school, or as designated by the secretary, a copy of this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

(e) If a pupil transfers from one school to another, the school board of the school from which the pupil transfers shall forward with the pupil's transcript, upon request of the parent or guardian of the pupil therefor, the certification or statement showing evidence of compliance with the requirements of this act to the school board of the school to which the pupil transfers.

**History:** L. 1961, ch. 354, § 2; L. 1965, ch. 412, § 1; L. 1970, ch. 283, § 1; L. 1975, ch. 462, § 107; L. 1978, ch. 291, § 2; L. 1981, ch. 285, § 1; July 1.

#### Law Review and Bar Journal References:

"The National Childhood Vaccine Injury Act: Implications for DPT Vaccine Manufacturers and Victims," Sandra Jaquot, 28 W.L.J. 274, 292 (1988).

#### Attorney General's Opinions:

School attendance; G.E.D. 87-46.

#### CASE ANNOTATIONS

1. Mentioned; terms "physician" and "qualified medical technician" as used in 8-1003 interpreted. State v. Carter, 202 K. 63, 65, 446 P.2d 759.

Senate PHW  
Attachment 4  
2-19-93

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**72-5210.** Tests and inoculations provided at public expense, when; duties of local health officers. The county, city-county or multicounty health department, upon application of the school board of any school affected by this act shall, at public expense (to the extent that funds are available) and without delay, provide the tests and inoculations required by this act to such pupils as are not provided therewith by their parents or guardians and who have not been exempted on religious or medical or personal grounds. The local health officer shall counsel and advise school boards concerning the administration of this act.

History: L. 1961, ch. 354, § 3; L. 1965, ch. 412, § 2; L. 1978, ch. 291, § 3; L. 1980, ch. 182, § 30; July 1.

Cross References to Related Sections:  
Duties of local health officers generally, see 65-202.

Law Review and Bar Journal References:

"The National Childhood Vaccine Injury Act: Implications for DPT Vaccine Manufacturers and Victims," Sandra Jaquot, 28 W.L.J. 274, 292 (1988).

**72-5211.** Duties and authority of secretary; forms and certificates; regulations. The secretary shall prescribe the content of forms and certificates to be used by the school boards in carrying out this act and shall provide, without cost to the school boards, sufficient copies of this act for distribution to pupils. The secretary may adopt such regulations as are necessary to carry out the provisions of this act.

History: L. 1961, ch. 354, § 4; L. 1975, ch. 462, § 108; L. 1978, ch. 291, § 4; July 1.

**72-5211a.** Exclusion of pupils from school attendance; adoption of policy; notice; hearing; compulsory attendance law not applicable. (a) The school board of every school affected by this act may exclude from school attendance, or by policy adopted by any such school board authorize any certificated employee or committee of certificated employees to exclude from school attendance, any pupil who has not complied with the requirements of K.S.A. 72-5209. A pupil shall be subject to exclusion from school attendance under this section until such time as the pupil shall have complied with the requirements of K.S.A. 72-5209. The policy shall include provisions for written notice to be given to the parent or guardian of the involved pupil. The notice shall (1) indicate the reason for the exclusion from school attendance, (2) state that the pupil shall continue to be excluded until the pupil has complied with the requirements of K.S.A. 72-

5209, and (3) inform the parent or guardian that a hearing thereon shall be afforded the parent or guardian upon request therefor.

(b) The provisions of K.S.A. 72-1111 do not apply to any pupil while subject to exclusion from school attendance under the provisions of this section.

History: L. 1978, ch. 291, § 5; L. 1981, ch. 285, § 2; July 1.

#### HEALTH OF SCHOOL PERSONNEL

##### 72-5212.

History: L. 1963, ch. 358, § 1; Repealed, L. 1975, ch. 370, § 2; July 1.

#### CASE ANNOTATIONS

1. Mentioned; terms "physician" and "qualified medical technician" as used in 8-1003 interpreted. State v. Carter, 202 K. 63, 65, 66, 446 P.2d 759.

2. Cited; physician qualified to testify as an expert even though not licensed by state. State v. Jones, 209 K. 526, 531, 498 P.2d 65.

**72-5213.** Certification of health; form and contents; expense of obtaining; alternative certification. (a) Every board of education shall require all persons, whether employees of the school district or under the supervision thereof, who come in regular contact with the pupils of the school district, to submit a certification of health signed by a person licensed to practice medicine and surgery under the laws of any state on a form prescribed by the secretary of health and environment. The certification shall include a statement that there is no evidence of physical condition that would conflict with the health, safety, or welfare of the pupils; and that freedom from tuberculosis has been established by chest x-ray or negative tuberculin skin test. If at any time there is reasonable cause to believe that any such person is suffering from an illness detrimental to the health of the pupils, the school board may require a new certification of health. The expense of obtaining certifications of health may be borne by the board of education.

(b) Upon presentation of a signed statement that he or she is an adherent of a religious denomination whose religious teachings are opposed to physical examinations, any person, to whom the provisions of subsection (a) apply, shall be permitted to submit, as an alternative to the certification of health required under subsection (a), certification signed by a person licensed to practice medicine and surgery under the laws of any state that freedom from tuberculosis has been established.

History: L. 1963, ch. 358, § 2; L. 1974, ch. 300, § 1; L. 1975, ch. 370, § 1; L. 1980, ch. 219, § 1; July 1.

#### CASE ANNOTATIONS

1. Mentioned; terms "physician" and "qualified medical technician" as used in 8-1003 interpreted. *State v. Carter*, 202 K. 63, 65, 446 P.2d 759.

#### HEALTH ASSESSMENTS

**72-5214. Required; exceptions.** (a) As used in this section:

(1) "School board" means the board of education of a school district and the governing authority of any nonpublic school;

(2) "school" means all elementary, junior high, or high schools within the state;

(3) "local health department" means any county or joint board of health having jurisdiction over the place where any pupil affected by this section may reside;

(4) "secretary" means the secretary of health and environment;

(5) "physician" means a person licensed to practice medicine and surgery;

(6) "nurse" means a person licensed to practice professional nursing;

(7) "health assessment" means a basic screening for hearing, vision, dental, lead, urinalysis, hemoglobin/hematocrit, nutrition, developmental, health history and complete physical examination.

(b) Subject to the provisions of subsection (d) and subsection (g), on and after July 1, 1993, every pupil who has not previously enrolled in any school in this state, prior to admission to and attendance in school, shall present to the appropriate school board the results of a health assessment, recorded on a form provided by the secretary, which assessment shall have been conducted within six months before admission by a nurse or health care provider other than a physician approved by the secretary to perform health assessments or by a physician. In approving health care providers other than physicians to conduct health assessments, the secretary shall not approve such providers individually but shall approve such providers by credentialed group. Information contained in the health assessment shall be confidential and shall not be disclosed or made public beyond that necessary under this section except that: (1) Information contained in the health assessment may be disclosed to school board personnel but only to the extent necessary to administer this section and protect the health of the pupil; (2) if a

medical emergency exists, the information contained in the health assessment may be disclosed to medical personnel to the extent necessary to protect the health of the pupil; (3) if the parent or guardian of a pupil under 18 years of age consents to the disclosure of the information contained in the health assessment or, if the pupil is 18 years of age or older, if the pupil consents to the disclosure of the information; and (4) if no person can be identified in the information to be disclosed and the disclosure is for statistical purposes.

(c) As an alternative to the health assessment required under subsection (b), a pupil shall present:

(1) A written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such assessments, or

(2) a written statement signed by one parent or guardian that such assessments are in the process of being received and will be completed within 90 days after admission to school.

(d) Every pupil enrolling or enrolled in any school in this state who is subject to the requirements of subsection (b) and who has not complied with the requirements of subsections (b) or (c), shall present evidence of compliance with either subsection (b) or (c) to the school board upon admission to school.

(e) Prior to the commencement of each school year, the school board of every school affected by this section shall give to all known pupils who are enrolled or who will be enrolling in the school and who are subject to the requirements of subsection (b), a copy of this section and any policy regarding the implementation of the provisions of this section adopted by the school board.

(f) If a pupil transfers from one school to another, the school board of the school from which the pupil transfers shall forward with the pupil's transcript, upon request of the parent or guardian of the pupil therefor, the certification or statement showing evidence of compliance with the requirements of this section to the school board of the school to which the pupil transfers.

(g) The local health department, upon application of the school board of any school affected by this section, at federal, state, county, municipal, local health department or school district, or any combination thereof, expense (to the extent that funds are available for this purpose) and without delay, shall provide the health assessments required by this section to



such pupils as are not provided with them by their parents or guardians and who have not been exempted under subsection (c). Local health departments may charge a fee for providing such health assessments based on ability to pay except that no pupil eligible to participate in the school lunch program under K.S.A. 75-5112 [\*] *et seq.*, and amendments thereto, shall be charged a fee by the local health department for a health assessment required by this section. If no funds are available for the local health department to provide a health assessment to a pupil unable to pay for the health assessment, the local health department shall certify to the school board that insufficient funds are available for the local health department to provide the health assessment for such pupil. Upon receipt of such certification by the local school board, such pupil shall be exempt from the requirements of subsection (b). The local health officer shall counsel and advise school boards concerning the administration of this section.

(h) The secretary shall prescribe the content of forms and certificates to be used by the school boards in carrying out this section and shall provide, without cost to the school boards, sufficient copies of this section for distribution to pupils. The secretary may adopt such rules and regulations as are necessary to carry out the provisions of this section.

(i) The school board of every school affected by this section may exclude from school attendance, or by policy adopted by any such school board authorize any certificated employee or committee of certificated employees to exclude from school attendance, any pupil who is subject to and who has not complied with the requirements of subsection (b) or (c). A pupil shall be subject to exclusion from school attendance under this section until such time as the pupil shall have complied with the requirements of subsection (b) or (c). The policy shall include provisions for written notice to be given to the parent or guardian of the involved pupil. The notice shall indicate the reason for the exclusion from school attendance, state that the pupil shall continue to be excluded until the pupil has complied with the requirements of subsection (b) or (c) and inform the parent or guardian that a hearing thereon shall be afforded the parent or guardian upon request for a hearing.

(j) The provisions of K.S.A. 72-1111 and amendments thereto do not apply to any pupil

while subject to exclusion from school attendance under the provisions of this section.

History: L. 1992, ch. 173, § 1; July 1.

\* Section reference should be 72-5112.

### Article 53.—MISCELLANEOUS PROVISIONS

#### 72-5301.

Revisor's Note:  
Section transferred to 72-850.

#### 72-5301a.

Revisor's Note:  
Section transferred to 72-851.

#### 72-5301b.

Revisor's Note:  
Section transferred to 72-852.

#### 72-5301c.

Revisor's Note:  
Section transferred to 72-849.

#### 72-5302.

History: L. 1905, ch. 384, § 2; R.S. 1923, 72-5302; Repealed, L. 1943, ch. 248, § 42; June 30.

**72-5303.** Water closets. The school boards and boards of education having supervision over any school district in this state shall provide and maintain suitable and convenient water closets for each of the schools under their charge or supervision. There shall be at least two in number, which shall be entirely separate from each other. It shall be the duty of the officers aforesaid to see that the same are kept in a neat and wholesome condition; and failure to comply with the provisions of this act by the aforesaid officers shall be grounds for their removal from office.

History: L. 1891, ch. 197, § 1; May 20; R.S. 1923, 72-5303.

#### 72-5304.

History: L. 1919, ch. 274, § 1; R.S. 1923, 72-5304; Repealed, L. 1939, ch. 309, § 7; June 30.

Revisor's Note:  
Later act, see 73-707, 73-710.

#### 72-5305, 72-5306.

History: L. 1919, ch. 274, §§ 2, 3; R.S. 1923, 72-5305, 72-5306; Repealed, L. 1943, ch. 248, § 42; June 30.

Source or prior law:  
L. 1907, ch. 319, §§ 1, 2.

State of Kansas  
Joan Finney, Governor



Department of Health and Environment

[REDACTED], Secretary  
Robert C. Harder

Reply to:

Testimony presented to

Senate Public Health and Welfare Committee

by

The Kansas Department of Health and Environment

Senate Bill 199

KDHE supports SB 199.

KDHE has teamed up with the Kansas Commission on Children, Youth and Families, Department of Education, SRS and many others in providing immunizations to babies 0-2. We hope to have 100% of the babies immunized by 1995. At that point we would like to have a tracking system in place so we could notify parents of the need for follow-up shots once the baby is born.

This concept fits in well to this legislation because there is an increasing number of children in out-of-home care. With the previous legislation which covered regular day care, this now adds pre-school programs operated by school districts.

SB 199 closes the loop from the standpoint of children in out-of-home placements. This enhances our possibility for 100% immunization of young children in the state.

KDHE urges your support of this legislation.

Testimony presented by: Robert C. Harder  
Secretary of Health and Environment  
February 15, 1993

*Senate PH&W  
Attachment #2  
2-15-93*



SENATE BILL NO. 199  
Senate Public Health and Welfare  
February 15, 1993

Testimony of Kay Farley, Chairperson  
Children and Youth Advocacy Committee  
Corporation for Change

Senator Praeger and Members of Committee:

Thank you for the opportunity to appear before you today. I appear in support of Senate Bill No. 199.

"The Blueprint for Investing in the Future of Kansas Children and Families" was adopted by the Special Committee on Children's Initiatives and reported to the 1992 Legislature. The Blueprint places a priority on early immunization of children. (Target IV. A. 1. and 3.).

In response to the Blueprint recommendations, the 1992 Legislature approved House Bill No. 2694 which mandated each child cared for in a registered family day care home to have current immunizations as determined necessary by the Secretary of Health and Environment. This legislation was a good step toward achieving the goal of early immunization of Kansas children.

However, a gap still exists for those children that attend preschools and day care centers operated by schools. Senate Bill No. 199 will close that gap by requiring that these children receive such tests and inoculations as are deemed necessary by the Secretary of Health and Environment.

Target IV. of the Blueprint states "preventive health care is the best investment for Kansans, particularly if targeted to ...immunizations...these programs should reach every Kansas child." For the 1990/91 school year, the state's overall percentage of kindergarten children adequately immunized by age 2 was 51.3%. The passage of Senate Bill No. 199 will assist in improving this statistic and insure that more Kansas children receive early immunizations.

Thank you for the opportunity to support Senate Bill No. 199 on behalf of the Children and Youth Advocacy Committee for the Corporation for Change.

*Senate PH&W  
Attachment #3  
2-15-93*



Testimony on S.B. 199  
before the  
Senate Committee on Public Health and Wealth

by

Mark Tallman, Director of Governmental Relations  
Kansas Association of School Boards

February 15, 1993

Madam Chairperson, Members of the Committee:

Thank you for the opportunity to comment on SB 199. KASB appears today as a proponent of this bill. We support immunization requirements for school children, and last session supported the new requirement that pupils entering school for the first time receive health examinations.

As more schools move to provide preschool services, we believe this bill is an appropriate measure for encouraging the better health of all children.

Thank you for your consideration.

*Senate PHEW  
Attachment #4  
2-15-93*

**IMMUNIZATION 2 YEAR OLD RETROSPECTIVE DATA**  
**School Year 1990/91 - Kindergarten Records**  
**(Extracted from Kansas Certificate's of Immunization (KCI's))**

CHEYENNE	RAWLINS	DECATUR	NORTON	PHILLIPS	SMITH	JEWELL	REPUBLIC	WASHINGTON	MARSHALL	NEMAHA	BROWN	DONIPHAN
57	39	42	45	47	67	79	42	57	66	60	53	37
SHERMAN	THOMAS	SHERIDAN	GRAHAM	HOOKS	OSBORNE	MITCHELL	CLOUD	CLAY	RILEY	POTTAWATOMIE	JACKSON	ATCHISON
43	52	68	34	40	39	50	36	55	57	55	68	37
WALLACE	LOGAN	GOVE	TREGO	ELLIS	RUSSELL	LINCOLN	OTTAWA	DICKINSON	GEARY	WABAUNSEE	SHAWNEE	JEFFERSON
91	4	60	52	68	65	79	53	57	47	64	58	58
GREELEY	WICHITA	SCOTT	LANE	NEBB	RUSH	BARTON	SALINE	MCPIERSON	MARION	LYON	OSAGE	DOUGLAS
44	47	56	36	62	44	47	58	64	58	44	52	68
HAMILTON	KEARNY	FINNEY	HODGEMAN	PAWNEE	EDWARDS	STAFFORD	RICE	CHASSE	COFFEY	ANDERSON	LIPO	JOHNSON
56	61	45	60	33	58	58	56	49	51	44	34	61
STANTON	GRANT	HASKELL	GRAY	FORD	KIOWA	PRATT	KINGMAN	SEDGWICK	BUTLER	WOODSON	ALLEN	BOONSHAW
62	36	53	66	47	57	44	54	54	48	45	41	51
MORTON	STEVENS	SEWARD	MEADE	CLARK	COMANCHE	BARBER	HARPER	SUMNER	COWLEY	WILSON	NEOSHO	CHAWWORTH
31	38	29	31	31	36	52	43	51	50	34	32	35
										ELK	LABETTE	CHENOWE
										CHAUTAUQUA	MONTGOMERY	
										47	41	36
										49	36	

The numbers above indicate the percentage of students who were adequately immunized by age 2.  
 The total number of KCI's received was 35,258 (does not include USD 259 in Sedgwick County)  
 (The State's overall percentage of kindergarten children adequately immunized by age 2 was 51.3%)

## SENATE BILL No. 83

By Committee on Public Health and Welfare

1-25

8 AN ACT concerning embalmer license; state board of mortuary arts;  
9 amending K.S.A. 65-1701a and 65-1710 and repealing the existing  
10 sections.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 65-1701a is hereby amended to read as follows:  
14 65-1701a. (a) Except as otherwise provided by K.S.A. 65-1701b and  
15 amendments thereto, each applicant for a license to practice em-  
16 balming in this state, in order to be eligible for examination, shall  
17 be required to show to the satisfaction of the state board of mortuary  
18 arts that: (1) Prior to the effective date of this act the applicant  
19 successfully completed courses in a community college, college or  
20 university accumulating at least 60 semester hours and attended a  
21 school of mortuary science approved by the board which offers a  
22 twelve-month course in mortuary science and prior to the effective  
23 date of this act graduated therefrom accumulating during this training  
24 at least 30 semester hours in mortuary science; or (2) prior to, on  
25 or subsequent to the effective date of this act the applicant has  
26 graduated from a community college, college or university with at  
27 least an AA degree in mortuary science, which degree program is  
28 approved by the board, and has accumulated during this training at  
29 least 30 semester hours in mortuary science.

30 (b) Except as otherwise provided in K.S.A. 65-1701b and amend-  
31 ments thereto, each applicant for a license to practice embalming  
32 in this state, in order to be eligible for apprenticeship, shall be  
33 required to submit to an examination ~~administered~~ *approved* by  
34 the state board of mortuary arts. Each applicant shall be required  
35 to register with the secretary of the board in the manner and at the  
36 time required by the board before submitting to examination and  
37 shall receive a grade of at least 75% in each subject *an overall*  
38 *score of at least 75% with a minimum of 70% in any one section*  
39 before successfully passing the examination. The examination fee and  
40 registration fee shall be in the amounts fixed by the board in ac-  
41 cordance with K.S.A. 65-1727 and amendments thereto.

42 (c) Except as otherwise provided by K.S.A. 65-1701b and amend-  
43 ments thereto, each applicant for a license to practice embalming

The board may require that fees paid for an examination be paid by the person taking the examination directly to the examination service providing the examination approved by the board.

*Senate Bill 83  
Attached  
2-15-93*

SB 84

Senate PHED  
Attachment #6  
2-15-93

1 at the earliest possible time, or an alternative that assures the patient  
2 the opportunity to obtain the medication at the earliest possible time;  
3 and

4 (4) the procedure to be followed when the nonresident pharmacy  
5 is advised that the patient's medication has not been received within  
6 the normal delivery time and that the patient is out of medication  
7 and requires interim dosage until mailed prescription drugs become  
8 available.

9 (f) Except in emergencies that constitute an immediate threat to  
10 the public health and require prompt action by the board, the board  
11 may file a complaint against any nonresident pharmacy that violates  
12 any provision of this section. This complaint shall be filed with the  
13 regulatory or licensing agency of the state in which the nonresident  
14 pharmacy is located. If the regulatory or licensing agency of the  
15 state in which the nonresident pharmacy is located fails to resolve  
16 the violation complained of within a reasonable time, not less than  
17 180 days from the date that the complaint is filed, disciplinary pro-  
18 ceedings may be initiated by the board. The board also may initiate  
19 disciplinary actions against a nonresident pharmacy if the regulatory  
20 or licensing agency of the state in which the nonresident pharmacy  
21 is located lacks or fails to exercise jurisdiction.

as a nonresident pharmacy

22 (g) *The board by rules and regulations may make exceptions to*  
23 *the requirement of registration where the out-of-state pharmacy sup-*  
24 *plies lawful refills to a patient from a prescription that was originally*  
25 *filled and delivered to a patient within the state in which the non-*  
26 *resident pharmacy is located or for situations where the prescriptions*  
27 *being mailed into the state of Kansas by nonresident pharmacy occurs*  
28 *only in isolated transactions.*

29 (g) (h) It is unlawful for any nonresident pharmacy which is not  
30 registered under this act to advertise its services in this state, or  
31 for any person who is a resident of this state to advertise the phar-  
32 macy services of a nonresident pharmacy which has not registered  
33 with the board, with the knowledge that the advertisement will or  
34 is likely to induce members of the public in this state to use the  
35 pharmacy to fill prescriptions. A violation of this section is a class  
36 C misdemeanor.

37 (h) (i) Upon request of the board, the attorney general may bring  
38 an action in a court of competent jurisdiction for injunctive relief to  
39 restrain a violation of the provisions of this section or any rules and  
40 regulations adopted by the board under authority of this section.  
41 The remedy provided under this subsection shall be in addition to  
42 any other remedy provided under this section or under the pharmacy  
43 act of the state of Kansas.