

KANSAS BOARD OF HEALING ARTS

LAWRENCE T. BUENING, JR.
EXECUTIVE DIRECTOR



KATHLEEN SEBELIUS, GOVERNOR

MEMO

TO: House Committee on Health and Human Services

FROM: Lawrence T. Buening, Jr.
Executive Director

DATE: February 6, 2004

RE: Testimony in Support of H.B. No. 2737

Thank for the opportunity to appear before you on behalf of the State Board of Healing Arts regarding H.B. No. 2737. The Board is in support of several of the amendments made by H.B. No. 2737, but would like to offer three amendments.

By way of background, the statutes for the registration and regulation of athletic trainers became effective on July 1, 1995. The athletic training profession is one of 13 professions currently regulated by the Board. There are approximately 17,500 individuals with current licenses or registrations in these 13 professions. Currently, the Board registers 267 individuals as athletic trainers.

Changing the credentialing level of a profession from registration to licensure for professions regulated by the Board has occurred several times. The 1986 Legislature originally provided for the registration of respiratory therapists. The credentialing was changed to licensure of respiratory therapists by the 1999 Legislature. Also in 1986 the Legislature enacted statutes for the registration of occupational therapists and occupational therapy assistants. Effective April 1, 2003, these professions became licensed. In 1973, the Legislature provided for the registry of physician assistants. In 1975 and 1978, substantial statutory changes were made to register individuals as physician assistants. Then, the 2000 Legislature changed the credentialing of physician assistants to licensure effective February 1, 2001. Most recently, the 2003 Legislature enacted H.B. No. 225 which will change the credentialing level of physical therapists from registration to licensure effective April 1, 2004. Physical therapists have been registered by the Board since 1963.

MEMBERS OF THE BOARD

JOHN P. GRAVINO, D.O., PRESIDENT
Lawrence

RAY N. CONLEY, D.C., VICE-PRESIDENT
Overland Park

VINTON K. ARNETT, D.C., Hays
GARY L. COUNSELMAN, D.C., Topeka
FRANK K. GALBRAITH, D.P.M., Wichita
MERLE J. "BOO" HODGES, M.D., Salina
SUE ICE, PUBLIC MEMBER, Newton
JANA JONES, M.D., Leavenworth

BETTY McBRIDE, PUBLIC MEMBER, Columbus
MARK A. McCUNE, M.D., Overland Park
CAROL H. SADER, PUBLIC MEMBER, Shawnee Mission
CHARLOTTE L. SEAGO, M.D., Liberal
CAROLINA M. SORIA, D.O., Wichita
ROGER D. WARREN, M.D., Hanover
JOHN P. WHITE, D.O., Pittsburg

While the title of the credential issued by the Board to athletic trainers is changed from registration to licensure by H.B. No. 2737, this bill does not create a licensed profession as that term is defined in the Kansas Act on Credentialing (K.S.A. 65-5001 *et seq.*). Other professionals who engage in activities that come within the definition of “athletic training” will still be able to perform those activities. They simply will not be able to refer to themselves as an athletic trainer, which is the case under the current law.

The Kansas Athletic Trainers Society has worked closely with the Board in developing the proposed changes set forth in H.B. No. 2737. New paragraphs (f) and (g) to K.S.A. 65-6906 on page 3, lines 9 through 24 were added at the suggestion of the Board. Similarly, the Board recommended the addition of an inactive license designation that has been included on page 4, lines 24 through 37. Finally, the Board suggested that the statutory maximums for fees included on page 5, lines 6 through 11 be changed to be identical to other professions regulated by the Board whose practices are dependent upon the order of a physician, chiropractor or podiatrist.

In order to fully implement the changes made by H.B. No. 2737, the Board offers the following amendments:

Page 2, Line 24: Delete “, **files a practice protocol**”. Often, an applicant for registration may not yet have employment so it is impossible to obtain a practice protocol. New paragraph (f) on page 3, lines 9 through 15 would require an athletic trainer to provide a practice protocol as a condition of performing the functions and duties of an athletic trainer in this state. However, a practice protocol should not be required to obtain initial licensure until such time as the athletic trainer commences practice in Kansas. Individuals without a practice protocol will be able to have an inactive license designated as provided for in new paragraph (e) on page 4, lines 24 through 37.

Page 4, Line 19: Change “**lapsed**” to “**been canceled**”. This makes the language similar to that contained in line 10.

Page 4, line 20: Change “**lapsed**” to “**canceled**”. Again, this change is suggested to maintain consistency with other language in the bill.

Thank you for the opportunity to appear before you. I would be happy to respond to any questions.