

KANSAS BOARD OF HEALING ARTS

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EXECUTIVE DIRECTOR



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MEMO

TO: House Committee on Health and Human Services

FROM: Lawrence T. Buening, Jr.
Executive Director

DATE: March 18, 2004

RE: **Senate Bill No. 529**

Thank you for the opportunity to appear on behalf of the State Board of Healing Arts regarding S.B. 529. This bill would allow physical therapists to initiate physical therapy treatment after consultation with and approval by a licensed physician assistant (P.A.) or an advanced registered nurse practitioner (ARNP) who is working pursuant to the order or direction of a licensed physician.

The Board is of the opinion that a P.A. may, under current law, provide an order for the initiation of physical therapy treatment, if they have the authority to do so from a physician. K.S.A. 65-28a08 allows P.A.s to provide medical services that are delegated by a physician. These services must be provided under the direction or supervision of a responsible physician. K.S.A. 65-2872(g) allows persons to perform services which constitute the practice of the healing arts "under the supervision or by order of or referral from a practitioner...". K.S.A. 65-28,127 places duties and responsibilities upon healing arts licensees who direct, supervise, order, refer or delegate acts which constitute the practice of the healing arts to other persons. On the other hand, the current language in K.S.A. 65-2901 restricts a physical therapist from initiating treatment until "after consultation with and approval by" a physician, podiatrist, chiropractor or dentist. Therefore, while a P.A., if so authorized by a physician, may lawfully order physical therapy, the physical therapist cannot initiate treatment based on these orders until they have consulted with and obtained approval by a member of one of these four professions.

The language in the physical therapy law differs from that in some other acts. K.S.A. 65-5402(b) defines the practice of occupational therapy to include treatment pursuant to the "referral, supervision, order or direction of a physician...". "Respiratory therapy" is defined in K.S.A. 65-5502(b) to include those who practice under the "supervision of a qualified medical director". Thus, occupational therapists and respiratory therapists are not prohibited from performing professional services ordered by a P.A. if the P.A. is acting under the authority granted to them by a physician through protocols, guidelines, or other authorization.

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The amendments made by the Senate Committee have addressed a question we had about the bill as originally introduced as to whether P.A.s and ARNPs would be allowed to independently order physical therapy without authority from the responsible physician. As passed by the House, it appears that this bill will improve the accessibility and availability of physical therapy treatment to citizens of Kansas.

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