

## MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 13, 2001 in Room 210 Memorial Hall

All members were present except: Representative Geraldine Flaharty, Excused  
Representative Brenda Landwehr, Excused  
Representative Gwen Welshimer, Excused

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department  
Norman Furse, Revisor of Statute's Office  
June Evans, Secretary

Conferees appearing before the committee: Mary Lou Davis, Executive Director, Board of Cosmetology  
R. E. "Tuck" Duncan, Kansas Occupational Therapy Assn.  
Chris Collins, Kansas Medical Society  
Lesa Roberts, Director, Health Occupations Credentialing,  
KDHE

Others attending: See Attached Sheet

The Chairperson stated that Representative Showalter had an announcement.

Representative Showalter stated that Representative Flaharty became ill this morning and Representative Welshimer drove her to Wichita.

Representative Morrison stated the Sub-Committee on licensing met February 12 and would meet again today after the full committee meeting. Information on credentialing was distributed (Attachment 1).

The Chairperson stated the Fiscal Note on **HB 2170** that had a hearing yesterday was distributed. The Fiscal Note on **HB 2315** was just received after coming over here; therefore, that will be copied and distributed tomorrow. A letter was received from Elizabeth Jesse stating the Dietary Managers Association would pursue their request thru regulation rather than **HB 2117** (Attachment 2).

The Chairperson opened the hearing on **HB 2275 - Board of cosmetology, regulation of permanent color technology and body piercing.**

Norman Furse, Revisor of Statutes, gave a briefing on **HB 2275**, stating these were technical changes and also some new material.

Mary Lou Davis, Executive Director, Kansas Board of Cosmetology, a proponent to **HB 2275**, stated body art services are becoming more prevalent and accepted. The Board believes that revisions of these statutes will facilitate our efforts to ensure the health and safety of the public while maintaining high standards of practice. The Board has licensed 96 body art practitioners and 69 facilities. During calendar year 2000 approximately 28 individuals were issued temporary permits which allows out-of-state individuals to practice at concerts, festivals and etc (Attachment 3).

Representative Showalter asked if there was a program for rehabilitation for alcohol or drug abusers?

Ms. Davis stated they had not encountered a problem but, no, there was not a program designed for this.

Representative Showalter asked about practicing permanent color technology, tattooing or body piercing with a mental or physical illness that affects ability to perform or endangers the public?

## CONTINUATION SHEET

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Ms. Davis said this is loose and needs to be tightened up.

Representative DeCastro questioned the temporary licenses.

Ms. Davis stated these are for mobile facilities that travel to functions in a van and these people must take exams.

Representative Palmer asked why change authority from Health and Environment?

Ms. Davis said the Board of Cosmetology can go with the discretion of the committee on that.

The Chairperson closed the hearing on **HB 2275**.

The Chairperson opened the hearing on **HB 2315 - Licensure of Occupational Therapists**.

Dr. Bill Wolff gave a briefing stating this expands the definition and now comes under the licensing act. This protects the public and scope of practice and has to define what that is.

R. E. "Tuck" Duncan, Kansas Occupational Therapy Assn., a proponent to **HB 2315** stated the profession of occupational therapy should be licensed in all states to protect consumers from unqualified practitioners and to provide a legal framework to ensure qualified practitioners rights to provide occupational therapy services. There are over 65,000 occupational therapy practitioners in the United States. The majority of states require licensure—44 states license occupational therapists and 41 states license occupational therapy assistants. The remainder of states employ some form of state certification, registration or trademark requirement. Unlike certification, registration and trademark laws generally, licensure laws define a lawful scope of practice for occupational therapy practitioners. Defining a scope of practice legally articulates the parameters of OT practice and provides important guidance to facilities, providers, consumers and major public and private health and education systems on the appropriate use of OT services and practitioners (Attachment 4).

Chris Collins, Director of Government Affairs, Kansas Medical Society, testified as an opponent to **HB 2315** which would elevate the status of occupational therapists from registrants to licensees of the Kansas Board of Healing Arts. The bill also significantly expands the scope of practice of occupational therapists and eliminates the requirement that occupational therapists be supervised by a physician (Attachment 5).

Lesla Roberts, Director, Health Occupations Credentialing, testified as an opponent to **HB 2315** stating this bill amends and adds language to create a licensing law from the current statutes on the registration of occupational therapists and occupational therapy assistants. Primarily the bill substitutes terms of licensing in place of registering throughout the law. A critical change is the definition of "occupational therapy" which is amended to read "practice of occupational therapy" and "occupational therapy services." By doing so, this bill creates an independent practitioner where previously it was a profession under the supervision of a physician or within the school system. There are no changes in the level or type of education, training or examination. Therefore, this is simply a move to license rather than register occupational therapists without benefit of reviewing the request of the occupational group to change level of credentialing (Attachment 6).

Charles L. Wheelen, Kansas Association of Osteopathic Medicine, provided written testimony opposing **HB 2315** because it would repeal the requirement that occupational therapists be employed under the supervision of a physician (Page 1, lines 21-22) (Attachment 7).

The Chairperson closed the hearing on **HB 2315**.

The Chairperson announced the Sub-Committee on Licensing would meet upon adjournment and the full committee adjourned at 2:50 p.m. and the next meeting will be February 14.

CONTINUATION SHEET

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