

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 20, 2002 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. Paul Silovsky, Legislative Chairman for
KS Physical Therapist Association
Mr. Chukuka Enwemeka, Physical Therapist, PHD, FACMS
Ms. Alice Mounger, Consumer
Ms. Judy Hensley, Physical Therapist
Ms. Diane Gough, Consumer
Ms. Connie Kelley, Consumer
Ms. Mary Ann Palmer, Consumer
Ms. Rebecca Rice, Legislative Council for
KS Chiropractic Association

Others attending: See attached guest list.

Hearing on SB583 - an act relating to physical therapy; concerning physical therapists

With the call to order, Chairperson Wagle announced that before the hearing, Ms. Emalene Correll, Kansas Legislative Research Department, would present a brief overview of the bill. The highlights of Ms. Correll's overview were: explaining the definition, raising the flag on therapeutic exercise, manual therapy, subsection d moved from current law, Sec. 2 amends the current act, line 12 on page 3 affecting small rural hospitals and adult care homes who may have been consulting physical therapists, making it a crime if misuse of the letters in PT, and broadens the scope of practice (but some other people do these things, so this does limit too PT's only).

As there were no questions of Ms. Correll, Chairperson Wagle recognized Mr. Paul Silovsky, Legislative Chairman for the Kansas Physical Therapist Association. Mr. Silovsky testified that the bill does two things in a clearly defined manner: 1) updates what the term and practice of physical therapy means today and a clarification of how physical therapy is currently practiced in the state of Kansas; and 2) makes it unlawful to use in connection with a person's name or business activity the term's physical therapy and physiotherapy or any other words or abbreviations indicating or implying that the physical therapy is provided or supplied, unless these services are provided by or under the direction of a physical therapist registered pursuant to this act.

Mr. Silovsky also pointed out that the bill does not do the following: 1) limit any other provider's scope of practice or delivery of their professional services, so long as they do not represent those services to the public as physical therapy without being provided by or under the direction of a physical therapist; 2) change the level of credentialing; and 3) change the status of physical therapists as dependent practitioners. A copy of his testimony and Mr. Bud Langston's written testimony is ([Attachment 1](#)) attached hereto and incorporated into the Minutes by reference. Mr. Langston is Chairman, Department of Physical Therapy.

Chairperson Wagle then recognized Mr. Chukuka Enwemeka, Physical Therapist, PHD, FACMS, who stated that the bill brings the practice of physical therapy in line with contemporary physical therapy education. He also provided an attachment, an excerpt from the Handbook for Accreditation of Physical Therapy Education, detailing the scope of physical therapy education including: screening, evaluation and diagnosis for physical therapy, in order to derive a prognosis and a plan of care. A copy of his testimony and attachment is ([Attachment 2](#)) attached hereto and incorporated into the Minutes by reference.

The next proponent to come before the Committee was Ms. Alice Mounger, a health care consumer, who supported the bill to protect the term “Physical Therapy” to describe the services provided only by a Physical Therapist or a Physical Therapist Assistant, under the direction and supervision of a Physical Therapist. A copy of her testimony is ([Attachment 3](#)) attached hereto and incorporated into the Minutes by reference.

Ms. Judy Hensley, physical therapist, was the next proponent, who began her testimony stating she represents the Kansas Physical Therapy Association as a specialist in the area of manual physical therapy and provided her qualification. She provided: the definition of manual therapy stating that the two words are also the CPT code used for charging these services; facts from literature supporting the use of manipulation dating back too 1928; a report regarding the safety of physical therapists; and information from the Rand Corporation to dispute the issue rose by the Kansas Chiropractors Association. A copy of her testimony and written testimony from Ms. Julie Hershey Downes is ([Attachment 4](#)) attached hereto and incorporated into the Minutes by reference.

Next to testify in support of the bill was Ms. Diane Gough, a consumer, who supported the bill stating it should pass in order to ease the advisability of physical therapy to the public. A copy of her testimony is ([Attachment 5](#)) attached hereto and incorporated into the Minutes by reference.

The next to testify is Ms. Connie Kelley, a consumer, who stated that the current laws are too laxed, leading to misrepresentations that confuse consumers regarding the specific qualifications of individual therapists. A copy of her testimony is ([Attachment 6](#)) attached hereto and incorporated into the Minutes by reference.

Ms. Mary Ann Palmer, a consumer, was next to testify. Ms. Palmer stated that she finds it rather confusing when she sees advertising by a massage therapist stating that they offer physical therapy as one of their services. A copy of her testimony is ([Attachment 7](#)) attached hereto and incorporated into the Minutes by reference.

Last to testify as a proponent, but providing no written testimony, was Ms. Pam Palmer, physical therapist, who stated this bill is not to limit scope of practice and that PT is not a generic term.

As there was no more proponent testimony, Chairperson Wagle recognized Ms. Rebecca Rice, Legislative Counsel for the Kansas Chiropractic Association, who stated that they would be addressing only those parts of the proposed legislation which appear to impact chiropractic care, in particular, the chiropractic scope of a practice statute. She proposed the following amendments with the understanding that other healthcare providers should also be included in these amendments, but KCA does not presume to speak for them. The amendment proposed to insert: 1) after manual therapy; therapeutic massage “but not adjustment of misplaced tissue or manipulation”; after medicine and surgery “and the practice of the chiropractic; after act “or is a licensed chiropractor”; and after act “or is a licensed chiropractor”. A copy of her testimony is ([Attachment 8](#)) attached hereto and incorporated into the Minutes by reference.

As there was no further testimony, the hearing was open up for questions and/or comments. A healthy discussion involving Senators Brungardt, Wagle, Praeger, Salmans, Ms. Correll, Ms. Rice, and Mr. Silovsky covered issues from chiropractic exclusions, concerns over validity of subscribers, CPT's, not seeing conflict of putting a name to practice, consumer concerns, will it limit in rural areas for practices currently under way, to PT assistant in communication with PT. Ms. Rice did reiterate that KCA did not want to strike anything, they only wanted to include chiropractors.

Chairperson Wagle did ask that Ms. Rice and Mr. Steve Kearney, representing Kansas Physical Therapists Association work together on some language change. Mr. Kearney did state that the intent of KPTA was also not to limit.

Adjournment

Adjournment time was at 2:35 p.m.

The next meeting is scheduled for February 21, 2002.

CONTINUATION SHEET