

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 March 8, 2001 in Room 210 Memorial Hall

All members were present except: Representative Geraldine Flaharty, Excused

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

Conferees appearing before the committee: Representative Larry Campbell
Jim Crawl, Kansas Chiropractic Association
Dr. Kevin Hoppock, Kansas Medical Society and Kansas Family Physicians
Chip Wheelan, Kansas Association of Osteopathic Medicine
Kevin Robertson, Kansas Dental Association

Others attending: See Attached Sheet

The Chairperson opened the hearing on **HB 2359 - Physicals for school district employee applicants performed by chiropractors.**

Dr. Bill Wolff, Legislative Research Department, gave a briefing on **HB 2359** which the board of education requires all employees of the school district to submit a certificate of health on a form prescribed by the secretary of health and environment. This bill would allow a person licensed to practice chiropractic under the laws of this state to give school employee examinations.

Representative Showalter asked if a chiropractor could give a tuberculin test?

Dr. Wolff stated he did not know the answer.

Representative Larry Campbell stated he did not have technical expertise in this area. It was represented to me that a physician's assistant and nurses could give physical examinations and it is my understanding that chiropractors can do exams for students required by the schools. If that is the case, it makes common sense to me that if chiropractors can give examinations to students that are required in sports, and that is my understanding, and if a nurse, even though they are under the supervision of someone in that area, it warranted the debate on whether chiropractors could do physical exams for teachers.

Jim Crawl, Kansas Chiropractic Association, a proponent, testified this is primarily a technical clean-up measure since doctors of chiropractic are already authorized by statute (K.S.A. 65-2871) to "examine, analyze and diagnose the human living body, and its diseases..." **HB 2359** simply allows a school employee to have the option of selecting a doctor of chiropractic to perform his or her physical examination (Attachment 1).

Mr. Crawl stated to answer Representative Showalter's question regarding the tuberculosis requirement, there are two ways of meeting that requirement and one is through x-ray and chiropractors are qualified through education and regularly use x-ray diagnosis in their practice. The second way of meeting that requirement is to be referred to the county health clinic for a skin test and doctors of chiropractic are qualified to review those tests and sign the form based upon that. It is a part of everyday practice to make differential diagnosis.

Representative Showalter stated she understood doctors of chiropractic dealt mostly with the skeletal structure of the body, is that correct?

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Mr. Crawl said that is one of the principle modes of treatment but it does not mean that is all they are concerned with based upon their scope of practice and daily practice. Chiropractors do diagnose and are responsible in diagnosing any condition.

Representative Showalter questioned, if there was scarring on the lungs from tuberculosis, they are qualified to diagnose that?

Mr. Crawl stated, absolutely.

The Chairperson stated that Doug Smith, Kansas Academy of Physician Assistants, had an amendment for **HB 2359** but there was a typographical error so he would provide the amendment at the next meeting.

Dr. Kevin Hoppock, MD, Kansas Family Physicians and Kansas Medical Society, testified in opposition of **HB 2359** because of the chiropractors' limited training in performing comprehensive physical examinations and because it is outside their scope of practice. Adoption of **HB 2359** would significantly expand that scope beyond their training.

Medical doctors go through extensive training in performing general examinations and taking medical histories. This is not the case for chiropractors. The statute says: "The certificate 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.

Signing the certificate of health implies that the health care provider has performed an examination and determined that the employee's health would not compromise the health of the school children he or she might contact.

Because chiropractic training is limited to the musculoskeletal system, their scope of practice is also limited. Performing a tuberculin skin test, which is specifically mentioned in the statute, is outside of their limited scope of practice since it involves piercing the skin with a needle (Attachment 2).

Charles L. Wheelen, Kansas Association of Osteopathic Medicine, testified in opposition of **HB 2359** because it is inconsistent with the Healing Arts Act and would contravene the purpose of K.S.A. 2000 Supp. 72-5213, the section of Kansas law requiring that school district employees obtain a certification of health. The original purpose almost four decades ago was to assure that teachers and other school district employees who come in regular contact with pupils do not have tuberculosis. Now we might be equally concerned about other contagious diseases that could cause an epidemic of illness among students if their teacher is infected with a disease that can be transmitted by way of casual contact. The chiropractic scope of practice described in section 65-2871 of the Healing Arts Act does not authorize such licensees to order or interpret the kind of tests necessary to diagnose contagious diseases. While one might argue that this scope of practice would allow chiropractors to read a chest x-ray and look for signs of tuberculosis, it does not allow them to order laboratory tests for other infectious diseases (Attachment 3).

Larry Buening, Executive Director, Kansas Board of Healing Arts, a proponent to **HB 2359** provided written testimony (Attachment 4). Jerry Slaughter, Executive Director, Kansas Medical Society, an opponent to **HB 2359** provided written testimony (Attachment 5).

The Chairperson closed the hearing on **HB 2359**.

The Chairperson opened the hearing on **SB 212 - Use of Certain Names by Dentists**.

Kevin Robertson, CAE, Executive Director, Kansas Dental Association, testified as a proponent to **SB 212** which would provide single-owner dental practices the option of being named something other than the dentist's name. Under current Kansas law a single-owner dentist must practice under his or her own name. If there is a

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partnership or association with another dentist (or other healthcare provider) that dental practice or clinic may now chose to name itself anything if approved by the Kansas Dental Board (Attachment 6).

The Kansas Dental Board provided written testimony stating in the past they had steadfastly supported the concept that the provider's name should be on the door. The chief concerns are a misinformed or misled public. The Kansas Dental Board will continue to evaluate each name submitted individually (Attachment 7).

The Chairperson closed the hearing on **SB 212** and stated final action would not be taken today on either bill. The committee should be prepared to work **HB 2229** and **SB 212** on Monday.

The Sub-Committee on Licensing requested that Representative Patterson be added as a member.

The meeting adjourned at 2:30 p.m. and the next meeting will be March 12.