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4 **SENATE BILL No. 447**

5
6 By Committee on Public Health and Welfare

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8 1-25
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10 AN ACT concerning the state board of healing arts; relating to compen-
11 sation of review committee members and expert witnesses; **relating**
12 **to the qualifications of members;** amending K.S.A. 65-2016, **65-**
13 **2813** and 65-2878a and K.S.A. 2001 Supp. 65-2840c and repealing the
14 existing sections.

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16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 65-2016 is hereby amended to read as follows: 65-
18 2016. The state board of healing arts shall establish and appoint a review
19 committee for the practice of podiatry. The review committee shall be
20 composed of not less than two members. The members shall be licensed
21 podiatrists. Additional members of the review committee may be ap-
22 pointed on an ad hoc basis. Such additional members shall be licensed
23 podiatrists. Members of the state board of healing arts shall not be eligible
24 to act as members of the review committee. Members of the review com-
25 mittee may be selected from names submitted by the state podiatry as-
26 sociation. The state board of healing arts shall ensure that no conflict of
27 interest exists by reason of geography, personal or professional relation-
28 ship, or otherwise, between any of the review committee members and
29 any person whose conduct is being reviewed. Members of the review
30 committee attending meetings of such committee shall be paid ~~amounts~~
31 ~~provided in subsection (c) of compensation, subsistence allowances, mile-~~
32 ~~age and expenses as provided by K.S.A. 75-3223, and amendments~~
33 ~~thereto. Within the limits of appropriations therefore and in addition to~~
34 ~~compensation for attending meetings, review committee members may be~~
35 ~~paid additional compensation on an hourly basis for reviewing records~~
36 ~~relating to matters being investigated, as deemed appropriate by the~~
37 ~~board.~~

38 Sec. 2. K.S.A. 2001 Supp. 65-2840c is hereby amended to read as
39 follows: 65-2840c. Review committees shall be established and appointed
40 by the state board of healing arts for each branch of the healing arts as
41 necessary to advise the board in carrying out the provisions of this act.
42 Each review committee shall be composed of three members and des-
43 ignated alternates. Each of the members and their designated alternates

1 shall serve for a period of two years, all of whom shall be licensed by the
2 board to practice the branch of the healing arts for which the review
3 committee is established. Members of the state board of healing arts shall
4 not be eligible to act as members of the review committee. Members may
5 be selected from names submitted by the state professional association
6 for the branch of healing arts involved. The members of such review
7 committees attending meetings of any review committees shall be paid
8 compensation, subsistence allowances, mileage and expenses as provided
9 by K.S.A. 75-3223 and amendments thereto. *Within the limits of appro-*
10 *priations therefore and in addition to compensation for attending meet-*
11 *ings, review committee members may be paid additional compensation on*
12 *an hourly basis for reviewing records relating to matters being investi-*
13 *gated, as deemed appropriate by the board.*

14 Sec. 3. K.S.A. 65-2878a is hereby amended to read as follows: 65-
15 2878a. The state board of healing arts is hereby authorized to employ,
16 appoint, designate and utilize individuals who shall be agents of the board
17 to evaluate and review investigative materials, conduct interviews and
18 render opinions, reports and testimony on matters which may result in
19 disciplinary action against any individual who has received a license, per-
20 mit, registration or certification from the board or who has applied for
21 any license, permit, registration or certificate. *Services provided under*
22 *this section shall not be subject to any provision of law requiring com-*
23 *petitive bids or approval by the director of purchases.* No individual who
24 provides such services shall be liable in a civil action for damages or other
25 relief arising from testimony provided or recommendation or opinion
26 made by such individual acting without malice and in good faith within
27 the scope of such individual's capacity as an agent of the board.

28 **Sec. 4. K.S.A. 65-2813 is hereby amended to read as follows:**
29 **65-2813. Five members of the board shall hold a degree of doctor**
30 **of medicine from an accredited medical school and shall be resi-**
31 **dents of and have been actively engaged in the practice of medicine**
32 **and surgery in the state of Kansas under license issued in this state,**
33 **for a period of at least six consecutive years immediately preceding**
34 **their appointment; three members shall hold a degree of doctor of**
35 **osteopathy from an accredited school of osteopathic medicine and**
36 **surgery and shall be residents of and have been actively engaged in**
37 **the practice of osteopathic medicine and surgery in the state of Kan-**
38 **sas under license issued in this state, for a period of at least six**
39 **consecutive years immediately preceding their appointment; three**
40 **members shall hold a degree of doctor of chiropractic from an ac-**
41 **credited school of chiropractic and shall be residents of and have**
42 **been actively engaged in the practice of chiropractic in the state of**
43 **Kansas under license issued in this state, for a period of at least six**

1 *consecutive years immediately preceding their appointment; one*
2 *member shall be a licensed podiatrist and shall be a resident of and*
3 *have been actively engaged in the practice of podiatry in the state*
4 *of Kansas under license issued in this state for a period of at least*
5 *six consecutive years immediately preceding appointment,* ~~and~~ *For*
6 *the duration of such member's term, licensed appointees to the board shall*
7 *be residents of the state of Kansas, maintain a primary residence in the*
8 *state of Kansas and remain actively engaged in the practice of such mem-*
9 *ber's profession and reside in such member's primary residence an av-*
10 *erage of nine months annually. And three members shall be appointed*
11 *to represent the general public of this state. Subject to the provi-*
12 *sions of K.S.A. 1992-Supp. 75-4315c, and amendments thereto, no two*
13 *of the members representing the general public shall be from the*
14 *same United States congressional district. No member representing*
15 *the general public shall be the spouse of a licensee of the healing*
16 *arts or a person or the spouse of a person who has a financial in-*
17 *terest in any person's practice of the healing arts.*

18 Sec. 4 5. K.S.A. 65-2016, 65-2813 and 65-2878a and K.S.A. 2001
19 Supp. 65-2840c are hereby repealed.

20 Sec. 5 6. This act shall take effect and be in force from and after its
21 publication in the Kansas register.

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