

Approved Stephen R. Cloud
Date 2-08-73

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Stephen R. Cloud at
Chairperson

9:06 a.m. on January 27, 1983 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Research Dept.
Julian Efird - Research Dept.
Jackie Breymeyer - Secretary

Conferees appearing before the committee:

Carolyn Rampey - Research Dept.
Rep. Duncan - Rules & Regulations Committee

The meeting of the Governmental Organization Committee was called to order by Chairman Cloud at 9:06 a.m. The minutes of the previous meeting were approved.

Carolyn Rampey, Research Department, gave an overview of the Board of Healing Arts. The Committee followed along as she went through the Definition of Terms, Composition and Duties of the Board, Professions Under the Jurisdiction of the Board and Board Operations and Budget. She answered several questions from Committee members.

Chairman Cloud introduced Elizabeth Carlson, Executive Secretary, Board of Healing Arts and Helen Gilles, M.D., Secretary of the Board. Elizabeth Carlson made a few comments on funding, citing the increased legal activities in recent years. Everyone is entitled to all the due process they want and need and this entails more money. More complaints have been coming to the Board than ever before and per hour legal costs are high. Further information will be provided when Ms. Carlson and Dr. Gilles attend the subcommittee meetings.

Rep. Sandy Duncan appeared before the Committee and gave a detailed explanation of how the Rules and Regulations Committee functions. He stated that the Rules and Regulations Act is contained in Chapter 77 of the Kansas Statutes Annotated. The Committee is bipartisan and does not operate along party lines. The procedure is to invoke, reject or modify without becoming entangled in constitutional problems. The Committee lets the agency in question administrate and does not try to invade an agency's function. Rep. Duncan stated that he was very impressed with the Rules and Regulations Act and how the Act works. Rep. Duncan chairs this Committee in odd numbered years and Senator Werts chairs the Committee in even numbered years. After several other comments from Rep. Duncan, the Chairman thanked him for taking the time to come and speak before our Committee.

HB 2013 - Kansas health planning and development act expiration. Re Proposal No. 27.

Chairman Cloud asked for discussion on the bill. Rep. Smith moved that HB 2013 be reported favorably. Rep. Sughrue gave a second to the motion. On a voice vote, HB 2013 was passed out of Committee favorably.

Chairman Cloud stated that there would probably be hearings on HB 2012 and HB 2014 next week in the Public Health and Welfare Committee. If these bills are passed, all three bills, HB 2012, HB 2013 and HB 2014 will probably be carried on the floor together.

The meeting was adjourend at 10:55 a.m.

1/27/83

MEMORANDUM

January 24, 1983

TO: House Committee on Governmental Organization
FROM: Kansas Legislative Research Department
RE: Board of Healing Arts

Definition of Terms

K.S.A. 65-5001:

- (b) "Registration" means the process by which the state identifies and lists on an official roster those persons who meet predetermined qualifications and who will be the only persons permitted to use a designated title.
- (c) "Licensure" means a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in an occupation or profession, and that to engage in such occupation or profession without a license is unlawful.

Composition and Duties of the Board

The Board of Healing Arts was established in 1957 so that "the public shall be properly protected against unprofessional, improper, unauthorized, and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act" (K.S.A. 65-2801). The Board consists of the following 13 members who are appointed by the Governor, with the consent of the Senate, to four-year staggered terms:

1. five members who hold a degree of doctor of medicine;
2. three members who hold a degree of doctor of osteopathic medicine and surgery;
3. three members who hold a degree of doctor of chiropractic;
4. one member who holds a degree of podiatry; and
5. one public member.

Except for the public member, all members must have been actively engaged in Kansas in their respective fields at least six consecutive years immediately preceding their appointment.

In making the appointments, the Governor is required to take into consideration the names of persons who are on lists submitted by the professional societies or associations represented on the Board, except in the case of the podiatrist and public members.

The Board of Healing Arts is charged with administering the provisions of the Kansas Healing Arts Act (K.S.A. 65-2801, et seq.). The Act provides for the licensure and regulation of medical, osteopathic, and chiropractic doctors, and the registration of physician's assistants. In addition, the Board is responsible for administering other statutes which bring within its jurisdiction the registration and certification of physical therapists and physical therapy assistants (K.S.A. 65-2901 et seq.) and the licensing and regulation of podiatrists (K.S.A. 65-2001 et seq.).

In performing these latter duties (administering the Physical Therapy Act and the Podiatry Act), the Board works with two committees which assist it in matters relating to their respective professional fields.

The first is the State Examining Committee for Physical Therapy, a statutory five-member committee directed to "assist the board (of Healing Arts) in carrying out the provisions of this law, regarding the qualifications and examinations of physical therapists and physical therapy assistants." The members, who are appointed to four-year terms, consist of three physical therapists appointed by the Governor, a physician licensed by the Board of Healing Arts to practice medicine and surgery appointed by the Board, and the Secretary of the Board of Healing Arts. The Committee, under the administration of the Board of Healing Arts, registers, examines, and regulates physical therapists in Kansas. (This Committee was under the provisions of the Sunset Law, but those provisions were removed by the 1981 Legislature.)

The second committee is the Advisory Committee on Podiatry, a three-member committee established in 1975. The Committee consists of three podiatrists who advise and consult with the Board of Healing Arts in the administration of laws regarding the qualifications and examination of podiatrists.

The professions under the jurisdiction of the Board of Healing Arts are shown in Table I.

Table I
Professions Under the Jurisdiction of the
Board of Healing Arts

<u>Profession</u>	<u>Type of Jurisdiction</u>	<u>Relevant Statutes</u>	<u>Number Licensed Registered 10-31-82</u>
Medical doctors	Licensure	Healing Arts Act (K.S.A. 65-2801 <u>et seq.</u>)	6,329
Doctors of osteopathic medicine	Licensure	Healing Arts Act (K.S.A. 65-2801 <u>et seq.</u>)	410
Chiropractors	Licensure	Healing Arts Act (K.S.A. 65-2801 <u>et seq.</u>)	741
Physician's assistants	Registration	Healing Arts Act (K.S.A. 65-2801 <u>et seq.</u>)	60
Physical therapists*	Registration	Physical Therapy Act (K.S.A. 65-2901 <u>et seq.</u>)	495
Physical therapy assistants*	Certification ^a	Physical Therapy Act (K.S.A. 65-2901 <u>et seq.</u>)	105
Podiatrists**	Licensure	Podiatry Act (K.S.A. 65-2001, <u>et seq.</u>)	101

* Assisted by the State Examining Committee for Physical Therapy

** Assisted by the Advisory Committee on Podiatry

^aIn this context, certification is the same as registration.

The duties of the Board include determining the qualifications of persons who wish to practice in Kansas in the professional areas under the Board's jurisdiction, administering various examinations, issuing licenses or permits to practice, and investigating and hearing complaints concerning practitioners under the Board's jurisdiction. The qualifications of practitioners are set forth in Kansas statutes and the rules and regulations of the Board.

The Board administers examinations twice a year in each professional area under its jurisdiction, except for physician's assistants. Examinations for physician's assistants are given at Wichita State University. All of the examinations are standardized tests administered by the Board (or by Wichita State University, in the case of physician's assistants), except for the podiatry examination. That test is developed by the Board itself with the assistance of the Advisory Committee on Podiatry.

All persons who are licensed, registered, or certified by the Board must renew their permits to practice annually. All practitioners except physical therapy assistants are required to show proof of having met continuing education requirements before their permits may be renewed.

The Board receives approximately 100 complaints against licensees annually. The Board contracts with an investigator who gathers information on serious complaints and, if warranted, the Board holds disciplinary hearings which can result in a license or permit to practice being revoked, suspended, or limited. The Board usually holds five or six hearings a year although there has been an increase in both the number and length of hearings during the last several years. The Board contracts with an attorney for its legal services.

Fees which may be collected by the Board are listed in the statutes pertaining to each of the professions under the Board's jurisdiction. Except in the case of physical therapists and physical therapy assistants, the statutes also set a limit on each fee. For physical therapists and physical therapy assistants, the limits are set in rules and regulations of the Board. Table II shows some of the fees collected by the Board.

Table II
Selected Fees Collected by the
Board of Healing Arts

<u>Profession</u>	<u>Type of Fee</u>	<u>Current Amount</u>
Medical doctors	Examination	\$160
	Initial Licensure	130
	Renewal	50
Doctors of osteo- pathic medicine	Examination	160
	Initial Licensure	130
	Renewal	50
Chiropractors	Examination	40
	Initial Licensure	130
	Renewal	50
Physician's assistants	Examination	---
	Initial Registration	50
	Renewal	10
Physical therapists	Examination	} 85
	Initial Registration	
	Renewal	15
Physical therapy assistants	Examination	} 85
	Initial Certification	
	Renewal	15
Podiatrists	Examination	30
	Initial Licensure	130
	Renewal	50

Board Operations and Budget

The Board is funded entirely from fees it collects for issuing licenses and permits, giving examinations, and performing other duties for which a charge is assessed. Twenty percent of its income is credited to the State General Fund. The remainder is credited to the Healing Arts Fee Fund which supports the operation of the Board office at 503 Kansas Avenue. The Board's staff consists of six persons: an Executive Secretary and a five-person clerical staff. Each year the Board selects one of its members to serve as Secretary and that person also receives a salary fixed by the Board. In addition, the Board contracts with an attorney and an investigator.

For the current fiscal year (1983), the Governor recommends an expenditure limitation of \$285,153. Major items in the Budget are salaries (\$132,284), travel and subsistence for Board members and staff (\$23,500), and contracts with the attorney and investigator (\$62,000).

For FY 1984, the Governor recommends an expenditure limitation of \$313,683. The greatest growth in the budget for FY 1984 over the current year is in the area of contracts for legal and investigative services for which the Governor recommends an expenditure of \$81,800. The Board requested that level of funding because of a greater than usual amount of legal activities in recent years. If the Governor's recommendations for the Board's budget are approved by the Legislature, there will be a balance in the Healing Arts Fee Fund of \$377,925 at the end of FY 1984.