

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at  
Chairperson

1:45 ~~xxx~~/p.m. on February 9, 1983 in room 531N of the Capitol.

All members were present except:

Senator Gaines  
Senator Mulich

Committee staff present:

Julian Efird - Legislative Research

Conferees appearing before the committee:

Elizabeth W. Carlson - Executive Secretary  
Board of Healing Arts

The Chairman welcomed students from Haysville High School and Lindsborg who were visiting the committee under the government program "Close Up".

The Research Department gave a brief explanation of the statutory requirements under the sunset law and stated that no Sunset Audit had been performed on the Board of Healing Arts.

Elizabeth Carlson presented testimony from the Board of Healing Arts and stated that the purpose of the Board was to insure the public health, safety and welfare of the citizens of the State of Kansas. The Board of Healing Arts licenses and registers seven professions and the requirements for licensure were discussed for each profession. The Board is also responsible for determining if the education of foreign medical students is equivalent to the standards of the University of Kansas School of Medicine. (Exhibit A) Many questions were raised by members of the committee and they were discussed at length.

No action was taken on Senate Bill 41 and the committee was adjourned at 2:30 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization DATE: Feb 9, 1983

NAME	ADDRESS	COMPANY/ORGANIZATION
Cathi Johnson	Lindsborg, Kansas	Close Up Gov't Program
Jennifer Hammell	Lindsborg, Kansas	" " " "
Nickie Stein	Topeka	Ks. St. Nurses' Assn.
Dr. Lois G. Scibetta	Topeka	Ks. St. Bd of Anest.
Elizabeth W. Carlson	Topeka	Board of Healing Arts
Judy Gravelle	Haysville (close-up)	Close-up
Randy Tucker	Haysville	Close-Up
Rhonda Bronson	Haysville Ks.	Close-up
DAVID McDOWELL	HAYSVILLE KS.	CLOSE-UP
Diana Brett-Smith	<del>Haysville</del> Wichita	" "

STATE OF KANSAS  
BOARD OF HEALING ARTS



EXHIBIT A

MEMBERS OF BOARD

OFFICE OF  
HELEN GILLES, M.D., SECRETARY  
ELIZABETH W. CARLSON, EXECUTIVE SECRETARY  
503 KANSAS AVENUE, SUITE 500  
TOPEKA, KANSAS 66603-3449  
PHONE: (913) 296-7413

GORDON E. MAXWELL, M.D., PRESIDENT, SALINA  
DAN A. KELLY, M.D., VICE-PRESIDENT, TOPEKA  
HELEN GILLES, M.D., SECRETARY, LAWRENCE  
JAMES W. BRUNO, M.D., GARDEN CITY  
JAMES R. CROY, D.C., JUNCTION CITY  
RICHARD J. CUMMINGS, M.D., WICHITA  
F. J. FARMER, D.O., STAFFORD  
FREDERICK J. GOOD, D.C., BENTON  
CAMERON D. KNACKSTEDT, D.O., PHILLIPSBURG  
BETTY JO MCNETT, WICHITA  
HAROLD J. SAUDER, D.P.M., INDEPENDENCE  
RICHARD A. UHLIG, D.O., HERINGTON  
REX A. WRIGHT, D.C., TOPEKA

Board of Healing Arts

Purpose. The purpose of the Board of Healing Arts is to insure the public health, safety and welfare of the citizens of the State of Kansas.

The Kansas State Board of Healing Arts was established by the 1957 Legislature. This Board is a composite of the former medical, osteopathic and chiropractic examining boards. The Board consists of the following 13 members who are appointed by the Governor to four years staggered terms.

1. Five members who hold a degree of Doctor of Medicine and surgery:

James W. Bruno, M.D., 1133 Kansas Plaza, Garden City, KS 67846  
Richard J. Cummings, M.D., 427 N. Hillside, Wichita, KS 67230  
Helen Gilles, M.D., Secretary, 346 Maine, Lawrence, KS 66044  
Dan A. Kelly, M.D., Vice-President, 430 Yorkshire, Topeka, KS 66606  
Gordon E. Maxwell, M.D., President, 135 E. Claflin, Salina, KS 67401

2. Three members who hold a degree of Doctor of Osteopathic Medicine and Surgery:

F. J. Farmer, D.O., 802 West Broadway, Stafford, KS 67576  
Cameron D. Knackstedt, D.O., Box 547, Phillipsburg, KS 67661  
Richard A. Uhlig, D.O., R.R. #1, Herington, KS 67449

3. Three members who hold a degree of Chiropractic:

James R. Croy, D.C., P. O. Box 1073, Junction City, KS 66441  
Frederick J. Good, D.C., R.R. #1, Benton, KS 67017  
Rex A. Wright, D.C., 206 Topeka Blvd., Topeka, KS 66603

4. One member who holds a degree of Podiatry:

Harold J. Sauder, D.P.M., 209 North 6th St., Independence, KS 67301

5. One public member:

Betty Jo McNett, Villa Del Mar, 550 Nims, #336, Wichita, KS 67203

Ex. A

All members except the public member must have been actively engaged in Kansas in their respective professions at least six consecutive years. The Board annually elects officers. The Secretary receives a salary fixed by the Governor.

The work of the Board is done under the direction of the Secretary and the office is supervised by the Executive Secretary. The office consists of six full time employees; one Secretary I, one Account Clerk II and three Clerk III's. (See organization chart)

The Board licenses and registers seven professions:

1. Medical
2. Osteopathic
3. Chiropractic
4. Podiatric
5. Physical Therapists
6. Physical Therapy Assistants
7. Physician's Assistants

The Board Office is located at 503 Kansas Avenue, Suite 500, Topeka, Kansas. The Office was moved from Kansas City, on October 1, 1975.

The Board is authorized to issue six kinds of licensure or permits:

1. Regular Licensure
2. Temporary Permits
3. Postgraduate Training Temporary Permits
4. Fellowship Licenses
5. Visiting Professor License
6. Special Permit (out-of-phase)

Requirements for licensure in the Healing Arts are:

1. Be of legal age
2. Be of good moral character
3. Show proof of proficiency in the Basic Sciences
4. Be a graduate of an approved school
5. Pay a prescribed fee
6. Apply on forms supplied by the Board
7. Pass an examination with a 75% average

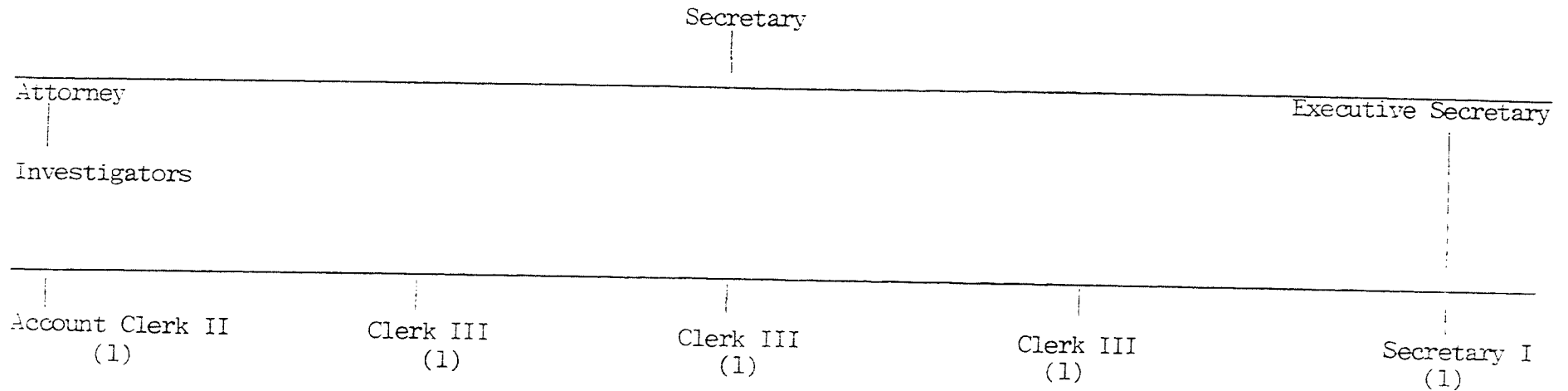
In addition:

Medical and Osteopathic Doctors:

1. Show proof of approved postgraduate study in the U.S. of one year.

ORGANIZATION CHART

BOARD MEMBERS (13 Including the Secretary)



The thirteen (13) Board members are appointed by the Governor. The Board elects one (1) of it's members to be the Secretary, who is in charge of the office and it's procedures. The Board employs it's own Attorney (appointed by the Attorney General and is a Special Assistant Attorney General) for legal matters and the Investigators for investigative purposes. The Board employs an Executive Secretary to supervise all clerical personnel and to assist the Secretary. The Attorney, Investigators and the Executive Secretary work under the direct supervision of the Secretary.

Professions Under the Jurisdiction of the  
Board of Healing Arts

<u>Profession</u>	<u>Type of Licensure</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> )	75
Physical Therapists*	Registration	Physical Therapy Act (K.S.A. 65-2901 <u>et seq.</u> )	594
Physical Therapy Assistants*	Certifications	Physical Therapy Act (K.S.A. 65-2901 <u>et seq.</u> )	132
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

Chiropractic Doctors:

1. Present proof of 60 transferable units of study by a college or university accredited by the North Central Association of Colleges and Schools.

Podiatry Doctors:

1. Be 21 years of age
2. Show proof of four years of instruction and be a graduate of a school of podiatry having at least two years of credits as an entrance required.
3. A graduate of approved school
4. Apply on forms supplied by the Board
5. Pay a prescribed fee
6. The license should be displayed at place of practice

The Board of Healing Arts administers two examinations each year, in medicine and surgery, chiropractic and podiatry. All examinations are standardized tests (except for podiatry) and are administered by the Board and staff. The Podiatry Exam is developed by the Advisory Committee on Podiatry and administered by this Committee. The Podiatry member of the Board is also a member of the Advisory Committee.

The Board of Healing Arts holds three regular meetings each year as required by statutes and as many special meetings as are necessary to carry out the functions of the Board. A meeting is usually held every other month.

All licenses are renewed on an annual basis with the Healing Art's licenses being renewed from May to October 1st of each year and the physical therapists, physical therapy assistants and physician's assistants in December and January. The Department of Health and Environment has requested the renewal of licenses to be kept on an annual basis so that better data can be accumulated. A questionnaire-type renewal form is used for all professions to gather health data which is placed in the computer at the Department of Health and Environment. Statistics are analyzed and made available to the Legislature and the Board as well as the University of Kansas School of Medicine and other qualified persons and groups. (See Professions Under the Jurisdiction of the Board of Healing Arts)

Many applicants for licensure in medicine and surgery are graduates of foreign medical schools. The Board is responsible for determining if the education is equivalent to the standards of the University of Kansas School of Medicine.

The Board may also issue a license by endorsement to a person from another country.

This agency is a fee funded agency, solely self-supporting and maintains a surplus. 20% of all fees go into the State General Revenue Fund. This amount in FY82 was \$63,381.

In 1963, the Kansas State Physical Therapy Examining Committee was created. This Committee is composed of five members: Three registered physical therapists, the Secretary of the Board and one physician (usually a physiatrist) selected by the Board. This Committee, under the administration of the Board of Healing Arts registers, examines, and regulates the physical therapists in Kansas. In 1973, the legislature enacted statutes for certification of the physical therapy assistant under the Physical Therapy Act.

Kansas State Physical Therapy Examining Committee:

Albert R. Siegel, M.D., 15 Colonial Court, Wichita, KS 67207

Anne G. Cowan, R.P.T., 415 North Juliette, Manhattan, KS 66502

D. Kathleen Lewis, R.P.T., Vice-President, 1851 Hunting Avenue,  
Manhattan, KS 66502

Jimmy D. Hammond, R.P.T., President, 903 Toles, Larned, KS  
67550

Helen Gilles, M.D., Secretary, 346 Maine, Lawrence, KS 66044

In 1975, the Board of Podiatry Examiners was abolished and the Advisory Committee on Podiatry was established, to advise and consult with the Board of Healing Arts in the administration of laws regarding the qualifications of podiatrists. Three podiatrists serve as members of this Committee:

Harold J. Sauder, D.P.M. (also a member of Board) 209 North  
6th Street, Independence, KS 67301

Charles A. Hepford, D.P.M., 1919 W. 10th, Topeka, KS 66604

Lawrence E. Krause, D.P.M., 3109 12th, Great Bend, KS 67530

In 1975, the registration of physician's assistants came under the direction of the Board of Healing Arts. A new law was enacted in 1978 giving the Board authority to require the applicant to have passed an examination prior to being registered, to remove the name of a physician's assistant from the register and to charge a registration and renewal fee.

Fees which may be collected by the Board are listed in the statutes pertaining to each of the professions. The statutes also set a limit on each fee, except for the physical therapists and physical therapy assistants, which are set in the Rules and Regulations. (see fee chart)



SELECTED FEES COLLECTED BY THE  
BOARD OF HEALING ARTS

<u>Profession:</u>	<u>Type of Fee:</u>	<u>Current Amounts:</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	15
	Renewal	15
Physical Therapy Assistants	Examination	85
	Initial Certification	15
	Renewal	15
Podiatrists	Examination	30
	Initial Licensure	130
	Renewal	50

The requirement of continuing education for all licensees, except the physical therapy assistants, became effective July 1, 1978. Rules and Regulations were promulgated setting forth specific requirements for all professions and proof of the hours of continuing education are required with the annual renewal or reinstatement of all licenses.

The Board of Healing Arts works closely with the Kansas Insurance Department to maintain records in the Kansas Health Care Insurance Availability Act. Names of all newly licensed applicants are furnished to the Department. A computer print-out of all licensees, their insurance company, and policy number is supplied to the Board. Those who are listed as not having the required insurance are sent letters requesting replies about their malpractice coverage. One license has been suspended because the licensee did not obtain insurance coverage and hearings have been held for approximately five other licensees.

Approximately 75-100 complaints concerning licensees are received annually. Many minor complaints are handled by correspondence. More serious complaints are investigated, and if the Board decides, petitions are filed for a disciplinary hearing. Following a comprehensive hearing with witnesses testifying for both plaintiff and defendant, a license may be revoked, suspended or limited. The Board may also stipulate with the licensee prior to the hearing if both sides agree. The Board usually holds five or six hearings a year and monitors approximately 12 licensees who are practicing under a stipulation. (see enclosed chart)

The Board employs, on a contract basis, an attorney appointed by the Attorney General, and an investigator.

There is certainly a need for the continued existence of the Board of Healing Arts. The Board is necessary to properly protect not only the public health, safety and welfare of the citizens of Kansas, but also to properly protect the public against the unprofessional, improper and unqualified and unauthorized practice of the Healing Arts. The absence of regulation would seriously endanger the public, putting them at the mercy of unlicensed and unqualified quacks.

The Board regulates licensees in an aggressive and efficient manner. Hearings are held more frequently and continue for a longer time. Cooperation has been very good with the Drug Enforcement Administration, the K.B.I., the Division of Quality Control, of the U.S. Department of Health and Human Services, Blue Cross-Blue Shield, and S.R.S. in reporting infractions of the law to protect the consumer.

SUMMARY OF DISCIPLINARY ACTION OF STATE BOARD OF HEALING ARTS  
As Of  
July 1, 1982

<u>YEAR</u>	<u>PREHEARING CONFERENCE</u>	<u>INVESTIGATIONS</u>	<u>DENIAL FOR CAUSE</u>	<u>STIPULATIONS INCLUDING LIMITATIONS</u>	<u>SUSPENSIONS</u>	<u>REVOCATIONS</u>
1975-76	0	1975 37	4 (3 D.O.'s; 1 D.C.)	2 (2 M.D.'s)	1 (1 M.D.)	1 (1 D.C.)
1976-77	0	1976 27	4 (3 D.O.'s; 1 D.C.)	4	0	3 (1 D.C.; 2 M.D.'s)
1977-78	7 (All M.D.'s)	1977 29	3 (2 M.D.; 1 D.O.)	1 (1 M.D.)	1 (1 M.D.)	4 (1 D.C.; 3 M.D.'s)
1978-79	6 (5 M.D.'s; 1 D.O.)	1978 69	4 (1 M.D.; 3 D.C.)	6 (2 M.D.s; 1 D.O.; 3 D.C.)	4 (1 D.O.; 3 D.C.s)	3 (2 M.D.s; 1 D.C.)
1979-80	6 (3 M.D.s; 1 D.O.; 1 D.C.1; 1 P.A.)	1979 71	5 (3 D.O.s; 2 D.C.)	7 (4 M.D.s; 1 D.O.; 2 D.C.s)	2 (1 M.D.; 1 D.C.)	2 (1 M.D.; 1 D.O.)
1980-81	6 (5 M.D.; 1 D.O.)	1980 59	4 (2 M.D.s; 2 D.C.)	6 (6 M.D.s)	2 (2 M.D.s)	4 (4 M.D.s)
1981-82	4 (1 D.O.; 3 D.C.)	1981 46	1 (M.D.)	12 (11 M.D.s; 1 D.O.)	1 (D.C.)	1 (M.D.)

The Board operates efficiently and economically in the regulation of seven professions under its jurisdiction. We believe the Board of Healing Arts should be continued as a licensing and regulatory agency and wholeheartedly recommend the passage of SB 41.

The operation of the Board is not restrictive to the practices of medicine, chiropractic, podiatry, physical therapy or to the physician's assistants, nor is it a costly regulatory body. The absence of regulation would certainly be harmful to the public due to unprofessional, improper and unqualified practitioners. The administrative processes are designed solely for the protection of the public and the Board does function in an efficient, effective and economical manner.

Thank you. I would be happy to answer any questions.

Submitted by,



Elizabeth W. Carlson  
Executive Secretary

EWC/pd  
Attachments

STATE OF KANSAS  
BOARD OF HEALING ARTS  
503 Kansas Avenue, Suite 500  
Topeka, Kansas 66603

COMPLAINT FORM

PARTY MAKING THE COMPLAINT:

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
Street City State Zip Code

PARTY AGAINST WHOM COMPLAINT IS MADE:

NAME: \_\_\_\_\_  
Profession

ADDRESS: \_\_\_\_\_  
Street City State Zip Code

NATURE OF COMPLAINT: State clearly and specifically, all charges against party named above. Listing of each incident, setting forth specific date(s); full name(s) of all alleged participants; and a brief statement supporting each incident. If additional space for nature of complaint is required, attach sheet to the back of this form.

I authorize this complaint to be provided to the above named licensee. \_\_\_\_\_ (yes or no) (Your authorization is required before the complaint can be processed.)

Will you, as the Complainant, willingly testify in a hearing before the Board of Healing Arts, or in Court, should charges be filed arising from this complaint? \_\_\_\_\_ (Yes or No)

I hereby certify that the above stated charges are true and correct to the best of my knowledge.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Before me personally appeared \_\_\_\_\_ whose signature appears above, and made oath and says that he (or she) is the identical person making this complaint.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

SPECIALITIES LISTED FOR MEDICAL DOCTORS LICENSED FY-82

Allergy - Immunology	2	Otolaryngology	3
Aviation Medicine	1	Pathology	11
Anesthesiology	33	Pediatrics	21
Dermatology	2	Pediatric Cardiology	1
Emergency Medicine	19	Pediatric Neonatology	2
Family Practice	69	Pediatric Surgery	1
Geriatrics	1	Physical Medicine	1
Internal Medicine	72	Psychiatry	16
Cardiology	10	Radiology	13
Gastroenterology	1	Diagnostic Radiology	10
Hematology-Oncology	2	Surgery	23
Infectious Disease	1	Orthopedic	10
Nephrology	5	Neurological	5
Pulmonary	2	Plastic	1
Rheumatology	2	Thoracic	3
Neurology	1	Vascular	1
Obstetrics-Gynecology	20	Urology	2
Occupational Medicine	1	Not Given	11
Ophthalmology	1		
Orthopedics	1		

DATA FROM LICENSURE BY ENDORSEMENT  
1982

Medical Licenses

Total Licensed	381
Kansas University Medical Graduates	96
United States Medical Graduates	202
Foreign Medical Graduates	77
Canadian Medical Graduates	6
Women Licensed	51
Kansas University Medical Graduates	15
United States Medical Graduates	24
Foreign Medical Graduates	11
Canadian Medical Graduates	1

Osteopathic Licenses

Total	49
Women	5

Chiropractic Licenses

Total Licensed	28
Women	2

Physician's Assistants

Total	23
Wichita State University	18
United States Graduates	5
Women	9

Physical Therapists

Total	28
Kansas University Graduates	6
Wichita State University Graduates	
United States Graduates	20
Foreign Medical Graduates	1
Women	19
Men	9

Duplicate Licenses

M.D.'s	10
D.C.'s	2

Reinstatements

M.D.'s	25
D.C.'s	1
R.P.A.'s	7

DATA FROM EXAMINATIONS FY-82

Medical -- FLEX

Total Number of Examinees	94
Number Passing	41
Number Failing	56
Percentage Passing	44%

Number of K.U. Examinees	2
Number Passing	2
Number Failing	0
Percentage Passing	100%

Number of U.S. Examinees	10
Number Passing	7
Number Failing	3
Percentage Passing	70%

Number of Foreign Examinees	82
Number Passing	32
Number Failing	50
Percentage Passing	39%

Examinations -- Chiropractors

Total	5
Number Passing	3
Number Failing	2
Percentage Passing	53%

Examinations -- Physical Therapists

Total	35
Number Passing	32
Number Failing	2
Percentage Passing	91%

Examinations -- Physical Therapy Assistants

Total	22
Number Passing	20
Number Failing	2
Percentage Passing	91%