

Approved March 5, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:40 ~~am~~/p.m. on February 19, 1991 in room 531-N of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Oleen, Bogina, Doyen, Francisco, Moran and Vidricksen.

Committee staff present:

Julian Efird, Kansas Legislative Research Department
Fred Carman, Revisor of Statutes Office
Mary Allen, Committee Secretary

Conferees appearing before the committee:

Mark Stafford, Office of the Attorney General
Terri Roberts, Kansas State Nurses' Association
Patsy Johnson, Kansas State Board of Nursing
Gigi Felix, National Association of Social Workers, Inc.
Jonathan Small, Kansas National Guard
Chip Wheelen, Kansas Medical Society
Kay Hale, Kansas Hospital Association
Harold Riehm, Kansas Association of Osteopathic Medicine
Richard Gannon, Board of Healing Arts
Major Joy Moser, Office of the Adjutant General

The meeting of the Senate Governmental Organization Committee was called to order by the Chairman, Senator Lana Oleen, at 1:40 p.m.

Senate Bill 118 - License maintenance for people in active military service.

Chairman Oleen introduced Mark Stafford, Assistant Attorney General, to explain SB 118 and to speak on behalf of Attorney General Robert Stephan in support of the bill. Mr. Stafford pointed out that during the Persian Gulf crisis, some people have temporarily left their occupations and professions to go on active military duty. He said that when they return, some potential problems lie ahead for those licensed to practice occupations or professions. He listed some of those problems including obtaining mandated continuing education units, renewing licenses which have expired during the period of active service, complying with mandated liability insurance coverage and responding to disciplinary complaints. He observed that SB 118 addresses these issues by expanding and updating existing law appearing in K.S.A. 65-2201 through 65-2204. He urged the passage of SB 118. (Attachment 1)

Terri Roberts, Executive Director of the Kansas State Nurses' Association, spoke in support of SB 118 and noted that there are over 100 Kansas Registered Nurses in the Desert Storm military operation. She noted that her organization supports the complete waiver of continuing education requirements for those serving on active military duty and the six month time period provided by the bill for license renewal. (Attachment 2)

The next conferee to speak in support of SB 118 was Patsy Johnson, Executive Administrator of the Kansas State Board of Nursing. She pointed out some of the many questions received from licensees being called into active military service which she has received with regard to licensure renewal, continuing education and practice of graduate nurses. Ms. Johnson said that approval of SB 118 would provide a great relief to those who are serving our country for it would permit nurses to maintain their licenses or their temporary permits while they are activated as well as for a period of time upon completion of their military service. (Attachment 3)

Also speaking in support of SB 118 was Gigi Felix, Executive Director of the Kansas Chapter of the National Association of Social Workers, Inc. Ms. Felix noted that

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,

room 531-N, Statehouse, at 1:40 ~~xxx~~/p.m. on February 19, 1991

those on active duty in Operation Desert Storm need to be assured that their ability to work when they return will not be threatened by serving their country overseas. (Attachment 4)

Lieutenant Colonel Jonathan Small, Judge Advocate General for the Kansas National Guard, appeared before the Committee in support of SB 118. Noting that the active duty and reserve components of our armed forces include a large number of Kansas licensees who are affected by Kansas law, he stated that he unqualifiedly supports the amendments to the law as contained in SB 118 for passage of the bill would significantly lessen the concern active duty licensees presently have concerning the many licensing regulations now imposed upon them. (Attachment 5)

Chip Wheelen, Kansas Medical Society, spoke in support of SB 118. He specifically endorsed New Section 5 of the bill but pointed out that if a physician had practiced in Kansas less than five years and paid into the Health Care Stabilization Fund less than five years, he or she would not receive the so-called "tail" coverage which insures the physician against claims arising as a result of prior incidents. Therefore, he requested that another section entitled New Section 6 be added to SB 118 which would make an exception to the normal five year rule by providing that a health care provider who commences a period of military service shall be considered an inactive health care provider for purposes of liability of the health care stabilization fund pursuant to Article 34 of Chapter 40 of the Kansas Statutes Annotated. He noted that this suggested amendment is controversial and is now being discussed, by way of SB 38, in the Senate Financial Institution and Insurance Committee. Mr. Wheelen also called the attention of the Committee to Section 1(c) of the bill and requested that a provision might be added to cover the possibility of someone who has already entered the military service being re-activated.

A member of the Committee questioned whether there should be included in New Section 5 a provision for restoring the maintenance of professional liability insurance coverage and payment of the surcharge to the health care stabilization fund at some point and time. Mr. Wheelen answered that if his proposed New Section 6 is enacted, a new provision would not be needed in New Section 5; however, if proposed New Section 6 is not adopted, additional language would be needed. (See Attachment 6 for copy of Mr. Wheelen's testimony and suggested amendments.)

Kay Hale, Director of Education Services for the Kansas Hospital Association, spoke to the Committee in support of SB 118 and noted that the bill is a small but necessary step to ensure that when health care providers end their military service obligations they will return to their private professions in the same status as existed when they left. (Attachment 7)

The next conferee to appear before the Committee was Harold Riehm, Executive Director of the Kansas Association of Osteopathic Medicine. Mr. Riehm said that his association enthusiastically supports the changes in state law found in SB 118. (Attachment 8)

Richard Gannon, Executive Director of the Board of Healing Arts, stated that the Board is fully supportive of SB 118 as it feels that legislation may be necessary to deal with the current crisis in the Persian Gulf as it relates to people holding any license to practice a profession or occupation. He noted, however, that the Board feels that this might be more appropriately dealt with differently for health care providers than as suggested in SB 118. Mr. Gannon requested that the Board's General Counsel meet with the Revisor of Statutes to develop language that would address the unique circumstances faced by active duty health care professionals, including those serving in Operation Desert Storm as well as those who were in the military service before and will be in the military service after the current crisis has concluded. (Attachment 9) Mr. Gannon called the attention of the Committee to two letters attached to his testimony, one from the American Medical Association and the other from the Department of the Army, Office of the Surgeon General, concerning licensed health care providers currently serving in Saudi Arabia in support of Operation Desert Storm.

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Chairman Oleen asked the General Counsel for the Board of Healing Arts, the Revisor of Statutes, Chip Wheelen from the Kansas Medical Society and Mark Stafford from the Office of the Attorney General to work together in the preparation of any suggested amendments to SB 118. She announced that the Committee would continue its discussion of the bill at a future meeting.

Major Joy Moser, Public Relations Director for the Office of the Adjutant General, appeared in support of SB 118 on behalf of the Adjutant General, Brig. General James Rueger. Major Moser questioned whether the wording of the bill includes renewal of teachers' certificates. (Attachment 10) The Chairman stated that it is the intent of the bill that all types of professional certification be included.

Chairman Oleen reminded the Committee that it will meet Thursday, February 21, 1991, to continue its public hearing on SB 114, a bill which concerns continuing in existence the State Corporation Commission.

The meeting was adjourned at 2:10 p.m. by the Chairman.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE Feb. 19, 1991

NAME	COMPANY / ORGANIZATION	ADDRESS
Kay Hale	Kansas Hospital Assn	Topeka.
Tom Hitchcock	Bd. Pharmacy	"
Pat Johnson	Bd of Nursing	"
Pat McKelip	" "	"
Dean O. Zarr	" " "	Harden City, Ks
Mary Dunbar	Ks Bd	Wenfield, Ks
Deirdre Underwood	Board of Nursing	Millinville, Ks
Loith Ball	CPHA	Phillipsburg Ks.
Joy K. Mages	The Adj. Gen. Dept.	Topeka
Robert S. Johnson	Col of Teaching Arts	"
Sue Swearing	Col of Teaching Arts	Topeka
James R. Linn	Ks Assn of Deafblind	Topeka
JAN BUEKER	IC-NASW	TOPEKA
Gary Duff	KNASW	Topeka
Mark Stafford	AG	Topeka
Karen Stafford		Topeka
Jill Montague	Budget	
Jonathan Small	Ks Nat. Guard	Topeka KS



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Before the Senate Committee on Governmental Organization
Senate Bill No. 118

Testimony Presented By
Assistant Attorney General Mark W. Stafford
On Behalf of
Attorney General Robert T. Stephan
February 19, 1991

Madam Chairperson and Members of the Committee:

Attorney General Stephan thanks this committee for an opportunity to support 1991 Senate Bill No. 118. We request passage of this bill as a measure to preserve the licensure status of individuals in active military service.

The need for legislation of this type came to our attention through contacts from individuals and from state licensing agencies. During the crisis in the Persian Gulf, people from many walks of life have temporarily left their homes and their occupations or professions to go on active duty in the military. When they return, potential problems lie ahead for persons licensed to practice occupations or professions. Some of those problems include obtaining mandated continuing education units, renewing licenses which have expired during the

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2-19-91*

Attachment 1

period of active service, complying with mandated liability insurance coverage, and responding to disciplinary complaints. Senate Bill No. 118 addresses these issues by expanding and updating existing law which now appears at K.S.A. 65-2201 through 65-2204.

We ask that Senate Bill No. 118 be passed and made effective upon publication in the Kansas Register. Those who are participating in Operation Desert Storm should not return to face complications in their professional lives. We urge you to make their return to civilian life as positive as we can.

FOR FURTHER INFORMATION CONTACT:
TERRI ROBERTS, J.D., R.N.
EXECUTIVE DIRECTOR
KANSAS STATE NURSES' ASSOCIATION
700 S.W. JACKSON, SUITE 601
TOPEKA, KANSAS 66603-3731
(913) 233-8638

February 19, 1991

S.B. 118 - LICENSING REQUIREMENTS FOR ACTIVE DUTY LICENSEES

Chairperson Oleen and members of the Senate Governmental Organization Committee, my name is Terri Roberts, J.D., R.N., and I am the Executive Director of the Kansas State Nurses' Association.

S.B. 118 provides some much needed statutory language that would provide limited exemptions to those licensees who have been called to active duty. We believe that there are over 100 Kansas Registered Nurses serving in the current Desert Storm military operation in the Persian Gulf.

We support the complete waiver of continuing education requirements for those serving on active duty, and the six month time period provided by this Bill for licensee renewal.

Thank you for this opportunity to speak on this very timely and appropriate legislation.

sb118.tr
1991 Testimony

*Senate Governmental Organization Committee
2-19-91
Attachment 2*

Kansas State Board of Nursing

Landon State Office Building
900 S.W. Jackson, Rm. 551
Topeka, Kansas 66612-1256
913-296-4929



Patsy L. Johnson, R.N., M.N.
Executive Administrator
913-296-3068

TO: The Honorable Senator Lana Oleen, Chairperson, &
Members of the Governmental Organization Committee

FROM: Patsy L. Johnson, R.N., M.N.
Executive Administrator

DATE: February 14, 1991

Thank you for allowing me to testify on Senate Bill 118. The Board of Nursing is supportive of this statute revision concerning the licensure of persons in active military service.

Over the past several months we have had a multitude of questions with regard to licensure renewal, continuing education, and practice of graduate nurses from licensees being called into active military service. We have issued renewal applications for nurses who have been activated so they might renew their licenses in advance of leaving for the Mid East. We have counseled individuals with regard to qualifying continuing education. We have assisted family members in completing applications. There are at least two cases where new graduates finished their education program but were deployed to Saudi Arabia before they had time to take the licensure examination.

We have determined there are probably between 100 and 200 nurses either in reserve units or regular military presently serving in Desert Storm. Licensure of the some 37,000 nurses is completed on a monthly basis on-going over two years. Because of this process, there would be minimal economic impact on the Board of Nursing if licensure is not completed at the stated time.

SB 118 would permit nurses to maintain their licenses or their temporary permits during the time they are activated as well as a period of time upon completion of their military service. The approval of SB 118 will

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Attachment 3*

Janette Pucci, R.N., M.S.N.
Education Specialist
296-3782

Belva J. Chang, R.N., M.N., J.D.
Practice Specialist
296-3783

Patricia McKillip, R.N., M.N.
Education Specialist
296-3782

provide a great relief to those who are serving our country. The Board of Nursing will continue to be supportive of Kansas nurses providing information to either them or their families with regard to licensure.

In summary the Board of Nursing supports SB 118 and hopes it is approved.

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

PLJ:bph


KANSAS NASW

National Association of Social Workers, Inc.
Chapter Office
817 West Sixth Street
Topeka, Kansas 66603

Telephone: 913-354-4804

TO: Senate Committee on Governmental Organization

FROM: Kansas Chapter NASW
by Gigi Felix, LMSW
Executive Director


RE: SB118
IN SUPPORT

Thank you for allowing me a moment to speak in support of SB118. K-NASW has over 1500 licensed social workers in Kansas, some of whom have been called to active duty in Operation Desert Storm. Although I have not heard from them, yet, I know the maintenance of their license status is of great importance. They need to be assured that their ability to work on their return will not be threatened by serving their country overseas.

This issue extends beyond social work to the other regulated professions as well. The current President Elect of the Kansas Chapter has a husband serving in a medical unit in Saudi Arabia - it is difficult enough to get through the days while he is away without having to worry about his licensure on his return. This scenario holds true for every professional, and their family, serving in the Gulf.

I commend you for the foresight in preparing the way for these folks to return to normal life on their return to the states, without this particular problem to worry about.

Thank you again for your time today, and I will be glad to answer any questions you might have.

Senate Governmental Organization Committee

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Attachment 4



REF ID:
ATTENTION OF

DEPARTMENTS OF THE ARMY AND AIR FORCE
NATIONAL GUARD OF KANSAS
ADJUTANT GENERAL OF KANSAS
P.O. BOX G-300
TOPEKA, KANSAS 66601-0300



TESTIMONY ON SENATE BILL 118
by
LTC JONATHAN P. SMALL

I am Lieutenant Colonel Jonathan P. Small and I appear today as the Judge Advocate General for the Kansas National Guard and as an individual who is or will be affected by the amendments offered in 1991 Senate Bill 118.

As you are already aware, the active duty and reserve components of our armed forces include a substantial number of Kansas licensees who are affected by the express provisions of K.S.A. 65-2201 et seq. I support unqualifiedly the amendments proposed in this bill. They will make good law even better.

The broadening of the present Act's provisions will cover the number of changes which have taken place in professional licensing activities over the past 48 years since this Act was originally passed. In my judgment it will significantly lessen the concern active duty licensees presently have concerning the myriad of licensing regulations now imposed upon them.

I respectfully urge your favorable consideration of 1991 Senate Bill 118.

Jonathan P. Small
LTC, JAGC, KSARNG
Judge Advocate General

JPS/js

ZS0218T1

Senate Committee on Governmental Organization

2-19-91

Attachment 5



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue • Topeka, Kansas 66612 • (913) 235-2383
Kansas WATS 800-332-0156 FAX 913-235-5114

February 19, 1991

TO: Senate Governmental Organization Committee
FROM: Kansas Medical Society *Chp W. W. W. W.*
SUBJECT: Senate Bill 118; Licensure Maintenance During
Military Service

Thank you for this opportunity to express our support of SB 118 and to request an important amendment. As you may know, several physicians have received orders to report to military service as a consequence of the war in the Middle East. Some of them received only a few days advance notice of their call to active duty. This leaves little time to make arrangements for patient care much less attend to licensure and liability insurance matters.

Of particular concern to physicians is the liability insurance requirement for licensure. For this reason, we strongly endorse New Section 5 of SB 118. Furthermore, if a physician had practiced in Kansas less than five years (paid into the Health Care Stabilization Fund less than five years), he or she would not receive the so-called "tail" coverage which insures the physician against claims arising as a result of prior incidents. It is for this reason that we respectfully request your favorable consideration of adding another new section to SB 118 which would make an exception to the normal five-year rule. A draft amendment is attached for your consideration.

Thank you for your attention to this matter. We urge you to recommend SB 118 for passage.

CW:ns

Senate Committee on Governmental Organization
2-19-91

Attachment 6

SENATE BILL No. 118

By Committee on Governmental Organization

2-4

draft

8 AN ACT concerning licensure of persons in active military service;
9 amending K.S.A. 65-2201, 65-2202, 65-2203 and 65-2204 and re-
10 pealing the existing sections.

11 *Be it enacted by the Legislature of the State of Kansas:*
12 Section 1. K.S.A. 65-2201 is hereby amended to read as follows:
13 65-2201. As used in this act, ~~the following terms shall have the~~
14 ~~meaning ascribed to them by this section, unless the context~~
15 ~~clearly requires otherwise:~~

16 ~~(1) (a) "Military service" means service active duty~~ by a licensee
17 ~~in the army, navy or, marine corps, air force, air or army national~~
18 ~~guard, coast guard or any branch of the military reserves~~ of the
19 United States and shall also include the six-months period of time
20 immediately following ~~his discharge therefrom~~ such active duty.

21 ~~(2) (b) "License" means any permit, certificate, authority, priv-~~
22 ~~ilege or registration whether temporary or permanent~~ issued, granted
23 or made by the state of Kansas or any officer, board, department
24 or, commission or agency thereof authorizing a person to engage in
25 or practice an occupation or profession in this state.

26 ~~(3) (c) "Licensee" means any person who had, at the time of~~
27 ~~his entering the military service, a valid, existing license to engage~~
28 in or practice an occupation or profession in this state.

29 Sec. 2. K.S.A. 65-2202 is hereby amended to read as follows:
30 65-2202. The provisions of any law relating to the licensing of persons
31 engaged in or practicing an occupation or profession which require
32 the payment of an annual or periodic license fee, which require
33 timely renewal application, or which require obtaining continuing
34 education as a prerequisite to renewing a license, shall be construed
35 to be inapplicable to a licensee in the military service and. No
36 licensee shall be required to pay an annual license fee accruing while
37 such licensee is in the military service except as provided in K.S.A.
38 65-2203 and amendments thereto. No license of any licensee shall
39 be revoked or suspended because of the nonpayment, during
40 the period of his military service, of an annual fee lapse or be
41 cancelled, revoked or suspended because of the failure to timely
42 renew such license, including the failure to meet any conditions for
43

commencing a period of

delete

6-2

Draft

1 *renewal, during the period of military service.*
 2 Sec. 3. K.S.A. 65-2203 is hereby amended to read as follows:
 3 65-2203. A licensee, who desires to engage in or practice his an
 4 occupation or profession in this state after his discharge from the
 5 ~~military service~~ *release from active duty*, shall, within six months
 6 after such discharge, ~~pay the annual~~ *submit the renewal fee* required
 7 by law for such year *with a completed renewal application*, and
 8 thereupon, ~~he~~ shall be deemed to have complied with all require-
 9 ments of law relating to ~~the payment of annual fees licensure~~
 10 *renewal.*

11 Sec. 4. K.S.A. 65-2204 is hereby amended to read as follows:
 12 65-2204. The provisions of this act shall apply to all licensees who
 13 enter the military service on or after December 23, 1940, and shall
 14 not apply to licensees who during the period of such service are
 15 engaged in or practicing an occupation or profession in this state,
 16 either personally, or indirectly by agent. If the license of any such
 17 licensee has been suspended or revoked prior to the effective date
 18 of this act solely because of the failure of such licensee to pay annual
 19 fees accruing during such service, such suspension or revocation is
 20 hereby set aside and canceled. *Any licensee held in default, pursuant*
 21 *to K.S.A. 77-520 and amendments thereto, in any disciplinary action*
 22 *commenced by the licensing agency, may file a written motion before*
 23 *the agency within six months of release from active duty, requesting*
 24 *that such default be set aside. Such motion shall be granted if the*
 25 *agency finds that military service prevented the licensee's appearance*
 26 *or participation in the disciplinary proceeding.*

27 New Sec. 5. No license shall be revoked, suspended or cancelled
 28 by any licensing board or agency for failure to maintain professional
 29 liability insurance or for failure to pay the surcharge to the health
 30 care stabilization fund, as required by the health care provider in-
 31 surance availability act, if such lapse in coverage occurred during
 32 the period of military service.

33 ~~Sec. 6.7~~ K.S.A. 65-2201, 65-2202, 65-2203 and 65-2204 are hereby
 34 repealed.

35 Sec. ~~7.8~~ This act shall take effect and be in force from and after
 36 its publication in the Kansas register.

{ New Sec. 6. Notwithstanding the five-year compliance requirement of subsection (m) of K.S.A. 1990 Supp. 40-3403, a health care provider who commences a period of military service shall be considered an inactive health care provider for purposes of liability of the health care stabilization fund pursuant to article 34 of chapter 40 of the Kansas Statutes Annotated.

Memorandum



Donald A. Wilson
President

February 18, 1991

TO: Committee on Governmental Organization
FROM: Kansas Hospital Association
RE: **Senate Bill 118**

The Kansas Hospital Association appreciates the opportunity to comment regarding the provisions of Senate Bill 118. This bill would make it clear that no license of a health care provider would lapse or be cancelled, revoked or suspended because of the failure to timely renew such a license during a period when an individual was in military service. The bill also expands the definition of military service to include air force, air or army national guard, coast guard or any branch of the military reserves, as well as the army, navy and marine corps.

In light of the current situation in the Persian Gulf, we think these changes to Kansas law are extremely important. Kansas hospitals and the

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patients they serve depend on many different health care providers to ensure quality health care in our State. These providers are now also involved in service to their country through the military. Certainly, everyone agrees that such military service should not hinder the ability of those providers to maintain their current licensing status.

Senate Bill 118 is a small but necessary step to ensure that when individual health care providers end their military service obligations, they will return to their private profession in the same status as which they left. The Kansas Hospital Association wholeheartedly supports this bill. Thank you for your consideration of our comments.

TLB / pj

Kansas Association of Osteopathic Medicine

Harold E. Riehm, Executive Director

1260 S.W. Topeka
Topeka, Kansas 66612
(913) 234-5563

February 19, 1991

To: Chairperson and Members, Senate Government Organization Committee

From: Harold E. Riehm, Executive Director
Kansas Association of Osteopathic Medicine

Subject: Support of S.B. 118

The testimony of KAOM will be brief. We enthusiastically support the changes in State law found in S.B. 118. In our case, concerning physicians, it is inconceivable that we should further burden the lives of those providing service to their country in the military, with concerns of keeping licenses up to date, meeting renewal deadlines, making sure payments are sent in time, or worrying about proceedings involving them before their respective licensing boards. We view the provisions of S.B. 118 as a small yet meaningful way of accommodating these persons.

I will be pleased to respond to any questions you may have. Thank you for this opportunity to testify.

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State of Kansas

Office of

RICHARD G. GANNON, EXECUTIVE DIRECTOR
LAWRENCE T. BUENING, JR., GENERAL COUNSEL
STEVE A. SCHWARM, LITIGATION COUNSEL
MICHELLE M. TORRES, DISCIPLINARY COUNSEL
SUSAN M. LAMBRECHT, LICENSING SUPERVISOR



Kansas State Board of Healing Arts

235 S. TOPEKA BLVD.
TOPEKA, KS 66603
913-296-7413
FAX: 913-296-0852

Board of Healing Arts

MEMORANDUM

To: Senate Committee on Governmental Organization
From: Richard G. Gannon, Executive Director
Re: Testimony on SB 118
Date: February 19, 1991

Thank you for the opportunity to provide written testimony on support of Senate Bill 118. The language contained in K.S.A. 65-2201 through 65-2205 has been in existence since 1943.

While the concerns regarding the effect of the current language of K.S.A. 65-2201 through 65-2205 have become more urgent due to Operation Desert Storm, the provisions of SB 118 and the existing language of the statutes apply to all licensees on active military duty whether or not the personnel are involved in Operation Desert Storm.

There are some unique problems associated with military personnel which are health care providers. The Department of Defense issued Directive No. 6025.6 dated July 18, 1985. This required all military physicians, dentists, nurses and clinical psychologists to have a current license in some state by July 18, 1988 and to continue to maintain a valid and current license in

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MEMBERS OF BOARD

FRANKLIN G. BICHLMEIER, M.D., PRESIDENT
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HAROLD GULDNER, SYRACUSE
MARK HATESOHL, D.C., MANHATTAN
GLENN I. KERBS, DODGE CITY

CAMERON D. KNACKSTEDT, D.O., PHILLIPSBURG
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JOHN PETERSEN, OVERLAND PARK
JOSEPH PHILIPP, M.D., MANHATTAN
IRWIN WAXMAN, D.P.M., PRAIRIE VILLAGE
KENNETH D. WEDEL, M.D., MINNEAPOLIS
RON ZOELLER, D.C., TOPEKA

some state. "Special" or "inactive" licenses would no longer be acceptable to the Department of Defense. The licenses held by these military personnel must be the same as required to actively practice in the state where they hold that license.

As a result of the Department of Defense Directive, a number of individuals who had previously been on military status have converted their license to an active status limited to federal employment. At present, approximately 200 individuals are maintained by the Board on a military status basis in accordance with K.S.A. 65-2001 et seq. Another estimated 200 individuals have an active license, but have indicated they limit their practice to either their duties with the military or other federal employment such as the public health service. A number of the individuals who have a military status have had that status since the early 1950's and 1960's.

Many of these individuals, following discharge from the military, do not return to Kansas and, therefore, have never indicated that they have been discharged. There is no present mechanism under the existing statutes or under SB 118 which would enable licensing agencies to remove an individual from military status unless the person specifically requests to renew the license. On the other hand, the approximately 200 individuals who

maintain an active license limited to federal employment do annually renew their license, comply with continuing education requirements and meet all other qualifications for annual renewal, except for the maintenance of mandatory professional liability insurance. In December, the Board received a letter from the Surgeon General of the Department of Army asking that all late or penalty fees for delayed licensing renewals be waived. Secondly, the Surgeon General asked that any continuing education credits in specific subject matter be waived for a period of six months following return from their permanent duty station. In January, the Board received a letter from the Vice-President of the American Medical Association in charge of medical education encouraging the Board to totally waive requirements for continuing medical education credits for physicians during active duty while Operation Desert Shield (now Storm) continues. Copies of these two documents are enclosed.

Again, the State Board of Healing Arts is fully supportive of any legislation which would assist all branches of the military in their efforts to mobilize health care personnel for Operation Desert Storm. However, perhaps different language would be required for all licensing agencies in the state to extend the statutory requirements for renewals and for submission of

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continuing education while Operation Desert Storm continues and for a period thereafter. This would address the current critical crisis situation.

In conclusion, the Board feels that Legislation may be necessary to deal with the current crisis situation in the Persian Gulf as it relates to individuals holding any license to practice a professional or occupation. However, it is felt this might be more appropriately dealt with differently for health care providers than that suggested in SB 118. We offer our assistance to the Revisor in attempting to develop language that would address the unique circumstances faced by active duty health care professionals, including those pressed into service by Operation Desert Storm as well as those who were in the military before and will be in the military after the current crisis has concluded.

LTB:lw



AMERICAN MEDICAL ASSOCIATION

515 North State Street Chicago, Illinois 60610 Phone (312) 464-5000

January 25, 1991

Richard G. Gannon, Executive Director
Kansas State Board of Healing Arts
Landon State Office Building
900 SW Jackson #553
Topeka, Kansas 66612-1256

Dear Mr. Gannon:

The American Medical Association has passed a resolution urging those state medical licensing boards that have continuing medical education requirements for reregistration to waive those requirements for physicians who are called to active duty during Operation Desert Shield.

The resolution (Resolution 187, "Active and Reserve Physicians in Training") was adopted by the AMA House of Delegates during its interim meeting in December. The exact text of the resolution follows:

RESOLVED, that the AMA strongly encourage state licensing boards to waive requirements for continuing medical education credits for physicians during periods of reserve or national guard activation or active duty with the uniformed services during operation Desert Shield and similar crises.

Please telephone me if you have questions about this resolution. The Association will be grateful for any consideration that you can give to this resolution.

With best wishes.

Sincerely yours,

Carlos J. M. Martini, M.D., M.P.H. M.Sc.
Vice President, Medical Education

REC'D

FEB 8 1991

Kansas State Board
of Healing Arts

CJMM:mm

cc: Jerry Slaughter, Exec. Director
Kansas Medical Society



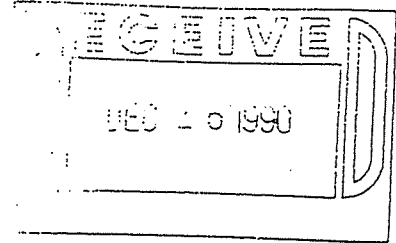
REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE SURGEON GENERAL
5109 LEESBURG PIKE
FALLS CHURCH, VA 22041-3258



Quality Assurance Division

James R. Winn, M.D.
Executive Vice President
Federation of State Medical Boards
of the United States, Inc.
6000 Western Place, Suite #707
Fort Worth, Texas 76107-4618



Dear Dr. Winn:

Currently, several thousand Army licensed health care providers are serving in Saudi Arabia in support of Operation Desert Shield. Difficulties in mail delivery can be expected to develop since many of these individuals are serving in isolated areas. These individuals may not receive their state license renewals in a timely manner.

I request your understanding and ask that you take several actions so as not to penalize these individuals.

The first request is that all late or penalty fees for delayed filing for relicensure be waived. We will direct that individuals furnish proof (i.e. orders, commander's statement) of Desert Shield duty.

Secondly, we ask that in those jurisdictions requiring continuing education credits in specific subject matter (e.g. AIDS, child abuse, etc.), individuals be allowed six months from the date of their return to their permanent duty station to obtain these continuing education requirements.

Any assistance provided to the Army Medical Department in allowing these requests to be fulfilled will be greatly appreciated.

Sincerely,

FRANK F. LEDFORD, JR.
Lieutenant General
The Surgeon General

PRESENTATION
FOR
SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
TUESDAY, FEBRUARY 19, 1991

MADAM CHAIRPERSON AND MEMBERS OF THE COMMITTEE:

MY NAME IS BRIG. GEN. JAMES F. RUEGER. I AM THE ADJUTANT GENERAL OF KANSAS.

I SUPPORT THE ENACTMENT OF SENATE BILL 118 WHICH ALLOWS MILITARY PERSONNEL SERVING IN OPERATION DESERT STORM TO RENEW THEIR STATE GRANTED LICENSE IN THEIR OCCUPATION OR PROFESSION UPON THEIR RETURN FROM DUTY. MANY MILITARY PERSONNEL WHO BELONG TO THE GUARD OR RESERVES WORK IN POSITIONS THAT REQUIRE LICENSING SUCH AS DOCTORS, NURSES, LAWYERS AND OTHER PROFESSIONS.

A QUESTION IN MY MIND BECAUSE OF THE WORDING OF THE BILL, DOES IT IN FACT INCLUDE RENEWAL OF TEACHERS' CERTIFICATES?

AN EXAMPLE OF SOMEONE WHO IS A TEACHER AND SERVING IN OPERATION DESERT STORM IS CAPT. JENSEN, THE COMMANDER OF THE 170TH MAINTENANCE COMPANY. HE WAS A TEACHER AT HAYS. THE UNIT LEFT FOR SAUDI ARABIA FEBRUARY 10.

I FEEL IT IS APPROPRIATE THAT THESE MILITARY PERSONNEL WHO ARE NO LONGER SERVING IN A CIVILIAN CAPACITY IN THEIR CHOSEN PROFESSIONS BE ALLOWED TO RENEW THEIR LICENSES. I ALSO APPRECIATE THAT THIS BILL WILL PREVENT LICENSES BEING REVOKED BECAUSE OF FAILURE TO RENEW IN A TIMELY FASHION WHEN THESE PERSONNEL ARE ON ACTIVE DUTY.

*Senate Committee on Governmental Organization
2-19-91
Attachment 10*

I BELIEVE THIS SUPPORT BY THE LEGISLATURE IS EXTREMELY IMPORTANT TO THOSE SOLDIERS WHO MAY WORRY ABOUT HOW TO RENEW LICENSES AND TO SECURE REQUIRED SCHOOLING WHILE SERVING THEIR COUNTRY.

THIS SUPPORT IS AN IMPORTANT FACTOR IN GETTING THESE PEOPLE STARTED BACK INTO THEIR PROFESSIONS UPON THEIR RETURN AND WILL BE A MORALE FACTOR FOR THEM WHILE THEY ARE AWAY SUPPORTING THEIR COUNTRY.

FOR THESE REASONS, I WOULD ASK THAT YOU PASS SENATE BILL 118.