

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 258

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

SB 258, if enacted, would amend the statute in the Healing Arts Act that enumerates those acts which, if committed by a person licensed to practice the healing arts, would constitute either professional incompetence or unprofessional conduct and which would subject the licensee to disciplinary action by the Board of Healing Arts. The amendment adds a new practice to those that constitute unprofessional conduct, *i.e.*, charging, billing, or otherwise soliciting payment from a patient for anatomic pathology services if such services are not personally rendered by the licensee or under the direct supervision of the licensee. The term, anatomic pathology services, is defined in the amendment.

Background

SB 258 was introduced at the request of the Kansas Medical Society whose representative explained that, while there is no evidence that the practice that would constitute unprofessional conduct under the language that would be added to the Healing Arts Act by the bill is occurring in Kansas, the issue is being addressed because in some other states a few physician groups have billed the patient substantially more than the amount billed to the practice by the pathologist or clinical laboratory that actually performed the tests. The Medical Society concluded that being proactive through statutory action is desirable to make it clear that such practices are not appropriate. The Society and an ad hoc committee of Society members believe a specific provision should be adopted. No one appeared in opposition to the bill.

The fiscal note indicates the Board of Healing Arts believes passage of SB 258 would have no fiscal impact on the agency operations.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>