

March 20, 2013

The Honorable David Crum, Chairperson
House Committee on Health and Human Services
Statehouse, Room 512-N
Topeka, Kansas 66612

Dear Representative Crum:

SUBJECT: Fiscal Note for HB 2390 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2390 is respectfully submitted to your committee.

HB 2390 would amend the Physician Assistant Licensure Act. The bill would make the following changes to current law:

1. Change the definition for “responsible physician” to “supervising physician” and delete the definition for “designated physician.” Wherever the language “responsible” or “designated” physician appears it would be replaced with “supervising” physician;
2. Delete the category of, and requirements for, the federally active license classification;
3. Create the category of license by endorsement and establish the maximum fee that can be charged for the license;
4. Establish additional grounds for which a license could be revoked, suspended or limited, or the licensee be publicly or privately censured, or an application for a license or for reinstatement of a license could be denied;
5. Delete language that excludes students from the provisions of the Physician Assistant Licensure Act who have completed an approved physician assistant education and training program and who, as a part of their academic requirements for a degree, serve a preceptorship not to exceed 90 days under the supervision of a licensed physician;
6. Change the length of time that a temporary license is valid from one year to six months;
7. Change the wording “protocol” to “agreement” wherever it appears;
8. Add language that would allow a physician assistant to dispense drugs only when dispensing such drugs is in the best interest of the patient and when pharmacy services

- are not available, and would allow the assistant to make a determination of death in accordance with accepted medical standards authorized by the supervising physician;
9. Delete the limitation of the equivalent of two full-time physician assistants that may be supervised by a physician;
 10. Make violations of the act a class B misdemeanor and set civil fines that may be assessed;
 11. Require licensees to notify the State Board of Healing Arts in writing within 30 days of any changes in their mailing address and set penalties for violations of this requirement;
 12. Require licensees who possess knowledge not subject to physician-patient privilege that another person licensed, certified or registered by the State Board of Healing Arts has committed any act which may be grounds for disciplinary action to immediately report such knowledge, or reveal fully such knowledge upon official request of the Board. Any licensee reporting such knowledge would be exempt from civil action for damages or liability;
 13. Require the State Board of Healing Arts to keep complaints and related information confidential, with certain listed exceptions;
 14. Give jurisdiction of proceedings to the State Board of Healing Arts to take disciplinary action authorized by the Physician Assistant Licensure Act against any practicing licensee, including stipulations, enforcement orders, and emergency proceedings that temporarily suspend or limit the license of a licensee;
 15. Give the State Board of Healing Arts, a committee of the Board, or the Physician Assistant Council authority to enter into non-disciplinary resolutions with licensees for certain violations;
 16. Give the State Board of Healing Arts authority to require an applicant for licensure or license reinstatement to be fingerprinted and submit to a state and national criminal history record check; to use the results to determine the identity, qualifications, and fitness of the applicant; and to collect a fee to reimburse the Board for related costs;
 17. Give the State Board of Healing Arts access to and rights to copy documents, reports, records or other physical evidence of any person being investigated, and authority to issue subpoenas compelling the attendance and testimony of witnesses or the production of documents or any other physical evidence; and,
 18. Allow the State Board of Healing Arts, without examination, to issue a license to a person who has been in active practice as a physician assistant in some other state, territory, the District of Columbia, or other country upon certification by the proper licensing authority and upon presentation of certain proof and qualifications by the applicant to the Board.

The State Board of Healing Arts indicates that passage of the bill would require the Board to amend several physician assistant rules and regulations and update applications, forms,


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March 20, 2013

Page 3—HB 2390

booklets, and other affected on-line or agency website items to reflect new licensure information and requirements. It is anticipated that this work could be accomplished in-house with existing staff and within the FY 2014 budget allocation. The expenditures would include publication notices in the *Kansas Register* at a cost of \$224. The cost to update publications, forms, booklets, licenses, and other online items would be \$1,000, for a total fiscal effect of the bill of \$1,224.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Cathy Brown, Healing Arts