

February 18, 2014

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 2673 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2673 is respectfully submitted to your committee.

HB 2673 would amend the Kansas Healing Arts Act regarding the licensure of physician assistants by the Board of Healing Arts. The bill would:

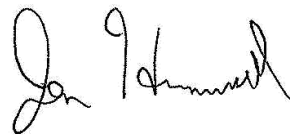
1. Change “physician’s assistant” to “physician assistant” and “responsible physician” to “supervising physician” throughout the bill and delete the definition for designated physician;
2. Make alteration or enhancement of a condition or appearance part of the Healing Arts Act;
3. Make unlicensed practice unlawful for any profession regulated by the Board;
4. Make unlicensed practice a violation of the Healing Arts Act and would render violators liable for a civil penalty of up to \$1,000 per day for each day they engage in unlawful practice and assessed costs for investigation and prosecution;
5. Create the designation of an active license in the Healing Arts Act and the Physician Assistant Act and would change “ license” to “active license” in several sections of the bill;
6. Allow continuing education requirements for exempt licensees of each branch of the healing arts to be established by rules and regulations adopted by the Board;
7. Create the designation of re-entry license for persons practicing the healing arts and require that the Board establish requirements for issuance, renewal and scope of practice for such licenses by the adoption of rules and regulations;
8. Require that the podiatric professional society or association submit to the Governor a list of three or more names of persons qualified to be a board member, at least 30 days before the expiration of the term of the existing podiatric member;

9. Allow the Board to adopt rules and regulations establishing qualitative and quantitative practice activities which qualify as active practice;
10. Expand the Board's authority regarding licensure by endorsement by allowing them to determine if an applicant's individual qualifications are substantially equivalent to Kansas legal requirements;
11. Add language that would allow the Board to take disciplinary action against a licensee for conviction of a felony or class A misdemeanor, or a substantially similar offense in another jurisdiction, or conviction in a special or general court-martial, or for giving a worthless check or stopping payment on a debit or credit card for fees or money legally due to the Board; or for knowingly abandoning medical records;
12. Make the requirement for determining impairment prior to revoking, suspending, limiting, censuring, or placing on probation the licensee of an impaired licensee.
13. Extend the definition of unprofessional conduct to include the addition of limited liability companies to lawful business entities through which fees may be split; and obstructing a Board investigation by various means;
14. Amend language to make settlement ability, emergency proceedings, and non-disciplinary resolution available for and applicable to all professions regulated by the Board;
15. Clarify that Board investigative procedures, subpoena authority and process for challenging subpoenas be applicable to all professions regulated by the Board;
16. Make reinstatement of a revoked license procedure and burden of proof applicable to all professions regulated by the Board;
17. Make assessment of costs of disciplinary actions applicable to all professions regulated by the Board;
18. Clarify that the *Kansas Administrative Procedure Act* be used for all professions regulated by the Board;
19. Make injunctive remedy for unauthorized practice available for all professions regulated by the Board or defined by the practice acts administered by the Board;
20. Make the authority for criminal prosecution applicable to all professions;
21. Make the penalty for false impersonation of a licensed person applicable to all professions regulated by the Board;
22. Clarify that fines assessed by the Board are considered administrative fines;
23. Make the requirement for cooperation with investigation and reporting of unlicensed practice applicable to all professions regulated by the Board;
24. Clarify that rules and regulation authority is applicable to all practice acts administered by the Board;
25. Authorize the Attorney General and the county or district attorney to sue for and collect expenses and investigations fees as determined by the court, when pursuing an action under the Kansas Healing Arts Act solely in the name of the state or county;
26. Remove the six-month reinstatement exemption for expired and lapsed licenses;
27. Require physician assistants holding and renewing an active physician assistant license to maintain a policy of professional liability insurance;

28. Delete the designation of federally active license for a physician assistant;
29. Set a maximum fee of \$200 for any license by endorsement as a physician assistant;
30. Add language to the Physician Assistant Act to provide additional regulatory authority on grounds for disciplinary action;
31. Modify the exemption for physician assistant program students and federal service physician assistants in the Physician Assistant Act;
32. Change the time for which a temporary physician assistant license is valid from one year to six months;
33. Change the scope of practice for physician assistants by adding dispensing of prescription-only drugs in limited quantities and circumstances and when authorized by a supervising physician;
34. Add language to the Physician Assistant Act that permits the Board to develop rules and regulations regarding the number of physician assistants a physician may supervise;
35. Add language to the Physician Assistant Act to consistently require both supervising physicians and physician assistants to notify the Board when supervision and direction of a physician assistant has terminated;
36. Change “work protocol” to “written agreement” throughout the Physician Assistant Act;
37. Add a new section to the Healing Arts Act that would apply the administration and procedural provisions of the Healing Arts Act to any profession regulated by the Board, unless otherwise specified; and would create an interim license and authorize the Board to establish rules and regulations for its issuance and renewal; and,
38. Add new sections to the Physician Assistant Act that would make violations a class B misdemeanor and set fines.

The Board of Healing Arts indicates that the proposed amendments in the bill would require the agency to update rules and regulations, applications, forms, booklets, and other affected online or agency website items to reflect the new information and requirements. The agency could perform the work with existing staff and supplies.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Cathy Brown, Healing Arts
Mary Rinehart, Judiciary