

## Testimony in the House Commerce, Labor, and Economic Development Committee re: HB 2066

January 19, 2020

Chairman Tarwater and Honorable Committee Members,

The Kansas State Board of Healing Arts (“Board”) submits this neutral testimony to assist legislators in evaluating HB2066. The Board is composed of 15 members, 12 of whom are licensed Kansas healthcare providers. The Board licenses and regulates more than 32,000 Kansas healthcare providers in 16 different healthcare professions. I am Tucker Poling, Acting Executive Director of the Board.

The mission of the Board is public protection, based on the statutory recognition that has been part of the bedrock of Kansas law for more than 60 years “that the practice of the healing arts is a privilege . . . and is not a natural right of individuals” and that “provisions covering the granting of that privilege and its subsequent use, control and regulation” be directed toward “the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice . . .” See K.S.A. 65-2801, et seq.

The Board supports updating licensure statutes to improve and expedite the licensing process, including enhancing safe licensure portability, while protecting the Board’s ability to execute its duty of public protection. **The Board believes strongly that Kansas should guard its ability to set its own quality and safety standards** for the professional practice of healthcare providers. There are two core aspects of the Board’s ability to protect the public by applying quality and safety standards determined by Kansas law: **(1)** the ability to apply Kansas education, training, and professionalism standards on the “front end” to those seeking the privilege of practice the healing arts in Kansas; and **(2)** the ability to enforce Kansas professional conduct standards on the “back end” through enforcement actions under the Kansas Healing Arts Act.

The Board believes the legislature should be careful to avoid applying a cookie cutter approach to all occupational/professional licensing and regulation. For example, the public safety interests implicated in licensing and regulating physicians are very different than those implicated in licensing and regulating barbers. Further, the Board believes that the weight of the public safety interests in licensing and regulating physicians and other healthcare providers in comparison to other public policy interests (such as licensure portability and the various economic interests) is heavy.

The Board notes that last month the [results of a four-year review of state occupational licensing, with a focus on efforts to expand licensure access and portability](#), were released.<sup>1</sup> This report was the culmination of the work of a consortium including the National Conference of State Legislatures, the

<sup>1</sup> [https://www.ncsl.org/Portals/1/Documents/Labor/NCSL\\_DOL\\_Report\\_05\\_web\\_REVISED.pdf](https://www.ncsl.org/Portals/1/Documents/Labor/NCSL_DOL_Report_05_web_REVISED.pdf)

Council of State Governments, and the National Governors Association for Best Practices. These partner organizations worked with teams from 11 states to help them address their goals around licensing access and portability. Among the key “Lessons Learned” findings in this report was the value of focusing on targeted professions and the challenges of attempting broad stroke reforms that do not appropriately account for industry/profession-specific variation.<sup>2</sup>

The Board is grateful to Representative Croft and other proponents who have collaborated with us to consider our input in support of public protection and to retain important tools in this bill that support the Board’s ability to meet our mission of public protection. Most specifically, subsection (s) and the final sentence of subsection (n) of this bill are essential for those purposes. We stand ready to collaborate with legislators and stakeholders to continue to improve and expedite the licensure process and enhance safe licensure portability while protecting Kansas quality and safety standards for healthcare professions.

Thank you for considering this testimony. I welcome any comments, questions, or further dialogue with members of the committee. Please feel free to contact me on my cell (785-760-0686) at any time or via email at [tucker.poling@ks.gov](mailto:tucker.poling@ks.gov) .

Sincerely,



Tucker L. Poling  
Acting Executive Director

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<sup>2</sup> See pages 12, 18, 64.