

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 5, 2002 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department
Mr. Norm Furse, Revisor of Statutes
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. Larry Buening, Executive Director,
KS Board of Healing Arts
Mr. Chip Wheelen, executive Director,
KS Association of Osteopathic Medicine
Ms. Chris Collins, Director of Government Affairs,
Kansas Medical Society

Others attending: See attached guest list.

Hearing on SB584 - an act concerning institutional licenses; relating to the granting of a license

Chairperson Wagle began the meeting by asking Ms. Emalene Correll, Kansas Legislative Research Department, who stated this would not be a new subject to most. Highlights of her overview included the provisions the state board of healing arts may grant license to practice medicine and surgery, the examination required, a foreign medical graduate, the institutional license being valid for only 2 years after being issued, and would create not an exception but for one person but for any holder of an institutional license who can meet either A, B, C and D.

As she stood before the Committee, a clarification was asked from Senator Brungardt regarding the “and” “or” language. Ms. Correll said it was “having to meet either “A, B, C, or D.

The Chair then recognized Senator Salmans as the only proponent on this bill. He gave a short history of how this bill affected the Topeka State Hospital and the Osawattamie and Larned State Hospitals and how their closings affected the Cuban psychiatrists who applied to these different institutions back during the Cuban crises. He stated they followed their profession and as years passed, some are not now in the mental health field and so this bill is just a sequence to go along with these people. But, he stated, his concern is the basic science part of the exam and how this part has a tremendous amount of changes taken place in the field of science and felt that 5 years of experience as an institutional doctor should count sufficiently and be substituted for this particular portion of the exam. He would like to make a substitute amendment to sunset the entire bill after 2007 and has visited with Mr. Buening about who would be to immediately able to apply (2 in 2004 and 3 in 2006). No written testimony was presented but a copy of his balloon is (Attachment 1) attached hereto and incorporated into the Minutes by reference.

Chairperson Wagle then recognized the first opponent, Mr. Larry Buening, executive Director, Kansas Board of Healing Arts who stated the bill would allow the Board to grant a full and unrestricted license to practice medicine and surgery to individuals who are not otherwise qualified under current statutes and rules and regulations. He provided a copy of statute K.S.A.65-2873 specifying requirements that must be met, requires that an applicant present evidence of proficiency in the basic sciences, and pass an exam, the same steps of the United States Medical Licensing Examination and a copy of K.S.A.2001 Supp. 65-2895 stating the provisions a person may be issued an institutional license. A copy of his testimony and handout are (Attachment 2) attached hereto and incorporated into the Minutes by reference.

The next opponent was Mr. Chip Wheelen, Director of Government Affairs for the Kansas Medical Society who provided a copy of K.S.A. 65-2895 which creates a special license for persons employed to work in state hospitals, prisons, or community mental health centers since physicians salaries offered by the State were not competitive with the private sector, this special, lower licensing standard was created. A copy of his testimony and K.S.A. 65-2895 are (Attachment 3) attached hereto and incorporated into the Minutes by reference.

The last opponent to testify was Ms. Chris Collins, Director of Government Affairs for the Kansas Medical Society who stated the bill significantly expands the concept of prior protective legislation with some potentially dangerous consequences for the public. She stated the bill would permit health care professions whom have not demonstrated minimum competency through an exam process to have full and unrestricted licensing to practice medicine in Kansas and physicians granted licensure could seek full licensure from other states by endorsement, without having to satisfy other states' exam requirements. A copy of her testimony is (Attachment 4) attached hereto and incorporated into the Minutes by reference.

As there was no written testimony, the Chair asked for questions or comments from the Committee. Questions were asked from Senators Haley, Wagle, Praeger, Salmans. and Brungardt ranging from do you oppose the bill and Senator Salmans amendment, what can we do to allow out of state physicians to relocate for smaller areas, the 14 people holding institutional licenses in this country, taking residencies in the U.S., renewals, to operating on a provision that mandates the Board.

Chairperson Wagle asked that Senator Salmans provide copies of the balloon to all and then she would take a poll of where the members of the Committee stands. Senator Salmans said he would provide copies to all after the Senate session.

Adjournment

Adjournment time was at 2:30 p.m.

The next meeting is scheduled for March 6, 2002.