

Proponent Testimony on SB 433  
Senate Public Health & Welfare Committee  
Monday, February 19, 2024

Madam Chair and Members of the Committee,

Thank you for allowing us the opportunity to provide proponent testimony on SB 433 which makes a technical fix to the statute regarding institutional licensure for doctors at our state hospitals.

The substance of SB 433 is simply changing the “and” to “or” which joins three subsections regarding qualifications for an institutional licensed doctor.

This is a technical fix in what appears to be a drafting change from the last time the statute was amended. Tracing the legislative history back to 2004, the three subsections of section (c) in SB 433 were joined by “or” at that time. Subsection (c)(3) was removed in 2015 HB 2225 and in that bill the “or” joining the sections was replaced with “and.” The original language in Subsection (c)(3) removed in 2014 was reinserted in 2017 HB 2027, but the “and” connecting the different qualifications for institutional physicians was not replaced with “or” as in the original statute.

Reading the three subsections with an “and” instead of an “or” has created issues for our state hospitals in hiring doctors. Last year at Osawatomie State Hospital we put a medical doctor in a psychiatric position due to the wording of the statute. For our institutional doctors who are licensed under (c)(1), the “and” with the next section requires them to have 3 years of experience and being employed with a Community Mental Health Center. That connection prevents us from hiring institutional doctors that practice physical medicine only. Additionally, subsections 1 and 2 cannot be read together for a new psychiatrist with less than three years of experience.

There is no fiscal impact associated with this change.

Thank you for the opportunity to provide proponent testimony on SB 433 which restores the statute back to original legislative intent and will allow more flexibility in the hiring of doctors at our state hospitals.

Thank you,

Scott Brunner  
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