

HOUSE BILL No. 2737

By Committee on Health and Human Services

1-26

9 AN ACT concerning health care providers; creating the board of health
10 professions and its members, powers and duties; establishing a fund.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) There is hereby created the board of health professions
14 which shall be appointed by the governor, the members of which shall
15 consist of one member from each professional group under the board
16 and two members of the public. Each professional group to be regulated
17 by the board of health professions shall provide the governor with a list
18 of three candidates from that profession. The governor, after considera-
19 tion, shall select one person from each list to represent that profession
20 on the board.

21 (b) Health professions wishing to be regulated by the board of health
22 professions shall certify to the board of healing arts such professions'
23 choice to be regulated by the board of health professions. When a pro-
24 fessional group certifies to the board of healing arts such group's choice
25 to be regulated by the board of health professions, the members of that
26 professional group shall send their list of candidates to the governor
27 within 30 days of such groups' certified notice to the board of healing
28 arts. When five professional groups have certified their choice to be reg-
29 ulated by the board of health professions and have each sent their list of
30 candidates to the governor, the governor shall select a member from each
31 list and appoint the two public members within 180 days of receiving the
32 fifth list thereby activating the board.

33 (c) Thereafter, each new professional group that certifies to the board
34 of healing arts its choice to be regulated by the board of health professions
35 shall submit a list of three candidates from its profession to the governor.
36 The governor shall then select a candidate from the list to be added as a
37 member to the board.

38 (d) Each member of the board of health professions shall serve for a
39 term of four years except for the initial board. In case of a vacancy on the
40 board, other than a member of the general public, the governor shall
41 appoint a qualified successor to fill the unexpired term and in making the
42 appointment the governor shall give consideration to the list of persons
43 last submitted to the governor from the professional group of the member

1 vacating office.

2 (e) Of the five members of the initial board, one shall serve for one
3 year, two shall serve for two years, one shall serve for three years and one
4 shall serve for four years with all successive terms of office being for four
5 years. No person shall serve more than two consecutive terms as a mem-
6 ber of the board of health professions and appointment for the remainder
7 of an unexpired term shall constitute a full term of service on such board.

8 (f) Each member of the general public shall be appointed for a term
9 of four years and successors shall be appointed for a like term.

10 (g) The initial board shall (1) meet within 30 days after being ap-
11 pointed by the governor; (2) elect from its members a president, vice-
12 president and secretary, each of whom will hold their respective office
13 until its annual meeting; and (3) set the date for its annual meeting.

14 Sec. 2. The board of health professions shall have the following pow-
15 ers and duties:

16 (a) The board shall meet annually at Topeka and elect from its mem-
17 bers a president, vice-president and secretary each of whom shall hold
18 their respective offices for one year. The board may hold other meetings
19 during the year on the call of the president or at the request of three
20 members as may be deemed necessary to transact its business.

21 (b) The board may employ an executive director who shall not be a
22 member of the board and who shall be in the unclassified service under
23 the Kansas civil service act, and shall employ such other employees, who
24 shall be in the classified service under the Kansas civil service act as
25 necessary to carry on the work of the board. As necessary, the board shall
26 be represented by an attorney appointed by the attorney general as pro-
27 vided by law, whose compensation shall be determined and paid by the
28 board with the approval of the governor.

29 (c) The board shall adopt rules and regulations consistent with and
30 to implement the provisions of this act and such rules and regulations
31 shall be published and copies thereof furnished to any person upon
32 request.

33 (d) The board shall prescribe curriculum and standards for the health
34 professions it regulates and provide for surveys of such schools and
35 courses at such times as it deems necessary. It shall accredit such schools
36 and approve courses as meet the requirements of the appropriate act and
37 rules and regulations of the board.

38 (e) The board shall examine, license and renew licenses of duly qual-
39 ified applicants and conduct hearings upon charges for limitation, sus-
40 pension or revocation of a license for proper legal cause. Examination for
41 licensure shall be given at least twice a year and as many other times as
42 deemed necessary by the board.

43 (f) The board shall have a seal of which the president of the board

1 shall be the custodian. The president and secretary shall have the power
2 and authority to administer oaths in transacting business of the board and
3 the secretary shall keep a record of all proceedings of the board and a
4 register of the health professionals licensed, registered or certified by the
5 board and showing the licenses, certificates and registrations revoked or
6 suspended by the board. Such register shall be open at all times to public
7 inspection.

8 (g) The board may enter into contracts as may be necessary to carry
9 out its duties.

10 (h) The board is hereby authorized to apply for and to accept grants
11 and may accept donations, bequests or gifts. The board shall remit all
12 moneys received by it under this paragraph to the state treasurer in ac-
13 cordance with the provisions of K.S.A. 75-4215, and amendments thereto.
14 Upon receipt of each such remittance, the state treasurer shall deposit
15 the entire amount in the state treasury to the credit of the board of health
16 professions fund which is hereby created. All expenditures from such fund
17 shall be made in accordance with appropriation acts upon warrants of the
18 director of accounts and reports issued pursuant to vouchers approved
19 by the president of the board or a person designated by the president.

20 Sec. 3. In all investigations and proceedings, the board of health pro-
21 fessions shall have the power to issue subpoenas and compel the attend-
22 ance of witnesses and the production of all relevant and necessary papers,
23 books, records, documentary evidence and materials. A person failing or
24 refusing to appear or testify regarding any matter about which such per-
25 son may be lawfully questioned or to produce any books, papers, records,
26 documentary evidence or relevant materials in the matter, after having
27 been required by order of the board or by a subpoena of the board to do
28 so, upon application by the board to any district judge in the state, may
29 be ordered by such judge to comply therewith. Upon failure to comply
30 with the order of the district judge, the court may compel obedience by
31 attachment for contempt as in the case of disobedience of a similar order
32 or subpoena issued by the court. A subpoena may be served upon any
33 person named therein anywhere within the state with the same fees and
34 mileage by an officer authorized to serve subpoenas in civil actions in the
35 same procedure as is prescribed by the code of civil procedure for sub-
36 poenas issued out of the district courts of this state.

37 Sec. 4. Members of the board of health professions attending meet-
38 ings of such board, or attending a subcommittee meeting thereof au-
39 thorized by such board, shall be paid compensation, subsistence allow-
40 ances, mileage and other expenses as provided in K.S.A. 75-3223, and
41 amendments thereto.

42 Sec. 5. (a) Upon the activation of the board of health professions
43 pursuant to subsection (b) of section 1, and amendments thereto, all of

1 the powers, duties and functions of the board of healing arts concerning
2 the professions which certify their choice to be regulated by the board of
3 health professions, are hereby transferred to and imposed upon the board
4 of health professions established by section 1, and amendments thereto.

5 (b) The board of health professions shall be the successor in every
6 way to such powers, duties and functions of the board of healing arts,
7 which the same were vested prior to the activation of the board of health
8 professions and that are transferred pursuant to this section. Every act
9 performed in the exercise of such transferred powers, duties and func-
10 tions by or under the authority of the board of health professions shall
11 be deemed to have the same force and effect as if performed by the board
12 of healing arts in which such powers, duties and functions were vested
13 prior to the activation of the board of health professions.

14 (c) From the time of the activation of the board of health professions
15 whenever the board of healing arts, or words of like effect, are referred
16 to or designated by a statute, contract, memorandum of understanding,
17 plan, grant, waiver or other document and such reference is in regard to
18 any of the powers, duties or functions transferred to the board of health
19 professions, such reference or designation shall be deemed to apply to
20 the board of health professions. The provisions of this subsection shall
21 not apply to references to or designations of the board of healing arts, or
22 words of like effect, by the provision of appropriation acts.

23 (d) All rules and regulations, orders and directives of the board of
24 healing arts that relate to the functions transferred under this section,
25 and amendments thereto, that are in effect upon the activation of the
26 board of health professions shall continue to be effective and shall be
27 deemed to be rules and regulations, orders and directives of the board of
28 health professions until revised, amended, revoked or nullified pursuant
29 to law.

30 Sec. 6. The board of health professions shall succeed to all property,
31 property rights and records that were used for or pertain to the perform-
32 ance of powers, duties and functions transferred to the board of health
33 professions concerning professions certifying to become members of the
34 board of health professions. Any conflict as to the proper disposition of
35 property, property rights or records arising under this act shall be deter-
36 mined by the governor, whose decision shall be final.

37 Sec. 7. This act shall take effect and be in force from and after its
38 publication in the statute book.