

SESSION OF 2008

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 596**

As Amended by House Committee on
Health and Human Services

Brief*

If enacted, Sub. for SB 596 would add a definition of surgery to the section of the Kansas Healing Arts Act that defines terms used in the act. Under the new definition, surgery would mean the use of any device, procedure, or method to sever, remove, destroy, or structurally alter body tissue or implant any device, object, or tissue into the body of human beings for any purpose, including preserving health, repairing injury, reducing closed or open fractures, correcting deformity or defects, prolonging life or relieving suffering, or for an aesthetic, reconstructive, or cosmetic purpose. Surgery is not to be construed to include manipulation for adjustment of misplaced tissue or acupuncture. The bill also would amend a statute that defines those persons who are deemed to be engaged in the practice of medicine and surgery (MDs and DOs) to include persons who perform any surgical operation by the use of any surgical instrument, procedure, equipment, or mechanical device for an aesthetic or cosmetic purpose.

Background

SB 596 was introduced at the request of a representative of the Kansas Board of Healing Arts who also supported the bill at the time it was heard by the Senate Committee. A representative of the Kansas Medical Society expressed support for that part of the bill that would add a definition of surgery to the bill, but suggested amendatory language which

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

was adopted by the Senate committee. Both conferees expressed concern about procedures such as tongue splitting and implantations that are being done by persons who are not licensed to practice medicine and surgery. According to the conferees, such procedures may present a risk to consumers if not done properly and in appropriate settings.

The House Health and Human Services Committee amended the substitute bill to add cosmetologists and estheticians to the list of persons licensed by the State Board of Cosmetology who are not deemed to be practicing the healing arts. The Committee also made a technical amendment.

The fiscal note prepared by the Division of the Budget indicates passage of the bill would have no fiscal effect.