

*CORRECTED
SESSION OF 2010*

SUPPLEMENTAL NOTE ON SENATE BILL NO. 500

As Amended by House Committee on
Health and Human Services

Brief*

SB 500 would amend current law to allow the use of the word “doctor” or the letters “M.D.,” “D.O.,” or “D.C.” by unlicensed medical doctors, doctors of osteopathic medicine, or doctors of chiropractic medicine if the individual:

- Earned a professional degree from an accredited healing arts school or college; and
- If the use of such word or initials is not misleading to the public, patients or other health care providers that the individual is:
 - Engaged in the practice of healing arts; or
 - Licensed to practice healing arts in this state.

In addition, the bill would apply to any pending proceeding before the Board of Healing Arts as well as any proceeding commenced on or after the effective date of the bill.

Background

The bill was introduced by the Senate Public Health and Welfare Committee at the request of the Kansas Medical Society. Proponents of the bill included representatives of the Kansas Medical Society, the Kansas State Board of Healing

*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>

Arts, the Kansas Association of Osteopathic Medicine, and the Kansas Chiropractic Association. A representative of the Kansas Medical Society testified that the bill would codify the 2004 Appellate Court ruling issued in *State v. Thomas* (33 Kan. App.2d 73) which held the statute, as currently written, is overboard. The representative further testified that the statute was never intended to prevent a person from using an academic degree that he or she earned, without being licensed, so long as they are not misleading the public about their licensure or practice status.

There were no opponents of the bill.

The Senate Public Health and Welfare Committee amended the bill as proposed by a representative of the Kansas Medical Society. The amendment would clarify the language to more effectively express the purpose of the bill to protect the public, patients and other health care providers from being misled, and ensures the Board of Healing Arts could carry out its enforcement functions in the best interest of the public.

The House Health and Human Services Committee amended the bill to apply it to any pending proceeding before the Board of Healing Arts as well as any proceeding commenced on or after the effective date of the bill.

The bill would take effect upon publication in the statute book (July 1, 2010).

The fiscal note prepared by the Division of the Budget states the State Board of Healing Arts has indicated that any costs associated with the passage of this bill could be handled within existing resources.