

February 16, 2023

**Written KSBHA Neutral Testimony for the Senate Public Health and Welfare Committee  
on SB 112**

Dear Chair and Honorable Committee Members:

The Kansas State Board of Healing Arts (“Board”) submits this written neutral testimony to assist legislators in evaluating SB 112. I am Courtney Cyzman, General Counsel of the Board, on behalf of the Board and Executive Director, Susan Gile. The Board is the executive body tasked with licensing and regulating 16 healthcare professions in Kansas, including physicians, chiropractors, and physician assistants. *See* K.S.A. 65-2801 *et seq.* The Board is composed of 15 members, 12 of whom are licensed healthcare professionals from various professions, including eight licensed physicians, three chiropractors, one podiatrist, and three public members. **The statutory mission of the Board is patient protection.** *See* K.S.A. 65-2801.

Healthcare delivery occurs in a complex environment in which practitioners do not work in isolation.<sup>1</sup> Certified Registered Nurse Anesthetists (“CRNA”)s play a unique and vital role in our healthcare system. Physicians and CRNAs plan and practice together as colleagues, working interdependently within the boundaries and scopes of their practice with shared values and mutual respect for each other’s contribution to care for patients.<sup>2</sup> Additionally, access to medical care is always a critical issue in healthcare; but it is one which must be balanced with the primary consideration being protection of our patients. Patient safety, accountability, and consistency should be the most important factors in establishing expectations and limitations associated with scope of practice changes.<sup>3</sup> Serious harm to patients can result when our patients, especially those with complicated illnesses or injuries, require more advanced training, expertise, and experience. An appropriate legal and regulatory framework is essential to safeguard and enhance public safety and trust.

“Scope of practice” refers to the activities an individual health professional is permitted to perform within their specific profession. For the protection of Kansas patients, it is important our healthcare professionals are prepared, by education and training, to provide any services authorized in their scope of practice.

The scope of practice of physicians is articulated in the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, under the definition of the practice of the healing arts and the practice of medicine and surgery. It provides:

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<sup>1</sup> Federation of State Medical Boards, *Assessing Scope of Practice in Health Care Delivery: Critical Questions in Assuring Public Access and Safety*, 2005, at 6.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 2

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Under K.S.A. 65-2802(a), the practice of the healing arts is defined as:

“[A]ny system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, alteration or enhancement of a condition or appearance and includes specifically, but not by way of limitation, the practice of medicine and surgery; the practice of osteopathic medicine and surgery; and the practice of chiropractic.”

Persons deemed to be engaged in the practice of medicine and surgery include:

“Persons who prescribe, recommend or furnish medicine or drugs, or perform any surgical operation of whatever nature by the use of any surgical instrument, procedure, equipment or mechanical device for the diagnosis, cure or relief of any wounds, fractures, bodily injury, infirmity, disease or mental illness or psychological disorder, of human beings.” K.S.A. 65-2869(b).

### **Key Considerations**

Below are key questions for policy makers to consider when evaluating proposed legislation related to scope of practice.

- Is independent practice appropriate considering the professional’s education, training, and experience?
- To what extent should collaboration with other professionals be required?
- Is the current statutory and legal framework sufficient to protect Kansans?
- Is there a verifiable need to expand the scope of practice, and if so, are there alternatives available within the existing healthcare system?
- To what extent should the limitations on the role based on the “licensee’s education and qualifications” be articulated in statute or agency regulation?

I welcome any comments, questions, or further dialogue with members of the committee. Please feel free to contact me at (785) 250-8021 or at any time via email at [Courtney.cyzman@ks.gov](mailto:Courtney.cyzman@ks.gov).

Sincerely,



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General Counsel

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