

Kansas Association of Osteopathic Medicine

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Statement Submitted To
House Health and Human Services Committee

By Charles L. (Chip) Wheelen
Regarding House Bill 2698
February 10, 2004

Thank you for the opportunity to comment on the provisions of HB2698. The Kansas Association of Osteopathic Medicine cannot support the bill in its current form. We do, however, offer an amendment that would make the bill acceptable to us. The amendment is drafted in a manner that should address concerns that have been expressed by other professions as well.

You may recall that we testified in opposition to a similar bill at about this same time last year. Our testimony said:

Many physicians, particularly in rural areas, do not have convenient access to imaging centers or hospital radiology departments. Instead, they invest in x-ray equipment for use in their own office because x-ray imaging is an extremely valuable diagnostic tool. The equipment is often operated by a nurse or other employee under direction of the physician. It would not be feasible to employ a licensed radiologic technologist to occasionally operate the diagnostic imaging equipment.

Our testimony went on to say there should be an exemption from the licensing requirement for persons performing radiologic technology under the direction of a physician. We have subsequently discussed these concerns with the representative of the radiologic technologists and have not been successful in achieving agreement on this issue.

We would not oppose HB2698 if it were amended in section four to elaborate on the exemption for a licensed practitioner. We propose the following language in line 3 of page 3 of HB2698 as introduced:

(a) *A licensed practitioner; or a person employed by and under the supervision of a licensed practitioner who performs x-ray imaging for diagnostic purposes consistent with K.S.A. 65-1422 et seq and amendments thereto, K.S.A. 65-2001 et seq and amendments thereto, or K.S.A. 65-2801 et seq and amendments thereto;*

Those three references to the Kansas Statutes Annotated pertain to dentists, podiatrists, and the three branches of the healing arts; osteopathic physicians (D.O.s), allopathic physicians (M.D.s), and chiropractors (D.C.s). The language is worded narrowly such that the exemption would apply only to the licensed health care professional and those technicians who are both employed by and under the supervision of one of the five licensed health care professionals. This would assure that if a patient were harmed by an improperly trained x-ray technician, the employing professional could be held accountable.

This proposed amendment is a good-faith effort to compromise on this legislation. I regret that I cannot be at your hearing to respond to any questions you may have about this amendment. We nonetheless request your favorable consideration.