

KANSAS BOARD OF HEALING ARTS

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EXECUTIVE DIRECTOR

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MEMO

TO: House Committee on Health and Human Services

FROM: Lawrence T. Buening, Jr.
Executive Director

DATE: March 17, 2004

RE: Senate Bill No. 426

Thank you for the opportunity to appear before you on behalf of the State Board of Healing Arts. S.B. No. 426 amends the current statute pertaining to institutional licenses. Currently, the only qualifications for an institutional license are: (1) graduation from an accredited school of the healing arts or a school which has been in operation for not less than 15 years; and (2) employment as described in K.S.A. 65-2895. To be eligible for renewal, an institutional license holder must successfully complete the clinical practice examination required for a permanent license. The proposed amendments to K.S.A. 65-2895 provide that completion of two years of postgraduate training in the United States will be required for the initial issuance of an institutional license (page 1, lines 20 and 21). However, completion of an examination is deleted as being a requirement for renewal (page 2, lines 17-20). Additionally, the amendments would allow expanded practice by an institutional licensee if they have practiced within an SRS or DOC institution for at least three years. S.B. No. 426 had three conferees in the Senate Committee—all proponents. The bill passed the Senate 40-0.

The concept behind the institutional license has been around for 35 years. The 1969 Legislature created a new category of medical license called a fellowship license. This license was for individuals employed by the division of institutional management of the state board of social welfare or employed by any institution with the state department of penal institutions until they obtained a permanent license. There was no provision for renewal and the license remained valid as long as the holder met the employment qualifications. This law was included in the statute books as K.S.A. 65-2895.

K.S.A. 65-2895 has been amended seven times since it was originally enacted. In 1976, the permitted employers for a holder were changed to SRS and Department of Corrections. Further, language was added that no fellowship license would be valid for more than two years and the license was not renewable. In 1985, the fellowship license was changed to an institutional license. Also, it was made a requirement that an applicant pass an examination in basic and clinical science approved by the Board, but the license could be renewed if the holder successfully completed the examination required under K.S.A. 65-2873(a)(3). In 1988, the requirement that a new applicant for

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an institutional license pass a clinical science examination was deleted but the applicant still had to pass a basic science examination to qualify for the license. In 1997, the requirement that an applicant for a new license pass any examination was deleted. However, the requirement for successful completion of the examination required under K.S.A. 65-2873(a)(3) has been retained since 1988 and remains a requirement for renewal today.

In 2000, a new subsection (c) was added to K.S.A. 65-2895 that allowed an institutional license to be renewed once for two years if the holder was issued the institutional license prior to May 8, 1997, and had successfully completed two years of postgraduate training in the United States. The 2001 Legislature inserted a provision in the Board's appropriations bill directing the Board, notwithstanding the provisions of K.S.A. 65-2895, to renew for an additional two years all institutional licenses which expired during FY2002 and FY2003 and were valid on May 1, 2001. The 2002 and 2003 Legislatures had bills introduced that would have granted certain institutional license holders a permanent license (See 2002 S.B. No. 584 and 2003 S.B. No. 107). These, however, did not pass.

Currently, there are 18 individuals holding active and valid institutional licenses. Fifteen are employed within state institutions as follows:

Larned-----9
Osawatomie-----3
Rainbow-----2
Parsons-----1

Three institutional licensees qualify to provide mental health services in an employment setting outside a state institution. There is one each in Kiowa, Emporia, and Salina.

The purpose of the proposed amendments is to increase the requirements to be eligible for an institutional license, but to enable renewal of the license following issuance without having to meet additional qualifications. The circumstances vary insofar as the ineligibility of current institutional licensees to qualify for either a permanent license or for renewal of the institutional license. It appears that seven institutional licensees are eligible to renew their institutional license under the current statute so long as they have qualifying employment. The remaining 11 will not be able to renew their licenses. Since October 1999, the Board has issued five institutional licenses to individuals who were not eligible to renew and, therefore, their licenses have since been canceled. Four of these worked at Larned and one at KNI. Obviously, being unable to retain these institutional licensees for more than two years results in high turnover, particularly at SRS institutions.

The Board has been in contact with SRS and DOC to determine whether the need for an institutional license still exists. We have received responses from both Departments that institutional licensees do provide a benefit, particularly in those areas of the state where it is difficult to attract fully-licensed physicians. Based upon this factor and that it has been public policy in the state for 35 years to provide for a separate category of license for physicians working in state institutions, the Board is supportive of S.B. No. 426.

Again, thank you for the opportunity to appear before you. I would be happy to respond to any questions.