

## SENATE BILL No. 448

By Committee on Public Health and Welfare

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AN ACT concerning the state board of healing arts; relating to the exclusion of certain team physicians from the licensure requirement; amending K.S.A. 65-2869 and 65-2872 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 65-2869 is hereby amended to read as follows: 65-2869. For the purpose of this act the following persons shall be deemed to be engaged in the practice of medicine and surgery:

(a) Persons who publicly profess to be physicians or surgeons; or publicly profess to assume the duties incident to the practice of medicine or surgery or any of their branches.

(b) Persons who prescribe, recommend or furnish medicine or drugs; or perform any surgical operation of whatever nature *to sever, penetrate, destroy or alter body tissue* 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, physical or mental illness or psychological disorder; *or for cosmetic or figurative purposes* of human beings.

(c) Persons who attach to their name the title M.D., surgeon, physician, physician and surgeon, or any other word or abbreviation indicating that they are engaged in the treatment or diagnosis of ailments, diseases or injuries of human beings.

Sec. 2. K.S.A. 65-2872 is hereby amended to read as follows: 65-2872. The practice of the healing arts shall not be construed to include the following persons:

(a) Persons rendering gratuitous services in the case of an emergency.

(b) Persons gratuitously administering ordinary household remedies.

(c) The members of any church practicing their religious tenets provided they shall not be exempt from complying with all public health regulations of the state.

(d) Students while in actual classroom attendance in an accredited healing arts school who after completing one ~~(1)~~ year's study treat diseases under the supervision of a licensed instructor.

(e) Students upon the completion of at least three ~~(3)~~ years study in

1 an accredited healing arts school and who, as a part of their academic  
2 requirements for a degree, serve a preceptorship not to exceed ~~ninety~~  
3 ~~(90)~~ 90 days under the supervision of a licensed practitioner.

4 (f) Persons who massage for the purpose of relaxation, muscle con-  
5 ditioning, or figure improvement, provided no drugs are used and such  
6 persons do not hold themselves out to be physicians or healers.

7 (g) Persons whose professional services are performed under the su-  
8 pervision or by order of or referral from a practitioner who is licensed  
9 under this act.

10 (h) Persons in the general fields of psychology, education and social  
11 work, dealing with the social, psychological and moral well-being of in-  
12 dividuals and/or groups provided they do not use drugs and do not hold  
13 themselves out to be the physicians, surgeons, osteopathic physicians or  
14 chiropractors.

15 (i) Practitioners of the healing arts in the United States army, navy,  
16 air force, public health service, and coast guard or other military service  
17 when acting in the line of duty in this state.

18 (j) Practitioners of the healing arts licensed in another state when and  
19 while incidentally called into this state in consultation with practitioners  
20 licensed in this state, or residing on the border of a neighboring state,  
21 duly licensed under the laws thereof to practice a branch of the healing  
22 arts, but who do not open an office or maintain or appoint a place to  
23 regularly meet patients or to receive calls within this state.

24 (k) Dentists practicing their professions, when licensed and practic-  
25 ing in accordance with the provisions of article 14 of chapter 65 of the  
26 Kansas Statutes Annotated, ~~or~~ *and* amendments thereto, and any inter-  
27 pretation thereof by the supreme court of this state.

28 (l) Optometrists practicing their professions, when licensed and practic-  
29 ing under and in accordance with the provisions of article 15 of chapter  
30 65 of the Kansas Statutes Annotated, ~~or~~ *and* amendments thereto, and  
31 any interpretation thereof by the supreme court of this state.

32 (m) Nurses practicing their profession when licensed and practicing  
33 under and in accordance with the provisions of article 11 of chapter 65  
34 of the Kansas Statutes Annotated, ~~or~~ *and* amendments thereto, and any  
35 interpretation thereof by the supreme court of this state.

36 (n) Podiatrists practicing their profession, when licensed and practic-  
37 ing under and in accordance with the provisions of article 20 of chapter  
38 65 of the Kansas Statutes Annotated, ~~or~~ *and* amendments thereto, and  
39 any interpretation thereof by the supreme court of this state.

40 (o) Every act or practice falling in the field of the healing art, not  
41 specifically excepted herein, shall constitute the practice thereof.

42 (p) Pharmacists practicing their profession, when licensed and prac-  
43 ticing under and in accordance with the provisions of article 16 of chapter

1 65 of the Kansas Statutes Annotated, ~~or~~ *and* amendments thereto, and  
2 any interpretation thereof by the supreme court of this state.

3 (q) A dentist licensed in accordance with the provisions of article 14  
4 of chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*,  
5 who administers general and local anesthetics to facilitate medical pro-  
6 cedures conducted by a person licensed to practice medicine and surgery  
7 if such dentist is certified by the board of healing arts under K.S.A. 65-  
8 2899, *and amendments thereto*, to administer such general and local  
9 anesthetics.

10 (r) *Practitioners of the healing arts licensed in another state when*  
11 *traveling into this state with a participant in any organized school or*  
12 *professional athletic program organized in another state if the practitioner*  
13 *has previously agreed with a person who is licensed to engage in a branch*  
14 *of the healing arts in this state to be available for emergencies or necessary*  
15 *referrals.*

16 Sec. 3. K.S.A. 65-2869 and 65-2872 are hereby repealed.

17 Sec. 4. This act shall take effect and be in force from and after its  
18 publication in the statute book.

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