

As Amended by House Committee

Session of 2008

Substitute for SENATE BILL No. 596

By Committee on Public Health and Welfare

2-22

10 AN ACT relating to the board of healing arts; concerning cosmetic or
11 aesthetic purpose included in the practice; amending K.S.A. 65-2869
12 and K.S.A. 2007 Supp. 65-2802 and 65-2872 and repealing the existing
13 sections.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2007 Supp. 65-2802 is hereby amended to read as
17 follows: 65-2802. For the purpose of this act the following definitions
18 shall apply:

19 (a) The healing arts include any system, treatment, operation, diag-
20 nosis, prescription, or practice for the ascertainment, cure, relief, pallia-
21 tion, adjustment, or correction of any human disease, ailment, deformity,
22 or injury, and includes specifically but not by way of limitation the practice
23 of medicine and surgery; the practice of osteopathic medicine and sur-
24 gery; and the practice of chiropractic.

25 (b) "Board" shall mean the state board of healing arts.

26 (c) "License" shall mean a license to practice the healing arts granted
27 under this act.

28 (d) "Licensed" or "licensee" shall mean a person licensed under this
29 act to practice medicine and surgery, osteopathic medicine and surgery
30 or chiropractic.

31 (e) "Healing arts school" shall mean an academic institution which
32 grants a doctor of chiropractic degree, doctor of medicine degree or doc-
33 tor of osteopathy degree.

34 ~~(f) Wherever the masculine gender is used it shall be construed to~~
35 ~~include the feminine, and the singular number shall include the plural~~
36 ~~when consistent with the intent of this act.~~

37 (f) "Surgery" shall mean the use of any device, procedure or method
38 to sever, remove, destroy or structurally alter body tissue or implant any
39 device, object or tissue into the body of human beings for any purpose,
40 including preserving health, diagnosing or treating disease, repairing in-
41 jury, reducing closed or open fractures, correcting deformity or defects,
42 prolonging life or relieving suffering, or for an aesthetic, reconstructive
43 or cosmetic purpose. Surgery shall not be construed to mean manipulation

1 *for adjustment of misplaced tissue or acupuncture.*

2 Sec. 2. K.S.A. 65-2869 is hereby amended to read as follows: 65-
3 2869. For the purpose of this act the following persons shall be deemed
4 to be engaged in the practice of medicine and surgery:

5 (a) Persons who publicly profess to be physicians or surgeons, or pub-
6 licly profess to assume the duties incident to the practice of medicine or
7 surgery or any of their branches.

8 (b) Persons who prescribe, recommend or furnish medicine or drugs,
9 or perform any surgical operation of whatever nature by the use of any
10 surgical instrument, procedure, equipment or mechanical device for *an*
11 *aesthetic or cosmetic purpose, or* the diagnosis, cure or relief of any
12 wounds, fractures, bodily injury, infirmity, disease, physical or mental
13 illness or psychological disorder, of human beings.

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

18 Sec. 3. K.S.A. 2007 Supp. 65-2872 is hereby amended to read as
19 follows: 65-2872. (a) The practice of the healing arts shall not be con-
20 stituted to include the following persons:

21 ~~(a)~~ (1) Persons rendering gratuitous services in the case of an
22 emergency.

23 ~~(b)~~ (2) Persons gratuitously administering ordinary household
24 remedies.

25 ~~(c)~~ (3) The members of any church practicing their religious tenets
26 provided they shall not be exempt from complying with all public health
27 regulations of the state.

28 ~~(d)~~ (4) Students while in actual classroom attendance in an accredited
29 healing arts school who after completing one year's study treat diseases
30 under the supervision of a licensed instructor.

31 ~~(e)~~ (5) Students upon the completion of at least three years study in
32 an accredited healing arts school and who, as a part of their academic
33 requirements for a degree, serve a preceptorship not to exceed 180 days
34 under the supervision of a licensed practitioner.

35 ~~(f)~~ (6) Persons who massage for the purpose of relaxation, muscle
36 conditioning, or figure improvement, provided no drugs are used and
37 such persons do not hold themselves out to be physicians or healers.

38 ~~(g)~~ (7) Persons whose professional services are performed under the
39 supervision or by order of or referral from a practitioner who is licensed
40 under this act.

41 ~~(h)~~ (8) Persons in the general fields of psychology, education and
42 social work, dealing with the social, psychological and moral well-being
43 of individuals ~~and/or~~ or groups provided they do not use drugs and do

1 not hold themselves out to be the physicians, surgeons, osteopathic phy-
2 sicians or chiropractors.

3 ~~(i)~~ (9) Practitioners of the healing arts in the United States army, navy,
4 air force, public health service, and coast guard or other military service
5 when acting in the line of duty in this state.

6 ~~(j)~~ (10) Practitioners of the healing arts licensed in another state when
7 and while incidentally called into this state in consultation with practi-
8 tioners licensed in this state.

9 ~~(k)~~ (11) Dentists practicing their professions, when licensed and prac-
10 ticing in accordance with the provisions of article 14 of chapter 65 of the
11 Kansas Statutes Annotated, and amendments thereto, and any interpre-
12 tation thereof by the supreme court of this state.

13 ~~(l)~~ (12) Optometrists practicing their professions, when licensed and
14 practicing under and in accordance with the provisions of article 15 of
15 chapter 65 of the Kansas Statutes Annotated, and amendments thereto,
16 and any interpretation thereof by the supreme court of this state.

17 ~~(m)~~ (13) Nurses practicing their profession when licensed and prac-
18 ticing under and in accordance with the provisions of article 11 of chapter
19 65 of the Kansas Statutes Annotated, and amendments thereto, and any
20 interpretation thereof by the supreme court of this state.

21 ~~(n)~~ (14) Podiatrists practicing their profession, when licensed and
22 practicing under and in accordance with the provisions of article 20 of
23 chapter 65 of the Kansas Statutes Annotated, and amendments thereto,
24 and any interpretation thereof by the supreme court of this state.

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

27 ~~(p)~~ (15) Pharmacists practicing their profession, when licensed and
28 practicing under and in accordance with the provisions of article 16 of
29 chapter 65 of the Kansas Statutes Annotated, and amendments thereto,
30 and any interpretation thereof by the supreme court of this state.

31 ~~(q)~~ (16) A dentist licensed in accordance with the provisions of article
32 14 of chapter 65 of the Kansas Statutes Annotated who administers gen-
33 eral and local anesthetics to facilitate medical procedures conducted by
34 a person licensed to practice medicine and surgery if such dentist is cer-
35 tified by the board of healing arts under K.S.A. 65-2899, and amendments
36 thereto, to administer such general and local anesthetics.

37 ~~(r)~~ (17) Practitioners of the healing arts duly licensed under the laws
38 of another state who do not open an office or maintain or appoint a place
39 to regularly meet patients or to receive calls within this state, but who
40 order services which are performed in this state in accordance with rules
41 and regulations of the board. The board shall adopt rules and regulations
42 identifying circumstances in which professional services may be per-
43 formed in this state based upon an order by a practitioner of the healing

1 arts licensed under the laws of another state.

2 (18) *Electrologists, **cosmetologists, estheticians**, licensed perma-*
3 *nent color technicians and ~~tattoo~~ **tattoo** artists, persons licensed to per-*
4 *form body piercing or tanning facilities, when licensed by the state board*
5 *of cosmetology and acting in accordance with the provisions of article 19*
6 *of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,*
7 *and any interpretation thereof by the supreme court of this state.*

8 (b) *Every act or practice falling in the field of the healing art, not*
9 *specifically excepted herein, shall constitute the practice thereof.*

10 Sec. 4. K.S.A. 65-2869 and K.S.A. 2007 Supp. 65-2802 and 65-2872
11 are hereby repealed.

12 Sec. 5. This act shall take effect and be in force from and after its
13 publication in the statute book.