

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 447

As Amended by Senate Committee on
Public Health and Welfare

Brief*

SB 447 amends four statutes that relate to the Board of Healing Arts.

The first section in the bill concerns podiatry, one of the disciplines regulated by the Board of Healing Arts. The amendments authorize the Board of Healing Arts to pay hourly compensation to members of a podiatry review committee appointed by the Board for time spent in reviewing records sent to the committee members. The additional compensation would be in addition to the compensation paid to members of the review committee for attending meetings of the committee. A section of the Kansas Healing Arts Act which directs the Board to appoint review committees for each branch of the healing arts (medicine, osteopathic medicine, and chiropractic) is also amended to authorize payment of hourly compensation to members of the review committees who review records sent to them that relate to Board investigations. Such compensation would be in addition to the compensation received by members of the review committees for attending meetings of the review committees. A further amendment to the Kansas Healing Arts Act would exempt the Board from competitive bids or approval of the Director of Purchases when securing experts to provide reports, testimony, and opinions on disciplinary matters that are before the Board.

As amended by Senate Committee, SB 447 also amends the statute that sets out the qualifications that apply to members of the Board of Healing Arts. The amendment requires the healing arts members of the Board to be Kansas residents, maintain a primary

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

residence in Kansas, and be actively engaged in practice during their term on the Board.

Background

The introduction of SB 447 was requested by the Executive Director of the Board of Healing Arts who also expressed the Board's support for the bill at the time of the hearing. The issue of compensating members of review committees appointed by the Board of Healing Arts for the time spent on the review of records sent to them by Board staff prior to review committee meetings is one that has been considered by the Legislature in previous years. The Board, with one exception, believes it is necessary to compensate professionals who serve on the review committees for the time spent in preparing for meetings of such committees in order to continue to attract qualified members of the branches of the healing arts and podiatry for service on such committees. Representatives of the Kansas Medical Society and the Kansas Association of Osteopathic Medicine support the request for compensation for review committee members. According to testimony presented by the representative of the Board of Healing Arts, expert witnesses are necessary when a disciplinary proceeding involves a standard of care. Considerable time is spent in finding experts who have the necessary qualifications and experience and are willing to devote the time required to reviewing facts, issue written opinions, and testify at a hearing. It is difficult to tell at the outset how much time will be involved. According to the Executive Director of the Board, the Legislature has previously acknowledged that contracting with expert witnesses should not be subject to competitive bids in the Professional Services Sunshine Act.

The fiscal note indicates the bill could increase expenditures from the Healing Arts Fee Fund by \$21,840.