

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 426

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

SB 426 amends a statute that is a part of the Kansas Healing Arts Act and that provides for the issuing of a category of license known as an institutional license. Currently, an institutional license may be issued to a person seeking to practice a branch of the healing arts (medicine, osteopathic medicine, or chiropractic) who is a graduate of an accredited healing arts school or a school that has been in operation for 15 years, and who is employed by the Department of Social and Rehabilitation Services or the Department of Corrections or meets specified criteria relating to the provision of mental health services in specified settings. An institutional license is valid for two years and may be renewed only if the applicant successfully completes the clinical practice examination required for full licensure.

As amended, the statute would authorize the issuing of an institutional license only to persons who are graduates of accredited schools of medicine or osteopathic medicine or a school that has been in operation for 15 years; who have completed at least two years of approved postgraduate training in the United States; and who are employed in an institution within the Department of Social and Rehabilitation Services or the Department of Corrections or certain other specified settings. The amendments would allow an expanded practice for those persons who had been employed in Social and Rehabilitation Services or Corrections institutions under an institutional license for at least three years. Holders of institutional licenses would still be restricted to practice in statutorily specified settings. The limitations on the renewal of an institutional license are changed by deleting the requirement that the holder thereof complete the clinical examination required for candidates for licenses to practice medicine and surgery.

*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>

Under the new provisions, a license could be renewed if the applicant continues to meet the requirements for the initial institutional license, meets any continuing education requirements, presents a recommendation from the superintendent of the institution to which the licensee is assigned if the applicant's practice is limited to a state institution operated by Social and Rehabilitation Services or Corrections; and pays the renewal fees established by the Board of Healing Arts.

SB 426 would become effective on publication in the *Kansas Register*.

Background

The category of license now known as an institutional license was created by the 1969 Legislature and was originally known as a fellowship license. The license was issued to individuals employed in state hospitals and penal institutions until they were able to secure full licensure and was valid as long as the holder continued to be employed in a state institution. The statute has been amended seven times since its original enactment, generally to add to the requirements necessary to obtain the special type of license and to place limits or conditions on the renewal of the license. The 2001 Legislature added a proviso to the Board of Healing Arts appropriation bill directing the Board to renew all institutional licenses that were valid on May 1, 2001 and that would expire in FY 2002 or FY 2003 for two years, notwithstanding the provisions of the statute that required such persons to successfully complete the clinical science portion of the examination taken by applicants for full licensure. Currently, there are 18 individuals who hold valid institutional licenses. Fifteen of the licensees are employed in institutions operated by the Department of Social and Rehabilitation Services and three are authorized to provide mental health services in an employment setting outside a state institution.

The introduction of SB 426 was requested by a representative of the Board of Healing Arts who also expressed the Board's support for the bill during a hearing. Representatives of the Department of Social and Rehabilitation Services and of the Kansas Medical Society also expressed support for the bill. The Executive Director of the Board indicated the intent to allow the renewal of institutional licenses valid on the effective date of the act.

The fiscal note on SB 426 indicates passage of the bill would have no fiscal effect on the Board of Healing Arts or the Departments of Corrections and Social and Rehabilitation Services.