



To: Senate Public Health and Welfare Committee

From: Rachelle Colombo  
Director of Government Affairs

Date: March 13, 2017

Subject: HB 2045; re-instating institutional licenses under the Board of Healing Arts

The Kansas Medical Society appreciates the opportunity to appear today on HB 2045, which would re-establish institutional licenses under the Kansas Board of Healing Arts.

During the 2015 legislative session, a comprehensive bill was passed to modernize the Healing Arts Act by implementing uniform terminology across the regulated professions. A long-standing provision allowing institutional licenses was inadvertently stricken, affecting a small number of Kansas physicians whose sole practice is providing psychiatric services for state institutions.

This provision was originally enacted several decades ago to address a number of overlapping problems. Some foreign medical school graduates of accredited schools were unable to qualify for active licensure due to a variety of problems not related to their competency. Some came from countries experiencing civil unrest or other barriers that made receiving the necessary affirmation of accreditation necessary for issuance of an active license impossible. At the same time, the state was struggling to attract qualified physicians into psychiatric care as employees of state institutions. The jobs simply were not as competitive as other opportunities for physicians with active unrestricted licenses.

As a result, institutional licenses were implemented as a means of solving both problems. Under an institutional license, a physician having completed their medical education may provide psychiatric services at a state institution as long as they work under a protocol with a physician with an active license in Kansas.

Not realizing there were a handful of physicians still practicing under an institutional license, the language was inadvertently stricken in 2015 rendering those physicians unable to provide psychiatric services, and state institutions without a physician to directly care for mental health patients.

HB 2045 simply reinstates the stricken language and restores the role of institutional licenses, ensuring that qualified physicians are able to practice and patients continue receiving care. We respectfully request that the committee favorably consider HB 2045. Thank you.

**K.S.A. 65-2898. Immunity from liability in civil actions for reporting, communicating and investigating certain information concerning alleged malpractice incidents and other information; conditions.**

(a) ~~Ne~~ Any person reporting to the state board of healing arts in good faith any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against, a person licensed, registered or certified by the board shall ~~be subject to a civil action for damages~~ *have immunity from any civil liability that might otherwise be incurred in in an action resulting from as a result of reporting such information. In any civil action in which a court determines such person to have reported in good faith, the court shall allow the defendant a reasonable sum for attorney's fees and expenses incurred in defending the civil action.*

(b) Any state, regional or local association composed of persons licensed to practice a profession regulated by the board and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against, any licensee, registrant or certificate holder to the state board of healing arts or to any committee or agent thereof, shall be immune from liability in any civil action, that is based upon such investigation or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

History:L. 1976, ch. 261, § 1; L. 1979, ch. 201, § 1; L. 1983, ch. 213, § 9; L. 2014, ch. 131, § 37; July 1, 2015.