



Testimony in Opposition to House Bill 2829
House Health and Human Services Committee

By Charles L. (Chip) Wheelen
February 13, 2006

Thank you for this opportunity to express our opposition to HB2829. This issue is not new, and because we have discussed it among our general membership as well as our elected officers, we know that it would affect only a few of our members. We are, nonetheless, opposed to the bill because it would impose duplicative regulation on those few physicians who do perform office based surgery or special procedures.

You will note that HB2829 makes reference to “guidelines for office-based surgery and special procedures approved by the Kansas medical society house of delegates on May 5, 2002.” The KAOM participated in a multi-specialty task force convened by the Kansas Medical Society which developed those guidelines. It was a diligent effort by a diverse group of representatives from different areas of medical expertise to develop responsible standards for office based surgery and special procedures. Those guidelines were subsequently endorsed by the State Board of Healing Arts and for that reason, we believe those guidelines reflect the applicable standard of care for any physician who performs those types of procedures in our State.

More recently, we participated in a number of committee meetings convened by the Board of Healing Arts. Using the KMS guidelines as a template, regulations were developed that create a three-tiered approach regulating all medical and chiropractic offices in Kansas. Those regulations have been adopted by the Board of Healing Arts and are now in effect. The first level of regulation applies to all licensees under the Healing Arts Act and establishes basic standards for cleanliness and patient safety, the second level of regulations establishes higher standards for those office practices where mid-level surgery or special procedures are performed, and the third level of regulation applies to any office practice where general anesthesia is administered. Each level of regulation builds upon the previous level, and is a reflection of the comparative risk associated with the procedures and level of anesthesia. Those regulations may be accessed at <http://www.ksbha.org/agendas/05-1116-reg.html>.

The regulations adopted by the Board of Healing Arts accomplish almost all of the objectives set out in HB2829. For this reason, we respectfully suggest that in lieu of HB2829, you recommend to the Appropriations Committee that additional positions and expenditure authority be granted to the Board of Healing Arts with a proviso requiring that the Board conduct inspections of medical practices where office-based surgery and special procedures are performed. This would accomplish the remainder of the objectives set out in HB2829. According to the fiscal note submitted on a similar bill introduced last year, this would require 15.0 FTE new positions and expenditure authority amounting to about \$1.1 million. Of course the funding would be from licensure fees.

Thank you for considering our comments and recommendations. We urge you to recommend that HB2829 not be passed.