

February 9, 2006

The Honorable Jim Barnett, Chairperson  
Senate Committee on Public Health and Welfare  
Statehouse, Room 120-S  
Topeka, Kansas 66612

Dear Senator Barnett:

SUBJECT: Fiscal Note for SB 469 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 469 is respectfully submitted to your committee.

SB 469 would establish the Impaired Licensee Treatment Act under the authority of the Behavioral Sciences Regulatory Board. The Board may investigate any complaint about the competence or conduct of a licensed provider and require a mental or physical evaluation. Upon receiving the evaluation, the Board would develop procedures for processing any further complaints. The Board could take any of the following actions in accordance with the Kansas Administrative Procedure Act:

1. Authorize the licensee to continue practicing with specified limitations;
2. Suspend the license on specified conditions;
3. Cancel the license upon the licensee's voluntary surrender of the license;
4. Place the licensee on inactive status; or
5. Take authorized disciplinary action.

The cost of any course of treatment would be paid by the licensee. If a licensee violates an impaired provider agreement made by the Board, the Board could suspend or revoke the license. The licensee, however, must be given an opportunity to be heard in accordance with the Kansas Administrative Procedure Act. The Board could enter into an agreement with an impaired licensee treatment provider or another professional to undertake the responsibilities

The Honorable Jim Barnett, Chairperson

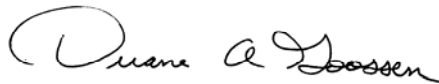
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specified in the agreement and to pay administrative expenses from funds appropriated to the agency for that purpose. Any reports or records made regarding impaired providers would be considered confidential and privileged. No member of the Board or any Board committee would be required to testify in any civil or criminal trial or any administrative proceeding. Meetings held to discuss an impaired provider may be conducted in closed session. No person would be subject to liability in a civil action for failure to report an impaired provider. The Board would be required to adopt rules and regulations to implement the Impaired Licensee Treatment Act.

The Behavioral Sciences Regulatory Board indicates that passage of the bill would increase expenditures by \$200 for office supplies, postage, telephone, and printing. The agency could absorb the additional expenditures and comply with the requirements of the bill within existing resources.

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Goossen". The signature is written in black ink on a white background.

Duane A. Goossen  
Director of the Budget

cc: Marsha Schrempp, Behavioral Sciences