

SENATE BILL No. 61

By Committee on Public Health and Welfare

1-31

1 AN ACT concerning health and healthcare; relating to the practice of
2 podiatry; classification as a branch of the healing arts; qualifications;
3 scope of practice; amending K.S.A. 65-2002, 65-2802 and 65-2872 and
4 repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-2002 is hereby amended to read as follows: 65-
8 2002. (a) It shall be unlawful for any person to profess to be a podiatrist, to
9 practice or assume the duties incidental to podiatry, to advertise or hold
10 oneself out to the public as a podiatrist, or to use any sign or advertisement
11 with the word or words podiatrist, foot specialist, foot correctionist, foot
12 expert, practapedist or chiropodist, or any other term or terms indicating
13 that such person is a podiatrist or that such person practices or holds
14 oneself out as practicing podiatry or foot correction in any manner, without
15 first obtaining from the board a license authorizing the practice of podiatry
16 in this state, except as hereinafter provided.

17 (b) A licensed podiatrist shall be authorized to prescribe such drugs or
18 medicine, and to perform such surgery on the human foot, ankle and
19 tendons that insert into the foot, including amputation of the toes or part of
20 the foot, as may be necessary to the proper practice of podiatry, but no
21 podiatrist shall amputate the human foot or administer any anesthetic other
22 than local.

23 (c) This act shall not prohibit the recommendation, advertising, fitting
24 or sale of corrective shoes, arch supports, or similar mechanical
25 appliances, or foot remedies by manufacturers, wholesalers or retail
26 dealers.

27 (d) No podiatrist shall perform surgery on the ankle unless such
28 person has completed a *two-year post-doctoral surgical residency*
29 *program prior to July 1, 2007, or a three-year post-doctoral surgical*
30 *residency program on or after July 1, 2007, in reconstructive*
31 *rearfoot/ankle surgery and is either board-certified or board qualified*
32 *progressing to board certification in reconstructive rearfoot/ankle surgery*
33 *by a nationally recognized certifying organization acceptable to the board.*
34 *Surgical treatment of the ankle by a podiatrist shall be performed only in a*
35 *medical care facility, as defined in K.S.A. 65-425, and amendments*
36 *thereto.*

1 ~~(e) Not later than 90 days after the effective date of this act, the board~~
 2 ~~shall appoint a five-member committee to be known as the podiatry~~
 3 ~~interdisciplinary advisory committee. Such committee shall advise and~~
 4 ~~make recommendations to the board on matters relating to licensure of~~
 5 ~~podiatrists to perform surgery on the ankle pursuant to subsection (d). The~~
 6 ~~podiatry interdisciplinary advisory committee shall consist of five~~
 7 ~~members:~~

8 ~~(1) One member of the board appointed by the board who shall serve~~
 9 ~~as a nonvoting chairperson;~~

10 ~~(2) two persons licensed to practice medicine and surgery~~
 11 ~~specializing in orthopedics, chosen by the board from four names~~
 12 ~~submitted by the Kansas medical society; and~~

13 ~~(3) two podiatrists, at least one of whom shall have completed an~~
 14 ~~accredited residency in foot and ankle surgery, chosen by the board from~~
 15 ~~four names submitted by the Kansas podiatric medical association.~~

16 ~~Members appointed to such committee shall serve at the pleasure of the~~
 17 ~~board without compensation. All expenses of the committee shall be paid~~
 18 ~~by the board. The provisions of this subsection shall expire on July 1,~~
 19 ~~2018.~~

20 Sec. 2. K.S.A. 65-2802 is hereby amended to read as follows: 65-
 21 2802. For the purpose of this act the following definitions shall apply:

22 (a) The healing arts include any system, treatment, operation,
 23 diagnosis, prescription or practice for the ascertainment, cure, relief,
 24 palliation, adjustment or correction of any human disease, ailment,
 25 deformity, injury, alteration or enhancement of a condition or appearance
 26 and includes specifically, but not by way of limitation;: The practice of
 27 medicine and surgery; the practice of osteopathic medicine and surgery;
 28 *the practice of podiatry*; and the practice of chiropractic.

29 (b) "Board"~~shall mean~~ *means* the state board of healing arts.

30 (c) "License," unless otherwise specified,~~shall mean~~ *means* a license
 31 to practice the healing arts granted under this act *or the podiatry act*.

32 (d) "Licensed" or "licensee," unless otherwise specified,~~shall mean~~
 33 *means* a person licensed under this act to practice medicine and surgery,
 34 osteopathic medicine and surgery or chiropractic *or under the podiatry act*
 35 *to practice podiatry*.

36 (e) "Healing arts school"~~shall mean~~ *means* an academic institution
 37 ~~which that~~ grants a doctor of chiropractic degree, doctor of medicine
 38 degree ~~or~~, doctor of osteopathy degree *or doctor of podiatric medicine*
 39 *degree*.

40 (f) Wherever the masculine gender is used, it shall be construed to
 41 include the feminine, and the singular number shall include the plural
 42 when consistent with the intent of this act.

43 Sec. 3. K.S.A. 65-2872 is hereby amended to read as follows: 65-

1 2872. The practice of the healing arts shall not be construed to include the
2 following persons:

3 (a) Persons rendering gratuitous services in the case of an emergency.

4 (b) Persons gratuitously administering ordinary household remedies.

5 (c) The members of any church practicing their religious tenets
6 provided they shall not be exempt from complying with all public health
7 regulations of the state.

8 (d) Students while in actual classroom attendance in an accredited
9 healing arts school who after completing one year's study treat diseases
10 under the supervision of a licensed instructor.

11 (e) Students upon the completion of at least three years study in an
12 accredited healing arts school and who, as a part of their academic
13 requirements for a degree, serve a preceptorship not to exceed 180 days
14 under the supervision of a licensed practitioner.

15 (f) Persons who massage for the purpose of relaxation, muscle
16 conditioning, or figure improvement, provided no drugs are used and such
17 persons do not hold themselves out to be physicians or healers.

18 (g) Persons whose professional services are performed under the
19 supervision or by order of or referral from a practitioner who is licensed
20 under this act.

21 (h) Persons in the general fields of psychology, education and social
22 work, dealing with the social, psychological and moral well-being of
23 individuals or groups, or both, provided they do not use drugs and do not
24 hold themselves out to be the physicians, surgeons, osteopathic physicians
25 or chiropractors.

26 (i) Practitioners of the healing arts in the United States army, navy, air
27 force, public health service, and coast guard or other military service when
28 acting in the line of duty in this state.

29 (j) Practitioners of the healing arts licensed in another state when and
30 while incidentally called into this state in consultation with practitioners
31 licensed in this state.

32 (k) Dentists practicing their professions, when licensed and practicing
33 in accordance with the provisions of article 14 of chapter 65 of the Kansas
34 Statutes Annotated, and amendments thereto, and any interpretation
35 thereof by the supreme court of this state.

36 (l) Optometrists practicing their professions, when licensed and
37 practicing under and in accordance with the provisions of article 15 of
38 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
39 any interpretation thereof by the supreme court of this state.

40 (m) Nurses practicing their profession when licensed and practicing
41 under and in accordance with the provisions of article 11 of chapter 65 of
42 the Kansas Statutes Annotated, and amendments thereto, and any
43 interpretation thereof by the supreme court of this state.

1 ~~(n) Podiatrists practicing their profession, when licensed and~~
2 ~~practicing under and in accordance with the provisions of article 20 of~~
3 ~~chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and~~
4 ~~any interpretation thereof by the supreme court of this state.~~

5 ~~(o)~~ Every act or practice falling in the field of the healing arts, not
6 specifically excepted herein, shall constitute the practice thereof.

7 ~~(o)~~ Pharmacists practicing their profession, when licensed and
8 practicing under and in accordance with the provisions of article 16 of
9 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
10 any interpretation thereof by the supreme court of this state.

11 ~~(p)~~ A dentist licensed in accordance with the provisions of article
12 14 of chapter 65 of the Kansas Statutes Annotated, and amendments
13 thereto, who administers general and local anesthetics to facilitate medical
14 procedures conducted by a person licensed to practice medicine and
15 surgery if such dentist is certified by the board of healing arts under K.S.A.
16 65-2899, and amendments thereto, to administer such general and local
17 anesthetics.

18 ~~(q)~~ Practitioners of the healing arts duly licensed under the laws of
19 another state who do not open an office or maintain or appoint a place to
20 regularly meet patients or to receive calls within this state, but who order
21 services ~~which~~ *that* are performed in this state in accordance with rules
22 and regulations of the board. The board shall adopt rules and regulations
23 identifying circumstances in which professional services may be
24 performed in this state based upon an order by a practitioner of the healing
25 arts licensed under the laws of another state.

26 ~~(r)~~ Acupuncturists, when licensed and practicing in accordance
27 with ~~K.S.A. 65-7601 through 65-7624, and amendments thereto~~ *the*
28 *acupuncture practice act*, rules and regulations adopted *pursuant* thereto,
29 and interpretations thereof by the supreme court of this state.

30 ~~(s)~~ Persons licensed by the state board of cosmetology practicing
31 their professions, when licensed and practicing under and in accordance
32 with the provisions of article 19 of chapter 65 of the Kansas Statutes
33 Annotated, and amendments thereto, and any interpretation thereof by the
34 supreme court of this state.

35 Sec. 4. K.S.A. 65-2002, 65-2802 and 65-2872 are hereby repealed.

36 Sec. 5. This act shall take effect and be in force from and after its
37 publication in the statute book.