



February 12, 2019

To: House Health and Human Services Committee

From: Vicki Whitaker, KAOM Executive Director

Subj: Opposition to HB 2146 – providing for a certificate of authorization for a business entity to practice medicine

Chairwoman Landwehr and Members of the Committee:

The Kansas Association of Osteopathic Medicine (KAOM), founded in 1913, represents osteopathic physicians and the osteopathic profession in Kansas. At the direction of KAOM members, the association is providing comments in opposition to HB 2146 which would allow a business entity to practice medicine.

KAOM contends a business cannot practice medicine. Only a trained, licensed physician can practice medicine. The practice of medicine is a privilege earned following years of education, residency and thousands of clinical hours spent in training. A business entity is not capable of any of the above.

HB 2146 attempts to circumvent the recognition of what it entails to practice medicine through an authorization from the Kansas Board of Healing Arts thereby reducing the practice of medicine to an administrative function. Proponents of the bill have a vested interest in the delivery of healthcare in Kansas and will argue this is a cost saving measure and nothing more. KAOM asserts by becoming their employer, a business entity controls the actions and decisions of those physicians.

It takes the control of medical care out of the hands of physicians and places it under the business's control. If a business entity practicing medicine identifies a cost saving measure, even if it is not in the best interest of a patient, such entity can exert undue influence on the treatment the patient receives. The bill also removes any liability for patient outcomes being placed on the business entity.

Businesses in Kansas are able now to contract with physicians to deliver healthcare to their employees. The contract arrangement affords physicians the ability to treat patients based on the patient's best interest. Physician autonomy would be compromised by HB 2146.

According to the Healing Arts Practice Act, KSA 65-2802 (a): Definitions. (a) The healing arts include any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, alteration or enhancement of a condition or appearance and includes specifically, but not by way of limitation, the practice of medicine and surgery; the practice of osteopathic medicine and surgery; and the practice of chiropractic.

A business cannot practice medicine by its very definition in statute and it would be a disservice to all Kansans to afford business entities the privilege of “practicing medicine.”

For these reasons, KAOM respectfully seeks your opposition to the passage of HB 2146.

Thank you for the opportunity to provide this written testimony.