

Subject

FILED  
*State Boards  
Healing Arts*

Copy to



STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
*Attorney General*

November 25, 1974

Opinion No. 74-368

The Honorable Ansel Tobias  
Representative 106th District  
Box 699  
Lyons, Kansas 67554

Dear Representative Tobias:

You inquire whether one who practices a recognized branch of the healing arts, which is not specifically described in the Kansas Healing Arts Act, K.S.A. 65-2802 *et seq.*, but which falls within the broad definition of "healing arts" at K.S.A. 65-2802, and who applies for licensure by endorsement under K.S.A. 65-2833, is eligible to licensure thereunder, provided the applicant satisfies the requirements of (a) through (f) of that section.

This question has been raised informally with this office during the past year by representatives of naturopathic practitioners, who unsuccessfully worked for passage of 1974 House Bill 1478. Naturopathy certainly constitutes a healing art as defined by K.S.A. 65-2082(a) thus:

"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, or injury, and *includes specifically but not by way of limitation* the practice of medicine and surgery; the practice of osteopathy; and the practice of chiropractic." [Emphasis supplied.]

It is not, however, among the three branches specifically enumerated in the above section and elsewhere in the act, i.e., medicine and surgery, osteopathy and chiropractic. K.S.A. 65-2869, -2870, and -2871.

In Opinion No. 74-12, addressed to Senator Dan Bromley, dated January 17, 1974, we responded to several questions concerning the practice of naturopathy. Insofar as pertinent

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here, we concluded, as stated above, that naturopathy was indeed a healing art as defined by K.S.A. 65-2802, but that there was no provision whereunder the Kansas Board of Healing Arts might issue a license therefor, and without a license, its practice was prohibited.

The question now is raised whether K.S.A. 65-2833 permits the Board to license by endorsement the practice of a healing art which it is unable under the law to license by examination. K.S.A. 65-2833 states in pertinent part as follows:

"The board, without examination, may issue a license to a citizen of the United States who has been in the active practice of a branch of the healing arts in some other state, territory, the District of Columbia, or province of Canada upon certificate of the proper licensing authority.... [thereof], certifying that the applicant is duly licensed....and that, so far as the records of said authority are concerned, the applicant is entitled to its endorsement. Said applicant shall also present proof of the following things:

(a) *That the state, territory, District of Columbia, or province of Canada from which the applicant comes shall have and maintain standards equal to those maintained by Kansas.*

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(f) *An applicant for endorsement registration shall not be licensed unless his individual qualifications meet the Kansas legal requirements."*

[Emphasis supplied.]

This provision is designed, of course, to relieve those who have established their qualifications before the licensing authority of one jurisdiction of the burden of making a duplicate showing in Kansas when the standards and requirements of the other jurisdiction are equal to those here in Kansas. It is a device by which Kansas accepts licensure in another state with standards equal to Kansas standards as tantamount to licensure by examination here. This provision does not constitute an abandonment of the right to regulate and license practitioners of the healing arts, nor does it abdicate that power in favor of the laws of other states. It does not defer to the regulatory and

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licensing laws of other states except to the extent that those laws are equal to those of Kansas. Thus, it does not authorize licensure by endorsement for the practice of a branch of a healing art in Kansas which is not itself licensable under the laws of Kansas.

Thus, one, e.g., who is licensed in another state to practice naturopathy may not be granted a license by endorsement by the Kansas Board of Healing Arts to practice naturopathy in this state, because Kansas laws do not permit the licensing of naturopathic practitioners.

Yours very truly,



VERN MILLER  
Attorney General

VM:JRM:tp

cc: C. J. Cavanaugh, M. D., President  
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