

SESSION OF 2023

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 131**

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

Sub. for SB 131 would authorize certain health care professions licensed in a home state other than Kansas and traveling with a sports team to practice their profession within Kansas for a short period of time during certain sporting events under a sports waiver issued by the State Board of Healing Arts (Board). Health care services could be provided only on behalf of team members and coaching staff during sporting events pursuant to a contract with a sports team to provide such services, upon invitation by a national sports governing body to provide medical services at a national sports training center in Kansas, or at events or competitions sanctioned by a national sport governing body.

The bill would establish a process for obtaining a sports waiver, authorize the Board to issue such waivers, set limitations on the frequency and duration of the waivers, and address scope of practice requirements, compliance with Kansas rules and regulations, and reporting of any potential violation of the Healing Arts Act or other applicable practice act to the Board. Additionally, the bill would authorize agreements with other states' medical and osteopathic licensing boards, provide the Board with rules and regulations authority to implement the bill's provisions, authorize the Board to establish procedures to allow sports waivers for other health care professions, and make the provisions of the bill part of and supplemental to the Healing Arts Act.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Sports Waiver Process and Requirements for Physicians

Specifically, the bill would require the Board to issue a sports waiver to an out-of-state physician within 15 days from receipt of a complete application if the physician:

- Submits a complete application;
- Holds an unrestricted license in another state and is not the subject of any investigation or disciplinary action;
- Has professional liability insurance coverage for the duration of the sporting event at the minimum required levels to practice in Kansas; and
 - Has entered into a written agreement with a sports team to provide medical care to team members and coaching staff traveling with the team for a specific sporting event in Kansas; or
 - Has been invited by a national sport governing body to provide medical services to team members and coaching staff at a national sports training center in Kansas, or to provide medical services at an event or competition sanctioned by a national sport governing body.

Health Care Provider Practice Requirements

The bill would require a health care provider who has been issued a sports waiver by the Board to practice within the scope of practice as defined by Kansas law for their health care profession and would limit health care services to be only provided for team members and coaching staff as required by written agreement with a sports team or health care services required by a national sport governing body.

The bill would also require a health care provider issued a sports waiver by the Board to adhere to all the rules and regulations pertaining to the health care profession in Kansas and would consider the health care professional to be a licensee of the Board.

Practice Restrictions

The bill would prohibit a physician exempt from state licensure due to the issuance of a sports waiver from providing medical care or consultation to any individual residing in Kansas, other than those specifically authorized under the bill to receive health care services. The bill would also prohibit the practice of an individual's health care profession at a licensed health care facility in this state.

Sports Waiver Limitations

The bill would specify that a sports waiver would be valid for the duration of a sporting event, not to exceed 30 days and would limit an individual to no more than five sports waivers per calendar year, except for extenuating, unforeseen circumstance as approved by the Board.

Reporting Requirements

The bill would require an individual under a sports waiver or an out-of-state sports team to report to the Board any potential violation of the Healing Arts Act or other applicable practice act, including but not limited to unprofessional conduct or professional incompetence.

Sports Waiver Denial

The bill would authorize the Board to deny an application for a sports waiver if the individual did not meet the technical qualifications or if granting the sports waiver could endanger the health and safety of the public.

Agreements with Other States' Medical and Osteopathic Licensing Boards

The bill would authorize the Board to enter into agreements with the medical and osteopathic licensing boards of other states to implement the provisions of the bill, including procedures for reporting potential medical license violations.

Rules and Regulations

The bill would authorize the Board to adopt rules and regulations necessary to implement the provisions of the bill, including procedures for reporting potential medical violations.

Sports Waivers for Other Board Licensed Health Care Professionals

The bill would authorize the Board to adopt procedures to allow other health care professionals licensed and regulated by the Board to be issued a sports waiver to ensure patient safety.

Inclusion in Healing Arts Act

The provisions of the bill would be part of and supplemental to the Healing Arts Act.

Background

The bill was introduced by Senators Pittman, Doll, and Erickson. The Senate Committee recommended its amendments to the bill, as introduced, be incorporated into a substitute bill.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing on February 17, 2023, **proponent** testimony was provided by Senator Pittman who stated Kansas is one of four states without a sports waiver. He stated a sports waiver would permit sports teams to utilize team-affiliated health care professionals to provide health care services to the athletes when sports teams are in Kansas for sporting events, without requiring the health care professional to obtain a license to practice medicine for a short term.

Proponent testimony was heard from a representative of the Kansas Chiropractic Association who requested an amendment to include all health care providers licensed by the Board, which would include doctors of chiropractic. Proponent testimony was also heard from a representative of the Kansas Academy of Family Physicians who indicated that a sports waiver would reduce the administrative burden to find local health care professionals to assist during the sporting event.

Written-only proponent testimony was provided by representatives of the American Medical Society for Sports Medicine.

Neutral testimony was provided by a representative of the Board who, in general, was in support of the bill but offered amendments for consideration.

Written-only neutral testimony was provided by a representative of the Kansas Medical Society.

No opponent testimony was provided.

The Senate Committee recommended a substitute bill incorporating the following amendments:

- Provide a process for the Board to issue a sports waiver to an out-of-state physician;
- Address scope of practice requirements;
- Require a physician to have a written agreement with a sports team to provide health care services for team members and coaching staff;
- Require any person practicing on a sports waiver to adhere to all the rules and regulations pertaining to the health care profession in Kansas and the health care professional be considered a licensee of the Board;
- Establish limits on the duration and frequency of a sports waiver and provide for an exception;
- Require any individual practicing under a sports waiver or an out of state sports team to report to the Board any potential violation of the Healing Arts Act or other applicable practice act, including but not limited to unprofessional conduct or professional incompetence;
- Authorize the Board to deny an application for a sports waiver under certain conditions; and
- Authorize the Board to adopt procedures to allow other health care professionals licensed and regulated by the Board to be issued a sports waiver to ensure patient safety.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board indicates enactment of the bill would not generate any additional revenue for the agency. The bill could result in an increase of complaints, but the agency would not have jurisdiction to investigate providers licensed in another state if they are not also licensed in Kansas. The agency notes that the home state of licensure would likely not initiate an investigation as the practice is determined by where the patient is located, so the bill could leave patients unprotected. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Health; sports waiver; State Board of Healing Arts; physician; health care services; health care provider