

KANSAS BOARD OF HEALING ARTS

LAWRENCE T. BUENING, JR.
EXECUTIVE DIRECTOR



KATHLEEN SEBELIUS, GOVERNOR

MEMO

TO: House Committee on Health and Human Services

FROM: Lawrence T. Buening, Jr.
Executive Director

DATE: March 17, 2005

RE: S. B. No. 254

Thank you for the opportunity to provide information regarding S.B. No. 254. The State Board of Healing Arts met on Saturday, February 12, 2005, reviewed the provisions of this bill and expressed its support for the amendments made to K.S.A. 65-2872.

It is important to view the practice of the healing arts as occurring in the location of the patient in order that the full resources of the state are available for the protection of that patient. The Board has long held this position. In 1994, the Board adopted K.A.R. 100-26-1 that states persons who practice the healing arts and who, as part of that practice, issue an order for services on an individual located in Kansas shall be deemed to be practicing in Kansas and must have a Kansas license. This rule was adopted by the Board in response to inquiries that had been received regarding what was then the fairly recent advent of telemedicine across state lines.

New subsection (r) to K.S.A. 65-2872 would give the Board the authority to adopt rules and regulations governing the services which will be performed in Kansas but are ordered by a practitioner licensed in another state. It is anticipated that these rules and regulations would address a number of possible situations, including: (1) orders for services given to a patient while both the practitioner and patient are located outside the state of Kansas but which will be performed in Kansas; and (2) orders that must be carried out in Kansas due to unforeseen circumstances.

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In the past few years, traditional medical practice has rapidly changed due to technical advances. These advances offer opportunities for improved health care delivery. Health care may now be delivered over wide geographic areas. This challenges our nation's state-based health care licensure system to facilitate the growth of this evolving mode of patient care while maintaining a high standard of health care and ensuring public protection. Some states have created a special purpose license that authorizes a practitioner just to practice the healing arts across state lines. The Legislature has not created a separate category for these circumstances and the Board is not supportive of a different type of license for just the practice across state lines. However, there should be a mechanism by which practice across state lines is permissible under certain circumstances.

The changes made by S.B. No. 254 will allow the Board to consider those circumstances in which professional services may be performed in Kansas by a non-Kansas licensed practitioner but at the same time ensure that the patients are protected from improper, unauthorized and unqualified practice.

Thank you for the opportunity to appear in support of S.B. No. 254. I would be happy to respond to any questions.