

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 254**

As Agreed to March 30, 2005

Brief *

SB 254 amends one of the statutes that make up the Kansas Healing Arts Act under which medical doctors, doctors of osteopathic medicine, and chiropractors are licensed and regulated. The amendments clarify the circumstances in which a person licensed in another state who is not the holder of a Kansas license may order professional services to be performed in Kansas without being in violation of Kansas law. The amendments direct the Board of Healing Arts to adopt rules and regulations that identify those circumstances in which services may be performed in Kansas on the order of an individual duly licensed in a branch of the healing arts in another state who does not maintain an office in Kansas to see patients or to take calls. Other amendments clarify the existing exemption relating to persons licensed in another state who are consulting with a Kansas licensed practitioner of the healing arts is not limited to those residing on the border of a neighboring state.

The provisions relating to the professional services performed in Kansas would become effective upon publication in the *Kansas Register*.

The bill also would amend provisions of the Occupational Therapy Practice Act, KSA 65-5402, by amending the definition of the "practice of occupational therapy." The amended definition would include among the list of health care professionals who can refer patients to occupational therapists, licensed chiropractors, and licensed physician assistants or an advanced registered nurse practitioners working pursuant to the order or direction of a person licensed to practice medicine and surgery. Under existing law, only physicians, licensed podiatrists, licensed dentists, and licensed optometrists are authorized to provide referral, supervision, order or

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direction for the evaluation and treatment of patients receiving occupational therapy.

The bill also would amend KSA 48-3403 regarding certain professional or occupational licenses. Specifically, a licensee who desires to engage in or practice an occupation or profession in Kansas after release from military service would be exempt from the continuing education requirement until completion of the next full licensure period.

The provision regarding the continuing education for licensees who have served in the military would become effective upon publication in the *Kansas Register*. The provision of the bill regarding referrals to occupational therapists would become effective on July 1, 2005 (HB 2496).

Conference Committee Action

The Conference Committee agreed to the House amendments to SB 254 and agreed to amend the bill to include the contents of HB 2496, as amended by the House Committee of the Whole, relating to referrals of occupational therapists.

Background- SB 254

In testimony on SB 254, proponents indicated support for legislation that makes it possible for health facilities or services located in Kansas to provide services to patients on the order of a practitioner licensed in another state. Conferees indicated the exemption, as stated in the present law, has resulted in confusion and inconvenience for patients. Representatives of the Kansas Medical Society and the Kansas Board of Healing Arts presented testimony, and written testimony was provided by the Kansas Association of Health Plans and the Kansas Hospital Association. No one appeared in opposition to the bill.

The House Committee of the Whole amended the effective date to publication in the *Kansas Register*.

The fiscal note for the introduced version of SB 254 states passage of SB 254 would have no fiscal effect.

Background- HB 2496

HB 2496 was introduced by the House Committee on Appropriations. The bill was supported by the Kansas Occupational Therapy Association whose representative indicated that the bill would provide parity with physical therapists. The amendatory language is identical to that included in 2004 SB 529.

There were no opponents to the bill at the time of the House Committee hearing.

The House Committee of the Whole amendments insert amended provisions of KSA 48-3403 into HB 2496. The amendments address completion of continuing education requirements for Kansas occupational or professional licensees returning from their military service. The amendments also provide that the portion of the bill regarding continuing education for professional and occupational licensees to become effective upon publication in the *Kansas Register*, while the portion of the bill addressing occupational therapy referrals would become effective on July 1, 2005.

The fiscal note prepared by the Division of the Budget on the introduced version of the bill indicates that passage of the bill would have no fiscal effect on the Board of Healing Arts.