

SESSION OF 2010

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR SENATE BILL NO. 83**

As Agreed to March 30, 2010

Brief*

House Sub. for SB 83 would create the Naturopathic Doctors Licensure Act by making amendments to existing law to change the regulatory status of naturopathic doctors and also would amend the Physical Therapy Practice Act by creating two new licensure categories, "exempt license" and "federally active license."

Naturopathic Doctors Licensure Act

The bill would change regulatory status of naturopathic doctors with the Board of Healing Arts from registrants to licensees. In addition, the bill would authorize naturopaths to form professional corporations and would provide clarifying language that licensure does not require health insurance to provide covered services. **(Sections 1-14, 17)**

*Physical Therapy Practice Act,
Amendments to Licensure Categories*

SB 490 would amend current law concerning the licensure of physical therapists by creating two new licensure categories - "exempt license" and "federally active license" - to be included in the Physical Therapy Practice Act.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

For the “exempt license” category:

- The State Board of Healing Arts would be authorized to issue an exempt license to a person who is not regularly engaged in the practice of physical therapy in Kansas and who does not hold themselves out to the public as being professionally engaged in the practice of physical therapy;
- The Board of Healing Arts would be required to adopt rules and regulations to establish continuing education requirements for licensees who have been exempt for less than two years and who again want to regularly practice physical therapy within Kansas;
- The Board would be allowed to determine whether the exempt licensee, whose license has been exempt for longer than two years and who has not been in the active practice of physical therapy or engaged in a formal educational program since holding the exempt license, would be required to complete additional testing, training or education;
- The exempt licensee would not be prohibited from serving as a paid employee or unpaid volunteer of a local health department or an indigent health care clinic;
- The requirement that a physical therapist have professional liability insurance coverage would not apply to an individual having an exempt license; and
- The fee schedule for an individual practicing under an exempt license would be not more than \$80 initially and not more than \$70 for annual renewal. In addition, a written verification of license would require a fee of \$25.

For the “federally active license” category:

- The State Board of Healing Arts would be authorized to issue a federally active license only to a person who meets

the requirements for a license to practice physical therapy in Kansas and who practices that branch of physical therapy solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies;

- The federally active license holder would be permitted to engage in limited practice outside the course of federal employment consistent with the scope of practice of exempt licenses, except that the scope of practice would be limited to providing direct patient care services, supervision, direction or consultation for no compensation. The license holder would be permitted to receive payment for subsistence and actual expenses incurred in providing such services;
- The federally active license holder would be permitted to render professional services as a charitable health care provider; and
- The federally active license holder would not be required to maintain individual professional liability insurance.

The bill also would amend the “inactive license” category by requiring the Board of Healing Arts to adopt rules and regulations to establish continuing education requirements for licensees who have been inactive for less than two years and who want to again regularly practice physical therapy within Kansas. For licensees whose license has been inactive for longer than two years, the Board would be allowed to determine whether the inactive licensee would be required to complete additional testing, training or education. **(Sections 15-16)**

Effective Dates, Provisions of the Bill

The provisions of the bill that apply to the licensure of naturopathic doctors will become effective on and after July 1, 2011. The provisions of the bill that amend the Physical

Therapy Practice Act (as it applies to exempt or federally active licensees only) will become effective upon publication in the Statute Book.

Conference Committee Action

The Conference Committee agreed to the House Committee amendments to the bill and agreed to further amend the bill to insert the provisions of SB 490 (physical therapists), as amended by the House Committee on Health and Human Services.

Background

House Sub. for SB 83 included the language from HB 2575. The proponents of the bill (HB 2575) included several representatives of the Kansas Naturopathic Physician's Association, as well as representatives of Ancient Formulas, Inc. and the Kansas Department of Health and Environment.

A representative of the Kansas Medical Society (KMS) appeared in opposition to the bill. The KMS was opposed to the original bill's inclusion of scope of practice which would have allowed naturopaths to prescribe, recommend, or administer bio-identical medicines approved for intravenous administration and would have allowed naturopathic doctors to perform school health assessments for students up to the age of nine. An agreement was reached between the naturopathic doctors and the KMS. The agreement is the amended bill.

The original SB 83 would have re-established the Kansas Autism Task Force which was created by the 2007 Legislature and expired on December 31, 2008.

The fiscal note for HB 2575 indicated the original bill would have increased the rules and regulations, applications, online booklets, and other website information as they apply to naturopathic doctors to reflect the new regulatory status of

licensure and the new scope of practice. The Board estimated the costs to make these changes was estimated to be under \$2,000.

The fiscal information for SB 490 is available in the supplemental note associated with the bill.

Naturopathic Doctors Licensure Act; Physical Therapist Practice Act amendments