

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 490

As Amended by House Committee on
Health and Human Services

Brief*

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.

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;

*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>

- 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.

Background

The bill was introduced by the Public Health and Welfare Committee at the request of the Kansas State Board of Healing Arts. A representative of the Board of Healing Arts spoke in support of the bill stating that the “exempt license” category would permit physical therapists who volunteer their time at free clinics serving indigent clients to be covered under the State Torts Claims Act and, therefore, not have to carry individually-held medical malpractice insurance as required for licensed physical therapists actively practicing in the state. The Board representative further stated that physical therapists employed at Fort Riley, Fort Leavenworth, and the Kansas Veterans Administration Hospitals are covered under the Federal Tort Claims Act and, under the “federally active license” category, would not be required to carry individually-held medical malpractice insurance.

There were no opponents of the bill.

The Committee also made a technical amendment to the bill.

The House Committee made amendments to the bill which were suggested by the Kansas Board of Healing Arts as follows:

- Added “unpaid volunteer” to the provision that the exempt licensee would not be prohibited from serving a local health department or an indigent health care clinic;
- Added the exemption that a physical therapist must have professional liability insurance coverage would not apply to an individual having an exempt license; and
- Added to 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.

The fiscal note prepared by the Division of the Budget states that the Board of Healing Arts indicates that it would need to amend rules and regulations, various forms and the agency website to reflect the new licensure designations and would have to make substantial changes to the Board’s electronic database and online renewal system. Expenditures are estimated to be \$20,000. Any fiscal effect resulting from passage of the bill is not included in *The FY 2011 Governor’s Budget Report*.