



To: Senate Public Health and Welfare Committee
From: Aron Fast, MD – President, Kansas Medical Society
Date: February 13, 2024
Re: SB 461; Laser Hair Removal

Good morning. Thank you, Senator Gossage for the opportunity to testify before this committee. My name is Aron Fast. I am a family physician and I own my practice in Hesston Kansas. The Kansas Medical Society opposes SB 461 due to limitations on physician delegation and telemedicine defects.

First, this bill severely restricts the ability of a physician to delegate. Current statute does not restrict my ability as a physician to delegate to another person under my supervision. What does this mean? Let me give you an example: in my office I had a patient that needed their cast removed. I can ask my nurse to remove this cast, even though without my delegated authority, she does not have the statutory authority to do this independently. The law does not limit who I am able to delegate to, or the type of treatments and procedures I may delegate. I am responsible for those delegated acts as if I personally performed them and it is incumbent upon me to uphold standard of care whether I perform the act or delegate my authority.

But, in this bill a physician, for example, would not be able to direct an aesthetician, even if they were physically present in the office to operate a laser to remove hair.

Secondly, if passed, this bill would create a two-tiered system for patient care. There would be one standard for in-person care, but a different standard for telehealth. KMS believes patient care for telemedicine should have the same standard and protection for in-person care, just as delegated acts must also meet the same standard of care. Maintaining a consistent standard is imperative for the protection of patients.

There are more questions around telehealth than have been answered. This bill would open several regulatory problems for telehealth that I am confident the Board of Healing Arts could speak to.

In addition, KMS has about 2500 physician members across Kansas. None of our members have come forward with concerns about access to laser hair removal. None of our members have concerns about the current regulations regarding lasers. Further, there are no states that restrict physician delegatory authority as it is critical to team-based health care that ensures access to physician-directed care for all patients. SB 461 would establish a new precedent to restrict delegatory authority and establish different standards of care for in-person and telemedicine. This statutory approach has not been tested or implemented anywhere in the nation. It is unnecessary for access to laser hair removal and compromises patient care. For these reasons, we urge you not to advance SB 461.