

Susan Gile, Executive Director

Laura Kelly, Governor

**Testimony in opposition to SB461
Senate Committee on Public Health and Welfare
Kansas State Board of Healing Arts
February 13, 2024**

Chair Gossage and Honorable Committee Members,

My name is Susan Gile, and I am the Executive Director of the Kansas State Board of Healing Arts (“Board”). Thank you for the opportunity to provide testimony regarding Senate Bill No. 461, which creates the laser hair removal act to restrict the performance of laser hair removal to certain medical professionals. The proposed bill would define laser practitioners as a licensed physician, physician assistant (PA), advanced practice registered nurse (APRN), licensed professional nurse or practical nurse. As written, SB461 would allow these professionals to practice laser hair removal after meeting certain statutory requirements. It is the opinion of the Board that this legislation must be reconciled with existing regulations before passage. The Board stands in opposition to the bill text as-written.

First, I would like to bring attention to page 2, line 20 of the proposed bill stating that a physician shall not be required to be physically present nor immediately available to supervise laser hair removal procedures. As written, this stands in direct conflict with the Board’s existing regulations on light-based medical treatments. K.A.R. § 100-27-1 prohibits any licensee from authorizing another person to perform a professional service using a class III or class IV device unless the licensee is either 1) physically present or 2) “immediately available”.

- (2) *the phrase “immediately available” shall mean that the licensee is either physically present in the same building or can be present at the location where the service is performed within 5 minutes.*
- (5) *The phrase “physically present” shall mean that the licensee is capable of constant, direct communication and is in the same office within the building where the service is performed throughout the entire time during which the service is performed*

On page 2 lines 20-24, SB461 explicitly waives this requirement, and also clarifies that this procedure de facto utilizes a class III or class IV laser product (page 1, line 15). The Board believes that K.A.R. § 100-27-1 is a necessary regulation that was promulgated in the interest of patient safety and protection. To ensure prompt complication management by a physician, it is the Board’s position that these procedures should be supervised in accordance with this regulation.

Second, the Board is concerned with the proposed legislation’s provisions on the supervision of Physician Assistants. Under current regulation, physicians are limited in the number of physician assistants they may supervise at one time, unless otherwise approved by the Board (K.A.R. § 100-28a-17). Currently, that number is two. It is the opinion of the board that such limitation is necessary to protect the public and to prevent degradation of the standard of care. As indicated on page 2 line 27, SB461 would allow for an individual physician to supervise a potentially unlimited number of physician assistants practicing at different facilities.

If passed without amendment, this provision would also set the State of Kansas apart from other regional state medical boards: In Nebraska and Oklahoma, a physician may supervise no more than 4 Physician Assistants at one time (Neb. Rev. Stat. § 38-2050) (O.A.C § 435:15-3-13). In Missouri, this number is 6 (Mo. Ann. Stat. § 334.735). It is the opinion of the Board that such a limitation is necessary to safeguard the public and maintain the appropriate standard of care.

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The final area within the bill that I would like to bring attention to concerns training requirements for non-physicians. SB461 stipulates that laser practitioners who are not a physician complete a training and education program. The requirements for this program as-presented are that a practitioner completes “not less than 40 total hours of training, which may be a combination of didactic training, in-person training, and performance of laser hair removal procedures.” In the Board’s opinion, a minimum standard for the amount of in-person training hours should be established to ensure basic competency.

The Board requests consideration of the above factors while discussing SB461 and remains opposed to the unamended passage of this bill.

Thank you again for this opportunity to provide these written comments. Should you have any questions, please feel free to contact me at 785-296-4385.

A handwritten signature in blue ink that reads "Susan Gile". The signature is written in a cursive style and is positioned to the left of the typed name and title.

Susan Gile
Executive Director

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