

SENATE BILL No. 243

By Committee on Federal and State Affairs

4-3

1 AN ACT concerning reports relating to impaired health care providers;
2 amending K.S.A. 65-4924 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 65-4924 is hereby amended to read as follows: 65-
6 4924. (a) If a report to a state licensing agency pursuant to ~~subsection (a)~~
7 ~~(1) or (2) of K.S.A. 65-4923(a)(1) or (2), and amendments thereto,~~ or any
8 other report or complaint filed with such agency relates to a health care
9 provider's inability to practice the provider's profession with reasonable
10 skill and safety due to physical or mental disabilities, including
11 deterioration through the aging process, loss of motor skill or abuse of
12 drugs or alcohol, the agency may refer the matter to an impaired provider
13 committee of the appropriate state or county professional society or
14 organization.

15 (b) The state licensing agency shall have the authority to enter into an
16 agreement with the impaired provider committee of the appropriate state
17 or county professional society or organization to undertake those functions
18 and responsibilities specified in the agreement and to provide for payment
19 therefor from moneys appropriated to the agency for that purpose. Such
20 functions and responsibilities may include any or all of the following:

- 21 (1) Contracting with providers of treatment programs;
22 (2) receiving and evaluating reports of suspected impairment from
23 any source;
24 (3) intervening in cases of verified impairment;
25 (4) referring impaired providers to treatment programs;
26 (5) monitoring the treatment and rehabilitation of impaired health
27 care providers;
28 (6) providing posttreatment monitoring and support of rehabilitated
29 impaired health care providers; and
30 (7) performing such other activities as agreed upon by the licensing
31 agency and the impaired provider committee.

32 (c) The impaired provider committee shall develop procedures in
33 consultation with the licensing agency for:

- 34 (1) Periodic reporting of statistical information regarding impaired
35 provider program activity;
36 (2) periodic disclosure and joint review of such information as the

1 licensing agency considers appropriate regarding reports received, contacts
2 or investigations made and the disposition of each report;

3 (3) *periodic, current diagnosis of impaired providers;*

4 (4) immediate reporting to the licensing agency of the name and
5 results of any contact or investigation regarding any impaired provider
6 who is believed to constitute an imminent danger to the public or to self;

7 (4) (5) reporting to the licensing agency, in a timely fashion, any
8 impaired provider who refuses to cooperate with the committee or refuses
9 to submit to treatment, or whose impairment is not substantially alleviated
10 through treatment, and who in the opinion of the committee exhibits
11 professional incompetence; and

12 (5) (6) informing each participant of the impaired provider committee
13 of the procedures, the responsibilities of participants and the possible
14 consequences of noncompliance.

15 (d) If the licensing agency has reasonable cause to believe that a
16 health care provider is impaired, the licensing agency may cause an
17 evaluation of such health care provider to be conducted by ~~the impaired~~
18 ~~provider committee or its designee~~ *an appropriate independent party who*
19 *is not also providing treatment to the health care provider* for the purpose
20 of determining if there is an impairment. *An impairment may be*
21 *established only by a formal and current diagnosis of a mental or physical*
22 *disorder, or both a mental and physical disorder.* The impaired provider
23 committee or its designee shall report the findings of its evaluation to the
24 licensing agency.

25 (e) An impaired health care provider may submit a written request to
26 the licensing agency for a restriction of the provider's license. The agency
27 may grant such request for restriction and shall have authority to attach
28 conditions to the licensure of the provider to practice within specified
29 limitations. Removal of a voluntary restriction on licensure to practice
30 shall be subject to the statutory procedure for reinstatement of license.

31 (f) A report to the impaired provider committee shall be deemed to be
32 a report to the licensing agency for the purposes of any mandated reporting
33 of provider impairment otherwise provided for by the law of this state.

34 (g) An impaired provider who is participating in, or has successfully
35 completed, a treatment program pursuant to this section shall not be
36 excluded from any medical care facility staff solely because of such
37 participation. However, the medical care facility may consider any
38 impairment in determining the extent of privileges granted to a health care
39 provider.

40 (h) Notwithstanding any other provision of law, a state or county
41 professional society or organization and the members thereof shall not be
42 liable to any person for any acts, omissions or recommendations made in
43 good faith while acting within the scope of the responsibilities imposed

1 pursuant to this section.

2 *(i) A licensing agency shall adopt rules and regulations to effectuate*
3 *and implement any impaired provider program formed pursuant to this*
4 *section.*

5 Sec. 2. K.S.A. 65-4924 is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the Kansas register.