

March 9, 2023

**Written and Oral KSBHA Proponent Testimony for the
House Health and Human Services Committee on SB 131**

Dear Madam Chair and Honorable Committee Members:

The Kansas State Board of Healing Arts (“Board” or “KSBHA”) submits this proponent testimony to assist legislators in evaluating SB 131. I am Courtney Cyzman, General Counsel of the Board, on behalf of the Board and Executive Director, Susan Gile. The Board is the executive body tasked with licensing and regulating 16 healthcare professions in Kansas, including physicians. *See* K.S.A. 65-2801 *et seq.* The Board is composed of 15 members, 12 of whom are licensed healthcare professionals from various professions, including eight licensed physicians, three chiropractors, one podiatrist, and three public members. The statutory mission of the Board is patient protection. *See* K.S.A. 65-2801.

We appreciate the opportunity to provide proponent testimony as it relates to Sub for SB 131. The proposed legislation before you in Sub for SB 131 represents a collaborative effort and agreement between those who have introduced the bill, original proponents, neutral parties, and the Board.

In general terms, the bill would allow individuals issued a Sports Waiver by the Board to practice in Kansas on a limited basis during certain sporting events. To qualify for a Sports Waiver, an individual would need to: (1) complete an application; (2) hold a clean unrestricted license in another state; (3) have professional liability insurance coverage meeting Kansas minimum levels; and (4) meet at least one of the following criteria:

- Enter into a written agreement with a sports team to provide medical care to team members and coaching staff traveling with the team for a specific sporting event to take place in Kansas;
- Be invited by a national sports governing body to provide healthcare services to team members and coaching staff at a national sport training center in Kansas; or
- Be invited by a national sport governing body to provide healthcare services at an event or competition in Kansas that is sanctioned by a national sport governing body.

Upon receipt of a complete application, the Board must issue a Sports Waiver to those who qualify within 15 days. There is no cost associated with the Sports Waiver to the applicants.

Any individual issued a Sports Waiver is limited to the healthcare services required under the written agreement with a sports team or healthcare services required by the national sports governing body; and is limited to the scope of practice for their profession defined by Kansas law. The individual is also subject to all rules and regulations related to the practice of their profession and are treated as a licensee for purposes of the applicable practice act.

Any individual issued a Sports Waiver or an out-of-state sports team receiving services from an individual holding a Sports Waiver must report to the Board any potential violation of an applicable practice act including but not limited to, professional incompetence or professional misconduct.

A Sports Waiver issued is valid for the time certified by the healthcare professional or national sports governing body for each respective sporting event, except no waiver may be valid for more than 30 days. An individual is limited to 5 Sports Waivers in a calendar year, unless otherwise approved by the Board for an extenuating, unforeseen circumstance.

Proposed Amendments

The two amendments the Board proposes are generally more technical in nature. See **Attachment 1**, for a markup.

1. Section 1(e), p. 2, l. 19 – change “a physician” to “any individual”.

In its current form, this states that nothing should be construed to permit a *physician* issued a sports waiver under the provisions of the act to provide healthcare services or consultation to any individual in Kansas, other than those the physician is authorized to treat under this waiver; or practice at a licensed healthcare facility in Kansas.

Since more than physicians are eligible for a Sports Waiver, it should say “any individual” issued a Sports Waiver, to clarify that those other healthcare professionals who are issued a Sports Waiver also are held to the same limitation.

2. Section 1(h), p. 2, l. 35-38 – Delete.

This provision is unnecessary. There is nothing the Board would need from another state medical board to implement the bill and there is nothing that prohibits the Board from reporting to other medical Boards when there are potential violations of a practice act.

I welcome any comments, questions, or further dialogue with members of the committee. Please feel free to contact me at (785) 250-8021 or at any time via email at Courtney.cyzman@ks.gov.

Sincerely,



Courtney Cyzman
General Counsel

Substitute for SENATE BILL No. 131

By Committee on Public Health and Welfare

2-22

1 AN ACT concerning certain healthcare providers; relating to the powers,
2 duties and functions thereof; providing a sports waiver for certain out-
3 of-state physicians to practice medicine on a limited basis in this state
4 during certain sporting events; authorizing the state board of healing
5 arts to adopt procedures to allow other licensed and regulated
6 healthcare professionals to be issued a sports waiver; authorizing the
7 state board of healing arts to adopt rules and regulations related thereto.
8

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

10 Section 1. (a) Notwithstanding any other provision of law to the
11 contrary, an out-of-state physician holding a license issued by the
12 applicable licensing agency of another state may practice medicine on a
13 limited basis in this state during certain sporting events, if such physician
14 receives a sports waiver issued by the state board of healing arts. The
15 board shall issue such a waiver within 15 days after receipt of a complete
16 application if the physician:

17 (1) Submits a complete application in the manner determined by the
18 board;

19 (2) holds an unrestricted license to practice medicine and surgery in
20 another state and is not the subject of any investigation or disciplinary
21 action by any applicable licensing agency;

22 (3) has professional liability coverage for the duration of the sporting
23 event that meets the minimum level of coverage required to practice in
24 Kansas; and

25 (4) meets at least one of the following qualifications:

26 (A) The physician has entered into a written agreement with a sports
27 team to provide medical care to team members and coaching staff
28 traveling with the team for a specific sporting event to take place in this
29 state;

30 (B) the physician has been invited by a national sport governing body
31 to provide healthcare services to team members and coaching staff at a
32 national sport training center in this state; or

33 (C) the physician has been invited by a national sport governing
34 body to provide healthcare services at an event or competition in this state
35 that is sanctioned by a national sport governing body.

36 (b) Any individual practicing under a sports waiver issued by the

1 board shall be limited to:

2 (1) The scope of practice defined by Kansas law for such healthcare
3 profession; and

4 (2) such healthcare services required under the written agreement
5 either with a sports team for team members and coaching staff or
6 healthcare services that are required by the national sport governing body.

7 (c) Any individual practicing pursuant to a sports waiver under the
8 provisions of this section shall be subject to all rules and regulations
9 relating to the practice of the licensed profession in this state and shall be
10 considered a licensee for the purposes of the provisions of law
11 administered by the board.

12 (d) (1) A sports waiver issued under this section shall be valid for the
13 time certified by the healthcare professional or national sports governing
14 body for each respective sporting event, except that no waiver shall be
15 valid for longer than 30 days.

16 (2) An individual shall not be issued more than five sports waivers in
17 a calendar year, unless otherwise approved by the board for an
18 extenuating, unforeseen circumstance.

19 (e) Nothing in this section shall be construed to permit a physician
20 issued a sports waiver under the provisions of this section to:

Change to
"any
individual"

21 (1) Provide healthcare services or consultation to any individual
22 residing in this state, other than individuals described in subsection (a); or

23 (2) practice the individual's healthcare profession at a licensed
24 healthcare facility in this state.

25 (f) Any individual issued a sports waiver or out-of-state sports team
26 receiving services from such individual shall report to the board any
27 potential violation of the healing arts act or other applicable practice act,
28 including, but not limited to, professional incompetence or unprofessional
29 conduct.

30 (g) Nothing in this section shall be construed to prohibit the board
31 from denying an application for a sports waiver under this section if the
32 board determines that the individual does not meet technical qualifications
33 or granting the application may endanger the health and safety of the
34 public.

35 ~~(h) The board may enter into agreements with the medical and
36 osteopathic licensing boards of other states to implement the provisions of
37 this act. Agreements may include, but not be limited to, procedures for
38 reporting potential medical license violations.~~

39 (i) (1) The board may adopt rules and regulations necessary to
40 implement the provisions of this section, including, but not limited to,
41 procedures for reporting potential medical violations.

42 (2) Consistent with this section, the board may adopt procedures to
43 allow other healthcare professionals licensed and regulated by the board to

1 be issued a sports waiver to ensure patient safety.

2 (j) This section shall be a part of and supplemental to article 28 of
3 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

4 Sec. 2. This act shall take effect and be in force from and after its
5 publication in the statute book.