

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Special Committee on Kansas Mental Health Modernization and Reform – Telehealth Working Group

From: Office of Revisor of Statutes

Date: October 20, 2021

Subject: Kansas Statutes Governing the Delivery of Healthcare Services Via Telemedicine

Kansas Telemedicine Act

In 2018, Senate Substitute for House Bill 2028 was signed into law and became effective on January 1, 2019. The bill enacted eight new sections of law comprising the Kansas Telemedicine Act (Act), whose provisions ultimately became K.S.A. 2020 Supp. 40-2,210 through 40-2,216, and amendments thereto.

- K.S.A. 2020 Supp. 40-2,210 provides the citation for the Act.
- K.S.A. 2020 Supp. 40-2,211 provides the definition section for the Act.
- K.S.A. 2020 Supp. 40-2,212 establishes several provisions regarding confidentiality and standards of care.
- K.S.A. 2020 Supp. 40-2,213 establishes provisions requiring coverage parity and other insurance requirements for healthcare services provided via telemedicine.
- K.S.A. 2020 Supp. 40-2,214 requires that rules and regulations relating to the prescribing of drugs, and rules and regulations necessary to effectuate the Act be adopted by December 31, 2018.
- K.S.A. 2020 Supp. 40-2,215 establishes that nothing in the Act should be construed to authorize the delivery of abortion procedures via telemedicine.
- K.S.A. 2020 Supp. 40-2,216 establishes a nonseverability clause for the Act.

2021 HB 2206

During the 2021 legislative session, HB 2206 was heard by the House Committee on Health and Human Services. HB 2206 would have made amendments certain definitions applying to the Kansas Telemedicine Act, provided that telemedicine may also be used to refer patients to specialty services and established certain coordination of care provisions. The committee took no action on HB 2206.

Senate Substitute for HB 2208

During the 2021 legislative session, Senate Substitute for HB 2208 was enacted. In that bill, New Section 10, which ultimately became K.S.A. 2020 Supp. 65-28,135, authorized the State Board of Healing Arts to grant a waiver to an out-of-state physician for such physician to practice telemedicine in Kansas. The statute also establishes the responsibilities of the physician in practicing telemedicine with such waiver.

Licensure Compacts

Kansas is a member state of the following licensure compacts:

- Audiology and Speech-Language Pathology Interstate Compact; K.S.A. 65-6513, and amendments thereto;
- Interstate Compact for Recognition of Emergency Personnel Licensure, K.S.A. 65-6158, and amendments thereto;
- Interstate Medical Licensure Compact, K.S.A. 65-28,133, and amendments thereto;
- Nurse Licensure Compact, K.S.A. 65-1166, and amendments thereto;
- Physical Therapy Licensure Compact, K.S.A. 65-2958; and
- Psychology Interjurisdictional Compact, K.S.A. 74-5378 and 74-5379, and amendments thereto, effective 1/1/2022.