

**STATE OF KANSAS
BOARD OF HEALING ARTS**

Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted on Thursday, February 11, 2016, at 11:00 a.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider proposed new regulations and amendments to existing regulations related to licensure of and practice by Physician Assistants.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rule and regulation. All interested parties may submit comments prior to the hearing to Kelli Stevens, General Counsel, at the Board of Healing Arts at the address above, or via e-mail to healingarts@ksbha.ks.gov. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the amendment of the proposed regulations during the public hearing. In order to provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentations to five minutes.

Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations may be obtained from the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas 66612; on the agency website at <http://www.ksbha.org/publicinformation/publicinformation.shtml>, by contacting Jenne Cook at (785) 296-2482, or by e-mailing the agency at healingarts@ksbha.ks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Barbara Montgomery at (785) 296-8558 or at bmontgomery@ksbha.ks.gov. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations. Handicapped parking is located on 8th Street and in the building's parking garage. From the street, both the West entrance to the building on Jackson Street and the North entrance on 8th Street are accessible.

A summary of the proposed new and amended regulations and their economic impact follows:

K.A.R. 100-28a-1a. Definitions. This new regulation defines terms used in the PA Practice Act and implementing regulations including terms for different practice locations, levels of supervision, emergency medical conditions, supervision, substitute supervising physician and the required forms for a PA to practice.

K.A.R. 100-28a-6. Scope of practice. This regulation sets forth the scope of practice for PAs. The amendments implement pending January 11, 2016 statutory change in title from “responsible” to “supervising” physician; update language regarding physician-PA communication methods; clarify when a PA has authority to practice for patients with emergency medical conditions; and make other minor language clarifications.

K.A.R. 100-28a-9. Active practice request form; content. This regulation sets forth the form requirements used to delineate a physician-PA supervisory relationship that is filed with the agency prior to a PA being permitted to practice. The amendments add more substantive and detailed information regarding each practice location, the supervising physician-PA relationship, delegated services and types of supervision, if applicable, substitute supervisor information, and include prescription drug dispensing authority which was added to K.S.A. 65-28a08 in the 2015 legislative session.

K.A.R. 100-28a-9a. Active practice request form; requirements. This new regulation provides for a date of July 1, 2016, by which current PA licensees already practicing under the prior “responsible physician request” form and a “protocol” will be required to submit the new “active practice request form” that includes a “written agreement.” It also contains requirements for submitting amendments and maintaining the forms.

K.A.R. 100-28a-10. Supervising physician. This regulation details a physician’s requirements for supervision of a PA. The amendments alter the nature of the regulation from one that sets a standard for adequate supervision to merely being a set of requirements. The rationale for this change is that the adequacy of supervision is often subjective and correlates closely with the standard of care for treating patients. The amendments also add PA dispensing authority to implement 2015 legislation. An added new requirement is that the supervising physician may only delegate acts that are within the physician’s own competence and customary practice.

K.A.R. 100-28a-11. Duty to communicate; emergency medical conditions. This regulation specifies the communication requirements between PAs and physicians. The amendments update physician titles and add “any treatment that exceeds the physician assistant’s competence” as a new circumstance requiring a PA to communicate with their supervising physician. New subsection (b) is added to the required procedure if a PA has to provide treatment beyond the scope of their authorized practice to a patient with an emergency medical condition.

K.A.R. 100-28a-12. Substitute supervising physician. This specifies the requirements for a substitute supervising physician in the supervising physician’s absence. The amendments to the regulation update physician titles and remove unnecessary language.

K.A.R. 100-28a-13. Prescription-only drugs. The purpose of this regulation is to specify PAs’ prescription drug authority. The amendments to the regulation add dispensing authority to implement the corresponding 2015 statutory amendment in K.S.A. 65-28a08. Other minor language clarifications and updates are made throughout to conform to pharmacy regulation language and/or actual practice.

K.A.R. 100-28a-14. Different practice location. This regulation sets requirements for a PA to practice at a different practice location. The amendments to the regulation update physician titles, clarify terms and add a requirement that a Kansas physician practice at the different location at least once every 30 days and that different practice locations be specified in the PA’s active practice request form and written agreement.

K.A.R. 100-28a-15. Licensure; cancellation. This regulation specifies the timeframe for when a PA license is cancelled. The amendments implement 2015 legislative changes to K.S.A. 65-28a03(b) replacing the word “expire” with “cancelled” to remove prior confusion about whether a licensee was still licensed and able to practice with an expired license.

K.A.R. 100-28a-17. Number of physician assistants supervised; limitation for different practice location. This regulation specifies the limit on how many PAs a physician may supervise. The amendments effectuate the repeal of K.S.A. 65-28a10, which contained a strict 2-PA per physician limit, and implement the amendments to K.S.A. 65-28a08(d) which give the Board authority to adopt regulations limiting the number of PAs that a supervising

physician may supervise. Consequently, these amendments replace the 2-PA limit with substantive factors for a physician to consider in determining the number of PAs he or she is able to supervise. The amendments also place a 3-PA limit on the total number of PAs a supervising physician may supervise that practice at a different practice location, unless prior Board approval is received for up to 5 PAs.

Costs to the State Board of Healing Arts would include legal, licensing and information technology staff time to change electronic and paper forms to conform to new and amended requirements. Additionally, staff time will be required to provide licensees with assistance in complying with new form requirements and educate licensees and stakeholders on the amendments. Costs to PAs, physicians, and healthcare facilities may include time spent meeting new, more detailed form requirements, and time required to become knowledgeable about the substantive amendments. It is anticipated that the amended regulations will provide a positive economic impact on private individuals in that more PAs may have expanded practice opportunities in Kansas due to greater latitude afforded in their physician supervisory relationships and scope of practice which, in turn, should improve the general public's access to healthcare provided by these individuals.