KANSAS STATE BOARD OF HEALING ARTS: A YEAR IN REVIEW 2020

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Roadmap

- Timeline
- COVID-19 Response
- New and Amended Regulations
- Board Policies
- Healthcare Professional Wellness
- Agency Updates
- Looking Forward to 2021
<table>
<thead>
<tr>
<th>AT</th>
<th>DC</th>
<th>MD/DO</th>
<th>DPM</th>
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<td>ND</td>
<td>OT/OTA</td>
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<td>LAc</td>
<td>CNM-I</td>
<td>CLD</td>
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Timeline

- **January**
  - Education & Outreach Committee established
  - CNM-I application live

- **February**
  - Presentation at KOTA Day on the Hill
  - Worked extensively with legislators and stakeholders on professional licensing reform legislation

- **March**
  - March 1 - CPM (Business Entity) temp regs K.A.R. 100-78-1 and K.A.R. 100-78-2 became effective; CPM application live
  - Board names new Executive Director
  - Emergency Temporary License & Telemedicine Waiver (and other COVID-19 response forms)
  - KSBHA COVID-19 Guidance Memo
Timeline Continued

- **May**
  - May 15 – CPM permanent regs K.A.R. 100-78-1 and K.A.R. 100-78-2 became effective

- **June**
  - HB 2016 passes June 4
  - KSBHA Board Policy #21-01 – Professional Corporation/LLC Shareholder Ownership – Exempt/Federally Active Licensees

- **August**
  - Board approves KSBHA led group to address healthcare professional wellness
  - Board established ad hoc sexual misconduct workgroup
Timeline Continued

- **October**
  - KSBHA Board Policy #21-02 – Telemedicine
  - KSBHA gets permanent injunctive relief against Shawn Parcells for the unlicensed practice of medicine
  - Presentation for KAPA Annual Conference
  - First meeting of KSBHA led healthcare professional wellness group

- **November**
  - Nov. 13 – Amendments to K.A.R. 100-7-1 and K.A.R. 100-76-6 became effective
  - Presentation for KAOM Mid-Year Conference
  - IMLC Licensing Summit

- **December**
  - KSBHA Board Policy #21-03 – Postgraduate training accreditations that are substantially equivalent to ACGME for medicine and surgery licensure in Kansas
  - KSBHA Board Policy #21-04 – Examinations which are the substantial equivalent to USMLE or COMLEX-USA
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
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<tbody>
<tr>
<td>Must hold a valid, full, active, and unencumbered license in another state</td>
<td>To engage in the same profession, and are not subject to investigation in another state.</td>
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<tr>
<td>Have held an active or exempt license in KS within past 2 years</td>
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<tr>
<td>Currently hold a valid federally active license</td>
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<tr>
<td>Meet all requirements for licensure in KS but are unable to pay fee due to</td>
<td>effects of pandemic</td>
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<tr>
<td>Meet all requirements for licensure in KS except licensing exam due to exam</td>
<td>cancellation and no temporary license/permit available</td>
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<tr>
<td>Available for all professions we regulate</td>
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Free

January 26, 2021

As of Dec. 9, 2020 – 184 issued
## Telemedicine Waiver

<table>
<thead>
<tr>
<th>Out of state healthcare professionals of professions we regulate may utilize telemedicine when treating patients in KS without a license, provided they hold an unrestricted license to practice and are not subject to discipline</th>
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<tbody>
<tr>
<td>Must submit telemedicine waiver form to KSBHA</td>
</tr>
<tr>
<td>Free</td>
</tr>
<tr>
<td>January 26, 2021</td>
</tr>
<tr>
<td>As of Dec. 9, 2020 - 435 received (+4,400 through large telemedicine company &amp; 1,100+ to large Cancer Center)</td>
</tr>
</tbody>
</table>
Technical violations of the Healing Arts Act or other applicable practice act by healthcare providers that do not endanger or defraud the public, which are committed in the course of good faith COVID-19 response efforts during the Kansas emergency declaration period, will generally not be treated as a disciplinary matter by the Board.
If the Board finds that any licensee has taken advantage of the COVID-19 crisis for personal gain in a fraudulent, misleading, or unethical manner that constitutes unprofessional conduct under the Healing Arts Act, the Board will consider such conduct to be an aggravated violation of the Healing Arts Act or other applicable practice act and will exercise its full authority to impose discipline for such conduct, including suspension or revocation.
COVID-19
KSBHA UPDATES & GUIDANCE

www.ksbha.org
Athletic Training

K.A.R. 100-69-7; K.A.R. 100-69-10

Amended

Continuing Education & Unprofessional Conduct

• K.A.R. 100-69-7 – Expanded enumerated instances of unprofessional conduct

• K.A.R. 100-69-10 – Continuing Education
  ○ At least 20 CEUs and continuous AED and ECC certification
  ○ CEU must fall in at least two of the following categories:
    ➢ Cat. A: Traditional CEU (in person and online)
    ➢ Cat. B: Presentations and Publications
    ➢ Cat. C: Post-certification Education
    ➢ Cat. D: EBP & Miscellaneous Activities

For more specifics, please read the regulations in their entirety.
Physical Therapy
K.A.R. 100-29-4; K.A.R. 100-29-9
Amended

Examination & Continuing Education

- **K.A.R. 100-29-4** – Applicants must have successfully completed the FSBPT exam within 6 attempts.
- **K.A.R. 100-29-9** – Adds requirement of Kansas Jurisprudence Assessment Module (JAM) as a component of the bi-annual continuing education requirements for PT/PTAs.

For more specifics, please read the regulations in their entirety.
CPM (Business Entity)
K.A.R. 100-78-1; K.A.R. 100-78-2

- Implementing K.S.A. 65-28,134
- **K.A.R. 100-78-1** – Certificates expire annually on June 30
- **K.A.R. 100-78-2** – Application and renewal $1,000
- As of Dec. 14, 2020, two certificates have been issued
Healing Arts
K.A.R. 100-7-1
Amended

Exams for MD/DOs

- **K.A.R. 100-7-1** – Designated examinations for medicine and surgery and osteopathic medicine and surgery; limitation on attempts.
  - MD applicants for licensure by examination must have successfully completed Step 1, Step 2, and Step 3 of USMLE; or the substantial equivalent in the year it was completed as determined by the Board.
  - DO applicants for licensure by examination must have successfully completed Level 1, Level 2, and Level 3 of COMLEX-USA; or Step 1, Step 2, and Step 3 of the USMLE; or the substantial equivalent in the year it was completed as determined by the Board.
  - Must complete all steps of the USMLE or all levels of the COMLEX-USA within 7 total attempts

For more specifics, please read the regulation in its entirety.
Acupuncture
K.A.R. 100-76-6
Amended

Continuing Education

• K.A.R. 100-76-6
  o Extension of CEU period from 1 → 2 years
    ❖ CEU hours doubled to account for extended period
  o Removal of the limitation on CEU hours obtained online
  o Extensive reorganization for clarity
  o Deletion of redundancy for brevity
  o Rewording for consistency
Board Policies

- 21-02 Telemedicine
- 21-01 Profession Corporation Ownership
- 20-01 Conflict of Interest - KSBHA Oversight
- 19-01 Conflict of Interest - Legal Counsel Appearing Before the Board
- 18-02 Authority to Appoint Presiding Officers in Administrative Cases
- 18-01 Procedural Issues in Administrative Cases
- 10-02 Petition for Reconsideration Delegated Authority (Updated December 13, 2019)
- 95-01 Press Releases Regarding Disciplinary Actions (Updated December 13, 2019)
Approved by the Board on June 12, 2020

An exempt or federally active licensee is a qualified person “licensed to practice” for purposes of shareholder ownership of Kansas professional corporations and professional LLCs.
Telemedicine

• Approved by the Board on Oct. 9, 2020
• Telemedicine is a modality by which to provide healthcare. All licensees providing healthcare services to patients in Kansas via telemedicine are expected to meet the standard of care.
• Licensure, Means of Communication, Disclaimer and Consent, Licensee-Patient Relationship, Prescribing, Medical Records, Privacy and Security Information
• Rapidly evolving area – Board intends to revise this policy as needed to reflect changing that emerge both in clinical practice and law
KSBHA Board Policy #21-03

Postgraduate training accreditations that are substantially equivalent to ACGME for medicine and surgery licensure in Kansas

- Approved by the Board on Dec. 9, 2020
- Royal College of Physicians and Surgeons (“RCPSC”) – Canada – is substantially equivalent to ACGME accreditation for purposes of medicine and surgery licensure in Kansas.
Examinations which are the substantial equivalent to USMLE or COMLEX-USA

- Approved by the Board on Dec. 9, 2020
- Successful completion of Part I and Part II of the LMCC (Canadian medical examination) is substantially equivalent to USMLE
- As a predecessor to the USMLE, successful completion of the Federation Licensing Examination (“FLEX”) Components I and 2, or successful completion of the National Board of Medical Examiners (“NBME”) Part I, Part II, and Part III, were substantially equivalent to the USMLE, in the year it was completed, from 1968-1993.
- As a predecessor to COMLEX-USA, successful completion of the National Board of Osteopathic Medical Examiners Examination (“NBOME”) Part I, Part II, and Part III were substantially equivalent to the COMLEX-USA, in the year it was completed, from 1961-1998.
Stand up to stigma
Let's talk about mental health
Do you currently have any physical or mental health conditions (including alcohol or substance use) that impairs your judgment or would otherwise adversely affect your ability to practice your profession in a competent, ethical, and professional manner?
(Yes/No)
Dear Licensee:

"Healthcare professionals are trained to place the need of our patients above our own. We often take poor care of our own health, both physical and mental, and think that we can treat these conditions ourselves. This often leads to poor outcomes. We are especially afraid to seek help for our mental health because of fear of the impact of acknowledging the need for and seeking treatment on our licensure and employment. However, and importantly, your license will not be impacted because you sought help."

- Physicians received on Sept. 17, 2020 – National Physician Suicide Awareness Days
- Other licensees will receive near their renewal time
  - PA, DC, OT/OTA, PT/PTA, ND have received
- Includes mental health resources
- Signed by Board member and past president Dr. Templeton, current Board president Dr. Settich, and Acting Executive Director Poling
- If interest in the letter, email Courtney Cyzman
Healthcare Professional Wellness- Action Items

• Continuing KSBHA led group to address healthcare professional wellness
• Increasing conversation with stakeholders and education/resources to licensees
• Discussion regarding change in credentialing/privileging impairment questions
• Healthcare professional wellness tab on website
• Developing impairment FAQs
Licensing Updates: 2020

- 10% increase in new applications received
- Decreased application processing times to 7 business days or less
- Creation of CNM-I and CPM application
- Revised PT/PTA and LAc initial paper application
- Creation of Emergency Temporary License application, Telemedicine Waiver form, and other COVID-19 response forms
- Restructured temporary license and student permit final review process for expedited issuance
- Restructured IMLC application process and final review
- Online portal button added to website
- Wallet cards are now available through online portal
- Nearly all renewal applications have been revised
Education & Outreach

- Conclusion of 2020 – 54 presentations
- Education & Outreach tab on our website
- Topics:
  - Licensing
  - Professionalism
  - Who we are, what we do, and how we do it
  - Investigations
  - Complaints
  - A year in review
  - Recent and upcoming legislative issues in healthcare licensing
- Licensing has seen an improvement in application received which helps lower processing time
- Email courtney.cyzman@ks.gov
Sexual Misconduct Cases

• Ad hoc workgroup for discussion and strategies for continued improvement on sexual misconduct cases and sexual misconduct in the professional healthcare workplace

• Broad changes to the ways we manage complaints and investigations regarding sexual misconduct
  o Immediately identified
  o Trauma-informed, victim centered
  o Specialized investigators

• Underreporting is a key issue
Looking Forward to 2021

- Anticipated launch of new website
- Goal of maintaining licensing processing time of 7 business days (or less)
- Increase online initial applications
- Continued revisions to initial applications
  - Removing unnecessary “red tape”
- Build upon 2020 foundation of Education & Outreach
- Work with legislators and stakeholders on professional licensing legislation
- New and amendments to regulations:
  - Healing Arts & PA (already in the works)
- New and updated Board Policies
- Increasing action items for healthcare professional wellness
KSBHA Resources

- Practice Handbooks
- Policies
- KSBHA_Licensing@ks.gov
- KSBHA_Complaints@ks.gov
- KSBHA_LegalQuestions@ks.gov
- Education & Outreach
  - Website page at http://www.ksbha.org/education.shtml
Contact Information

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