



Kansas State Board of Healing Arts Guidance for Healthcare Professionals in Kansas

KSBHA EMERGENCY ACTIONS AND GUIDANCE STATEMENTS TO FACILITATE IMMEDIATE ACCESS TO CARE DURING THE COVID-19 EMERGENCY DECLARATION PERIOD

In light of unique challenges presented by the COVID-19 pandemic, the Kansas State Board of Healing Arts (“Board”) identified ways the Board can contribute to the capacity of our state’s healthcare system to respond to COVID-19 consistent with Kansas law and relevant executive orders. The Board will continuously assess the situation as it develops.

A. LICENSE OPTIONS.

1. Temporary COVID-19 emergency licensure.

The Emergency Temporary License for COVID-19 response and mitigation is available for all health care professions regulated by the Board. The license will automatically cancel in 90 days, if not renewed, or on March 31, 2022. All license fees are waived for this license.

Requirements for this license are any of the following:

- (1) Currently hold a valid, full, active and unencumbered license in another state to engage in the same profession and are not the subject of any professional discipline or investigation in another state;
or
- (2) Have held an active or exempt license in Kansas within the past 2 years, and such license was not suspended or revoked as a result of Board investigation or discipline;
or
- (3) Currently hold a valid federally active license;
or
- (4) Meet all requirements for licensure in Kansas (or reinstatement of licensure within 5 years of lapsed license) but are currently unable to pay the fee due to effects of the pandemic.

License application: [COVID-19 Emergency Temporary License Application](#)

2. Telemedicine Waiver

Kansas now has a permanent telemedicine waiver for all healthcare professions regulated by the KSBHA. A telemedicine waiver issued by the Board authorizes practice in Kansas limited solely to telemedicine services. Those who hold a telemedicine waiver issued by the Board are considered a licensee for the purposes of the professional practice acts administered by the KSBHA. **Those who hold an Active Kansas license do not need to apply for a separate**



telemedicine waiver; they are authorized to practice telemedicine for patients in Kansas under their Active license.

Requirements for the telemedicine waiver are any of the following:

- (1) Currently hold a full, active, and unrestricted license in another state and not the subject of any investigation or disciplinary action by any applicable licensing agency;
or
- (2) Meets the qualifications required under Kansas law to practice the profession and are not the subject of any investigation or disciplinary action by any applicable licensing agency.

Telemedicine Waiver application: [Telemedicine Waiver Initial Application](#)

3. Previously existing expedited practice options for physicians.

- Interstate Medical Licensure Compact (“IMLC”)
 - Kansas is a member of the IMLC compact.
 - Licensure through the IMLC is expedited for physicians who are eligible. For eligibility, please see <https://www.imlcc.org/apply/> or K.S.A. 65-28,133, Section 2(k)(1)-(9).
- ✓ If a physician has received a license in another state through the IMLC, and their Letter of Qualification (“LOQ”) was issued within the past 365 days, the physician can quickly add Kansas. Please visit <https://www.imlcc.org/add-states/>, and select Go to *Add States.*”
- Exempt license. An MD, DO, or DC who has an exempt license in Kansas can work at a local health department or an indigent healthcare clinic. K.S.A. 65-2809(f).
 - ✓ The Board encourages those who hold an exempt license and are not currently employed, but want to aid in the response, to contact a local health department or an indigent healthcare clinic to see if there is need for their employment.
- Special permit for University of Kansas medical school graduates who have not yet begun post graduate program. A graduate of the University of Kansas school of medicine who has not yet begun postgraduate training can apply for a special permit to provide charitable care in a medically underserved area under the supervision of a licensed Kansas physician. [K.S.A. 65-2811a](#).
 - ✓ To receive an application for a special permit, please email KSBHA_Licensing@ks.gov.



4. Military service members and spouses, Kansas residents, and those intending to establish Kansas residency.

- Military service members and their spouses, and Kansas residents and those intending to establish residency in Kansas receive expedited licensing application processing under existing law. K.S.A. 48-3406.

5. Previously existing expedited practice option for physician assistants.

- Exempt license. A PA who has an exempt license in Kansas can work at a local health department or an indigent healthcare clinic. K.S.A. 65-28a03(g).
 - ✓ The Board encourages those who hold an exempt license and are not currently employed, but want to aid in the response, to contact a local health department or an indigent healthcare clinic to see if there is need for their employment.
- Emergency temporary license and telemedicine waiver, if applicable. See options 1 and 2.

6. Previously existing expedited practice options for Respiratory Therapists.

- Special permits are available for students enrolled in an approved RT program and practice respiratory therapy under the supervision of a licensed respiratory therapist. K.S.A. 65-5508(c).
 - Expires 30 days after graduation
- Temporary licenses are available for those who meet requirements for permanent licensure or meet requirements for permanent licensure except the exam. K.S.A. 65-5508(d).
 - Valid for up to 6 months
- Under K.S.A. 65-5514(b), the following individuals are not construed to be practicing respiratory therapy and therefore are not required to be licensed:¹
 - Persons rendering assistance in the case of an emergency.
 - Persons whose services are performed under the delegation of and under the supervision of a Kansas licensed respiratory therapist.²
 - Students while in attendance of an approved respiratory program and under the supervision of a licensed respiratory therapist.

¹ Any patient monitoring assessment or other procedures designed to evaluate the effectiveness of prescribed respiratory therapy must be performed by or pursuant to the delegation of a licensed respiratory therapist or other health care provider.

² See K.A.R. 100-55- 11 (Delegation and supervision of respiratory therapy procedures performed by an unlicensed person).



- Emergency temporary license and telemedicine waiver, if applicable. See options 1 and 2

7. **Previously existing expedited practice options for Radiologic Technologists.**

- Temporary licenses are available for those who meet all qualifications for licensure, or those who meet requirements for licensure except the exam. K.S.A. 65-7305(b).
 - Valid for up to 180 days
- Under K.S.A. 65-7304, the following individuals do not need a Kansas radiologic technology license to provide radiologic technology services:
 - A Kansas licensed physician, dentist, podiatrist, chiropractor, physician assistant, advanced practice registered nurse or naturopathic doctor.
 - A person who has a Kansas postgraduate permit.
 - Radiologic technology students under the supervision of a qualified instructor.
 - Persons rendering assistance in the case of an emergency.
 - A licensed physician assistant, nurse, or unlicensed person who has been trained on the proper use of the equipment, working under the supervision of a licensed practitioner.³
 - A licensed physician assistant, nurse, or unlicensed person who has been trained on the proper use of the equipment, working under the supervision of a person designated by a hospital licensed by KDHE.⁴
- Emergency temporary license and telemedicine waiver, if applicable. See options 1 and 2

8. **Previously existing expedited practice options for Physical Therapists/Physical Therapy Assistants.**

- Exempt license. A physical therapist or physical therapy assistant who has an exempt license in Kansas can work at a local health department or an indigent healthcare clinic. K.S.A. 65-2910(f)(1).
 - ✓ The Board encourages those who hold an exempt license and are not currently employed, but would like to aid in the response, to contact a local health department or an indigent healthcare clinic to see if they need their employment.
- Temporary permits are available for physical therapist and physical therapy assistants who meet requirements for licensure or meet requirements for licensure except the exam. K.S.A. 65-2909(c).
 - Valid for up to 3 months

³ Required to obtain 12 CEUs each calendar year meeting criteria of K.A.R. 100-73-7.

⁴ *Id.*



- Emergency temporary license and telemedicine waiver, if applicable. See options 1 and 2

9. Occupational Therapists/Occupational Therapy Assistants.

- Temporary licenses are available for occupational therapists and occupational therapy assistants who meet requirements for licensure or meet requirements for licensure except the exam.
 - Valid for up to 1 year
- Emergency temporary license and telemedicine waiver, if applicable. See options 1 and 2

D. CONTINUING EDUCATION DEADLINE EXTENSIONS

The Board is waiving enforcement of any regulations requiring in-person continuing education for all healthcare professions its licenses. For any professions licensed by the Board, all in-person continuing education requirements can be satisfied by live, online continuing education until December 31, 2022. The Board will reassess this waiver at the December 9, 2022, board meeting.

E. GENERAL INFORMATION FOR PROVIDERS.

1. Kansas Department of Health and Environment [resource page](#).
2. COVID-19 related guidance from professional associations:
 - a. [Kansas Medical Society](#).
 - b. [Kansas Association of Osteopathic Medicine](#).
 - c. [Kansas Chiropractic Association](#).
 - d. [Kansas Academy of Physician Assistants](#).
 - e. [Kansas Physical Therapy Association](#).

G. BOARD GUIDANCE STATEMENTS.

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 improperly 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, up to and including suspension or revocation.

In the context of violations (not involving gross negligence, serious danger to patient or public safety, misleading or deceptive conduct, unethical conduct, or fraud) of the Healing Arts Act or other applicable practice act by healthcare providers in the course of good faith COVID-19 response efforts, the Board will consider the fact that the provider committed the violation in the course of good faith participation in COVID-19 response efforts to be a significant mitigating factor in the event a complaint is filed against the provider for such violation.

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