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Sam Brownback, Governor

To: Senate Public Health and Welfare Committee
Senator Mary Pilcher Cook, Chair

From: Kathleen Selzler Lippert, JD Executive Director
Kansas State Board of Healing Arts

Date: February 10, 2016

Subject: SB 402 Charitable healthcare provider CE

Neutral testimony

The Kansas State Board of Healing Arts (KSBHA) appreciates the opportunity to provide testimony on SB 402. The KSBHA presently licenses and regulates 13 health care professions. The mission of the KSBHA is to safeguard the public and strengthen the healing arts.

SB 402 creates a new section under 65-2809(k) which provides that “A charitable healthcare provider” who has signed an agreement to provide gratuitous services pursuant to K.S.A. 75-6102 (Kansas Tort Claims Act) 75-6120 may fulfill one hour of continuing education credit by the performance of one hour of gratuitous services to eligible low income patients up to a maximum of eight continuing education credits per licensure period.

All physicians would be eligible, as written in the current pending draft, to participate in gratuitous care for CE credit. It is important to review a series of statutes to obtain a full understanding of the complete list of those eligible to participate.

SB 402 directly refers to K.S.A. 75-6102 (Kansas Tort Claims Act) which defines “A charitable healthcare provider” as a person licensed by the state board of healing arts with an exempt license or a federally active license, or a limited permit...” An exempt licensee is not required to obtain continuing education. A physician who hold a federally active license my only practice in a federal facility or as a charitable healthcare provider as designated in 75-6102. Therefore, to understand whether others licensees, beyond the exempt and federally active licensee, it is critical to review the concluding portion which provides “or a health care provider as the term “health care provider is defined under K.S.A. 65-4921.

K.S.A. 65-4921 provides among other things that “persons and entities defined as a health care provider under K.S.A. 40-3401. Therefore, it is important to review K.S.A. 40-3401(f) which provides, “Health care provider” means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program ...” and several other license types are listed in this section. It is notable that this section specifically excludes the license type of exempt and federal active which is probably why K.S.A. 75-6102 starts out by specifically including these types of licenses.

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The Board has adopted regulations related to continuing education for practitioners of the healing arts; K.A.R. 100-15-4 through 100-15-7 are incorporated in this testimony to provide the committee information on CE regulations.

K.A.R. 100-15-4. Continuing education standards; definitions. (a) "Continuing education" shall mean an activity designed to maintain, develop, or increase the knowledge, skills, and professional performance of persons licensed to practice a branch of the healing arts. Each continuing education activity shall have significant intellectual or practical content, shall be relevant to the branch of the healing arts for which the practitioner is licensed, and shall meet at least one of the following content requirements:

- (1) Have a direct bearing on patient care;
- (2) have a direct bearing on the person's ability to deliver patient care; or
- (3) relate to the teaching, ethical, legal, or social responsibilities of a person licensed to practice the

healing arts.

(b) "Category I" continuing education shall mean a continuing education activity that meets the requirements of subsection (a) of this regulation and is presented by a person qualified by practical or academic experience, using any of the following methods:

- (1) Lecture, which shall mean a discourse given before an audience for instruction;
- (2) panel discussion, which shall mean the presentation of a number of views by several professional individuals on a given subject, with none of the views considered a final solution;
- (3) workshop, which shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest;
- (4) seminar, which shall mean a directed advanced study or discussion in a specific field of interest;
- (5) symposium, which shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers; or
- (6) any other structured, interactive, and formal learning method that the board deems to

meet the requirements of subsection (a).

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(c) “Category II” continuing education shall mean attendance at a lecture, panel discussion, workshop, seminar, symposium, college course, professional publication, in-service training, or professional activity that the board determines does not meet the requirements of category I, but that is in a health-related field indirectly related to healing arts skill and knowledge. Category II continuing education shall include the following:

(1) Clinical consultations with other healing arts practitioners that contribute to a practitioner's education;

(2) participation in activities to review the quality of patient care;

(3) instructing healing arts and other health care practitioners;

(4) patient-centered discussions with other health care practitioners;

(5) participating in journal clubs;

(6) using searchable electronic databases in connection with patient care activities; and

(7) using self-instructional materials.

(d) Credit for continuing education activities shall be awarded on the basis of one credit for each 50 minutes actually spent in attendance at a continuing education activity.

(e) Each instructor of a healing arts continuing education activity shall be awarded category I continuing education credit at the rate of one credit for each three hours of the instructor's first-time preparation of the presentation of a category I continuing education activity.

(f) For successful completion of a postbaccalaureate program awarding a degree in an area related to the healing arts, 25 credits of category I continuing education shall be awarded. A copy of the transcript shall be maintained as proof of successful completion of the program.

(g) For successful completion of one year of postgraduate training, 50 credits of category I continuing education credit shall be awarded.

(h) Any other activity may be approved by the board for category I or category II

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continuing education upon the board's determination that the activity furthers the ethical and competent practice of the healing arts. (Authorized by K.S.A. 65-2809 and 65-2865; implementing K.S.A. 65-2809; effective July 22, 2005.)

K.A.R. 100-15-5. Continuing education requirement. (a)(1) Each person who is licensed to practice a branch of the healing arts and who is required to submit proof of completion of continuing education as a condition to renewing a license shall certify, on a form provided with the license renewal application, one of the following:

(A) During the 18-month period immediately preceding the license expiration date, the person completed at least 50 credits of continuing education, of which at least 20 credits shall be in category I and the remaining credits in category II.

(B) During the 30-month period immediately preceding the license expiration date, the person completed at least 100 credits of continuing education, of which at least 40 credits shall be in category I and the remaining credits in category II.

(C) During the 42-month period immediately preceding the license expiration date, the person completed at least 150 credits of continuing education, of which at least 60 credits shall be in category I and the remaining credits in category II.

(2) The requirement specified in this subsection shall not apply to any person renewing a license for the first time.

(b) Each person who applies for conversion of an inactive or exempt license to a regular license or for reinstatement of a cancelled license and whose license has been inactive, exempt, or cancelled for a period of less than the two-year period immediately preceding the application for conversion shall certify, on a form provided with the conversion or reinstatement application, that the person completed at least 50 credits of continuing education, of which at least 20 credits shall be in category I and the remaining credits in category II.

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(c) Any licensee may request that the board grant an extension of the time to complete the required continuing education if, during the 12-month period immediately preceding the license expiration date, the person experienced an undue hardship resulting from illness, injury, or other circumstance preventing the timely completion of continuing education. (Authorized by K.S.A. 2006 Supp. 65-2809 and K.S.A. 65-2865; implementing K.S.A. 2006 Supp. 65-2809; effective July 22, 2005; amended April 6, 2007.)

K.A.R. 100-15-6. Documentation of continuing education. (a) Each person who certifies completion of continuing education shall, for at least four years following the date of certification, maintain documentation of completion that shall include either of the following:

(1) A verification of completion issued by a national, state, or local organization with standards for continuing education that are at least as stringent as the standards of the board; or

(2) a copy of the written materials provided with a category I continuing education activity, along with documentation of all of the following:

(A) The name, address, and telephone number of the activity sponsor, and the name and telephone number of a contact person for the activity sponsor;

(B) the title of the continuing education activity;

(C) the date and location of the activity;

(D) specification of whether the activity was presented in person or by video, satellite, or internet;

(E) the number of continuing education hours completed;

(F) the activity agenda;

(G) the identification and professional biographical information of the presenters; ~~and~~

(H) written proof of participation; and

(I) a list of category II continuing education activities, identifying the date of each activity, a description or program title, and the number of hours claimed.

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(b) Within 30 days following a written request by the board to a licensee, the licensee shall provide the board with proof of completion of continuing education as specified in this regulation. (Authorized by K.S.A. 2006 Supp. 65-2809 and K.S.A. 65-2865; implementing K.S.A. 2006 Supp. 65-2809; effective July 22, 2005; amended April 6, 2007.)

K.A.R. 100-15-7. Category I continuing education using distance-learning media. Each continuing education activity offered using distance-learning media shall qualify for category I continuing education credit if the activity meets the requirements in K.A.R. 100-15-4 and meets all of the following conditions:

(a) The activity has a mechanism in place for the user to be able to contact the provider regarding questions about the continuing education activity.

(b) The provider of the activity evaluates the user's knowledge of the subject matter discussed in the continuing education activity.

(c) The activity limits the amount of time within which a user can complete the activity, which shall be no more than twice the number of hours for each credit awarded for the activity.

(d) The person or organization offering the activity provides a printed verification of completion of the activity or allows the user to print verification when the activity is completed. (Authorized by K.S.A. 65-2809 and 65-2865; implementing K.S.A. 65-2865; effective July 22, 2005.)

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