

Kansas Academy of Physician Assistants

WRITTEN ONLY

Remarks in Support of House Bill No. 2254 House Committee on Health and Human Services February 13, 2017

Dear Chairman Hawkins and Members of the House Committee on Health and Human Services:

My name is Doug Smith and I serve as Executive Director of the Kansas Academy of Physician Assistants (KAPA). Thank you for allowing the Kansas Academy of Physician Assistants to provide written testimony. I apologize that I am unable to be with you today.

The Kansas Academy of Physician Assistants is a constituent organization of the American Academy of Physician Assistants (AAPA) and was founded in 1975 as the official representative voice for the Physician Assistants (PA) in Kansas. KAPA's purpose is to enhance the quality of medical care of the citizens of Kansas by promoting the profession and providing medical education resources to physician assistants, other health professionals, policymaking bodies and to the public.

In 1975, Kansas had 35 PAs practicing and today more than 1,000 PAs maintain an active license through the State Board of Healing Arts.

PAs are a critical life-line to primary care in Kansas, particularly in rural areas and have proven their value in the medical community. The profession continues to mature and has become a significant force in the nation's health care delivery system.

The Kansas Academy of Physician Assistants appears today in support of House Bill No. 2254 which addresses the delivery of health care services through telecommunications.

We offer for your consideration an amendment to authorize Physician Assistants to provide telehealth services when within the scope their practice. Currently PAs are not included in the proposed legislation. I have prepared a draft amendment, but would leave it up to the Revisor to develop the appropriate language.

Telehealth services can significantly improve the level of care provided to underserved populations by providing access to care. For patients in rural areas the closest healthcare practice can be miles away. This geographic obstacle causes some people to postpone seeking specialty care if not primary care, which can lead to treatment delays that can put patients at increased risk.

Telemedicine is a valuable tool for today's health care providers, with benefits to both the patients and the providers. Patients are attracted to telemedicine/telehealth because it does not require a time-consuming trip to the doctor's office, provides flexibility with their schedules, and can play a role in meeting rising patient demand.

We ask for your support to amend House Bill No. 2254 to include Physician Assistants.

Thank you for your consideration.

Kansas Academy of Physician Assistants Amendment

House Bill No. 2254

AN ACT concerning health and health care; relating to the practice of telehealth; pertaining to persons licensed to practice medicine and surgery and osteopathic medicine and surgery; the state board of healing arts; establishing definitions; licensure requirements; rules and regulations.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) For purposes of this section:

- (1) "Board" means the state board of healing arts.
- (2) "Distant site" means a site at which a ~~physician~~ **health care practitioner** is located while providing health care services by means of telehealth.
- (3) "Originating site" means a site at which a patient is located at the time health care services are provided by means of telehealth.
- (4) "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in the state of Kansas.
- (5) "Telecommunications services" means the delivery of a health care service using electronic communications, information technology or other electronic or technological means to bridge a gap between the health care practitioner who is located at the distant site, and a patient who is located at the originating site, either with or without the assistance of an intervening health care provider and in accordance with the provisions of this section.
- (6) "Telehealth" means the delivery of health care services by means of telecommunications services that facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient's health care while such patient is at the originating site and the ~~physician~~ **health care practitioner** is at the distant site.
- (7) **"Physician Assistant" means a person licensed to practice medicine and surgery as a physician assistant by the state board of healing arts.**
- (8) **"Health Care Practitioner" includes a physician or physician assistant.**

(b) Any ~~physician~~ **health care practitioner** shall be authorized to provide telehealth services if such services are within the ~~physician's~~ **health care practitioner's** scope of practice and are provided with the same standard of care as if the services were provided in person.

(c) Except as otherwise provided in this section, a ~~physician~~ **health care practitioner** shall not provide a telehealth service without directly or indirectly obtaining consent for treatment. The provisions of this subsection shall not apply to a physician who is providing a telehealth service to an inmate who is under the jurisdiction of the department of corrections and is housed in a correctional facility.

(d) A ~~physician~~ **health care practitioner** who provides health care services through telehealth shall ensure that a properly established physician-patient relationship exists with the person who receives the telehealth service. The physician-patient relationship may be established by:

- (1) An in-person encounter through a medical interview and physical examination;
- (2) consultation with another ~~physician~~ **health care practitioner** who has an established relationship with the patient and an agreement to participate in the patient's care; or
- (3) a telehealth encounter, if the standard of care does not require an in-person encounter.

(e) In order to establish a physician-patient relationship through a telehealth encounter:

- (1) The telecommunications services utilized shall be sufficient to establish an informed diagnosis as though the medical interview and physical examination has been performed in person; and
- (2) prior to providing treatment, including issuing prescriptions or dispensing prescriptions, a ~~physician~~ **health care practitioner** who provides health care services through telehealth shall interview the patient, collect or review the patient's relevant medical history and perform an examination sufficient for the diagnosis and treatment of the patient.

(f) A physician-patient relationship established through a telehealth encounter shall at least be equivalent to a physician-patient relationship established through an in-person encounter for all purposes, including

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issuing a prescription for or dispensing prescription drugs and collaborative drug therapy management pursuant to a written collaborative practice agreement with one or more pharmacists.

(g) The board shall:

(1) Maintain consistent licensure and certification standards and standards of care requirements between in-person and telemedicine and telehealth-provided practices. A ~~physician~~ **health care practitioner** who delivers health care services through telehealth shall not be subject to differing state laws requiring licensure, certification or other authorization to practice medicine and surgery or osteopathic medicine and surgery and shall be held to the same standard of professional practice as a similar licensee of the same practice area or specialty that provides the same health care services through in-person encounters;

(2) not establish a more restrictive standard of professional practice for the practice of telehealth than that specifically authorized by the ~~physician's~~ **health care practitioner's** practice act, this section or any other specifically applicable statute; and

(3) promulgate all rules and regulations necessary to administer the provisions of this section.

(h) Nothing in this section shall be construed to:

(1) Authorize a health care service that is otherwise prohibited by law; or

(2) limit the provision of health care services otherwise allowed by law.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.