

## Written Neutral Testimony in the House Health and Human Services Committee re: HB2279

February 23, 2020

Chair and Honorable Committee Members,

The Kansas State Board of Healing Arts (“Board”) submits this neutral testimony to assist legislators in evaluating HB2279, the Physical Therapy Licensure Compact, and **recommends a technical amendment if the committee proceeds to work this bill.**

The Board is composed of 15 members, 12 of whom are licensed Kansas healthcare providers. The Board also works with professional advisory councils for each profession we regulate, which are comprised of licensees of the profession and one or more member(s) of the Board. The Board licenses and regulates more than 32,000 Kansas healthcare providers in 15 different healthcare professions, including physical therapy. I am Tucker Poling, Executive Director of the Board.

The Board supports updating licensure statutes to continually improve and expedite the licensing process, including enhancing safe licensure portability while preserving the Board’s ability to meet its statutory duties of public protection. Generally, the board believes that licensure compacts are often a more appropriate approach to addressing legislative goals relating to licensure portability than broad stroke changes to occupational licensing laws that do not appropriately account for industry/profession-specific variation.<sup>1</sup> A strength of the licensure compact approach is that it addresses each profession as unique and creates shared mutual rights and responsibilities between participating states relating to public safety and professional discipline.

We thank the proponents of HB2279 for communicating with the Board and the Board’s Physical Therapy Advisory Council in moving forward with this bill and working with us constructively to address concerns that the Board and the Board’s PT Council had with a prior version of this bill. Most specifically, we believe sections 3 and 4 on page 17 of this bill address concerns regarding maintaining parity between current Kansas licensees and compact licensees in regard to unique Kansas requirements relating to liability insurance and continuing education requirements to allow the full scope of PT practice permitted under Kansas law.

<sup>1</sup> The Board notes that in December 2020 the [results of a four-year review of state occupational licensing](https://www.ncsl.org/Portals/1/Documents/Labor/NCSL_DOL_Report_05_web_REVISED.pdf), with a focus on efforts to expand licensure access and portability, were released. This report was the culmination of the work of a consortium including the National Conference of State Legislatures, the Council of State Governments, and the National Governors Association for Best Practices. These partner organizations worked with teams from 11 states to help them address their goals around licensing access and portability. Among the key “Lessons Learned” findings in this report was the value of focusing on targeted professions and the challenges of attempting broad stroke reforms that do not appropriately account for industry/profession-specific variation. See *Occupational Licensing Final Reports, Assessing State Policies and Practices*, Pages 12, 18, and 64 ([https://www.ncsl.org/Portals/1/Documents/Labor/NCSL\\_DOL\\_Report\\_05\\_web\\_REVISED.pdf](https://www.ncsl.org/Portals/1/Documents/Labor/NCSL_DOL_Report_05_web_REVISED.pdf)).

If the committee chooses to work this bill, **we recommend a technical amendment** to make the existing Kansas PT practice act consistent with the terminology used in the compact. We recommend amending the bill to add a section that inserts the term “compact privilege” into K.S.A. 65-2912(a) of the existing PT practice act to make it consistent with subsections (c) and (d) on page 4 of this bill. The substance of the amendment we recommend is as follows:

Sec. \_\_\_\_ K.S.A. 65-2912 is hereby amended to read as follows: 65-2912. (a) ..., or may suspend or revoke the license or compact privilege of any licensed physical therapist or certificate or compact privilege of any certified physical therapist assistant, or may limit the license or compact privilege of any licensed physical therapist or certificate or compact privilege of any certified physical therapist assistant or may censure a licensed physical therapist or certified physical therapist assistant for any of the following grounds: ...

We recommend this amendment (or its equivalent in substance as recommended by revisors) to clarify that those practicing pursuant to the compact privilege are subject to the same laws as Kansas licensees in terms of disciplinary actions to revoke or suspend practice privileges in Kansas as described in K.S.A. 65-2912(a).

Thank you for considering this testimony. I welcome any comments, questions, or further dialogue with members of the committee. Please feel free to contact me on my cell (785-760-0686) at any time or via email at [tucker.poling@ks.gov](mailto:tucker.poling@ks.gov) .

Sincerely,



Tucker L. Poling  
Acting Executive Director