

As Amended by House Committee

Session of 2023

Substitute for SENATE BILL No. 131

By Committee on Public Health and Welfare

2-22

1 AN ACT concerning certain healthcare providers; relating to the powers,
2 duties and functions thereof; providing a sports waiver for certain out-
3 of-state physicians to practice medicine on a limited basis in this state
4 during certain sporting events; authorizing the state board of healing
5 arts to adopt procedures to allow other licensed and regulated
6 healthcare professionals to be issued a sports waiver; authorizing the
7 state board of healing arts to adopt rules and regulations related thereto.
8

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

10 Section 1. (a) Notwithstanding any other provision of law to the
11 contrary, an out-of-state physician holding a license issued by the
12 applicable licensing agency of another state may practice medicine on a
13 limited basis in this state during certain sporting events, if such physician
14 receives a sports waiver issued by the state board of healing arts. The
15 board shall issue such a waiver within 15 days after receipt of a complete
16 application if the physician:

17 (1) Submits a complete application in the manner determined by the
18 board;

19 (2) holds an unrestricted license to practice medicine and surgery in
20 another state and is not the subject of any investigation or disciplinary
21 action by any applicable licensing agency;

22 (3) has professional liability coverage for the duration of the sporting
23 event that meets the minimum level of coverage required to practice in
24 Kansas; and

25 (4) meets at least one of the following qualifications:

26 (A) The physician has entered into a written agreement with a sports
27 team to provide medical care to team members and coaching staff
28 traveling with the team for a specific sporting event to take place in this
29 state;

30 (B) the physician has been invited by a national sport governing body
31 to provide healthcare services to team members and coaching staff at a
32 national sport training center in this state; or

33 (C) the physician has been invited by a national sport governing
34 body to provide healthcare services at an event or competition in this state
35 that is sanctioned by a national sport governing body.

36 (b) Any individual practicing under a sports waiver issued by the

1 board shall be limited to:

2 (1) The scope of practice defined by Kansas law for such healthcare
3 profession; and

4 (2) such healthcare services required under the written agreement
5 either with a sports team for team members and coaching staff or
6 healthcare services that are required by the national sport governing body.

7 (c) Any individual practicing pursuant to a sports waiver under the
8 provisions of this section shall be subject to all rules and regulations
9 relating to the practice of the licensed profession in this state and shall be
10 considered a licensee for the purposes of the provisions of law
11 administered by the board.

12 (d) (1) A sports waiver issued under this section shall be valid for the
13 time certified by the healthcare professional or national sports governing
14 body for each respective sporting event, except that no waiver shall be
15 valid for longer than 30 days.

16 (2) An individual shall not be issued more than five sports waivers in
17 a calendar year, unless otherwise approved by the board for an
18 extenuating, unforeseen circumstance.

19 (e) Nothing in this section shall be construed to permit ~~a physician~~
20 **any individual** issued a sports waiver under the provisions of this section to
21 to:

22 (1) Provide healthcare services or consultation to any individual
23 residing in this state, other than individuals described in subsection (a); or

24 (2) practice the individual's healthcare profession at a licensed
25 healthcare facility in this state.

26 (f) Any individual issued a sports waiver or out-of-state sports team
27 receiving services from such individual shall report to the board any
28 potential violation of the healing arts act or other applicable practice act,
29 including, but not limited to, professional incompetence or unprofessional
30 conduct.

31 (g) Nothing in this section shall be construed to prohibit the board
32 from denying an application for a sports waiver under this section if the
33 board determines that the individual does not meet technical qualifications
34 or granting the application may endanger the health and safety of the
35 public.

36 ~~(h) The board may enter into agreements with the medical and~~
37 ~~osteopathic licensing boards of other states to implement the provisions of~~
38 ~~this act. Agreements may include, but not be limited to, procedures for~~
39 ~~reporting potential medical license violations.~~

40 ~~(i)~~ (1) The board may adopt rules and regulations necessary to
41 implement the provisions of this section, including, but not limited to,
42 procedures for reporting potential medical violations.

43 (2) Consistent with this section, the board may adopt procedures to

1 allow other healthcare professionals licensed and regulated by the board to
2 be issued a sports waiver to ensure patient safety.

3 ~~(j)~~(i) This section shall be a part of and supplemental to article 28 of
4 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

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