

## HOUSE BILL No. 2254

By Committee on Health and Human Services

2-2

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1 AN ACT concerning health and health care; relating to the practice of  
2 telehealth; pertaining to persons licensed to practice medicine and  
3 surgery and osteopathic medicine and surgery; the state board of  
4 healing arts; establishing definitions; licensure requirements; rules and  
5 regulations.  
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7 *Be it enacted by the Legislature of the State of Kansas:*

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

9 (1) "Board" means the state board of healing arts.

10 (2) "Distant site" means a site at which a physician is located while  
11 providing health care services by means of telehealth.

12 (3) "Originating site" means a site at which a patient is located at the  
13 time health care services are provided by means of telehealth.

14 (4) "Physician" means a person licensed to practice medicine and  
15 surgery or osteopathic medicine and surgery in the state of Kansas.

16 (5) "Telecommunications services" means the delivery of a health  
17 care service using electronic communications, information technology or  
18 other electronic or technological means to bridge a gap between the health  
19 care practitioner who is located at the distant site, and a patient who is  
20 located at the originating site, either with or without the assistance of an  
21 intervening health care provider and in accordance with the provisions of  
22 this section.

23 (6) "Telehealth" means the delivery of health care services by means  
24 of telecommunications services that facilitate the assessment, diagnosis,  
25 consultation, treatment, education, care management and self-management  
26 of a patient's health care while such patient is at the originating site and the  
27 physician is at the distant site.

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

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

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

5 (1) An in-person encounter through a medical interview and physical  
6 examination;

7 (2) consultation with another physician who has an established  
8 relationship with the patient and an agreement to participate in the patient's  
9 care; or

10 (3) a telehealth encounter, if the standard of care does not require an  
11 in-person encounter.

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

14 (1) The telecommunications services utilized shall be sufficient to  
15 establish an informed diagnosis as though the medical interview and  
16 physical examination has been performed in person; and

17 (2) prior to providing treatment, including issuing prescriptions or  
18 dispensing prescriptions, a physician who provides health care services  
19 through telehealth shall interview the patient, collect or review the patient's  
20 relevant medical history and perform an examination sufficient for the  
21 diagnosis and treatment of the patient.

22 (f) A physician-patient relationship established through a telehealth  
23 encounter shall at least be equivalent to a physician-patient relationship  
24 established through an in-person encounter for all purposes, including  
25 issuing a prescription for or dispensing prescription drugs and  
26 collaborative drug therapy management pursuant to a written collaborative  
27 practice agreement with one or more pharmacists.

28 (g) The board shall:

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

38 (2) not establish a more restrictive standard of professional practice  
39 for the practice of telehealth than that specifically authorized by the  
40 physician's practice act, this section or any other specifically applicable  
41 statute; and

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

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

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

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

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