

**SENATE BILL No. 207**

By Senator Steffen

2-10

1 AN ACT concerning health and healthcare; relating to telemedicine;  
2 regulation of out-of-state physicians by the state board of healing arts  
3 during a state of disaster emergency; allowing counties to adopt a  
4 resolution finding a need for out-of-state telemedicine physicians;  
5 amending K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021  
6 Senate Bill No. 14, and repealing the existing section.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2020 Supp. 48-963, as amended by section 7 of  
10 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-963. (a)  
11 A physician may issue a prescription for or order the administration of  
12 medication, including a controlled substance, for a patient without  
13 conducting an in-person examination of such patient.

14 (b) A physician under quarantine, including self-imposed quarantine,  
15 may practice telemedicine.

16 (c) (1) A physician holding a license issued by the applicable  
17 licensing agency of another state may practice telemedicine to treat  
18 patients located in the state of Kansas, if such out-of-state physician:

19 (A) Advises the state board of healing arts of such practice in writing  
20 and in a manner determined by the state board of healing arts; ~~and~~

21 (B) holds an unrestricted license to practice medicine and surgery in  
22 the other state and is not the subject of any investigation or disciplinary  
23 action by the applicable licensing agency; *and*

24 (C) *receives a declaration from the state board of healing arts that*  
25 *such physician is qualified to practice telemedicine.*

26 (2) The state board of healing arts may extend the provisions of this  
27 subsection to other-healthcare professionals licensed and regulated by the  
28 board as deemed necessary by the board to address the impacts of ~~COVID-~~  
29 ~~19~~ *the emergency conditions described in a state of disaster emergency*  
30 *declared pursuant to K.S.A. 48-924, and amendments thereto, or a state of*  
31 *local disaster emergency declared pursuant to K.S.A. 48-932, and*  
32 *amendments thereto, and consistent with ensuring patient safety.*

33 (d) A physician practicing telemedicine in accordance with this  
34 section shall conduct an appropriate assessment and evaluation of the  
35 patient's current condition and document the appropriate medical  
36 indication for any prescription issued.

1 (e) Nothing in this section shall supersede or otherwise affect the  
2 provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020  
3 Supp. 40-2,215, and amendments thereto.

4 (f) *A physician may only practice telemedicine under the provisions*  
5 *of subsection (c) in a county:*

6 (1) *During a state of disaster emergency declared pursuant to K.S.A.*  
7 *48-924, and amendments thereto, or a state of local disaster emergency*  
8 *declared pursuant to K.S.A. 48-932, and amendments thereto; and*

9 (2) *that has adopted a resolution finding that there is a need for out-*  
10 *of-state telemedicine physicians to meet the health needs of the county*  
11 *pursuant to subsection (g).*

12 (g) *A county may adopt a resolution finding that there is a need for*  
13 *physicians in a particular practice area or specialty. Such resolution shall*  
14 *prescribe such practice areas or specialties and the time frame during*  
15 *which out-of-state physicians may be allowed to practice telemedicine in*  
16 *such county.*

17 (h) As used in this section:

18 (1) "Physician" means a person licensed to practice medicine and  
19 surgery.

20 (2) "Telemedicine" means the delivery of healthcare services by a  
21 healthcare provider while the patient is at a different physical location.

22 ~~(g) This section shall expire on March 31, 2021.~~

23 Sec. 2. K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021  
24 Senate Bill No. 14, is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its  
26 publication in the Kansas register.