

*{As Amended by Senate Committee of the Whole}*

*Session of 2021*

**Substitute for SENATE BILL No. 238**

By Committee on Public Health and Welfare

3-1

1 AN ACT concerning health and healthcare; relating to credentialing of  
2 health professions and facilities; certification and funding of certified  
3 community behavioral health clinics; prescribing powers, duties and  
4 functions of the Kansas department for aging and disability services  
5 and the department of health and environment related thereto;  
6 authorizing the issuance of telemedicine waivers for out-of-state  
7 healthcare providers; relating to professions regulated by the behavioral  
8 sciences regulatory board; reducing certain licensing requirements;  
9 expanding temporary practice permits and the board's grounds for  
10 discipline; amending K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809,  
11 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612,  
12 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and  
13 K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing  
14 sections.  
15

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

17 New Section 1. (a) The Kansas department for aging and disability  
18 services shall establish a process for certification of and funding for  
19 certified community behavioral health clinics in accordance with this  
20 section.

21 (b) The Kansas department for aging and disability services shall  
22 certify as a certified community behavioral health clinic any community  
23 mental health center licensed by the department that provides the  
24 following services: Crisis services; screening, assessment and diagnosis,  
25 including risk assessment; person-centered treatment planning; outpatient  
26 mental health and substance use services; primary care screening and  
27 monitoring of key indicators of health risks; targeted case management;  
28 psychiatric rehabilitation services; peer support and family supports;  
29 medication-assisted treatment; assertive community treatment; and  
30 community-based mental healthcare for military servicemembers and  
31 veterans.

32 ~~(c) (1) The department of health and environment shall establish a~~  
33 ~~prospective payment system under the medical assistance program for~~  
34 ~~funding certified community behavioral health clinics. Such system shall~~  
35 ~~permit payment by either daily or monthly rates.~~

36 ~~(2) The department of health and environment shall submit to the~~

[stricken material in lines 32 through 36]

1 ~~United States centers for medicare and medicaid services any approval~~  
2 ~~request necessary to implement this subsection.~~

3 (d) ~~The secretary for aging and disability services and the secretary of~~  
4 ~~health and environment~~ may adopt rules and regulations as necessary to  
5 implement and administer this section.

6 (e) ~~The Kansas department for aging and disability services and the~~  
7 ~~department of health and environment shall implement this section not~~  
8 ~~later than July {January} 1, 2022.~~

9 New Sec. 2. (a) Notwithstanding any other provision of law, a  
10 physician holding a license issued by the applicable licensing agency of  
11 another state or who otherwise meets the requirements of this section may  
12 practice telemedicine to treat patients located in the state of Kansas, if such  
13 physician receives a telemedicine waiver issued by the state board of  
14 healing arts. The state board of healing arts shall issue such a waiver  
15 within 15 days from receipt of a complete application, if the physician:

16 (1) Submits a complete application that may include evidence in the  
17 form of an affidavit from an authorized third party that the applicant meets  
18 the requirements of this section in a manner determined by the state board  
19 of healing arts and pays a fee not to exceed \$100; and

20 (2) holds an unrestricted license to practice medicine and surgery in  
21 another state or meets the qualifications required under Kansas law for a  
22 license to practice medicine and surgery and is not the subject of any  
23 investigation or disciplinary action by the applicable licensing agency.

24 (b) A physician practicing telemedicine in accordance with this  
25 subsection shall conduct an appropriate assessment and evaluation of the  
26 patient's current condition and document the appropriate medical  
27 indication for any prescription issued.

28 (c) Nothing in this section shall supersede or otherwise affect the  
29 provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020  
30 Supp. 40-2,210 et seq., and amendments thereto.

31 (d) Any person who receives a telemedicine waiver under the  
32 provisions of this section shall be subject to all rules and regulations  
33 pertaining to the practice of the licensed profession in this state and shall  
34 be considered a licensee for the purposes of the professional practice acts  
35 administered by the state board of healing arts.

36 (e) A waiver issued under this section shall expire on the date of  
37 expiration established by the state board of healing arts unless renewed in  
38 the manner established by the state board of healing arts, including  
39 payment of an annual renewal fee not to exceed \$100 and evidence that the  
40 applicant continues to meet the qualifications described in this section.

41 (f) Notwithstanding any other provision of law to the contrary, a  
42 physician holding a license issued by the applicable licensing agency of  
43 another state may provide, without limitation, consultation through remote

The Kansas department for aging and disability services shall certify community behavioral health clinics by not later than the following specified dates:  
(A) Six facilities currently receiving grants to operate as certified community behavioral health clinics by not later than May 1, 2022;  
(B) three additional facilities by not later than July 1, 2022;  
(C) nine additional facilities by not later than July 1, 2023; and  
(D) eight additional facilities by not later than July 1, 2024.  
  
(2) The Kansas department for aging and disability services may certify community behavioral health clinics in advance of the deadlines established in paragraph (1), including portions of the specified numbers of facilities.