

Kansas State Board of Healing Arts	
Policy Title: Considerations on Closing or Leaving Practice	Policy Number: #24-03
Author: General Counsel	Effective Date: October 13, 2023
Date Authored: October 4, 2023	Last Modified:
Responsible for Updates: General Counsel	Pending Executive Director Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No

PURPOSE:

The purpose of this policy is to provide health care professionals guidance when *closing* or *leaving* a health care practice. Health care professionals may leave practice for various reasons however, continuity of care for their patients is critical. This policy is intended to be a guidance document under K.S.A. 77-438.¹

AUTHORITY:

K.S.A. 77-438; K.S.A. 65-28,126; K.S.A. 65-6836; K.A.R. 100-24-2; K.A.R. 100-24-3.

POLICY/PROCEDURE:

It is the policy of the Kansas State Board of Healing Arts (“Board”) that any health care professional *closing* or *leaving* a health care practice should notify patients and stakeholders in the practice and preserve copies of patient records.

Health care professionals who are *leaving* a practice and transitioning to another are required to notify the Board of the new practice address within 30 days of leaving their current practice. The form to notify the Board can be found [here](#).

Health care professionals who are ceasing and *closing* practice must preserve copies of patient records² and the Board must be provided with the following:

1. The location where patient records are stored (or means of access to any electronic data).
2. If an agent is designated to maintain patient records, the name, telephone number, and mailing address of the agent.
3. The date on which the patient records are scheduled to be destroyed.

The form to notify the Board can be found on our website [here](#).

¹ This document is intended to provide general guidance for health care professionals. When closing or leaving a health care practice, the Board strongly recommends seeking independent legal counsel.

² Including electronic records, photocopies, etc. See K.A.R. 100-24-2.

Patient records:

Patient records are protected against unauthorized disclosure under both Kansas and federal law.³ Additionally, patient records must be maintained and properly secured for a minimum of ten years from the date the professional service was rendered.

Notification to patients:

All patients should be notified of: (1) the intended closing date of the practice; (2) their right to obtain their health records; and (3) how to obtain their health records. If a patient requests their health records, the records must be provided to them within 30 days or the patient must be given a reason the records are unavailable. The patient should also be provided with the name of the records custodian and their contact information.

Notification to other stakeholders:

Health care professionals who are *closing* a practice must notify the following parties:⁴

- Kansas Board of Pharmacy (if applicable)
- Kansas Department of Health and Environment (if facility is closing)
- Medicare/Medicaid (if applicable)
- Drug Enforcement Administration (if surrendering DEA license)
- Kansas Secretary of State (if practice is closing)

This list identifies common legal requirements for notification under state and federal law. It is not an exhaustive list of notification requirements or of stakeholders in a health care practice.

Insurance:

Continuation of professional liability coverage or “tail coverage” is provided through the Kansas Healthcare Stabilization Fund (“KHCSF”) for certain license types. For more information regarding which license types must comply with and are covered by the KHCSF, please see the [Practice Handbooks](#) on the KSBHA website.⁵

Approved by the Kansas State Board of Healing Arts on this 13th day of October 2023.

³ See K.S.A. 65-6823; Health Insurance Portability and Accountability Act (“HIPAA”) 45 C.F.R. § 160 and Subparts A and E of § 164.

⁴ See, e.g., K.A.R. 68-20-14(B), K.A.R. 28-34-16a(c), 42 C.F.R. § 422.111(e), 21 C.F.R. § 1301.52, K.S.A. 17-7675(a).

⁵ See also K.S.A. 40-3424 *et seq.*

KANSAS STATE BOARD OF HEALING ARTS

Susan Gile

Susan Gile, Executive Director