

HOUSE BILL No. 2223

By Committee on Health and Human Services

1-28

9 AN ACT concerning the board of pharmacy; relating to hearing costs;
10 amending K.S.A. 65-1627h and repealing the existing section.

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

13 Section 1. K.S.A. 65-1627h is hereby amended to read as follows: 65-
14 1627h. (a) If the *board's* order is adverse to the licensee, registrant or
15 permit holder, the costs ~~shall be charged to such person as in ordinary~~
16 ~~civil actions in the district court, but~~ *incurred by the board in conducting*
17 *any proceeding under the Kansas administrative procedure act may be*
18 *assessed against the parties to the proceeding in such proportion as the*
19 *board may determine upon consideration of all relevant circumstances*
20 *including the nature of the proceeding and the level of participation by*
21 *the parties. If the board is the unsuccessful party, the costs shall be paid*
22 *out of any money in the state board of pharmacy fee fund. ~~Witness fees~~*
23 ~~and costs may be taxed according to the statutes applicable in the district~~
24 ~~courts.~~

25 (b) ~~All costs accrued at the instance of the state, when it is the suc-~~
26 ~~cessful party, and which the attorney general certifies cannot be collected~~
27 ~~from the licensee, registrant or permit holder, shall be paid out of any~~
28 ~~available funds in the state treasury to the credit of the board. For pur-~~
29 ~~poses of this section, costs incurred shall mean the presiding officer fees~~
30 ~~and expenses, costs of making any transcripts, witness fees and expenses,~~
31 ~~mileage, travel allowances and subsistence expenses of board employees~~
32 ~~and fees and expenses of agents of the board who provide services. Costs~~
33 ~~incurred shall not include presiding officer fees and expenses or costs of~~
34 ~~making and preparing the record unless the board has designated or re-~~
35 ~~tained the services of independent contractors to perform such functions.~~

36 (c) ~~The board may consider nonpayment of costs which have been~~
37 ~~assessed against a person under this section when considering a motion~~
38 ~~for reinstatement of a license or registration by such person, or as a con-~~
39 ~~dition of probation. The board shall make any assessment of costs incurred~~
40 ~~as part of the final order rendered in the proceeding. Such order shall~~
41 ~~include findings and conclusions in support of the assessment of costs.~~

42 Sec. 2. K.S.A. 65-1627h is hereby repealed.

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1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.