

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:30 p.m. on January 27, 2004, in Room 526-S of the Capitol.

All members were present except Representatives Kirk and McLeland, who were excused.

Committee staff present:

Dr. William Wolff, Legislative Research Department
Renae Jefferies, Office of Revisor of Statutes
Gary Deeter, Secretary

Conferees appearing before the committee:

Tanya Dorf, Director, Legislative Affairs, Kansas Department of Social and Rehabilitative Services
Douglas Smith, Executive Director, Kansas Academy of Physician Assistants
Tom Bruno, Kansas Athletic Trainers Society
Lawrence Buening, Executive Director, Kansas Board of Healing Arts

Others attending:

See Attached List.

The Minutes for the January 22 meeting were approved.

Tanya Dorf, Director, Legislative Affairs, Kansas Department of Social and Rehabilitative Services (SRS), requested a bill that expands the limits of who can request information from the Adult Abuse Registry, thus broadening the availability of the Registry to review the records of job applicants. (Attachment 1)

The Committee moved, seconded, and passed a motion to sponsor such a bill.

Doug Smith, Executive Director, Kansas Academy of Physician Assistants, requested the introduction of a bill that eliminates the restriction of the number of physician assistants that a physician may supervise, instead allowing the Board of Healing Arts to regulate such supervision. (Attachment 2)

The Committee, by appropriate motion and second, recommended the introduction of the bill.

Tom Bruno, representing the Kansas Athletic Trainers Society, requested a bill that would license Athletic Trainers. (Attachment 3)

The Committee passed a motion to introduce the requested bill.

Lawrence Buening, Executive Director, Kansas Board of Healing Arts, requested a bill to amend 10

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 1:30 p.m. on January 27, 2004 in Room 526-S of the Capitol.

statutes dealing with a variety of professions supervised by the Board. He said that most changes were technical rather than substantive, allowing for consistency of wording among the statutes. (Attachment 4)

The Committee passed a motion honoring the request.

The Chair announced that soon the Committee would be working bills, requiring new skills for electronic sharing. The remainder of the time was used to practice collaboration by Instant Messaging and use of the Whiteboard.

The meeting was adjourned at 2:53 p.m. The next meeting is scheduled for Wednesday, January 28, 2004.

**HOUSE HEALTH AND HUMAN SERVICES COMMITTEE
GUEST LIST**

DATE: JANUARY 27 2004

NAME	REPRESENTING
Matt Fletcher	INTLHAB
Josie Torres	SILCK
Rob Meale	Hein Law Firm
Tom Brown	KATS
Bob Eye	KTLA
Melissa Boyer	JJA
Doug Smith	Ks. Academy of Physician Assistants
Jane Steve	Kearney & Associates
Tom Bell	Ks. Hosp. Assn
Chris Collins	Kansas Medical Society
DAVID OWEN	Homeless Come Home
Kathy Greenleaf	KS Dept on Aging
LARRY BUENING	BD OF HEALING ARTS.
Tanya Dorf	SRS
Rennie Ann Rower	KATP
Steve Solomon	The Farm, Inc.
Jay Jackson	TIURE
WAYNE Probase	Ks Pediatric Med Assoc
Sara Dinkel	KCDD

Presenter
Tanya Dorf

January 27, 2004

Honorable James F. Morrison
Kansas House of Representatives
Room 171-W, Statehouse
Topeka, Kansas 66612

Dear Representative Morrison:

I would like to request the introduction of a legislative proposal regarding the Adult Abuse Registry. The current statute limits who can request Adult Abuse Registry checks for job applicants. This proposal would revise statute to broaden the availability of Adult Abuse Registry checks.

I appreciate your Committee's introduction of this bill, and will be glad to testify or provide additional information as requested.

Sincerely,

Janet Schalansky

Secretary

cc: Audrey Dunkel, KLRD
Norm Furse, Revisor of Statutes
Julie Thomas, Budget Division

Attachment 1
JHS 1-27-04

REQUEST FOR INTRODUCTION OF LEGISLATION

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

JANUARY 27, 2004

Chairman *Morrison* and Members of the *House Health and Human Services* Committee:

The Kansas Academy of Physician Assistants requests introduction of legislation amending KSA 65-28a10. This statute limits the number of physician assistants a responsible physician may supervise, and we would request an amendment to the statute that deletes the existing language and inserts language that permits the Kansas Board of Healing Arts to adopt an appropriate regulatory policy by rule and regulation. We would also request that K.S.A. 65-28,127 be amended to reflect the Board's ability to adopt regulations regarding medical direction and supervision of Physician Assistants.

The role of a PA has evolved and expanded over time, along with greater acceptance and utilization of PAs in medical practice. Therefore, we would like to see the limitation removed from statute and allow the Board to adopt rules and regulations that assure appropriate physician supervision of the PA without placing a number in the statute. The appropriate number should be determined by the nature of the medical practice and the physician's ability to supervise. Placing restrictions in the administrative regulations would allow the Board and supervising physicians to be flexible and resourceful in the provision of healthcare.

Thank you for your consideration of this request for introduction.

Douglas E. Smith
For Kansas Academy of Physician Assistants

Note to the Revisor:

I did a search and found the following statutes that also contain the old "physician's assistant" reference. These statutes should be changed to reflect the current reference which is "physician assistant". If these corrections can be incorporated in this legislation I would appreciate it.

39-1504, 65-468, 65-1728, 65-2891, 65-5912, 65-6119, 65-6120, 65-6123, 65-6124, 65-5001, 72-5213 & 75-6102.

Attachment 2
HHS 1-27-04

PROPOSED LANGUAGE:

AN ACT concerning the state board of healing arts, relating to the supervision of physician assistants; amending K.S.A. 65-28,127 and 65-28a10 and repealing the existing sections.

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

Section 1. K.S.A. 65-28,127 is hereby amended to read as follows: K.S.A. 65-28,127.

(a) Every responsible licensee who directs, supervises, orders, refers, accepts responsibility for, enters into practice protocols with, or who delegates acts which constitute the practice of the healing arts to other persons shall:

††††† (1)†† Be actively engaged in the practice of the healing arts in Kansas;

††††† (2)†† review and keep current any required practice protocols between the responsible licensee and such persons, as may be determined by the board;

††††† (3)†† direct, supervise, order, refer, enter into a practice protocol with, or delegate to such persons only those acts and functions which the responsible licensee knows or has reason to believe such person is competent and authorized by law to perform;

††††† (4)†† direct, supervise, order, refer, enter into a practice protocol with, or delegate to other persons only those acts and functions which are within the normal and customary specialty, competence and lawful practice of the responsible licensee;

††††† (5)†† provide for a qualified, substitute licensee who accepts responsibility for the direction, supervision, delegation and practice protocols with such persons when the responsible licensee is temporarily absent.

††††† (b)†† "Responsible licensee" means a person licensed by the state board of healing arts to practice medicine and surgery or chiropractic who has accepted responsibility for the actions of persons who perform acts pursuant to practice protocols with, or at the order of, or referral, direction, supervision or delegation from such responsible licensee.

††††† (c)†† ~~Notwithstanding the provisions of this section~~ **Except as otherwise provided by regulations of the board implementing this section**, the physician assistant licensure act shall govern the direction and supervision of physicians' assistants by persons licensed by the state board of healing arts to practice medicine and surgery.

††††† (d)†† Nothing in subsection (a)(4) shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing anesthesia care by a registered nurse anesthetist pursuant to K.S.A. 65-1158 and amendments thereto.

††††† (e)†† Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing physical therapy services pursuant to K.S.A. 65-2901 *et seq.* and amendments thereto.

††††† (f)†† Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from entering into a co-management relationship with an optometrist pursuant to K.S.A. 65-1501 *et seq.* and amendments thereto.

††††† (g)†† This section shall be part of and supplemental to the Kansas healing arts act.

Section 2. K.S.A. 65-28a10 is hereby amended to read as follows: K.S.A. 65-28a10.

~~No responsible physician shall have under such physician's direction and supervision more than two physician assistants.~~ **The board may limit by rule and regulation the number of physician assistants a responsible physician may supervise at any one time.** ~~The Any~~ limitation on the number of physician assistants ~~in this section~~ shall not apply to services performed in a medical care facility, as defined in K.S.A. 65-425 and amendments thereto.

Section 3. K.S.A. 65-28,127 and 65-28a10 are hereby repealed.

Section 4. This act shall take effect and be in force from and after its publication in the statute book.



Gaches, Braden, Barbee & Associates

January 27, 2004

TO: Health and Human Services Committee
FROM: Tom Bruno
RE: Athletic Trainers Licensure Bill

Chairman Morrison and members of the committee:

On behalf of the Kansas Athletic Trainers Society, I would like to request a bill that would amend the athletic trainer's practice act. Athletic trainers are currently credentialed at the level of registered in Kansas. The bill I am requesting for introduction would license athletic trainers.

Thank you for your time and I would be happy to answer any questions.

Attachment 3
HHS 1-27-04

65-6901. Citation of act. K.S.A. 65-6901 through 65-6914 shall be known and may be cited as the athletic trainers ~~registration~~ licensure act.

65-6902. Definitions. As used in this act:

- (a) "Board" means the state board of healing arts.
- (b) "Athletic training" means the practice of injury prevention, physical evaluation, emergency care and referral or physical reconditioning relating to athletic activity.
- (c) "Athletic trainer" means a person ~~registered~~ licensed under this act.

65-6903. Unlawful representations; penalty for violation. (a) On and after July 1, 1996, it shall be unlawful for any person who is not ~~registered~~ licensed under this act as an athletic trainer or whose ~~registration~~ license has been suspended or revoked to use, in connection with such person's name or place of business, the words: "Athletic trainer" or "athletic trainer ~~registered~~ licensed" or "~~registered~~ licensed athletic trainer" or the letters "A.T." or "A.T.R.L." or "R.L.A.T.", or any other words, letters, abbreviations or insignia indicating or implying that such person is an athletic trainer or who in any way, orally, in writing, in print or by sign, directly or by implication represents oneself as an athletic trainer.

- (b) Any violation of this section shall constitute a class B nonperson misdemeanor.

65-6904. Unlicensed practice of healing arts not authorized. Nothing in this act shall be construed to authorize the unlicensed practice of the healing arts by any person ~~registered~~ licensed under this act.

65-6905. State board of healing arts to administer act; rules and regulations, registry. (a) The board, in the manner hereinafter provided, shall administer the provisions of this act.

(b) The board may adopt rules and regulations consistent with the provisions of this act for the administration and enforcement for this act and may prescribe forms which shall be issued in the administration of this act. The rules and regulations shall include standards for approval of an educational course of study and clinical experience, continuing education criteria, practice protocols, criteria for ~~registration~~ licensure procedures for the examination of applicants, and for professional conduct and discipline.

(c) The board shall maintain a registry of names and addresses of all individuals who are currently ~~registered~~ licensed under the athletic trainers ~~registration~~ licensure act.

65-6906. Registration Licensure as an athletic trainer; application; qualifications; ~~registration~~ licensure without examination. (a) Applications for

~~registration~~ licensure as an athletic trainer shall be made in writing to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the required fee, which shall not be refundable. Each application shall contain such information necessary to enable the board to judge the qualifications of the applicant for ~~registration~~ licensure.

(b) The applicant is entitled to ~~registration~~ licensure as an athletic trainer if the applicant possesses the qualifications set forth under K.S.A. 65-6907 and amendments thereto, pays the ~~registration~~ licensure fee established by the board, files a practice protocol and has not committed an act which constitutes ground for denial of ~~registration~~ licensure.

(c) (1) Upon due application and payment of a ~~registration~~ licensure fee as established by the board within one year subsequent to July 1, 1996, the board shall waive the examination requirement under K.S.A. 65-6907 and amendments thereto and grant ~~registration~~ licensure to a person who:

(A) Meets the educational requirements set forth in this act and has completed the clinical experience approved by the board on or before July 1, 1996;

(B) meets the educational requirements set forth in this act and on the effective date of this act has been actively engaged as an athletic trainer for at least two years of the four years immediately preceding July 1, 1996; or

(C) is certified by a national certifying organization for athletic trainers, approved by the board on the effective date of this act and on the effective date of this act has been actively engaged as an athletic trainer for at least three years of the five years immediately preceding July 1, 1996.

(d) For the purpose of subsection (c), a person is actively engaged as an athletic trainer if such person performs the functions and duties of an athletic trainer.

(e) The board may ~~register~~ license an applicant as an athletic trainer, without examination, if the applicant is an athletic trainer registered, licensed or certified under the laws of another state if the requirements pertaining to athletic trainers in such state were, at the date of such applicant's registration, licensure or certification, substantially the same as the requirements under the athletic trainers ~~registration~~ licensure act.

New section (f) As a condition of performing the functions and duties of an athletic trainer in this state, each licensed athletic trainer shall file a practice protocol with the board. The practice protocol shall be signed by each person licensed by the board to practice the healing arts who will delegate to the athletic trainer acts which constitute athletic training and shall contain such information as required by rules and regulations adopted by the board.

New Section (g) (c) The board may issue a temporary permit to an applicant for licensure as an athletic trainer who applies for a temporary permit on a form provided by the board, who meets the requirements for licensure as an athletic trainer required under K.S.A. 65-6907 and who pays to the board the temporary permit fee as required under K.S.A. 65-6910 and amendments thereto. Such temporary permit shall expire six months from the date of issue or on the date that the board approves the application for licensure, whichever occurs first. No more than one such temporary permit shall be granted to any one person.

65-6907. Qualifications for registration licensure. An applicant for registration licensure as an athletic trainer shall give proof that the applicant has:

- (a) Received a baccalaureate or post-baccalaureate degree with a major course of study in an athletic training curriculum approved by the board;
- (b) completed clinical experience of at least 800 hours over a minimum of two years as approved by the board; and
- (c) passed an examination in athletic training approved by the board.

65-6908. Contracts to obtain information about courses of study and clinical experience. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about courses of study and clinical experience to be approved by the board under K.S.A. 65-6907 and amendments thereto.

65-6909. Registration Licensure; expiration and renewal; notice; fees; reinstatement of canceled registration license; rules and regulations. (a) An applicant who meets the requirements for registration licensure pursuant to this act, has paid the registration licensure fee and has otherwise complied with the provisions of this act shall be registered licensed by the board.

(b) Registrations Licenses issued pursuant to this act shall expire on the date established by rules and regulations of the board unless revoked prior to that time. A registration license shall be renewed in the manner prescribed by the board.

(c) At least 30 days before the expiration of the registration license of an athletic trainer, the board shall notify the registrant licensee of the expiration by mail, addressed to the registrant's licensee's last mailing address, as noted upon the board's records. If the registrant licensee fails to pay the fee and submit an application by the date of expiration of the registration license, the registrant licensee shall be given a second notice that the registrant's licensee's registration license has expired and the registration license may be renewed only if the renewal fee and the late renewal fee are received by the board within the 30-day period following the date of expiration and that if both fees are not received

within the 30-day period the ~~registration~~ *license* shall be canceled for failure to renew and shall be reissued only after the athletic trainer has been reinstated under subsection (d).

(d) Any ~~registrant~~ *licensee* who allows the ~~registrant's~~ *licensee's* ~~registration~~ *license* to be canceled by failing to renew as herein provided may be reinstated upon payment of the renewal fee, the reinstatement fee, filing an updated practice protocol and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations for reinstatement of persons whose ~~registrations~~ *licenses* have ~~been lapsed~~ *cancelled* for failure to renew. Renewal of ~~lapsed~~ *cancelled* ~~registrations~~ *licenses* or reinstatement of ~~registrations~~ *licenses* may include additional testing, training or education as the board deems necessary to establish the person's present ability to perform the functions or duties of an athletic trainer.

New section "(e) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the application fee established pursuant to K.S.A. 65-6910 and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license as an athletic trainer and who does not perform the functions and duties of an athletic trainer in this state. An inactive license shall not entitle the holder to engage in active practice as an athletic trainer in this state. The provisions of sections (b), (c) and (d) of K.S.A. 65-6909 and amendments thereto relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by filing a practice protocol required by subsection (f) of K.S.A. 65-6906 and amendments thereto.

65-6910. Fees. (a) The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

Application fee, not more than.....\$100

Temporary registration *licensing* fee, not more than.....\$50

Registration *License* renewal fee, not more than.....\$50

Registration *License* late renewal fee, not more than.....\$50

Registration *License* reinstatement fee, not more than.....\$50

Certified copy of registration *license*, not more than.....\$40

Written verification of registration *license*, not more than.....\$25

<u>Application based upon certificate of prior examination, not more than</u>	<u>\$80</u>
<u>Annual renewal fee, not more than</u>	<u>\$70</u>
<u>Late renewal fee, not more than</u>	<u>\$75</u>
<u>Reinstatement fee, not more than</u>	<u>\$80</u>
<u>Certified copy of license, not more than</u>	<u>\$15</u>
<u>Temporary permit</u>	<u>\$25</u>

(b) The board shall charge and collect in advance fees for any examination administered by the board under the athletic trainers ~~registration~~ licensure act as fixed by the board by rules and regulations in an amount equal to the cost to the board of the examination and its administration. If the examination is not administered by the board, the board may require that fees paid for any examination under the athletic trainers ~~registration~~ licensure act be paid directly to the examination service by the person taking the examination.

(c) The board shall remit all moneys received from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person designated by the president of the board.

65-6911. Denial, suspension, limitation, refusal to renew, probation, reprimand or revocation of a ~~registration~~ license; grounds. (a) The board may deny, suspend, limit, refuse to renew, place on probation, reprimand or revoke any ~~registration~~ license granted under the athletic trainers ~~registration~~ licensure act or take other disciplinary action as the board may deem proper for any of the following reasons:

(1) Use of drugs or alcohol, or both, to an extent that impairs the individual's ability to engage in athletic training;

(2) the individual has been convicted of a felony and, after investigation, the board finds that the individual has not been sufficiently rehabilitated to merit the public trust;

(3) use of fraud, deception, misrepresentation or bribery in securing any ~~registration~~ license issued pursuant to the provisions of the athletic trainers ~~registration~~ licensure act or in obtaining permission to take any examination given or required pursuant to the provisions of the athletic trainers ~~registration~~ licensure act;

(4) obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) incompetence, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of an athletic trainer;

(6) violation of, or assisting or enabling any individual to violate, any provision of this act or any rule and regulation adopted under such act;

(7) impersonation of any individual holding a ~~registration~~ license under the athletic trainers ~~registration~~ licensure act;

(8) negligent or intentional violation of the provisions of this act or the rules and regulations adopted under this act;

(9) violation of any professional trust or confidence;

(10) the individual has committed unprofessional conduct as defined by rules and regulations adopted by the board.

(b) Any action authorized by this section shall be taken in accordance with the Kansas administrative procedure act.

65-6912. Athletic trainers council established; appointment; terms; compensation. (a) There is hereby established an athletic trainers council to advise the board in carrying out the provisions of this act. The council shall consist of five members, all residents of the state of Kansas appointed as follows: One member shall be a licensee of the board, appointed by the board, who has entered into a practice protocol with an athletic trainer; one member shall be the president of the board or a board member designated by the president; and three members shall be athletic trainers appointed by the governor. The governor, insofar as possible, shall appoint persons from different geographical areas.

(b) If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any. The Kansas athletic trainers' society shall recommend the names of athletic trainers to the governor in a number equal to at least twice the positions or vacancies to be filled, and the governor may appoint members to fill the positions or vacancies from the submitted list.

(c) Members of the council appointed by the governor on and after the effective date of this act shall be appointed for terms of three years and until their successors are appointed and qualified except that of the members first appointed by the governor one shall be appointed for a term of one year, one shall be appointed for a term of two years and one shall be appointed for a term of three years, as designated by the governor. The member appointed by the state board of healing arts shall serve at the pleasure of the state

board of healing arts. A member designated by the president of the state board of healing arts shall serve at the pleasure of the president.

(d) Members of the council attending meetings of the council, or attending a subcommittee meeting thereof authorized by the council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto from the healing arts fee fund.

65-6913. Injunction. When it appears to the board that any person is violating any of the provisions of this act, the board may bring an action in a court of competent jurisdiction for an injunction against such violation without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

65-6914. Severability. If any section of this act, or any part thereof, is adjudged to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.

KANSAS BOARD OF HEALING ARTS

LAWRENCE T. BUENING, JR.
EXECUTIVE DIRECTOR



KATHLEEN SEBELIUS, GOVERNOR

MEMO

TO: House Committee on Health and Human Services

FROM: Lawrence T. Buening, Jr.
Executive Director

DATE: January 23, 2004

RE: Request for Introduction of Bill

My purpose in appearing before you is to request introduction of a bill that makes changes to a number of statutes for which the Kansas State Board of Healing Arts is responsible for administering. While the bill is fairly lengthy, there are very few substantive changes made by the proposed amendments. Rather, the proposed amendments are intended to create more consistency among the various statutes the Board administers. A brief synopsis of the proposed bill is as follows:

Section 1. This amends K.S.A. 65-2005 of the podiatry act. A separate postgraduate permit is created for those engaged in postgraduate study in this state. Also, inactive and federally active license designations are created identical to those that already exist for licensees under the healing arts act (MD, DO, and DC). A new section is added specifying the requirements that must be met by a podiatrist whose license has been revoked. These provisions are also similar to language currently contained in the healing arts act.

Section 2. This also amends a statute within the podiatry act and makes the statutory maximums for fees for podiatrists identical to the fee maximums for licensees under the healing arts act.

Section 3. This deals with the physician assistant law regarding the registry of physician assistants authorized to engage in active practice in Kansas. It also creates inactive and federally active license for those physician assistants who do not have a responsible physician. Fees are also amended to reflect these new license designations.

MEMBERS OF THE BOARD

JOHN P. GRAVINO, D.O., PRESIDENT
Lawrence

RAY N. CONLEY, D.C., VICE-PRESIDENT
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MERLE J. "BOO" HODGES, M.D., Salina
SUE ICE, PUBLIC MEMBER, Newton
JANA JONES, M.D., Leavenworth

BETTY McBRIDE, PUBLIC MEMBER, Columbus
MARK A. McCUNE, M.D., Overland Park
CAROL HSADER, PUBLIC MEMBER, Shawnee Mission
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ROGER D. WARREN, M.D., Hanover
JOHN P. WHITE, D.O., Pittsburg

235 S. Topeka Boulevard, Topeka, Kansas 66603-3068
Voice 785-296-7413 Fax 785-296-0852 www.ksbha.org

Attachment 4
HAS 1-27-04

Section 4. This amends the physical therapy act and creates an inactive license for physical therapists not currently practicing in Kansas and are, therefore, not maintaining professional liability insurance.

Section 5. This expands the sanctions that the Board can impose against occupational therapists and occupational therapy assistants who violate the provisions of the occupational therapy act.

Section 6. This makes the process for renewal, expiration, cancellation and reinstatement of occupational therapy and occupational therapy assistant licenses similar to that for other professions regulated by the Board.

Section 7. This expands the sanctions the Board can impose against respiratory therapists similar to that done in the occupational therapy act.

Section 8. Amendments in this section also make the renewal, expiration, cancellation and reinstatement process for respiratory therapists similar to other professions the Board regulates.

Section 9. This expands the sanctions the Board can impose against naturopathic doctors

Section 10. Again, this makes the renewal, expiration, cancellation and reinstatement process for naturopathic doctors similar to other professions.

There will be little, if any, economic impact to the proposed amendments. While the statutory maximums for podiatrists are increased in several categories, it is anticipated that the Board will increase fees in the foreseeable future—the increases are sought solely to make the podiatry statutory maximums identical with the maximums for healing arts licensees. It is probable the Board may actually decrease the fees for inactive license renewals. Similarly, although Section 3 contains changes to the statutory maximums for physician assistants, the Board may decrease fees for inactive license renewals. The sections that allow the Board to impose fines for violations of the various acts will have an economic impact on those individuals against whom a fine is imposed. This economic impact will be felt only by a small number of licensees.

Thank you for the opportunity to appear before you. I ask that you favorably consider the introduction of this bill. I would be happy to respond to any questions.

HOUSE BILL NO. _____

AN ACT concerning the state board of healing arts; relating to actions taken by the board for unprofessional conduct, the expiration date of licenses and registrations issued by the board, and creating designations for certain licenses; amending K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 2003 Supp. 65-2910 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas.

Section 1. K.S.A. 65-2005 is hereby amended to read as follows: 65-2005. (a) A licensee shall be designated a licensed podiatrist and shall not use any title or abbreviations without the designation licensed podiatrist, practice limited to the foot, and shall not mislead the public as to such licensee's limited professional qualifications to treat human ailments. Whenever a registered podiatrist, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to refer to or designate a licensed podiatrist.

(b) The license of each licensed podiatrist shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license is renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-2012 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under K.S.A. 65-2012 and amendments thereto which shall be paid not later than the expiration date of the license. At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If a licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the licensee's license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, such licensee's license shall be canceled ***by operation of law and without further proceedings*** for failure to renew and shall be reissued only after the licensee has been reinstated under subsection (c).

(c) Any licensee who allows the licensee's license to be canceled by failing to renew may be reinstated upon recommendation of the board and upon payment of the renewal fee and the reinstatement fee established pursuant to K.S.A. 65-2012 and amendments thereto and upon submitting evidence of satisfactory completion of the applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses have been canceled for failure to renew.

(d) The board, prior to renewal of a license, shall require the licensee, if in the active practice of podiatry within Kansas, to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402 and amendments thereto and has paid the annual premium surcharge as required by K.S.A. 40-3404 and amendments thereto.

(e) The board may issue a temporary permit to practice podiatry in this state to any person making application for ~~such temporary permit upon a form provided by the board~~ **a license to**

practice podiatry who meets the ~~requirements prescribed by the board~~ *required qualifications for a license* and who pays to the board the temporary permit fee established pursuant to K.S.A. 65-2012 and amendments thereto. A temporary permit shall authorize the permittee to practice within the limits of the permit until the license is issued or denied to the permittee by the board; ~~except that where a graduate podiatrist is working under the supervision of a licensed podiatrist in a training program approved by the board, the temporary permit issued to such graduate podiatrist shall be valid for the period of such training program.~~

(f) *The board may issue a postgraduate permit to practice podiatry in this state to any person who is engaged in a full time, approved postgraduate study program; has made application for such postgraduate permit upon a form provided by the board; meets all the qualifications for a license, except the examination required under K.S.A. 65-2004 and amendments thereto; and has paid the fee established pursuant to K.S.A. 65-2012 and amendments thereto. The postgraduate permit shall authorize the person receiving the permit to practice podiatry in the postgraduate study program, but shall not authorize practice outside of the postgraduate study program. The postgraduate permit shall be canceled if the permittee ceases to be engaged in the postgraduate study program.*

(g) The board may issue, upon payment to the board of the temporary license fee established pursuant to K.S.A. 65-2012 and amendments thereto, a temporary license to a practitioner of another state or country who is appearing as a clinician at meetings, seminars or training programs approved by the board, if the practitioner holds a current license, registration or certificate as a podiatrist from another state or country and the sole purpose of such appearance is for promoting professional education.

(h) There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an exempt license established under K.S.A. 65-2012 and amendments thereto. The board may issue an exempt license only to a person who has previously been issued a license to practice podiatry within Kansas, who is no longer regularly engaged in such practice and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of podiatry. Each exempt license may be renewed annually subject to the other provisions of this section and other sections of the podiatry act. Each exempt licensee shall be subject to all provisions of the podiatry act, except as otherwise provided. The holder of an exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education required under the podiatry act. Each exempt licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board and submitting evidence of satisfactory completion of the applicable and continuing education requirements established by the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established under K.S.A. 65-2012 and amendments thereto. The board shall adopt rules and regulations establishing appropriate and continuing education requirements for exempt licensees to become licensed to regularly practice podiatry within Kansas.

(i) *There is hereby created a designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to K.S.A. 65-2012 and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice podiatry in Kansas, who is not regularly engaged in the practice of podiatry in Kansas, who does not hold oneself out to the public as being*

professionally engaged in such practice and who meets the definition of inactive health care provider as defined in K.S.A. 40-3401 and amendments thereto. An inactive license shall not entitle the holder to practice podiatry in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the podiatry act, except as otherwise provided in this subsection (i). The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-2010 and amendments thereto. Each inactive licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2012 and amendments thereto. For those licensees whose license has been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice podiatry within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of podiatry or engaged in a formal education program since the licensee has been inactive may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(j) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes written application for such license on a form provided by the board and remits the same fee required for a license established under K.S.A. 65-2012 and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice podiatry in Kansas and who practices podiatry solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who, in addition to such employment or assignment, provides professional services as a charitable health care provider as defined under K.S.A. 75-6102 and amendments thereto. The provisions of subsections (b) and (c) of this section relating to expiration, renewal and reinstatement of a license and K.S.A. 65-2010 and amendments thereto relating to continuing education shall be applicable to a federally active license issued under this subsection. A person who practices under a federally active license shall not be deemed to be rendering professional service as a health care provider in this state for purposes of K.S.A. 40-3402 and amendments thereto.

(k) Each license or permit granted under this act shall be conspicuously displayed at the office or other place of practice of the licensee or permittee.

(l) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by a reinstatement of a revoked license fee established by the board under K.S.A. 65-2012 and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license. If the board determines a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

Section 2. K.S.A. 65-2012 is hereby amended to read as follows:

The following fees shall be established by rules and regulations adopted by the board and shall be collected by the board:

(a) For a license to practice podiatry *or an inactive license or federally active license*, issued on the basis of an examination, an amount of not more than \$300;

(b) for a license to practice podiatry *or an inactive license or federally active license*, issued without examination and by endorsement, an amount of not more than \$300;

~~(c) for a license to practice podiatry, issued upon request of an exempt licensee, an amount of not more than \$300;~~

~~(d) for an exempt license or renewal of an exempt license, an amount of not more than \$300;~~

~~(e)~~(c) for the **annual** renewal of a license to practice podiatry *or a federally active license*, an amount of not more than ~~\$300~~ \$500;

~~(d)~~ for the renewal of an exempt license, an amount of not more than \$150;

~~(e)~~ for the renewal of an inactive license, an amount of not more than \$150;

(f) for late renewal of any license, an amount of not more than ~~\$200~~ \$500;

(g) for reinstatement of a ~~licensee whose~~ license ~~lapsed canceled~~ for failure to renew, an amount of not more than ~~\$200~~ \$300;

(h) for a temporary permit *or postgraduate permit*, an amount of not more than \$60;

(i) for a temporary license, an amount of not more than \$50;

(j) for any examination given by the board, an amount equal to the cost to the board of the examination and its administration;

(k) for a certified statement from the board that a licensee is licensed to practice podiatry in this state, an amount of not more than \$30;

(l) for any copy of any license issued by the board, an amount of not more than \$30; **and**

(m) for written verification of any license issued by the board, ~~in~~ an amount of not more than \$25; ;

~~(n) for conversion of an exempt or inactive license to a license to practice podiatry, an amount of not more than \$300; and~~

~~(o) for reinstatement of a revoked license, an amount of not more than \$1000.~~

Section 3. K.S.A. 65-28a03 is hereby amended to read as follows:

K.S.A. 65-28a03. (a) ~~The state board of healing arts shall maintain a registry of the names of physician assistants who may engage in active practice. No person's name shall be entered on the registry of physician assistants unless such person has:~~

~~(1) Presented to the state board of healing arts proof of current licensure;~~

~~(2) presented to the board a request signed by the applicant's proposed responsible physician on a form provided by the board which shall contain such information as required by rules and regulations adopted by the board.~~

~~(b) A person's name may be removed from the registry of physician assistants who may engage in private practice if:~~

~~(1) The person whose name is entered on the registry as a licensed physician assistant requests or consents to the removal thereof;~~

~~(2) the state board of healing arts determines that the person whose name is entered on the registry as a licensed physician assistant has not been employed as a physician assistant or as a teacher or instructor of persons being educated and trained to become a physician assistant in a course of education and training approved by the state board of healing arts under this act and amendments thereto at sometime during the five years immediately~~

preceding the date of such determination:

~~(3) the board determines, after notice and opportunity to be heard, in accordance with the provisions of the Kansas administrative procedure act, that a physician assistant has violated any provision of this act and amendments thereto, or any rules and regulations adopted pursuant thereto; or~~

~~(4) the board determines, after notice and opportunity to be heard, in accordance with the provisions of the Kansas administrative procedure act, that the request by the proposed responsible physician pursuant to this act and amendments thereto should not be approved.~~

~~(c) The state board of healing arts may remove a person's name from the registry as a licensed physician assistant or may refuse to place a person's name on the registry as a licensed physician assistant if the board determines, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a physician assistant has exceeded or has acted outside the scope of authority given the physician assistant by the responsible physician or by this act. As a condition of engaging in active practice as a physician assistant in this state, each licensed physician assistant shall file a request to engage in active practice signed by the physician assistant and the physician who will be the responsible physician for the physician assistant. The request shall contain such information as required by rules and regulations adopted by the board. The board shall maintain a list of the names of physician assistants who may engage in active practice in this state.~~

~~(d) (b) All licenses, except temporary licenses, shall expire on the date of expiration established by rules and regulations of the state board of healing arts and may be renewed as required by the board. The request for renewal shall be on a form provided by the state board of healing arts and shall be accompanied by the renewal fee established pursuant to this section, which shall be paid not later than the expiration date of the license.~~

~~(e) (c) At least 30 days before the expiration of the license of a physician assistant, except a temporary license, the state board of healing arts shall notify the licensee of the expiration by mail addressed to the licensee's last **place of residence mailing address** as noted upon the office records of the board. If the licensee fails to pay the renewal fee by the date of expiration of the license, the licensee shall be given a second notice that the licensee's license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the state board of healing arts within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, the license shall be **considered to have lapsed** *deemed canceled by operation of law without further proceedings* for failure to renew and shall be reissued only after the **physician assistant license** has been reinstated under subsection ~~(f)(d)~~.~~

~~(f) (d) Any **licensee who allows the licensee's** license to lapse by failing *canceled for failure* to renew as herein provided may be reinstated upon recommendation of the state board of healing arts and upon payment of **the renewal fee and** the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of **persons whose** licenses **have lapsed** *canceled* for failure to renew.~~

~~(e) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to subsection (g) of this section. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physician assistant and who does not engage in active~~

practice as a physician assistant in the state of Kansas. An inactive license shall not entitle the holder to engage in active practice. The provisions of subsections (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by presenting a request required by subsection (a) of this section. The request shall be accompanied by the fee established pursuant to subsection (g) of this section.

(f) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes a written application for such license on a form provided by the board and remits the same fee required for a license established under subsection (g) of this section. The board may issue a federally active license only to a person who meets all the requirements for a license to practice as a physician assistant and who practices as a physician assistant solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. The provisions of subsection (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to a federally active license issued under this subsection. Each federally active licensee may apply to engage in active practice by presenting a request required by subsection (a) of this section.

(g) The following fees shall be fixed by rules and regulations adopted by the state board of healing arts and shall be collected by the board:

- (1) For *any licensure license* as a physician assistant, the sum of not more than \$200;
- (2) for temporary licensure as a physician assistant, the sum of not more than \$30;
- (3) for the renewal of a license *to practice* as a physician assistant *or a federally active license*, the sum of not more than \$150;
- (4) *for renewal of an inactive license, the sum of not more than \$150;*
- ~~(4)~~ (5) for the late renewal of ~~a~~ *any* license as a physician assistant, the sum of not more than \$250;
- ~~(5)~~ (6) for reinstatement of a ~~physician assistant whose~~ license ~~has been~~ canceled *for failure to renew*, the sum of not more than \$250;
- ~~(6)~~ (7) for a certified statement from the board that a physician assistant is licensed in this state, the sum of not more than \$30; ~~and~~
- ~~(7)~~ (8) for a copy of the licensure certificate of a physician assistant, the sum of not more than \$25; ~~;~~ *and*
- (9) *for conversion of an inactive license to a license to actively practice as a physician assistant or a federally active license, the sum of not more than \$150.*

~~(h)~~ (j) The state board of healing arts shall remit all moneys received by or for the board under the provisions of this act to the state treasurer and such money shall be deposited in the state treasury, credited to the state general fund and the healing arts fee fund and expended all in accordance with K.S.A. 65-2855 and amendments thereto.

~~(i)~~ (k) The board may promulgate all necessary rules and regulations for carrying out the provisions of this act.

Section. 4. K.S.A. 65-2910 as amended by L. 2003 Ch. 128, Sec. 7 is hereby further amended to read as follows:

K.S.A. 65-2910. (a) The license of every licensed physical therapist and the certification of every certified physical therapist assistant shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license or certificate is renewed for a period of time of less than one year, the

board may prorate the amount of the fee established under K.S.A. 65-2911 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under to K.S.A. 65-2911 and amendments thereto which shall be paid not later than the expiration date of the registration license or certificate.

(b) The board shall require every licensed physical therapist or certified physical therapist assistant as a condition of renewal to submit with the application for a renewal evidence of satisfactory completion of a program of continuing education required by the board. The board shall establish the requirements for each such program of continuing education by rules and regulations. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to licensed physical therapists or certified physical therapist assistants.

(c) At least 30 days before the expiration of the license of a physical therapist or the certificate of a physical therapist assistant, the board shall notify the licensee or certificate holder of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee or certificate holder fails to pay the renewal fee by the date of expiration, the licensee or certificate holder shall be given a second notice that the license or certificate has expired and the license or certificate may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license or certificate shall be canceled for failure to renew and shall be reissued only after the physical therapist or physical therapist assistant has been reinstated under subsection (d).

(d) Any licensee or certificate holder who allows the license or certificate to be canceled by failing to renew may be reinstated upon recommendation of the board and, upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses or certificates have been canceled for failure to renew.

(e) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any physical therapist who makes written application for a license as a physical therapist on a form provided by the board and remits the fee established pursuant to K.S.A. 2003 Supp. 65-2911. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physical therapist and who does not actively practice as a physical therapist in this state. An inactive license shall not entitle the holder to render professional services as a physical therapist in this state. The provisions of subsections (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by providing to the board proof that a policy of professional liability insurance will be maintained in compliance with L. 2003, Chapter 128, New Section 29, and rules and regulations adopted by the board.

Section 5. K.S.A. 65-5410 is hereby amended to read as follows:

K.S.A. 65-5410. (a) The board may deny, refuse to renew, suspend, ~~or~~ revoke, *or limit* a license *or the licensee may be publicly or privately censured* where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;

(3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant;

(4) violating any lawful order or rule and regulation of the board; and

(5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation *or limitation* of a license *or public or private censure of a licensee* may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. *An application for reinstatement of a revoked license shall be accompanied by the license renewal fee and the license reinstatement fee established under K.S.A. 65-5409 and amendments thereto.*

(c) *The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.*

Section 6. K.S.A. 65-5412 is hereby amended to read as follows:

K.S.A. 65-5412. (a) Licenses issued under this act shall ~~be effective for a period of one year and shall~~ expire *on the date of expiration established by rules and regulations of the board at the end of such period of time* unless renewed in the manner prescribed by the board, ~~upon the payment of the license renewal fee established under K.S.A. 65-5409 and amendments thereto.~~ *The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-5409 and amendments thereto.* The board may establish additional requirements for licensure ~~or registration~~ renewal which provide evidence of continued competency. ~~The board may provide for the late licensure or renewal of a license or registration upon the payment of a late fee established under K.S.A. 65-5409 and amendments thereto, but no such late renewal of a license or registration may be granted more than five years after its expiration.~~

(b) *At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the license has been reinstated under subsection (c).*

(c) *Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the renewal fee and the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education*

requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirement for reinstatement of licenses canceled for failure to renew.

(b) (d) A person whose license ~~or registration~~ is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the license ~~or registration~~ was suspended. ~~If a license or registration revoked on disciplinary grounds is reinstated, the licensee or registrant, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.~~

Section 7. K.S.A. 65-5510 is hereby amended to read as follows:

K.S.A. 65-5510. (a) The board may deny, refuse to renew, suspend, ~~or~~ revoke *or limit* a license *or the licensee may be publicly or privately censured* where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

- (1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;
- (2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;
- (3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a respiratory therapist;
- (4) violating any lawful order or rule and regulation of the board; and
- (5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation *or limitation* of a license *or public or private censure of a licensee* may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement *of a revoked licensee* shall be accompanied by the ~~licensing~~ *license renewal fee and the license* reinstatement fee established under K.S.A. 65-5509 and amendments thereto.

(c) The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Section 8. K.S.A. 65-5512 is hereby amended to read as follows:

K.S.A. 65-5512. (a) Licenses issued under this act shall ~~be effective for a period of one year and shall~~ expire *on the date of expiration established by rules and regulations of the board at the end of such period of time* unless renewed in the manner prescribed by the board, ~~upon the payment of the license renewal fee established under K.S.A. 65-5509 and amendments thereto.~~ *The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-5509 and amendments thereto.* The board may establish additional requirements for license renewal which provide evidence of continued competency. ~~The board may provide for the~~

late renewal of a license upon the payment of a late fee established under K.S.A. 65-5509 and amendments thereto, but no such late renewal of a license may be granted more than five years after its expiration:

(b) At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the license has been reinstated under subsection (c).

(c) Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirement for reinstatement of licenses canceled for failure to renew.

~~*(b) (d) A person whose license is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the license renewal fee and any late fee that may be applicable.*~~

Section 9. K.S.A. 65-7208 is hereby amended to read as follows:

K.S.A. 65-7208. (a) The board may deny, refuse to renew, suspend, ~~or~~ revoke *or limit* a registration *or the registrant may be publicly or privately censured* where the registrant or applicant for registration has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

- (1) Obtaining a registration by means of fraud, misrepresentation or concealment of material facts;
- (2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;
- (3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a naturopathic doctor;
- (4) violating any lawful order or rule and regulation of the board; and
- (5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation *or limitation* of a registration *or public or private censure of a registrant* may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a registration, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement *of a revoked registration* shall be accompanied by the registration *renewal fee and the registration* reinstatement fee established under K.S.A. 65-7207 and amendments thereto.

~~*(c) The provisions of this section shall take effect on and after January 1, 2003. The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a registrant for unprofessional conduct in*~~

an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Section 10. K.S.A. 65-7209 is hereby amended to read as follows:

K.S.A. 65-7209. (a) Registrations issued under this act shall ~~be effective for a period of one year and shall~~ expire *on the date of expiration established by rules and regulations of the board at the end of such period of time* unless renewed in the manner prescribed by the board, ~~upon the payment of the registration renewal fee established under K.S.A. 65-7207 and amendments thereto. The request for renewal shall be accompanied by the registration renewal fee established pursuant to K.S.A. 65-7207 and amendments thereto.~~ The board may establish additional requirements for registration renewal which provide evidence of continued competency. The board for registration renewal shall require completion of at least 25 hours annually of continuing education approved by the board. ~~The board may provide for the late renewal of a registration upon the payment of a late fee established under K.S.A. 65-7207 and amendments thereto, but no such late renewal of a registration may be granted more than five years after its expiration.~~

(b) *At least 30 days before the expiration of a registrant's registration, the board shall notify the registrant of the expiration by mail addressed to the registrant's last mailing address as noted upon the office records. If the registrant fails to pay the renewal fee by the date of expiration, the registrant shall be given a second notice that the registration has expired and the registration may be renewed only if the registration renewal fee and the registration late renewal additional fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the registration shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the registration has been reinstated under subsection (c).*

(c) *Any registration canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the registration reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirement for reinstatement of registrations canceled for failure to renew.*

(b) (d) *A person whose registration is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the registration was suspended. ~~If a registration revoked on disciplinary grounds is reinstated, the registrant, as a condition of reinstatement, shall pay the registration renewal fee and any late fee that may be applicable.~~*

~~(c) The provisions of this section shall take effect on and after January 1, 2003.~~

New Section 11. K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 2003 Supp. 65-2910 are hereby repealed.

New Section 12. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL NO. _____

AN ACT concerning the state board of healing arts; relating to actions taken by the board for unprofessional conduct, the expiration date of licenses and registrations issued by the board, and creating designations for certain licensees; amending K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 2003 Supp. 65-2910 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas.

Section 1. K.S.A. 65-2005 is hereby amended to read as follows: 65-2005. (a) A licensee shall be designated a licensed podiatrist and shall not use any title or abbreviations without the designation licensed podiatrist, practice limited to the foot, and shall not mislead the public as to such licensee's limited professional qualifications to treat human ailments. Whenever a registered podiatrist, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to refer to or designate a licensed podiatrist.

(b) The license of each licensed podiatrist shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license is renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-2012 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under K.S.A. 65-2012 and amendments thereto which shall be paid not later than the expiration date of the license. At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If a licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the licensee's license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, such licensee's license shall be canceled *by operation of law and without further proceedings* for failure to renew and shall be reissued only after the licensee has been reinstated under subsection (c).

(c) Any licensee who allows the licensee's license to be canceled by failing to renew may be reinstated upon recommendation of the board and upon payment of the renewal fee and the reinstatement fee established pursuant to K.S.A. 65-2012 and amendments thereto and upon submitting evidence of satisfactory completion of the applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses have been canceled for failure to renew.

(d) The board, prior to renewal of a license, shall require the licensee, if in the active practice of podiatry within Kansas, to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402 and amendments thereto and has paid the annual premium surcharge as required by K.S.A. 40-3404 and amendments thereto.

(e) The board may issue a temporary permit to practice podiatry in this state to any person making application for ~~such temporary permit upon a form provided by the board~~ a license to

~~practice podiatry who meets the requirements prescribed by the board — required qualifications for a license and who pays to the board the temporary permit fee established pursuant to K.S.A. 65-2012 and amendments thereto. A temporary permit shall authorize the permittee to practice within the limits of the permit until the license is issued or denied to the permittee by the board ; except that where a graduate podiatrist is working under the supervision of a licensed podiatrist in a training program approved by the board, the temporary permit issued to such graduate podiatrist shall be valid for the period of such training program.~~

(f) The board may issue a postgraduate permit to practice podiatry in this state to any person who is engaged in a full time, approved postgraduate study program; has made application for such postgraduate permit upon a form provided by the board; meets all the qualifications for a license, except the examination required under K.S.A. 65-2004 and amendments thereto; and has paid the fee established pursuant to K.S.A. 65-2012 and amendments thereto. The postgraduate permit shall authorize the person receiving the permit to practice podiatry in the postgraduate study program, but shall not authorize practice outside of the postgraduate study program. The postgraduate permit shall be canceled if the permittee ceases to be engaged in the postgraduate study program.

(g) The board may issue, upon payment to the board of the temporary license fee established pursuant to K.S.A. 65-2012 and amendments thereto, a temporary license to a practitioner of another state or country who is appearing as a clinician at meetings, seminars or training programs approved by the board, if the practitioner holds a current license, registration or certificate as a podiatrist from another state or country and the sole purpose of such appearance is for promoting professional education.

(h) There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an exempt license established under K.S.A. 65-2012 and amendments thereto. The board may issue an exempt license only to a person who has previously been issued a license to practice podiatry within Kansas, who is no longer regularly engaged in such practice and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of podiatry. Each exempt license may be renewed annually subject to the other provisions of this section and other sections of the podiatry act. Each exempt licensee shall be subject to all provisions of the podiatry act, except as otherwise provided. The holder of an exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education required under the podiatry act. Each exempt licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board and submitting evidence of satisfactory completion of the applicable and continuing education requirements established by the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established under K.S.A. 65-2012 and amendments thereto. The board shall adopt rules and regulations establishing appropriate and continuing education requirements for exempt licensees to become licensed to regularly practice podiatry within Kansas.

(i) There is hereby created a designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to K.S.A. 65-2012 and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice podiatry in Kansas, who is not regularly engaged in the practice of podiatry in Kansas, who does not hold oneself out to the public as being

professionally engaged in such practice and who meets the definition of inactive health care provider as defined in K.S.A. 40-3401 and amendments thereto. An inactive license shall not entitle the holder to practice podiatry in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the podiatry act, except as otherwise provided in this subsection (i). The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-2010 and amendments thereto. Each inactive licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2012 and amendments thereto. For those licensees whose license has been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice podiatry within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of podiatry or engaged in a formal education program since the licensee has been inactive may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(j) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes written application for such license on a form provided by the board and remits the same fee required for a license established under K.S.A. 65-2012 and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice podiatry in Kansas and who practices podiatry solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who, in addition to such employment or assignment, provides professional services as a charitable health care provider as defined under K.S.A. 75-6102 and amendments thereto. The provisions of subsections (b) and (c) of this section relating to expiration, renewal and reinstatement of a license and K.S.A. 65-2010 and amendments thereto relating to continuing education shall be applicable to a federally active license issued under this subsection. A person who practices under a federally active license shall not be deemed to be rendering professional service as a health care provider in this state for purposes of K.S.A. 40-3402 and amendments thereto.

(k) Each license or permit granted under this act shall be conspicuously displayed at the office or other place of practice of the licensee or permittee.

(l) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by a reinstatement of a revoked license fee established by the board under K.S.A. 65-2012 and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license. If the board determines a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

Section 2. K.S.A. 65-2012 is hereby amended to read as follows:

The following fees shall be established by rules and regulations adopted by the board and shall be collected by the board:

(a) For a license to practice podiatry *or an inactive license or federally active license* , issued on the basis of an examination, an amount of not more than \$300;

(b) for a license to practice podiatry *or an inactive license or federally active license* , issued without examination and by endorsement, an amount of not more than \$300;

~~(c) for a license to practice podiatry, issued upon request of an exempt licensee, an amount of not more than \$300;~~

~~(d) for an exempt license or renewal of an exempt license, an amount of not more than \$300;~~

~~(e)~~(c) for the ~~annual~~ renewal of a license to practice podiatry *or a federally active license* , an amount of not more than ~~\$300~~ \$500 ;

~~(d)~~ for the renewal of an exempt license, an amount of not more than \$150;

~~(e)~~ for the renewal of an inactive license, an amount of not more than \$150;

(f) for late renewal of any license, an amount of not more than ~~\$200~~ \$500 ;

(g) for reinstatement of a ~~licensee whose~~ license ~~lapsed~~ *canceled* for failure to renew, an amount of not more than ~~\$200~~ \$300 ;

(h) for a temporary permit *or postgraduate permit* , an amount of not more than \$60;

(i) for a temporary license, an amount of not more than \$50;

(j) for any examination given by the board, an amount equal to the cost to the board of the examination and its administration;

(k) for a certified statement from the board that a licensee is licensed to practice podiatry in this state, an amount of not more than \$30;

(l) for any copy of any license issued by the board, an amount of not more than \$30; ~~and~~

(m) for written verification of any license issued by the board, ~~in~~ an amount of not more than \$25 ; ;

~~(n) for conversion of an exempt or inactive license to a license to practice podiatry, an amount of not more than \$300; and~~

~~(o) for reinstatement of a revoked license, an amount of not more than \$1000.~~

Section 3. K.S.A. 65-28a03 is hereby amended to read as follows:

K.S.A. 65-28a03. (a) ~~The state board of healing arts shall all maintain a registry of the names of physician assistants who may engage in active practice. No person's name shall be entered on the registry of physician assistants unless such person has:~~

~~(1) Presented to the state board of healing arts proof of current licensure;~~

~~(2) presented to the board a request signed by the applicant's proposed responsible physician on a form provided by the board which shall contain such information as required by rules and regulations adopted by the board.~~

~~(b) A person's name may be removed from the registry of physician assistants who may engage in private practice if:~~

~~(1) The person whose name is entered on the registry as a licensed physician assistant requests or consents to the removal thereof;~~

~~(2) the state board of healing arts determines that the person whose name is entered on the registry as a licensed physician assistant has not been employed as a physician assistant or as a teacher or instructor of persons being educated and trained to become a physician assistant in a course of education and training approved by the state board of healing arts under this act and amendments thereto at sometime during the five years immediately~~

preceding the date of such determination.

(3) the board determines, after notice and opportunity to be heard, in accordance with the provisions of the Kansas administrative procedure act, that a physician assistant has violated any provision of this act and amendments thereto, or any rules and regulations adopted pursuant thereto; or

(4) the board determines, after notice and opportunity to be heard, in accordance with the provisions of the Kansas administrative procedure act, that the request by the proposed responsible physician pursuant to this act and amendments thereto should not be approved.

(c) The state board of healing arts may remove a person's name from the registry as a licensed physician assistant or may refuse to place a person's name on the registry as a licensed physician assistant if the board determines, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a physician assistant has exceeded or has acted outside the scope of authority given the physician assistant by the responsible physician or by this act. *As a condition of engaging in active practice as a physician assistant in this state, each licensed physician assistant shall file a request to engage in active practice signed by the physician assistant and the physician who will be the responsible physician for the physician assistant. The request shall contain such information as required by rules and regulations adopted by the board. The board shall maintain a list of the names of physician assistants who may engage in active practice in this state.*

(d) (b) All licenses, except temporary licenses, shall expire on the date of expiration established by rules and regulations of the state board of healing arts and may be renewed as required by the board. The request for renewal shall be on a form provided by the state board of healing arts and shall be accompanied by the renewal fee established pursuant to this section, which shall be paid not later than the expiration date of the license.

(e) (c) At least 30 days before the expiration of the license of a physician assistant, except a temporary license, the state board of healing arts shall notify the licensee of the expiration by mail addressed to the licensee's last ~~place of residence~~ *mailing address* as noted upon the office records of the board. If the licensee fails to pay the renewal fee by the date of expiration of the license, the licensee shall be given a second notice that the licensee's license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the state board of healing arts within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, the license shall be ~~considered to have lapsed~~ *deemed canceled by operation of law without further proceedings* for failure to renew and shall be reissued only after the ~~physician assistant~~ *license* has been reinstated under subsection (f)(d).

(f) (d) Any ~~licensee who allows the licensee's~~ *license to lapse by failing* ~~license~~ *to lapse by failing* ~~to renew as herein provided may be reinstated upon recommendation of the state board of healing arts and upon payment of the renewal fee and the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of persons whose licenses have lapsed~~ *canceled* for failure to renew.

(e) *There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to subsection (g) of this section. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physician assistant and who does not engage in active*

practice as a physician assistant in the state of Kansas. An inactive license shall not entitle the holder to engage in active practice. The provisions of subsections (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by presenting a request required by subsection (a) of this section. The request shall be accompanied by the fee established pursuant to subsection (g) of this section.

(f) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes a written application for such license on a form provided by the board and remits the same fee required for a license established under subsection (g) of this section. The board may issue a federally active license only to a person who meets all the requirements for a license to practice as a physician assistant and who practices as a physician assistant solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. The provisions of subsection (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to a federally active license issued under this subsection. Each federally active licensee may apply to engage in active practice by presenting a request required by subsection (a) of this section.

(g) The following fees shall be fixed by rules and regulations adopted by the state board of healing arts and shall be collected by the board:

- (1) For ~~any licensure~~ license as a physician assistant, the sum of not more than \$200;
- (2) for temporary licensure as a physician assistant, the sum of not more than \$30;
- (3) for the renewal of a license to practice as a physician assistant or a federally active license, the sum of not more than \$150;
- (4) for renewal of an inactive license, the sum of not more than \$150;
- ~~(4)~~ (5) for the late renewal of any license as a physician assistant, the sum of not more than \$250;
- ~~(5)~~ (6) for reinstatement of a physician assistant whose license has been canceled for failure to renew, the sum of not more than \$250;
- ~~(6)~~ (7) for a certified statement from the board that a physician assistant is licensed in this state, the sum of not more than \$30; ~~and~~
- ~~(7)~~ (8) for a copy of the licensure certificate of a physician assistant, the sum of not more than \$25; and
- (9) for conversion of an inactive license to a license to actively practice as a physician assistant or a federally active license, the sum of not more than \$150.

~~(h)~~ (j) The state board of healing arts shall remit all moneys received by or for the board under the provisions of this act to the state treasurer and such money shall be deposited in the state treasury, credited to the state general fund and the healing arts fee fund and expended all in accordance with K.S.A. 65-2855 and amendments thereto.

~~(i)~~ (k) The board may promulgate all necessary rules and regulations for carrying out the provisions of this act.

Section. 4. K.S.A. 65-2910 as amended by L. 2003 Ch. 128, Sec. 7 is hereby further amended to read as follows:

K.S.A. 65-2910. (a) The license of every licensed physical therapist and the certification of every certified physical therapist assistant shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license or certificate is renewed for a period of time of less than one year, the

board may prorate the amount of the fee established under K.S.A. 65-2911 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under to K.S.A. 65-2911 and amendments thereto which shall be paid not later than the expiration date of the registration license or certificate.

(b) The board shall require every licensed physical therapist or certified physical therapist assistant as a condition of renewal to submit with the application for a renewal evidence of satisfactory completion of a program of continuing education required by the board. The board shall establish the requirements for each such program of continuing education by rules and regulations. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to licensed physical therapists or certified physical therapist assistants.

(c) At least 30 days before the expiration of the license of a physical therapist or the certificate of a physical therapist assistant, the board shall notify the licensee or certificate holder of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee or certificate holder fails to pay the renewal fee by the date of expiration, the licensee or certificate holder shall be given a second notice that the license or certificate has expired and the license or certificate may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license or certificate shall be canceled for failure to renew and shall be reissued only after the physical therapist or physical therapist assistant has been reinstated under subsection (d).

(d) Any licensee or certificate holder who allows the license or certificate to be canceled by failing to renew may be reinstated upon recommendation of the board and, upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses or certificates have been canceled for failure to renew.

(e) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any physical therapist who makes written application for a license as a physical therapist on a form provided by the board and remits the fee established pursuant to K.S.A. 2003 Supp. 65-2911. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physical therapist and who does not actively practice as a physical therapist in this state. An inactive license shall not entitle the holder to render professional services as a physical therapist in this state. The provisions of subsections (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by providing to the board proof that a policy of professional liability insurance will be maintained in compliance with L. 2003, Chapter 128, New Section 29, and rules and regulations adopted by the board.

Section 5. K.S.A. 65-5410 is hereby amended to read as follows:

K.S.A. 65-5410. (a) The board may deny, refuse to renew, suspend, ~~or~~ revoke, or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

- (2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;
- (3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant;
- (4) violating any lawful order or rule and regulation of the board; and
- (5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation or limitation of a license or public or private censure of a licensee may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. *An application for reinstatement of a revoked license shall be accompanied by the license renewal fee and the license reinstatement fee established under K.S.A. 65-5409 and amendments thereto.*

(c) *The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.*

Section 6. K.S.A. 65-5412 is hereby amended to read as follows:

K.S.A. 65-5412. (a) Licenses issued under this act shall ~~be effective for a period of one year and shall~~ expire ~~on the date of expiration established by rules and regulations of the board at the end of such period of time~~ unless renewed in the manner prescribed by the board ~~, upon the payment of the license renewal fee established under K.S.A. 65-5409 and amendments thereto~~. ~~The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-5409 and amendments thereto.~~ The board may establish additional requirements for licensure ~~or registration~~ renewal which provide evidence of continued competency. ~~The board may provide for the late licensure or renewal of a license or registration upon the payment of a late fee established under K.S.A. 65-5409 and amendments thereto, but no such late renewal of a license or registration may be granted more than five years after its expiration.~~

(b) *At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reinstated only after the licensee has been reinstated under subsection (c).*

(c) *Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the renewal fee and the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education*

requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirement for reinstatement of licenses canceled for failure to renew.

~~(b) (d)~~ A person whose license ~~or registration~~ is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the license ~~or registration~~ was suspended. ~~If a license or registration revoked on disciplinary grounds is reinstated, the licensee or registrant, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.~~

Section 7. K.S.A. 65-5510 is hereby amended to read as follows:

K.S.A. 65-5510. (a) The board may deny, refuse to renew, suspend, ~~or~~ revoke ~~or limit~~ a license ~~or the licensee may be publicly or privately censured~~ where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

- (1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;
- (2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;
- (3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a respiratory therapist;
- (4) violating any lawful order or rule and regulation of the board; and
- (5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation ~~or limitation~~ of a license ~~or public or private censure of a licensee~~ may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement ~~of a revoked licensee~~ shall be accompanied by the ~~licensing~~ license renewal fee and the license reinstatement fee established under K.S.A. 65-5509 and amendments thereto.

(c) The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Section 8. K.S.A. 65-5512 is hereby amended to read as follows:

K.S.A. 65-5512. (a) Licenses issued under this act shall ~~be effective for a period of one year and shall~~ expire on the date of expiration established by rules and regulations of the board at the end of such period of time unless renewed in the manner prescribed by the board, upon the payment of the license renewal fee established under K.S.A. 65-5509 and amendments thereto. The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-5509 and amendments thereto. The board may establish additional requirements for license renewal which provide evidence of continued competency. ~~The board may provide for the~~

~~late renewal of a license upon the payment of a late fee established under K.S.A. 65-5509 and amendments thereto, but no such late renewal of a license may be granted more than five years after its expiration.~~

(b) ~~At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reinstated only after the licensee has been reinstated under subsection (c).~~

(c) ~~Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirement for reinstatement of licenses canceled for failure to renew.~~

~~(b) (d) A person whose license is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the license renewal fee and any late fee that may be applicable.~~

Section 9. K.S.A. 65-7208 is hereby amended to read as follows:

K.S.A. 65-7208. (a) The board may deny, refuse to renew, suspend, ~~or~~ revoke ~~or limit~~ a registration ~~or the registrant may be publicly or privately censured~~ where the registrant or applicant for registration has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

- (1) Obtaining a registration by means of fraud, misrepresentation or concealment of material facts;
- (2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;
- (3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a naturopathic doctor;
- (4) violating any lawful order or rule and regulation of the board; and
- (5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation ~~or limitation~~ of a registration ~~or public or private censure of a registrant~~ may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a registration, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement ~~of a revoked registration~~ shall be accompanied by the registration ~~renewal fee and the registration~~ reinstatement fee established under K.S.A. 65-7207 and amendments thereto.

(c) ~~The provisions of this section shall take effect on and after January 1, 2003.~~ The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a registrant for unprofessional conduct in

an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Section 10. K.S.A. 65-7209 is hereby amended to read as follows:

K.S.A. 65-7209. (a) Registrations issued under this act shall ~~be effective for a period of one year and shall~~ expire on the date of expiration established by rules and regulations of the board ~~at the end of such period of time~~ unless renewed in the manner prescribed by the board ~~, upon the payment of the registration renewal fee established under K.S.A. 65-7207 and amendments thereto. The request for renewal shall be accompanied by the registration renewal fee established pursuant to K.S.A. 65-7207 and amendments thereto.~~ The board may establish additional requirements for registration renewal which provide evidence of continued competency. The board for registration renewal shall require completion of at least 25 hours annually of continuing education approved by the board. ~~The board may provide for the late renewal of a registration upon the payment of a late fee established under K.S.A. 65-7207 and amendments thereto, but no such late renewal of a registration may be granted more than five years after its expiration.~~

(b) At least 30 days before the expiration of a registrant's registration, the board shall notify the registrant of the expiration by mail addressed to the registrant's last mailing address as noted upon the office records. If the registrant fails to pay the renewal fee by the date of expiration, the registrant shall be given a second notice that the registration has expired and the registration may be renewed only if the registration renewal fee and the registration late renewal additional fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the registration shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the registration has been reinstated under subsection (c).

(c) Any registration canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the registration reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirement for reinstatement of registrations canceled for failure to renew.

~~(b) (d)~~ (d) A person whose registration is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the registration was suspended. ~~If a registration revoked on disciplinary grounds is reinstated, the registrant, as a condition of reinstatement, shall pay the registration renewal fee and any late fee that may be applicable.~~

~~(c) The provisions of this section shall take effect on and after January 1, 2003.~~

New Section 11. K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 2003 Supp. 65-2910 are hereby repealed.

New Section 12. This act shall take effect and be in force from and after its publication in the statute book.