

CHAPTER 55
SENATE BILL No. 426

AN ACT concerning institutional licenses under the Kansas healing arts act; amending K.S.A. 65-2895 and repealing the existing section.

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

Section 1. K.S.A. 65-2895 is hereby amended to read as follows: 65-2895. (a) There is hereby created ~~a designation of an~~ institutional license which may be issued by the board to a person who:

(1) Is a graduate of an accredited school of ~~the healing arts medicine or osteopathic medicine~~ or a school which has been in operation for not less than 15 years and the graduates of which have been licensed in another state or states which have standards similar to Kansas;

(2) *has completed at least two years in a postgraduate training program in the United States approved by the board;* and

(3) who is employed as provided in this section.

(b) Subject to the restrictions of this section, the institutional license shall confer upon the holder the right and privilege to practice ~~that branch of the healing arts in which the holder of the institutional license is proficient~~ *medicine and surgery* and shall obligate the holder to comply with all requirements of such license.

(c) The practice privileges of institutional license holders are restricted ~~as follows: The institutional license and~~ shall be valid only during the period in which:

(1) The holder is employed by *any institution within* the department of social and rehabilitation services, employed by any institution within the department of corrections or employed pursuant to a contract entered into by the department of social and rehabilitation services or the department of corrections with a third party, and only within the institution to which the holder is assigned;

(2) the holder ~~was issued an institutional license prior to May 8, 1997, has been employed for at least three years as described in subsection (c)(1)~~ and is employed to provide mental health services in the employ of a Kansas licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, or a contractor of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a medical care facility licensed under K.S.A. 65-425 *et seq.*, and amendments thereto, in a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto, or a contractor of such educational institution, medical care facility or psychiatric hospital, and whose practice, in any such employment, is limited to providing mental health services, is a part of the duties of such licensee's paid position and is performed solely on behalf of the employer; or

(3) the holder ~~was issued an institutional license prior to May 8, 1997, and is providing mental health services pursuant to a written protocol with a person who holds a license to practice medicine and surgery other than an institutional license~~ *has been employed for at least three years as described in subsection (c)(1) and is providing mental health services pursuant to a written protocol with a person who holds a license to practice medicine and surgery other than an institutional license.*

~~(b) (d)~~ (d) An institutional license shall be valid for a period of two years after the date of issuance and may be renewed for ~~additional two-year periods~~ if the applicant for renewal ~~is eligible to obtain an institutional license under this section, has successfully completed the examination required under subsection (a)(3) of K.S.A. 65-2873 and amendments thereto~~ *meets the requirements under subsection (c) of this section, has submitted an application for renewal on a form provided by the board, has paid the renewal fee established by rules and regulations of the board of not to exceed \$500 and has submitted evidence of satisfactory completion of a program of continuing education required by the board. The board shall require each applicant for renewal of an institutional license under this section to submit evidence of satisfactory completion of a program of continuing education required by the board of licensees of the branch of the healing arts in which the applicant is proficient. In addition, an applicant for renewal who is employed as described in subsection (c)(1) shall submit with the application for renewal a recommendation that the*

institutional license be renewed signed by the superintendent of the institution to which the institutional license holder is assigned.

~~(e) Notwithstanding the provisions of subsection (b), an institutional license may be renewed once for two years if the holder was issued an institutional license prior to May 8, 1997, has successfully completed two years of postgraduate training in the United States and has submitted evidence of satisfactory completion of a program of continuing education required by the board.~~

~~(d) (e) Nothing in this section shall prohibit any person who was issued an institutional license prior to the effective date of this act from having the institutional license reinstated by the board if the person meets the requirements for an institutional license described in subsection (a).~~

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

Sec. 2. K.S.A. 65-2895 is hereby repealed.

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

Approved April 12, 2004.

Published in the *Kansas Register* April 15, 2004.
