

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2673** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

- On page 1, in line 15, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 6, in line 39, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 9, in line 13, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 11, in line 5, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 20, in line 40, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 21, in line 19, before "K.S.A." by inserting "On and after July 1, 2015,";
- in line 42, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 25, in line 25, before "K.S.A." by inserting "On and after July 1, 2015,";
- in line 41, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 26, in line 36, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 31, in line 6, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 34, in line 28, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 35, in line 18, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 36, in line 14, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 38, in line 8, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 28, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 39, in line 37, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 40, in line 12, before "K.S.A." by inserting "On and after July 1, 2015,";
in line 37, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 41, in line 1, before "K.S.A." by inserting "On and after July 1, 2015,"; in
line 11, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 42, in line 3, before "K.S.A." by inserting "On and after July 1, 2015,"; in
line 10, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 22, before
"K.S.A." by inserting "On and after July 1, 2015,"; in line 32, before "K.S.A." by
inserting "On and after July 1, 2015,";

On page 43, in line 4, before "K.S.A." by inserting "On and after July 1, 2015,"; in
line 14, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 24, before
"K.S.A." by inserting "On and after July 1, 2015,"; in line 40, before "K.S.A." by
inserting "On and after July 1, 2015,";

On page 44, in line 28, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 46, in line 18, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 47, in line 13, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 48, in line 10, before "K.S.A." by inserting "On and after July 1, 2015,";
in line 21, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 30, before
"K.S.A." by inserting "On and after July 1, 2015,";

On page 49, in line 13, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 50, in line 32, by striking "act" and inserting "section"; in line 37, before

"K.S.A." by inserting "On and after July 1, 2015,";

On page 51, in line 13, before "K.S.A." by inserting "On and after July 1, 2015,";
in line 35, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 52, in line 2, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 53, in line 19, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 54, in line 14, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 55, in line 6, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 57, in line 27, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 59, in line 12, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 60, in line 5, before "K.S.A." by inserting "On and after July 1, 2015,"; in
line 17, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 62, in line 15, before "K.S.A." by inserting "On and after July 1, 2015,";
in line 32, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 63, in line 22, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 68, in line 24, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 70, in line 34, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 71, in line 16, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 73, in line 1, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 75, following line 1, by inserting:

"(c) This section shall take effect on and after July 1, 2015.";

Also on page 75, following line 43, by inserting:

"(f) This section shall take effect on and after July 1, 2015.";

On page 76, following line 13, by inserting:

"(e) This section shall take effect on and after July 1, 2015.";

On page 77, following line 6, by inserting:

"(d) This section shall take effect on and after July 1, 2015.

Sec. 59. On and after July 1, 2015, K.S.A. 2013 Supp. 65-28,131 is hereby amended to read as follows: 65-28,131. (a) ~~On and after July 1, 2010,~~ The board shall make available, unless otherwise prohibited by law, on a searchable website which shall be accessible by the public, the following information, which has been reported to the board, regarding licensees:

(1) The licensee's full name, business address, telephone number, license number, type, status and expiration date;

(2) the licensee's practice specialty, if any, and board certifications, if any;

(3) any public disciplinary action taken against the licensee by the board or by the licensing agency of any state or other country in which the licensee is currently licensed or has been licensed in the past;

(4) any involuntary limitation, denial, revocation or suspension of the licensee's staff membership or clinical privileges at any hospital or other health care facility, and the name of the hospital or facility, the date the action was taken, a description of the action, including any terms and conditions of the action and whether the licensee has fulfilled the conditions of the action;

(5) any involuntary surrender of the licensee's drug enforcement administration registration; and

(6) any final criminal conviction ~~or plea arrangement~~ resulting from the commission ~~or alleged commission~~ of a felony in any state or country.

(b) Any person applying for an active license, including a renewal or reinstatement license, shall provide the information required in subsection (a) on forms or in a manner determined by the board by rule and regulation.

(c) At the time of licensure or renewal, a licensee may add a statement to such licensee's profile as it appears on the website created herein. Such statement may provide further explanation of any disciplinary information contained in such licensee's profile.

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

Sec. 60. K.S.A. 65-2001 is hereby amended to read as follows: 65-2001. As used in the podiatry act, unless the context otherwise requires:

(a) "Board" means the state board of healing arts.

(b) "Podiatrist" means one practicing podiatry.

(c) "Podiatry" means the diagnosis and medical and surgical treatment of all illnesses of the human foot, including the ankle and tendons which insert into the foot as well as the foot, subject to subsection (d) of K.S.A. 65-2002, and amendments thereto.

Sec. 61. K.S.A. 65-2002 is hereby amended to read as follows: 65-2002. (a) It shall be unlawful for any person to profess to be a podiatrist, to practice or assume the duties incidental to podiatry, to advertise or hold oneself out to the public as a podiatrist,

or to use any sign or advertisement with the word or words podiatrist, foot specialist, foot correctionist, foot expert, practapedist or chiropodist, or any other term or terms indicating that such person is a podiatrist or that such person practices or holds oneself out as practicing podiatry or foot correction in any manner, without first obtaining from the board a license authorizing the practice of podiatry in this state, except as hereinafter provided.

(b) A licensed podiatrist shall be authorized to prescribe such drugs or medicine, and to perform such surgery on the human foot ~~or toes~~, ankle and tendons that insert into the foot, including amputation of the toes or part of the foot, as may be necessary to the proper practice of podiatry, but no podiatrist shall amputate the human foot or administer any anesthetic other than local.

(c) This act shall not prohibit the recommendation, advertising, fitting or sale of corrective shoes, arch supports, or similar mechanical appliances, or foot remedies by manufacturers, wholesalers or retail dealers.

(d) No podiatrist shall perform surgery on the ankle unless such person has completed a three-year post-doctoral surgical residency program in reconstructive rearfoot/ankle surgery and is either board certified or board qualified progressing to board certification in reconstructive rearfoot/ankle surgery by a nationally recognized certifying organization acceptable to the board. Surgical treatment of the ankle by a podiatrist shall be performed only in a medical care facility, as defined in K.S.A. 65-425, and amendments thereto.

(e) Not later than 90 days after the effective date of this act, the board shall appoint a five-member committee to be known as the podiatry interdisciplinary advisory committee. Such committee shall advise and make recommendations to the board on matters relating to licensure of podiatrists to perform surgery on the ankle pursuant to subsection (d). The podiatry interdisciplinary advisory committee shall consist of five members:

(1) One member of the board appointed by the board who shall serve as a nonvoting chairperson;

(2) two persons licensed to practice medicine and surgery specializing in orthopedics, chosen by the board from four names submitted by the Kansas medical society; and

(3) two podiatrists, at least one of whom shall have completed an accredited residency in foot and ankle surgery, chosen by the board from four names submitted by the Kansas podiatric medical association.

Members appointed to such committee shall serve at the pleasure of the board without compensation. All expenses of the committee shall be paid by the board. The provisions of this subsection shall expire on July 1, 2018.

Sec. 62. K.S.A. 65-2004 is hereby amended to read as follows: 65-2004. (a) Except as provided in subsection (b) of K.S.A. 65-2003, and amendments thereto, each applicant for a license to practice podiatry shall be examined by the board in the following subjects: Anatomy, bacteriology, chemistry, dermatology, histology, pathology,

physiology, pharmacology and medicine, diagnosis, therapeutics, and clinical podiatry and surgery, limited in their scope to the treatment of the human foot, including the ankle and tendons which insert into the foot as well as the foot. If the applicant possesses the qualifications required by K.S.A. 65-2003, and amendments thereto, completes the examination prescribed with the passing grade as established by rules and regulations of the board and pays to the board the license fee established pursuant to K.S.A. 65-2012, and amendments thereto, such applicant shall be issued a license by the board to practice podiatry in this state.

(b) Each applicant before taking the examination shall pay to the board the examination fee established pursuant to K.S.A. 65-2012, and amendments thereto. Any applicant failing the examination may have a reexamination in accordance with criteria established by rules and regulations of the board, which criteria may limit the number of times an applicant may retake the examination.

Sec. 63. K.S.A. 2013 Supp. 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 human foot, including the ankle and tendons which insert into the foot as well as 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 a license to practice podiatry who meets the 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.

(f) The board may issue a postgraduate permit to practice podiatry to any person 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. 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 Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

Sec. 64. K.S.A. 65-2001, 65-2002 and 65-2004 and K.S.A. 2013 Supp. 65-2005 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 77, in line 7, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 14, following "65-28,127," by inserting "65-28,131,"; in line 17, by striking "July 1, 2015 and"; also in line 17, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, before "amending" by inserting "the podiatry act,"; also in line 2, following "K.S.A." by inserting "65-2001, 65-2002, 65-2004,"; in line 8, before "65-2802" by inserting "65-2005,"; in line 9, following "65-28,127," by inserting "65-28,131,";

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House