

## HOUSE BILL No. 2390

By Committee on Federal and State Affairs

3-1

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1 AN ACT concerning public health; relating to the physician assistant  
2 licensure act; amending K.S.A. 65-2412, 65-28a02, 65-28a04, 65-  
3 28a06, 65-28a07, 65-28a08, 65-28a09 and 65-28a11 and K.S.A. 2012  
4 Supp. 65-28a03, 65-28a05 and 65-28a10 and repealing the existing  
5 sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 65-28a02 is hereby amended to read as follows: 65-  
9 28a02. (a) The following words and phrases when used in the physician  
10 assistant licensure act shall have the meanings respectively ascribed to  
11 them in this section:

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

13 (2) "Direction and supervision" means the guidance, direction and  
14 coordination of activities of a physician assistant by such physician  
15 assistant's ~~responsible or designated~~ *supervising* physician, whether  
16 written or verbal, whether immediate or by prior arrangement, in  
17 accordance with standards established by the board by rules and  
18 regulations, which standards shall be designed to ensure adequate direction  
19 and supervision by the ~~responsible or designated~~ *supervising* physician of  
20 the physician assistant. The term "direction and supervision" shall not be  
21 construed to mean that the immediate or physical presence of the  
22 ~~responsible or designated~~ *supervising* physician is required during the  
23 performance of the physician assistant.

24 (3) "Physician" means any person licensed by the state board of  
25 healing arts to practice medicine and surgery.

26 (4) "Physician assistant" means a person who is licensed in  
27 accordance with the provisions of K.S.A. 65-28a04, and amendments  
28 thereto, and who provides patient services under the direction and  
29 supervision of a ~~responsible~~ *supervising* physician.

30 (5) "~~Responsible~~ *Supervising* physician" means a physician who has  
31 accepted ~~continuous and ultimate~~ responsibility for the medical services  
32 rendered and actions of the physician assistant while performing under the  
33 direction and supervision of the ~~responsible~~ *supervising* physician.

34 (6) "~~Designated~~ *physician*" means a physician ~~designated by the~~  
35 ~~responsible physician to ensure direction and supervision of the physician~~  
36 ~~assistant.~~

1       ~~(7)~~ (6) "Licensee" for purposes of the physician assistant licensure  
2 act, means all persons issued a license or temporary license pursuant to the  
3 physician assistant licensure act.

4       ~~(8)~~ (7) "License" for purposes of the physician assistant licensure act,  
5 means any license or temporary license granted by the physician assistant  
6 licensure act.

7       Sec. 2. K.S.A. 2012 Supp. 65-28a03 is hereby amended to read as  
8 follows: 65-28a03. (a) As a condition of engaging in active practice as a  
9 physician assistant, each licensed physician assistant shall file a request to  
10 engage in active practice signed by the physician assistant and the  
11 physician who will be responsible for the physician assistant. The request  
12 shall contain such information as required by rules and regulations adopted  
13 by the board. ~~The board shall maintain a list of the names of physician~~  
14 ~~assistants who may engage in active practice in this state.~~

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

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

34       (d) Any license canceled for failure to renew as herein provided may  
35 be reinstated upon recommendation of the state board of healing arts and  
36 upon payment of the reinstatement fee and upon submitting evidence of  
37 satisfactory completion of any applicable continuing education  
38 requirements established by the board. The board shall adopt rules and  
39 regulations establishing appropriate continuing education requirements for  
40 reinstatement of licenses canceled for failure to renew.

41       (e) There is hereby created the designation of inactive license. The  
42 board is authorized to issue an inactive license to any licensee who makes  
43 written application for such license on a form provided by the board and

1 remits the fee for an inactive license established pursuant to subsection ~~(g)~~  
2 *(f)* of this section. The board may issue an inactive license only to a person  
3 who meets all the requirements for a license to practice as a physician  
4 assistant and who does not engage in active practice as a physician  
5 assistant in the state of Kansas. An inactive license shall not entitle the  
6 holder to engage in active practice. The provisions of subsections (c) and  
7 (d) of this section relating to expiration, renewal and reinstatement of a  
8 license shall be applicable to an inactive license issued under this  
9 subsection. Each inactive licensee may apply to engage in active practice  
10 by presenting a request required by subsection (a). The request shall be  
11 accompanied by the fee established pursuant to subsection ~~(g)~~ *(f)*.

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

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

28 (1) For any license as a physician assistant, the sum of not more than  
29 \$200;

30 (2) *for any license by endorsement as a physician assistant, the sum  
31 of not more than \$200;*

32 ~~(2) (3)~~ for temporary licensure as a physician assistant, the sum of not  
33 more than \$30;

34 ~~(3) (4)~~ for the renewal of a license to practice as a physician assistant  
35 ~~or a federally active license~~, the sum of not more than \$150;

36 ~~(4) (5)~~ for renewal of an inactive license, the sum of not more than  
37 \$150;

38 ~~(5) (6)~~ for the late renewal of any license as a physician assistant, the  
39 sum of not more than \$250;

40 ~~(6) (7)~~ for reinstatement of a license canceled for failure to renew, the  
41 sum of not more than \$250;

42 ~~(7) (8)~~ for a certified statement from the board that a physician  
43 assistant is licensed in this state, the sum of not more than \$30;

1       (8) (9) for a copy of the licensure certificate of a physician assistant,  
2 the sum of not more than \$25; and

3       (9) (10) for conversion of an inactive license to a license to actively  
4 practice as a physician assistant ~~or a federally active license~~, the sum of  
5 not more than \$150.

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

11       (8) (h) The board may promulgate all necessary rules and regulations  
12 for carrying out the provisions of this act.

13       Sec. 3. K.S.A. 65-28a04 is hereby amended to read as follows: 65-  
14 28a04. (a) No person shall be licensed as a physician assistant by the state  
15 board of healing arts unless such person has:

16       (1) Presented to the state board of healing arts proof that the applicant  
17 has successfully completed a course of education and training approved by  
18 the state board of healing arts for the education and training of a physician  
19 assistant ~~or presented to the state board of healing arts proof that the~~  
20 ~~applicant has acquired experience while serving in the armed forces of the~~  
21 ~~United States which experience is equivalent to the minimum experience~~  
22 ~~requirements established by the state board of healing arts;~~

23       (2) passed an examination approved by the state board of healing arts  
24 covering subjects incident to the education and training of a physician  
25 assistant; and

26       (3) submitted to the state board of healing arts any other information  
27 the state board of healing arts deems necessary to evaluate the applicant's  
28 qualifications.

29       (b) The board may refuse to license a person as a physician assistant  
30 upon any of the grounds for which the board may revoke such license.

31       (c) The state board of healing arts shall require every physician  
32 assistant to submit with the renewal application evidence of satisfactory  
33 completion of a program of continuing education required by the state  
34 board of healing arts. The state board of healing arts by duly adopted rules  
35 and regulations shall establish the requirements for such program of  
36 continuing education as soon as possible after the effective date of this act.  
37 In establishing such requirements the state board of healing arts shall  
38 consider any existing programs of continuing education currently being  
39 offered to physician assistants.

40       (d) A person registered to practice as a physician assistant  
41 immediately prior to the effective date of this act shall be deemed to be  
42 licensed to practice as a physician assistant under this act, and such person  
43 shall not be required to file an original application for licensure under this

1 act. Any application for registration filed which has not been granted prior  
2 to February 1, 2001, shall be processed as an application for licensure  
3 under this act.

4 Sec. 4. K.S.A. 2012 Supp. 65-28a05 is hereby amended to read as  
5 follows: 65-28a05. A licensee's license may be revoked, suspended or  
6 limited, or the licensee may be publicly or privately censured, or an  
7 application for a license or for reinstatement of a license may be denied  
8 upon a finding of the existence of any of the following grounds:

9 (a) The licensee has committed an act of unprofessional conduct as  
10 defined by rules and regulations adopted by the board;

11 (b) the licensee has obtained a license by means of fraud,  
12 misrepresentations or concealment of material facts;

13 (c) the licensee has committed an act of professional incompetency as  
14 defined by rules and regulations adopted by the board;

15 (d) the licensee has been convicted of a felony;

16 (e) the licensee has violated any provision of this act ~~and amendments~~  
17 ~~thereto~~;

18 (f) the licensee has violated any lawful order or rule and regulation of  
19 the board;

20 (g) *the licensee has been found to be mentally ill, disabled, not guilty*  
21 *by reason of insanity, not guilty because the licensee suffers from a mental*  
22 *disease or defect or is incompetent to stand trial by a court of competent*  
23 *jurisdiction;*

24 (h) *the licensee has violated a federal law or regulation relating to*  
25 *controlled substances;*

26 (i) *the licensee has failed to report to the board any adverse action*  
27 *taken against the licensee by another state or licensing jurisdiction, a peer*  
28 *review body, a health care facility, a professional association or society, a*  
29 *governmental agency, by a law enforcement agency or a court for acts or*  
30 *conduct similar to acts or conduct which would constitute grounds for*  
31 *disciplinary action under this section;*

32 (j) *the licensee has surrendered a license or authorization to practice*  
33 *as a physician assistant in another state or jurisdiction, has surrendered*  
34 *the authority to utilize controlled substances issued by any state or federal*  
35 *agency, has agreed to a limitation to or restriction of privileges at any*  
36 *medical care facility or has surrendered the licensee's membership on any*  
37 *professional staff or in any professional association or society while under*  
38 *investigation for acts or conduct similar to acts or conduct which would*  
39 *constitute grounds for disciplinary action under this section;*

40 (k) *the licensee has failed to report to the board surrender of the*  
41 *licensee's license or authorization to practice as a physician assistant in*  
42 *another state or jurisdiction or surrender of the licensee's membership on*  
43 *any professional staff or in any professional association or society while*

1 under investigation for acts or conduct similar to acts or conduct which  
2 would constitute grounds for disciplinary action under this section;

3 (l) the licensee has an adverse judgment, award or settlement against  
4 the licensee resulting from a medical liability claim related to acts or  
5 conduct similar to acts or conduct which would constitute grounds for  
6 disciplinary action under this section;

7 (m) the licensee has failed to report to the board any adverse  
8 judgment, settlement or award against the licensee resulting from a  
9 medical malpractice liability claim related to acts or conduct similar to  
10 acts or conduct which would constitute grounds for disciplinary action  
11 under this section;

12 (n) the licensee has the inability to practice as a physician assistant  
13 with reasonable skill and safety to patients by reason of physical or mental  
14 illness, or condition or use of alcohol, drugs or controlled substances. In  
15 determining whether or not such inability exists, the board, upon  
16 reasonable suspicion of such inability, shall have authority to compel a  
17 licensee to submit to mental or physical examination or drug screen, or  
18 any combination thereof, by such persons as the board may designate  
19 either in the course of an investigation or a disciplinary proceeding. To  
20 determine whether reasonable suspicion of such inability exists, the  
21 investigative information shall be presented to the board as a whole or to  
22 a committee consisting of the officers of the board elected pursuant to  
23 K.S.A. 65-2818, and amendments thereto, and the executive director  
24 appointed pursuant to K.S.A. 65-2878, and amendments thereto, or to a  
25 presiding officer authorized pursuant to K.S.A. 77-514, and amendments  
26 thereto. The determination shall be made by a majority vote of the entity  
27 which reviewed the investigative information. Information submitted to the  
28 board as a whole or to a committee of the officers and executive director  
29 of the board, and all reports, findings and other records shall be  
30 confidential and not subject to discovery by or release to any person or  
31 entity. The licensee shall submit to the board a release of information  
32 authorizing the board to obtain a report of such examination or drug  
33 screen, or both. A person affected by this subsection shall be offered, at  
34 reasonable intervals, an opportunity to demonstrate that such person can  
35 resume competent practice as a physician assistant with reasonable skill  
36 and safety to patients. For the purpose of this subsection, every person  
37 licensed to practice as a physician assistant and who shall accept the  
38 privilege to practice as a physician assistant in this state by so practicing  
39 or by the making and filing of a renewal to practice as a physician  
40 assistant in this state shall be deemed to have consented to submit to a  
41 mental or physical examination or a drug screen, or any combination  
42 thereof, when directed in writing by the board and further to have waived  
43 all objections to the admissibility of the testimony, drug screen or

1 *examination report of the person conducting such examination or drug*  
2 *screen, or both, at any proceeding or hearing before the board on the*  
3 *ground that such testimony or examination or drug screen report*  
4 *constitutes a privileged communication. In any proceeding by the board*  
5 *pursuant to the provisions of this subsection, the record of such board*  
6 *proceedings involving the mental and physical examination or drug*  
7 *screen, or any combination thereof, shall not be used in any other*  
8 *administrative or judicial proceeding;*

9 ~~(e)~~ (o) the licensee has exceeded or has acted outside the scope of  
10 authority given the physician assistant by the responsible physician or by  
11 this act; or

12 ~~(h)~~ (p) the licensee has assisted suicide in violation of K.S.A. 21-  
13 3406, prior to its repeal, or K.S.A. 2012 Supp. 21-5407, and amendments  
14 thereto, as established by any of the following:

15 (1) A copy of the record of criminal conviction or plea of guilty for a  
16 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2012  
17 Supp. 21-5407, and amendments thereto.

18 (2) A copy of the record of a judgment of contempt of court for  
19 violating an injunction issued under K.S.A. 60-4404, and amendments  
20 thereto.

21 (3) A copy of the record of a judgment assessing damages under  
22 K.S.A. 60-4405, and amendments thereto.

23 Sec. 5. K.S.A. 65-28a06 is hereby amended to read as follows: 65-  
24 28a06. (a) It shall be unlawful for any person who is not licensed under  
25 this act or whose license has been revoked or suspended to engage in the  
26 practice as a physician assistant as defined by this act.

27 (b) No person shall use any title, abbreviation, letters, figures, sign,  
28 card or device to indicate that any person is a licensed physician assistant,  
29 nor shall any person represent oneself to be a licensed physician assistant  
30 unless such person has been duly licensed as a physician assistant in  
31 accordance with the provisions of this act.

32 (c) The provisions of this act shall not be construed to include the  
33 following persons:

34 (1) Persons rendering gratuitous services in the case of an emergency.

35 (2) Persons gratuitously administering ordinary household remedies.

36 (3) Individuals practicing religious beliefs which provide for reliance  
37 on spiritual means alone for healing.

38 (4) Students while performing professional services in an approved  
39 physician assistant education and training program ~~who after completing~~  
40 ~~one year's study treat diseases~~ under the supervision of an approved  
41 instructor.

42 ~~(5) Students upon the completion of an approved physician assistant~~  
43 ~~education and training program and who, as a part of their academic~~

1 requirements for a degree, serve a preceptorship not to exceed 90 days  
2 under the supervision of a licensed physician.

3 ~~(6)~~ (5) Persons whose professional services are performed under the  
4 direct and personal supervision or by order of a practitioner who is  
5 licensed under the healing arts act.

6 ~~(7)~~ (6) Other health care providers licensed, registered, certified or  
7 otherwise credentialed by agencies of the state of Kansas.

8 ~~(8)~~ (7) Physician assistants in the United States army, navy, air force,  
9 public health service, coast guard, other military service and under other  
10 federal employment when acting in the line of duty in this state.

11 (d) Any person violating the provisions of this section shall be guilty  
12 of a class B misdemeanor.

13 Sec. 6. K.S.A. 65-28a07 is hereby amended to read as follows: 65-  
14 28a07. (a) The state board of healing arts shall provide for the temporary  
15 licensure of any physician assistant who has made proper application for  
16 licensure, has the required qualifications for licensure, except for  
17 examination, and has paid the prescribed license fee. Such temporary  
18 license shall authorize the person so licensed to provide patient services  
19 within the limits of the temporary license.

20 (b) A temporary license is valid: (1) For ~~one year~~ *six months* from the  
21 date of issuance; or (2) until the state board of healing arts makes a final  
22 determination on the applicant's request for licensure. The state board of  
23 healing arts may extend a temporary license, upon a majority vote of the  
24 members of the board, for a period not to exceed one year.

25 Sec. 7. K.S.A. 65-28a08 is hereby amended to read as follows: 65-  
26 28a08. (a) The practice of a physician assistant shall include medical  
27 services within the education, training and experience of the physician  
28 assistant that are delegated by the ~~responsible~~ *supervising* physician.  
29 Physician assistants practice in a dependent role with a ~~responsible~~  
30 *supervising* physician, and may perform those duties and responsibilities  
31 through delegated authority or written ~~protocol~~ *agreement*. Medical  
32 services rendered by physician assistants may be performed in any setting  
33 authorized by the ~~responsible~~ *supervising* physician, including, but not  
34 limited to, clinics, hospitals, ambulatory surgical centers, patient homes,  
35 nursing homes and other medical institutions.

36 (b) A person licensed as a physician assistant may perform, only  
37 under the direction and supervision of a physician, acts which constitute  
38 the practice of medicine and surgery to the extent and in the manner  
39 authorized by the physician responsible for the physician assistant and  
40 only to the extent such acts are consistent with rules and regulations  
41 adopted by the board which relate to acts performed by a physician  
42 assistant under the ~~responsible~~ *supervising* physician's direction and  
43 supervision. A physician assistant may prescribe drugs pursuant to a



1 ~~written-protocol~~ *agreement* as authorized by the ~~responsible~~ *supervising*  
2 *physician. A physician assistant may dispense drugs only when dispensing*  
3 *such drugs is in the best interest of the patient and pharmacy services are*  
4 *not readily available. A physician assistant may make a determination of*  
5 *death in accordance with accepted medical standards pursuant to a*  
6 *written agreement as authorized by the supervising physician.*

7 (c) Before a physician assistant shall perform under the direction and  
8 supervision of a *supervising* physician, such physician assistant shall be  
9 identified to the patient and others involved in providing the patient  
10 services as a physician assistant to the ~~responsible~~ *supervising* physician.  
11 Physician assistants licensed under the provisions of this act shall keep  
12 their license available for inspection at their primary place of business. A  
13 physician assistant may not perform any act or procedure performed in the  
14 practice of optometry except as provided in K.S.A. 65-1508 and 65-2887,  
15 and amendments thereto.

16 (d) The board shall adopt rules and regulations governing the  
17 prescribing of drugs by physician assistants and the responsibilities of the  
18 ~~responsible~~ *supervising* physician with respect thereto. Such rules and  
19 regulations shall establish such conditions and limitations as the board  
20 determines to be necessary to protect the public health and safety. In  
21 developing rules and regulations relating to the prescribing of drugs by  
22 physician assistants, the board shall take into consideration the amount of  
23 training and capabilities of physician assistants, the different practice  
24 settings in which physician assistants and ~~responsible~~ *supervising*  
25 physicians practice, the degree of direction and supervision to be provided  
26 by a ~~responsible~~ *supervising* physician and the needs of the geographic  
27 area of the state in which the *supervising* physician's physician assistant  
28 and the ~~responsible~~ *supervising* physician practice. In all cases in which a  
29 physician assistant is authorized to prescribe drugs by a ~~responsible~~  
30 *supervising* physician, a written ~~protocol~~ *agreement* between the  
31 ~~responsible~~ *supervising* physician and the physician assistant containing  
32 the essential terms of such authorization shall be in effect. Any written  
33 prescription order shall include the name, address and telephone number of  
34 the ~~responsible~~ *supervising* physician. In no case shall the scope of the  
35 authority of the physician assistant to prescribe drugs exceed the normal  
36 and customary practice of the ~~responsible~~ *supervising* physician in the  
37 prescribing of drugs.

38 (e) The physician assistant may ~~not dispense drugs, but may~~ request,  
39 receive and sign for professional samples and may distribute professional  
40 samples to patients pursuant to a written ~~protocol~~ *agreement* as authorized  
41 by the ~~responsible~~ *supervising* physician. In order to prescribe controlled  
42 substances, the physician assistant shall register with the federal drug  
43 enforcement administration.

1 (f) As used in this section, "drug" means those articles and substances  
2 defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

3 Sec. 8. K.S.A. 65-28a09 is hereby amended to read as follows: 65-  
4 28a09. (a) If a ~~responsible~~ *supervising* physician temporarily leaves such  
5 physician's customary location of practice, the ~~responsible~~ *supervising*  
6 physician shall, by prior arrangement, name ~~a designated~~ *another*  
7 *supervising* physician who shall provide direction and supervision to the  
8 physician assistant ~~of such responsible physician~~.

9 (b) A physician assistant shall not perform professional services  
10 unless the name, address and signature of each ~~responsible~~ *supervising*  
11 physician and the form required under subsection (a)(2) of K.S.A. 65-  
12 28a03, and amendments thereto, have been provided to the board. A  
13 ~~responsible~~ *supervising* physician shall notify the board when supervision  
14 and direction of the physician assistant has terminated. The board shall  
15 provide forms for identifying each ~~designated~~ *supervising* physician and  
16 for giving notice that direction and supervision has terminated. These  
17 forms may direct that additional information be provided, including a copy  
18 of any ~~protocols written agreements~~, as required by rules and regulations  
19 adopted by the board.

20 Sec. 9. K.S.A. 2012 Supp. 65-28a10 is hereby amended to read as  
21 follows: 65-28a10. The board shall *not* limit the number of physician  
22 assistants a ~~responsible~~ physician may supervise at any one time ~~to the~~  
23 ~~equivalent of two full-time physician assistants as approved in each case~~  
24 ~~by the board. Any limitation on the number of physician assistants in this~~  
25 ~~section shall not apply to services performed in a medical care facility, as~~  
26 ~~defined in K.S.A. 65-425, and amendments thereto.~~

27 Sec. 10. K.S.A. 65-28a11 is hereby amended to read as follows: 65-  
28 28a11. (a) There is established a physician assistant council to advise the  
29 board in carrying out the provisions of K.S.A. 65-28a01 through 65-28a10,  
30 inclusive, and amendments thereto. The council shall consist of five  
31 members, all citizens and residents of the state of Kansas appointed as  
32 follows: One member shall be a physician appointed by the state board of  
33 healing arts who is a ~~responsible~~ *supervising* physician for a physician  
34 assistant; one member shall be the president of the state board of healing  
35 arts or a person designated by the president; and three members shall be  
36 licensed physician assistants appointed by the governor. The governor,  
37 insofar as possible, shall appoint persons from different geographical areas  
38 and persons who represent various types of practice settings. If a vacancy  
39 occurs on the council, the appointing authority of the position which has  
40 become vacant shall appoint a person of like qualifications to fill the  
41 vacant position for the unexpired term, if any. The Kansas academy of  
42 physician assistants shall recommend the names of licensed physician  
43 assistants to the governor in a number equal to at least twice the positions

1 or vacancies to be filled, and the governor may appoint members to fill the  
2 positions or vacancies from the submitted list. Members of the council  
3 appointed by the governor on and after the effective date of this act shall  
4 be appointed for terms of three years and until their successors are  
5 appointed and qualified except that of the members first appointed by the  
6 governor on or after the effective date of this act one shall be appointed for  
7 a term of one year, one shall be appointed for a term of two years and one  
8 shall be appointed for a term of three years, as designated by the governor.  
9 The member appointed by the state board of healing arts shall serve at the  
10 pleasure of the state board of healing arts. A member designated by the  
11 president of the state board of healing arts shall serve at the pleasure of the  
12 president.

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

17 Sec. 11. K.S.A. 65-2412 is hereby amended to read as follows: 65-  
18 2412. (a) A death certificate or stillbirth certificate for each death or  
19 stillbirth which occurs in this state shall be filed with the state registrar  
20 within three days after such death and prior to removal of the body from  
21 the state and shall be registered by the state registrar if such death  
22 certificate or stillbirth certificate has been completed and filed in  
23 accordance with this section. If the place of death is unknown, a death  
24 certificate shall be filed indicating the location where the body was found  
25 as the place of death. A certificate shall be filed within three days after  
26 such occurrence; if death occurs in a moving conveyance, the death  
27 certificate shall record the location where the dead body was first removed  
28 from such conveyance as the place of death.

29 (b) The funeral director or person acting as such who first assumes  
30 custody of a dead body or fetus shall file the death certificate. Such person  
31 shall obtain the personal data from the next of kin or the best qualified  
32 person or source available and shall obtain the medical certification of  
33 cause of death from the physician *or physician assistant* last in attendance  
34 prior to burial. The death certificate filed with the state registrar shall be  
35 the official death record, except that a funeral director licensed pursuant to  
36 K.S.A. 65-1714, and amendments thereto, may verify as true and accurate  
37 information pertaining to a death on a form provided by the state registrar,  
38 and any such form, verified within 21 days of date of death, shall be prima  
39 facie evidence of the facts therein stated for purposes of establishing death.  
40 The secretary of health and environment shall fix and collect a fee for  
41 each form provided a funeral director pursuant to this subsection. The fee  
42 shall be collected at the time the form is provided the funeral director and  
43 shall be in the same amount as the fee for a certified copy of a death

1 certificate.

2 (c) When death occurred without medical attendance or when inquiry  
3 is required by the laws relating to postmortem examinations, the coroner  
4 shall investigate the cause of death and shall complete and sign the  
5 medical certification within 24 hours after receipt of the death certificate  
6 or as provided in K.S.A. 65-2414, and amendments thereto.

7 (d) In every instance a certificate shall be filed prior to interment or  
8 disposal of the body.

9 New Sec. 12. (a) Any violation of the provisions of this act shall  
10 constitute a class B misdemeanor.

11 (b) When it appears to the state board of healing arts that any person  
12 is violating any of the provisions of the physician assistant licensure act,  
13 the state board of healing arts may bring an action in the name of the state  
14 in a court of competent jurisdiction for an injunction against such violation  
15 without regard to whether proceedings have been or may be instituted  
16 before the state board of healing arts or whether criminal proceedings have  
17 been or may be instituted.

18 (c) The state board of healing arts, in addition to any other penalty  
19 prescribed under the physician assistant licensure act, may assess a civil  
20 fine, after proper notice and an opportunity to be heard, against a licensee  
21 for a violation of the physician assistant licensure act in an amount not to  
22 exceed \$5,000 for the first violation, \$10,000 for the second violation and  
23 \$15,000 for the third violation and for each subsequent violation. All fines  
24 assessed and collected under this section shall be remitted to the state  
25 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
26 amendments thereto. Upon receipt of each such remittance, the state  
27 treasurer shall deposit the entire amount in the state treasury to the credit  
28 of the state general fund.

29 (d) This section shall be part of and supplemental to the physician  
30 assistant licensure act.

31 New Sec. 13. (a) It shall be the duty of each licensee to notify the  
32 state board of healing arts in writing within 30 days of any changes in the  
33 licensee's mailing address.

34 (b) A penalty in the amount not to exceed \$100 for the first violation  
35 of subsection (a) and \$150 for each subsequent violation of subsection (a)  
36 may be assessed by the state board of healing arts under the provisions of  
37 section 9, and amendments thereto.

38 (c) This section shall be part of and supplemental to the physician  
39 assistant licensure act.

40 New Sec. 14. (a) Subject to the provisions of subsection (c) of K.S.A.  
41 65-4923, and amendments thereto, any person licensed to practice as a  
42 physician assistant who possesses knowledge not subject to the physician-  
43 patient privilege that another person licensed, certified or registered by the

1 state board of healing arts has committed any act which may be a ground  
2 for disciplinary action shall immediately report such knowledge, under  
3 oath, to the state board of healing arts. A person licensed to practice as a  
4 physician assistant who possesses such knowledge shall reveal fully such  
5 knowledge upon official request of the state board of healing arts.

6 (b) This section shall be part of and supplemental to the physician  
7 assistant licensure act.

8 New Sec. 15. (a) No person reporting to the state board of healing  
9 arts in good faith any information such person may have relating to alleged  
10 incidents of malpractice, or the qualifications, fitness or character of, or  
11 disciplinary action taken against, a person licensed, registered or certified  
12 by the state board of healing arts shall be subject to a civil action for  
13 damages as a result of reporting such information.

14 (b) Any state, regional or local association composed of persons  
15 licensed to practice as physician assistants and the individual members of  
16 any committee thereof, which in good faith investigates or communicates  
17 information pertaining to the alleged incidents of malpractice, or the  
18 qualifications, fitness or character of, or disciplinary action taken against,  
19 any licensee, registrant or certificate holder to the state board of healing  
20 arts or to any committee or agent thereof, shall be immune from liability in  
21 any civil action that is based upon such investigation or transmittal of  
22 information if the investigation and communication was made in good  
23 faith and did not represent as true any matter not reasonably believed to be  
24 true.

25 (c) This section shall be part of and supplemental to the physician  
26 assistant licensure act.

27 New Sec. 16. (a) Any complaint or report, record or other information  
28 relating to a complaint which is received, obtained or maintained by the  
29 state board of healing arts shall be confidential and shall not be disclosed  
30 by the state board of healing arts or its employees in a manner which  
31 identifies or enables identification of the person who is the subject or  
32 source of the information except the information may be disclosed:

33 (1) In any proceeding conducted by the state board of healing arts  
34 under the law or in an appeal of an order of the state board of healing arts  
35 entered in a proceeding, or to any party to a proceeding or appeal or the  
36 party's attorney;

37 (2) to a hospital committee which is authorized to grant, limit or deny  
38 hospital privileges, if any disciplinary action authorized by the physician  
39 assistant licensure act has at any time been taken against the licensee or if  
40 the state board of healing arts has at any time denied a license to the  
41 person;

42 (3) to the person who is the subject of the information or to any  
43 person or entity when requested by the person who is the subject of the

1 information, but the state board of healing arts may require disclosure in  
2 such a manner that will prevent identification of any other person who is  
3 the subject or source of the information; or

4 (4) to a state or federal licensing, regulatory or enforcement agency  
5 with jurisdiction over the subject of the information or to an agency with  
6 jurisdiction over acts or conduct similar to acts or conduct which would  
7 constitute grounds for action under this act. Any confidential complaint or  
8 report, record or other information disclosed by the state board of healing  
9 arts as authorized by this section shall not be redisclosed by the receiving  
10 agency except as otherwise authorized by law.

11 (b) This section shall be part of and supplemental to the physician  
12 assistant licensure act.

13 New Sec. 17. (a) The state board of healing arts shall have  
14 jurisdiction of proceedings to take disciplinary action authorized by the  
15 physician assistant licensure act against any licensee practicing under the  
16 physician assistant licensure act. Any such action shall be taken in  
17 accordance with the provisions of the Kansas administrative procedure act.

18 (b) Either before or after formal charges have been filed, the state  
19 board of healing arts and the licensee may enter into a stipulation which  
20 shall be binding upon the state board of healing arts and the licensee  
21 entering into such stipulation, and the state board of healing arts may enter  
22 its findings of fact and enforcement order based upon such stipulation  
23 without the necessity of filing any formal charges or holding hearings in  
24 the case. An enforcement order based upon a stipulation may order any  
25 disciplinary action authorized by the physician assistant licensure act  
26 against the licensee entering into such stipulation.

27 (c) The state board of healing arts may temporarily suspend or  
28 temporarily limit the license of any licensee in accordance with the  
29 emergency adjudicative proceedings under the Kansas administrative  
30 procedure act if the state board of healing arts determines that there is  
31 cause to believe that grounds exist under the physician assistant licensure  
32 act for disciplinary action authorized by the physician assistant licensure  
33 act against the licensee and that the licensee's continuation in practice  
34 would constitute an imminent danger to the public health and safety.

35 (d) This section shall be part of and supplemental to the physician  
36 assistant licensure act.

37 New Sec. 18. (a) The state board of healing arts, a committee of the  
38 board or the physician assistant council established pursuant to K.S.A. 65-  
39 28a11, and amendments thereto, as a non-disciplinary resolution, may  
40 enter into a written agreement with a licensee for a professional  
41 development plan, make written recommendations to a licensee or issue a  
42 written letter of concern to a licensee if the state board of healing arts,  
43 committee of the board or physician assistant council determines that the

1 licensee:

2 (1) Seeks to establish continued competency for renewal of licensure  
3 other than through continued education requirements established pursuant  
4 to K.S.A. 65-28a04, and amendments thereto;

5 (2) has been absent from clinical practice for an extended period of  
6 time and seeks to resume clinical practice;

7 (3) has failed to adhere to the applicable standard of care but not to a  
8 degree constituting professional incompetence pursuant to K.S.A. 65-  
9 28a05, and amendments thereto; or

10 (4) has engaged in an act or practice that, if continued, would  
11 reasonably be expected to result in future violations of the physician  
12 assistant licensure act.

13 (b) Notwithstanding any other provision of law, a meeting of the state  
14 board of healing arts, a committee of the board or the physician assistant  
15 council established pursuant to K.S.A. 65-28a11, and amendments thereto,  
16 for the purpose of discussing or adopting a non-disciplinary resolution  
17 authorized by this section shall not be subject to the Kansas administrative  
18 procedures act, K.S.A. 77-501 et seq., and amendments thereto, and shall  
19 not be subject to the Kansas open meetings act as provided in K.S.A. 75-  
20 4317 et seq., and amendments thereto. A non-disciplinary resolution  
21 authorized by this section shall not be deemed disciplinary action or other  
22 order or adjudication. No failure to adhere to the applicable standard of  
23 care or violation of the Kansas healing arts act may be implied by the  
24 adoption of a non-disciplinary resolution.

25 (c) A non-disciplinary resolution authorized by this section shall be  
26 confidential in the manner provided by section 13, and amendments  
27 thereto, and shall not be admissible in any civil, criminal or administrative  
28 action, except that such resolution shall be admissible in any disciplinary  
29 proceeding by the board.

30 (d) This section shall be part of and supplemental to the physician  
31 assistant licensure act.

32 New Sec. 19. (a) As part of an original application for or  
33 reinstatement of any license in connection with any investigation of any  
34 holder of a license, the state board of healing arts may require a person to  
35 be fingerprinted and submit to a state and national criminal history record  
36 check. The fingerprints shall be used to identify the person and to  
37 determine whether the person has a record of criminal history in this state  
38 or other jurisdiction. The state board of healing arts is authorized to submit  
39 the fingerprints to the Kansas bureau of investigation and the federal  
40 bureau of investigation for a state and national criminal history record  
41 check. The state board of healing arts may use the information obtained  
42 from fingerprinting and the criminal history for purposes of verifying the  
43 identification of the person and in the official determination of the

1 qualifications and fitness of the person to be issued or to maintain a  
2 license.

3 (b) Local and state law enforcement officers and agencies shall assist  
4 the state board of healing arts in taking and processing of fingerprints of  
5 applicants for and holders of any license and shall release all records of  
6 adult convictions and nonconvictions and adult convictions or  
7 adjudications of another state or country to the state board of healing arts.

8 (c) The state board of healing arts may fix and collect a fee as may be  
9 required by the board in an amount necessary to reimburse the board for  
10 the cost of fingerprinting and the criminal history record check. Any  
11 moneys collected under this subsection shall be deposited in the state  
12 treasury and credited to the healing arts fee fund.

13 (d) This section shall be part of and supplemental to the physician  
14 assistant licensure act.

15 New Sec. 20. (a) In connection with any investigation by the state  
16 board of healing arts, the state board of healing arts or its duly authorized  
17 agents or employees shall at all reasonable times have access to, for the  
18 purpose of examination, and the right to copy any document, report, record  
19 or other physical evidence of any person being investigated, or any  
20 document, report, record or other evidence maintained by and in  
21 possession of any clinic, office of a practitioner of the healing arts,  
22 laboratory, pharmacy, medical care facility or other public or private  
23 agency if such document, report, record or evidence relates to medical  
24 competence, unprofessional conduct or the mental or physical ability of a  
25 licensee safely to practice as a physician assistant.

26 (b) For the purpose of all investigations and proceedings conducted  
27 by the state board of healing arts:

28 (1) The state board of healing arts may issue subpoenas compelling  
29 the attendance and testimony of witnesses or the production for  
30 examination or copying of documents or any other physical evidence if  
31 such evidence relates to medical competence, unprofessional conduct or  
32 the mental or physical ability of a licensee safely to practice as a physician  
33 assistant. Within five days after the service of the subpoena on any person  
34 requiring the production of any evidence in the person's possession or  
35 under the person's control, such person may petition the state board of  
36 healing arts to revoke, limit or modify the subpoena. The state board of  
37 healing arts shall revoke, limit or modify such subpoena, if in its opinion,  
38 the evidence required does not relate to practices which may be grounds  
39 for disciplinary action, is not relevant to the charge which is the subject  
40 matter of the proceeding or investigation, or does not describe with  
41 sufficient particularity the physical evidence which is required to be  
42 produced. Any member of the state board of healing arts, or any agent  
43 designated by the state board of healing arts, may administer oaths or



1 affirmations, examine witnesses and receive such evidence.

2 (2) Any person appearing before the state board of healing arts shall  
3 have the right to be represented by counsel.

4 (3) The district court, upon application by the state board of healing  
5 arts or by the person subpoenaed, shall have jurisdiction to issue an order:

6 (A) Requiring such person to appear before the state board of healing  
7 arts or the state board of healing arts' duly authorized agent to produce  
8 evidence relating to the matter under investigation; or

9 (B) revoking, limiting or modifying the subpoena if in the court's  
10 opinion the evidence demanded does not relate to practices which may be  
11 grounds for disciplinary action, is not relevant to the charge which is the  
12 subject matter of the hearing or investigation or does not describe with  
13 sufficient particularity the evidence which is required to be produced.

14 (c) The state board of healing arts may receive from the Kansas  
15 bureau of investigation or other criminal justice agencies such criminal  
16 history record information, including arrest and nonconviction data,  
17 criminal intelligence information and information relating to criminal and  
18 background investigations, as necessary for the purpose of determining  
19 initial and continuing qualifications of physician assistant licensees and  
20 applicants for licensure as physician assistant by the state board of healing  
21 arts. Disclosure or use of any such information received by the state board  
22 of healing arts or of any record containing such information, for any  
23 purpose other than that provided by this subsection, is a class A  
24 misdemeanor and shall constitute grounds for removal from office,  
25 termination of employment or denial, revocation or suspension of any  
26 license issued under the physician assistant licensure act. Nothing in this  
27 subsection shall be construed to make unlawful the disclosure of any such  
28 information by the state board of healing arts in a hearing held pursuant to  
29 the physician assistant licensure act.

30 (d) Patient records, including clinical records, medical reports,  
31 laboratory statements and reports, files, films, other reports or oral  
32 statements relating to diagnostic findings or treatment of patients,  
33 information from which a patient or a patient's family might be identified,  
34 peer review or risk management records or information received and  
35 records kept by the state board of healing arts as a result of the  
36 investigation procedure outlined in this section shall be confidential and  
37 shall not be disclosed.

38 (e) Nothing in this section or any other provision of law making  
39 communications between a physician and the physician's patient a  
40 privileged communication shall apply to investigations or proceedings  
41 conducted pursuant to this section. The state board of healing arts and its  
42 employees, agents and representatives shall keep in confidence the names  
43 of any patients whose records are reviewed during the course of

1 investigations and proceedings pursuant to this section.

2 (f) This section shall be part of and supplemental to the physician  
3 assistant licensure act.

4 New Sec. 21. (a) The state board of healing arts, without  
5 examination, may issue a license to a person who has been in active  
6 practice as a physician assistant in some other state, territory, the District  
7 of Columbia or other country upon certificate of the proper licensing  
8 authority of that state, territory, District of Columbia or other country  
9 certifying that the applicant is duly licensed, that the applicant's license has  
10 never been limited, suspended or revoked, that the licensee has never been  
11 censured or had other disciplinary action taken and that, so far as the  
12 records of such authority are concerned, the applicant is entitled to its  
13 endorsement. The applicant shall also present proof satisfactory to the  
14 board:

15 (1) That the state, territory, District of Columbia or country in which  
16 the applicant last practiced has and maintains standards at least equal to  
17 those maintained by Kansas;

18 (2) that the applicant's original license was based upon an  
19 examination at least equal in quality to the examination required in this  
20 state and that the passing grade required to obtain such original license  
21 was comparable to that required in this state;

22 (3) of the date of the applicant's original and any and all endorsed  
23 licenses and the date and place from which any license was attained;

24 (4) that the applicant has been actively engaged in practice under  
25 such license or licenses since issued, and if not, fix the time when and  
26 reason why the applicant was out of practice; and

27 (5) that the applicant has a reasonable ability to communicate in  
28 English.

29 (b) An applicant for endorsement registration shall not be licensed  
30 unless the applicant's individual qualifications meet the Kansas legal  
31 requirements. In lieu of any other requirement prescribed by law for  
32 satisfactory passage of any examination in any branch of the healing arts,  
33 the board may accept evidence satisfactory to it that the applicant or  
34 licensee has satisfactorily passed an equivalent examination given by a  
35 national board of examiners for physician assistants as now required by  
36 Kansas statutes for endorsement from other states.

37 (c) This section shall be part of and supplemental to the physician  
38 assistant licensure act.

39 Sec. 22. K.S.A. 65-2412, 65-28a02, 65-28a04, 65-28a06, 65-28a07,  
40 65-28a08, 65-28a09 and 65-28a11 and K.S.A. 2012 Supp. 65-28a03, 65-  
41 28a05 and 65-28a10 are hereby repealed.

42 Sec. 23. This act shall take effect and be in force from and after  
43 January 1, 2014, and its publication in the statute book.