

SENATE BILL No. 316

By Committee on Public Health and Welfare

1-28

1 AN ACT concerning public health; relating to the podiatry act; amending
2 K.S.A. 65-2001, 65-2002 and 65-2004 and K.S.A. 2013 Supp. 65-2005
3 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 65-2001 is hereby amended to read as follows: 65-
7 2001. As used in the podiatry act, unless the context otherwise requires:

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

9 (b) "Podiatrist" means one practicing podiatry.

10 (c) "Podiatry" means the diagnosis and treatment of all illnesses of
11 the human foot, *including the ankle and tendons which insert into the foot*
12 *as well as the foot.*

13 Sec. 2. K.S.A. 65-2002 is hereby amended to read as follows: 65-
14 2002. (a) It shall be unlawful for any person to profess to be a podiatrist, to
15 practice or assume the duties incidental to podiatry, to advertise or hold
16 oneself out to the public as a podiatrist, or to use any sign or advertisement
17 with the word or words podiatrist, foot specialist, foot correctionist, foot
18 expert, practapedist or chiropodist, or any other term or terms indicating
19 that such person is a podiatrist or that such person practices or holds
20 oneself out as practicing podiatry or foot correction in any manner, without
21 first obtaining from the board a license authorizing the practice of podiatry
22 in this state, except as hereinafter provided.

23 (b) A licensed podiatrist shall be authorized to prescribe such drugs or
24 medicine, and to perform such surgery on the human foot or toes,
25 including amputation of the toes, as may be necessary to the proper
26 practice of podiatry, but no podiatrist shall amputate the human foot or
27 administer any anesthetic other than local.

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

32 (d) *No podiatrist shall perform surgery of the ankle unless board*
33 *certified in foot and ankle surgery by the American board of podiatric*
34 *surgery. Nothing in this section shall be construed to prohibit a podiatrist*
35 *from performing ankle surgery under the direct supervision of a person*
36 *licensed to practice medicine and surgery who is authorized to perform*

1 *surgery of the ankle. Surgical treatment of the ankle by a podiatrist shall*
2 *be performed only in a medical care facility, as defined in K.S.A. 65-425,*
3 *and amendments thereto.*

4 Sec. 3. K.S.A. 65-2004 is hereby amended to read as follows: 65-
5 2004. (a) Except as provided in subsection (b) of K.S.A. 65-2003, and
6 amendments thereto, each applicant for a license to practice podiatry shall
7 be examined by the board in the following subjects: Anatomy,
8 bacteriology, chemistry, dermatology, histology, pathology, physiology,
9 pharmacology and medicine, diagnosis, therapeutics, and clinical podiatry
10 and surgery, limited in their scope to the treatment of the human foot,
11 *including the ankle and tendons which insert into the foot as well as the*
12 *foot.* If the applicant possesses the qualifications required by K.S.A. 65-
13 2003, and amendments thereto, completes the examination prescribed with
14 the passing grade as established by rules and regulations of the board and
15 pays to the board the license fee established pursuant to K.S.A. 65-2012,
16 and amendments thereto, such applicant shall be issued a license by the
17 board to practice podiatry in this state.

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

24 Sec. 4. K.S.A. 2013 Supp. 65-2005 is hereby amended to read as
25 follows: 65-2005. (a) A licensee shall be designated a licensed podiatrist
26 and shall not use any title or abbreviations without the designation licensed
27 podiatrist, practice limited to the *human* foot, *including the ankle and*
28 *tendons which insert into the foot as well as the foot*, and shall not mislead
29 the public as to such licensee's limited professional qualifications to treat
30 human ailments. Whenever a registered podiatrist, or words of like effect,
31 is referred to or designated by any statute, contract or other document,
32 such reference or designation shall be deemed to refer to or designate a
33 licensed podiatrist.

34 (b) The license of each licensed podiatrist shall expire on the date
35 established by rules and regulations of the board which may provide
36 renewal throughout the year on a continuing basis. In each case in which a
37 license is renewed for a period of time of less than one year, the board may
38 prorate the amount of the fee established under K.S.A. 65-2012, and
39 amendments thereto. The request for renewal shall be on a form provided
40 by the board and shall be accompanied by the renewal fee established
41 under K.S.A. 65-2012, and amendments thereto, which shall be paid not
42 later than the expiration date of the license. At least 30 days before the
43 expiration of a licensee's license, the board shall notify the licensee of the

1 expiration by mail addressed to the licensee's last mailing address as noted
2 upon the office records. If a licensee fails to pay the renewal fee by the
3 date of expiration, the licensee shall be given a second notice that the
4 licensee's license has expired and the license may be renewed only if the
5 renewal fee and the late renewal fee are received by the board within the
6 thirty-day period following the date of expiration and that, if both fees are
7 not received within the thirty-day period, such licensee's license shall be
8 canceled by operation of law and without further proceedings for failure to
9 renew and shall be reissued only after the licensee has been reinstated
10 under subsection (c).

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

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

26 (e) The board may issue a temporary permit to practice podiatry in
27 this state to any person making application for a license to practice
28 podiatry who meets the required qualifications for a license and who pays
29 to the board the temporary permit fee established pursuant to K.S.A. 65-
30 2012, and amendments thereto. A temporary permit shall authorize the
31 permittee to practice within the limits of the permit until the license is
32 issued or denied to the permittee by the board.

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

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

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

34 (i) There is hereby created a designation of inactive license. The
35 board is authorized to issue an inactive license to any licensee who makes
36 written application for such license on a form provided by the board and
37 remits the fee for an inactive license established pursuant to K.S.A. 65-
38 2012, and amendments thereto. The board may issue an inactive license
39 only to a person who meets all the requirements for a license to practice
40 podiatry in Kansas, who is not regularly engaged in the practice of
41 podiatry in Kansas, who does not hold oneself out to the public as being
42 professionally engaged in such practice and who meets the definition of
43 inactive health care provider as defined in K.S.A. 40-3401, and

1 amendments thereto. An inactive license shall not entitle the holder to
2 practice podiatry in this state. Each inactive license may be renewed
3 subject to the provisions of this section. Each inactive licensee shall be
4 subject to all provisions of the podiatry act, except as otherwise provided
5 in this subsection. The holder of an inactive license shall not be required to
6 submit evidence of satisfactory completion of a program of continuing
7 education required by K.S.A. 65-2010, and amendments thereto. Each
8 inactive licensee may apply for a license to regularly engage in the
9 practice of podiatry upon filing a written application with the board. The
10 request shall be on a form provided by the board and shall be accompanied
11 by the license fee established pursuant to K.S.A. 65-2012, and
12 amendments thereto. For those licensees whose license has been inactive
13 for less than two years, the board shall adopt rules and regulations
14 establishing appropriate continuing education requirements for inactive
15 licensees to become licensed to regularly practice podiatry within Kansas.
16 Any licensee whose license has been inactive for more than two years and
17 who has not been in the active practice of podiatry or engaged in a formal
18 education program since the licensee has been inactive may be required to
19 complete such additional testing, training or education as the board may
20 deem necessary to establish the licensee's present ability to practice with
21 reasonable skill and safety.

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

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

43 (l) A person whose license has been revoked may apply for

1 reinstatement of the license after the expiration of three years from the
2 effective date of the revocation. Application for reinstatement shall be on a
3 form provided by the board and shall be accompanied by a reinstatement
4 of a revoked license fee established by the board under K.S.A. 65-2012,
5 and amendments thereto. The burden of proof by clear and convincing
6 evidence shall be on the applicant to show sufficient rehabilitation to
7 justify reinstatement of the license. If the board determines a license
8 should not be reinstated, the person shall not be eligible to reapply for
9 reinstatement for three years from the effective date of the denial. All
10 proceedings conducted on an application for reinstatement shall be in
11 accordance with the provisions of the Kansas administrative procedure act
12 and shall be reviewable in accordance with the Kansas judicial review act.
13 The board, on its own motion, may stay the effectiveness of an order of
14 revocation of license.

15 Sec. 5. K.S.A. 65-2001, 65-2002 and 65-2004 and K.S.A. 2013 Supp.
16 65-2005 are hereby repealed.

17 Sec. 6. This act shall take effect and be in force from and after its
18 publication in the Kansas register.