

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 ***medical and surgical***
11 ***treatment of all illnesses of the human foot, including the ankle and***
12 ***tendons which insert into the foot as well as the foot, subject to subsection***
13 ***(d) of K.S.A. 65-2002, and amendments thereto.***

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

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

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

34 ~~*(d) No podiatrist shall perform surgery of the ankle unless board*~~
35 ~~*certified in foot and ankle surgery by the American board of podiatric*~~
36 ~~*surgery. Nothing in this section shall be construed to prohibit a podiatrist*~~

1 ~~from performing ankle surgery under the direct supervision of a person~~
2 ~~licensed to practice medicine and surgery who is authorized to perform~~
3 ~~surgery of the ankle on the ankle unless such person has completed a~~
4 ~~post-doctoral surgical residency program in foot and ankle surgery and~~
5 ~~is either board-qualified or board-certified in rearfoot~~
6 ~~reconstructive/ankle surgery or foot and ankle surgery by a nationally-~~
7 ~~recognized certifying organization acceptable to the board. Surgical~~
8 ~~treatment of the ankle by a podiatrist shall be performed only in a medical~~
9 ~~care facility, as defined in K.S.A. 65-425, and amendments thereto.~~

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

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

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

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

25 **Members appointed to such committee shall serve at the pleasure of**
26 **the board without compensation. All expenses of the committee shall be**
27 **paid by the board. The provisions of this subsection shall expire on July**
28 **1, 2018.**

29 Sec. 3. K.S.A. 65-2004 is hereby amended to read as follows: 65-
30 2004. (a) Except as provided in subsection (b) of K.S.A. 65-2003, and
31 amendments thereto, each applicant for a license to practice podiatry shall
32 be examined by the board in the following subjects: Anatomy,
33 bacteriology, chemistry, dermatology, histology, pathology, physiology,
34 pharmacology and medicine, diagnosis, therapeutics, and clinical podiatry
35 and surgery, limited in their scope to the treatment of the human foot,
36 *including the ankle and tendons which insert into the foot as well as the*
37 *foot.* If the applicant possesses the qualifications required by K.S.A. 65-
38 2003, and amendments thereto, completes the examination prescribed with
39 the passing grade as established by rules and regulations of the board and
40 pays to the board the license fee established pursuant to K.S.A. 65-2012,
41 and amendments thereto, such applicant shall be issued a license by the
42 board to practice podiatry in this state.

43 (b) Each applicant before taking the examination shall pay to the

1 board the examination fee established pursuant to K.S.A. 65-2012, and
2 amendments thereto. Any applicant failing the examination may have a
3 reexamination in accordance with criteria established by rules and
4 regulations of the board, which criteria may limit the number of times an
5 applicant may retake the examination.

6 Sec. 4. K.S.A. 2013 Supp. 65-2005 is hereby amended to read as
7 follows: 65-2005. (a) A licensee shall be designated a licensed podiatrist
8 and shall not use any title or abbreviations without the designation licensed
9 podiatrist, practice limited to the *human* foot, *including the ankle and*
10 *tendons which insert into the foot as well as the foot*, and shall not mislead
11 the public as to such licensee's limited professional qualifications to treat
12 human ailments. Whenever a registered podiatrist, or words of like effect,
13 is referred to or designated by any statute, contract or other document,
14 such reference or designation shall be deemed to refer to or designate a
15 licensed podiatrist.

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

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

1 licenses have been canceled for failure to renew.

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

8 (e) The board may issue a temporary permit to practice podiatry in
9 this state to any person making application for a license to practice
10 podiatry who meets the required qualifications for a license and who pays
11 to the board the temporary permit fee established pursuant to K.S.A. 65-
12 2012, and amendments thereto. A temporary permit shall authorize the
13 permittee to practice within the limits of the permit until the license is
14 issued or denied to the permittee by the board.

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

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

34 (h) There is hereby created a designation of exempt license. The
35 board is authorized to issue an exempt 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 exempt license established under K.S.A. 65-2012, and
38 amendments thereto. The board may issue an exempt license only to a
39 person who has previously been issued a license to practice podiatry
40 within Kansas, who is no longer regularly engaged in such practice and
41 who does not hold oneself out to the public as being professionally
42 engaged in such practice. An exempt license shall entitle the holder to all
43 privileges attendant to the practice of podiatry. Each exempt license may

1 be renewed annually subject to the other provisions of this section and
2 other sections of the podiatry act. Each exempt licensee shall be subject to
3 all provisions of the podiatry act, except as otherwise provided. The holder
4 of an exempt license shall not be required to submit evidence of
5 satisfactory completion of a program of continuing education required
6 under the podiatry act. Each exempt licensee may apply for a license to
7 regularly engage in the practice of podiatry upon filing a written
8 application with the board and submitting evidence of satisfactory
9 completion of the applicable and continuing education requirements
10 established by the board. The request shall be on a form provided by the
11 board and shall be accompanied by the license fee established under
12 K.S.A. 65-2012, and amendments thereto. The board shall adopt rules and
13 regulations establishing appropriate and continuing education
14 requirements for exempt licensees to become licensed to regularly practice
15 podiatry within Kansas.

16 (i) There is hereby created a designation of inactive license. The
17 board is authorized to issue an inactive license to any licensee who makes
18 written application for such license on a form provided by the board and
19 remits the fee for an inactive license established pursuant to K.S.A. 65-
20 2012, and amendments thereto. The board may issue an inactive license
21 only to a person who meets all the requirements for a license to practice
22 podiatry in Kansas, who is not regularly engaged in the practice of
23 podiatry in Kansas, who does not hold oneself out to the public as being
24 professionally engaged in such practice and who meets the definition of
25 inactive health care provider as defined in K.S.A. 40-3401, and
26 amendments thereto. An inactive license shall not entitle the holder to
27 practice podiatry in this state. Each inactive license may be renewed
28 subject to the provisions of this section. Each inactive licensee shall be
29 subject to all provisions of the podiatry act, except as otherwise provided
30 in this subsection. The holder of an inactive license shall not be required to
31 submit evidence of satisfactory completion of a program of continuing
32 education required by K.S.A. 65-2010, and amendments thereto. Each
33 inactive licensee may apply for a license to regularly engage in the
34 practice of podiatry upon filing a written application with the board. The
35 request shall be on a form provided by the board and shall be accompanied
36 by the license fee established pursuant to K.S.A. 65-2012, and
37 amendments thereto. For those licensees whose license has been inactive
38 for less than two years, the board shall adopt rules and regulations
39 establishing appropriate continuing education requirements for inactive
40 licensees to become licensed to regularly practice podiatry within Kansas.
41 Any licensee whose license has been inactive for more than two years and
42 who has not been in the active practice of podiatry or engaged in a formal
43 education program since the licensee has been inactive may be required to

1 complete such additional testing, training or education as the board may
2 deem necessary to establish the licensee's present ability to practice with
3 reasonable skill and safety.

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

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

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

40 Sec. 5. K.S.A. 65-2001, 65-2002 and 65-2004 and K.S.A. 2013 Supp.
41 65-2005 are hereby repealed.

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