

1 include the preparation or compounding of a drug by an individual for the
2 individual's own use or the preparation, compounding, packaging or
3 labeling of a drug by:

4 (1) A practitioner or a practitioner's authorized agent incident to such
5 practitioner's administering or dispensing of a drug in the course of the
6 practitioner's professional practice;

7 (2) a practitioner, by a practitioner's authorized agent or under a
8 practitioner's supervision for the purpose of, or as an incident to, research,
9 teaching or chemical analysis and not for sale; or

10 (3) a pharmacist or the pharmacist's authorized agent acting under the
11 direct supervision of the pharmacist for the purpose of, or incident to, the
12 dispensing of a drug by the pharmacist.

13 (gg) "Manufacturer" means a person licensed or approved by the
14 FDA to engage in the manufacture of drugs and devices.

15 (hh) "Mid-level practitioner" means an advanced practice registered
16 nurse issued a license pursuant to K.S.A. 65-1131, and amendments
17 thereto, who has authority to prescribe drugs pursuant to a written protocol
18 with a responsible physician under K.S.A. 65-1130, and amendments
19 thereto, or a physician assistant licensed pursuant to the physician assistant
20 licensure act who has authority to prescribe drugs *prior to January 11,*
21 *2016,* pursuant to a written protocol *with a responsible physician under*
22 *K.S.A. 65-28a08, and amendments thereto, and on and after January 11,*
23 *2016, pursuant to a written agreement,* with a supervising physician under
24 K.S.A. 65-28a08, and amendments thereto.

25 (ii) "Normal distribution channel" means a chain of custody for a
26 prescription-only drug that goes from a manufacturer of the prescription-
27 only drug, from that manufacturer to that manufacturer's co-licensed
28 partner, from that manufacturer to that manufacturer's third-party logistics
29 provider, or from that manufacturer to that manufacturer's exclusive
30 distributor, directly or by drop shipment, to:

31 (1) A pharmacy to a patient or to other designated persons authorized
32 by law to dispense or administer such drug to a patient;

33 (2) a wholesale distributor to a pharmacy to a patient or other
34 designated persons authorized by law to dispense or administer such drug
35 to a patient;

36 (3) a wholesale distributor to a chain pharmacy warehouse to that
37 chain pharmacy warehouse's intracompany pharmacy to a patient or other
38 designated persons authorized by law to dispense or administer such drug
39 to a patient; or

40 (4) a chain pharmacy warehouse to the chain pharmacy warehouse's
41 intracompany pharmacy to a patient or other designated persons authorized
42 by law to dispense or administer such drug to a patient.

43 (jj) "Person" means individual, corporation, government,

1 supervision of the person licensed to practice ~~that branch of the healing~~
2 ~~arts~~ *medicine and surgery* who has agreed to sponsor and accept
3 *responsibility for the services rendered by such special permit holder. A*
4 *special permit holder may prescribe drugs, but may not prescribe*
5 *controlled substances.* The special permit shall not authorize the person
6 holding the special permit to engage in the private practice of ~~the healing~~
7 ~~arts~~ *medicine and surgery.* The holder of a special permit under this section
8 shall not charge patients a fee for services rendered but may be
9 compensated directly by the person under whose supervision and
10 sponsorship the permit holder is practicing. *A special permit holder shall*
11 *clearly identify oneself to patients as a physician in training and may use*
12 *the term "doctor" or "Dr."* The special permit shall expire on the day the
13 person holding the special permit becomes engaged in a full-time,
14 approved postgraduate training program or one year from its date of
15 issuance, whichever occurs first. *In no event may a special permit be*
16 *renewed more than once.*

17 (d) *For the purposes of this section, "supervision" means that the*
18 *supervising licensee is physically present within the healthcare facility or*
19 *other site of patient care and is immediately available to the special*
20 *permit holder.*

21 (e) *A person who practices under a special permit issued herein shall*
22 *not be deemed to be rendering professional service as a health care*
23 *provider in this state for purposes of K.S.A. 40-3402, and amendments*
24 *thereto.*

25 (f) *A person who practices under a special permit issued herein shall*
26 *be subject to all provisions of the healing arts act, except as otherwise*
27 *provided in this subsection.*

section

28 (g) *The board may adopt all necessary rules and regulations, not*
29 *inconsistent herewith, for carrying out the provisions of this section.*

30 (h) *This section shall be part of and supplemental to the Kansas*
31 *healing arts act.*

32 Sec. 4. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2836, as
33 amended by section 10 of chapter 131 of the 2014 Session Laws of
34 Kansas, is hereby amended to read as follows: 65-2836. A licensee's
35 license may be revoked, suspended or limited, or the licensee may be
36 publicly or privately censured or placed under probationary conditions, or
37 an application for a license or for reinstatement of a license may be denied
38 upon a finding of the existence of any of the following grounds:

39 (a) The licensee has committed fraud or misrepresentation in
40 applying for or securing an original, renewal or reinstated license.

41 (b) The licensee has committed an act of unprofessional or
42 dishonorable conduct or professional incompetency, except that the board
43 may take appropriate disciplinary action or enter into a non-disciplinary

1 (d) An institutional license shall ~~expire~~ *be canceled* on the date
2 established by rules and regulations of the board which may provide for
3 renewal throughout the year on a continuing basis. In each case in which
4 an institutional license is renewed for a period of time of more or less than
5 12 months, the board may prorate the amount of the fee established under
6 K.S.A. 65-2852, and amendments thereto. The request for renewal shall be
7 on a form provided by the board and shall be accompanied by the
8 prescribed fee, which shall be paid not later than the ~~expiration-~~
9 ~~cancellation~~ date of the license. An institutional license may be renewed
10 for an additional one-year period if the applicant for renewal meets the
11 requirements under subsection (c), has submitted an application for
12 renewal on a form provided by the board, has paid the renewal fee
13 established by rules and regulations of the board of not to exceed \$500 and
14 has submitted evidence of satisfactory completion of a program of
15 continuing education required by the board. In addition, an applicant for
16 renewal who is employed as described in subsection (c)(1) shall submit
17 with the application for renewal a recommendation that the institutional
18 license be renewed signed by the superintendent of the institution to which
19 the institutional license holder is assigned.

renewal

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

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

26 Sec. 7. On and after July 1, 2015, K.S.A. 2013 Supp. 65-28,127, as
27 amended by section 40 of chapter 131 of the 2014 Session Laws of
28 Kansas, is hereby amended to read as follows: 65-28,127. (a) Every
29 supervising or responsible licensee who directs, supervises, orders, refers,
30 accepts responsibility for, enters into written agreements or practice
31 protocols with, or who delegates acts which constitute the practice of the
32 healing arts to other persons shall:

33 (1) Be actively engaged in the practice of the healing arts in Kansas;

34 (2) review and keep current any required written agreements or
35 practice protocols between the supervising or responsible licensee and
36 such persons, as may be determined by the board;

37 (3) direct, supervise, order, refer, enter into a written agreement or
38 practice protocol with, or delegate to such persons only those acts and
39 functions which the supervising or responsible licensee knows or has
40 reason to believe can be competently performed by such person and is not
41 in violation of any other statute or regulation;

42 (4) direct, supervise, order, refer, enter into a written agreement or
43 practice protocol with, or delegate to other persons only those acts and

1 Sec. 9. On and after July 1, 2015, K.S.A. 2013 Supp. 65-28a03, as
2 amended by section 43 of chapter 131 of the 2014 Session Laws of
3 Kansas, is hereby amended to read as follows: 65-28a03. (a) There is
4 hereby created a designation of active license. The board is authorized to
5 issue an active license to a physician assistant who makes written
6 application for such license on a form provided by the board and remits the
7 fee for an active license established pursuant to subsection ~~(f)~~ *(h)*. As a
8 condition of engaging in active practice as a physician assistant, each
9 licensed physician assistant shall file a request to engage in active practice
10 signed by the physician assistant and the physician who will be responsible
11 for the physician assistant. The request shall contain such information as
12 required by rules and regulations adopted by the board. The board shall
13 maintain a list of the names of physician assistants who may engage in
14 active practice in this state.

15 (b) All licenses, except temporary licenses, shall ~~expire~~ *be canceled*
16 on the date of ~~expiration~~ *cancellation* established by rules and regulations
17 of the board and may be renewed as required by the board. The request for
18 renewal shall be on a form provided by the board and shall be
19 accompanied by the renewal fee established pursuant to this section, which
20 shall be paid not later than the ~~expiration~~ *renewal* date of the license. The board,
21 prior to renewal of an active license, shall require the licensee to submit to
22 the board evidence satisfactory to the board that the licensee is maintaining
23 a policy of professional liability insurance as required by K.S.A. 40-3402,
24 and amendments thereto, and has paid the premium surcharges as required
25 by K.S.A. 40-3404, and amendments thereto.

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

40 (d) Any license canceled for failure to renew as herein provided may
41 be reinstated upon recommendation of the board and upon payment of the
42 reinstatement fee and upon submitting evidence of satisfactory completion
43 of any applicable continuing education requirements established by the

renewal