

## HOUSE BILL No. 2362

By Committee on Health and Human Services

2-13

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1 AN ACT concerning certain licensees of the state board of healing arts;  
2 resident active license; access to health care records; amending K.S.A.  
3 65-2852, as amended by section 21 of chapter 131 of the 2014 Session  
4 Laws of Kansas and 65-4941 and K.S.A. 2013 Supp. 65-2809, as  
5 amended by section 7 of chapter 131 of the 2014 Session Laws of  
6 Kansas, 65-2836, as amended by section 10 of chapter 131 of the 2014  
7 Session Laws of Kansas, 65-2895, as amended by section 36 of chapter  
8 131 of the 2014 Session Laws of Kansas and 65-28a03, as amended by  
9 section 43 of chapter 131 of the 2014 Session Laws of Kansas and  
10 repealing the existing sections.

11

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

13 Section 1. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2809, as  
14 amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas,  
15 is hereby amended to read as follows: 65-2809. (a) The license shall ~~expire~~  
16 *be canceled* on the date established by rules and regulations of the board  
17 which may provide renewal throughout the year on a continuing basis. In  
18 each case in which a license is renewed for a period of time of more or less  
19 than 12 months, the board may prorate the amount of the fee established  
20 under K.S.A. 65-2852, and amendments thereto. The request for renewal  
21 shall be on a form provided by the board and shall be accompanied by the  
22 prescribed fee, which shall be paid not later than the ~~expiration~~ *renewal*  
23 date of the license.

24 (b) There is hereby created a designation of an active license. The  
25 board is authorized to issue an active license to any licensee who make  
26 written application for such license on a form provided by the board and  
27 remits the fee for an active license established pursuant to K.S.A. 65-2852,  
28 and amendments thereto. The board shall require every active licensee to  
29 submit evidence of satisfactory completion of a program of continuing  
30 education required by the board. The requirements for continuing  
31 education for licensees of each branch of the healing arts shall be  
32 established by rules and regulations adopted by the board.

33 (c) The board, prior to renewal of a license, shall require an active  
34 licensee to submit to the board evidence satisfactory to the board that the  
35 licensee is maintaining a policy of professional liability insurance as  
36 required by K.S.A. 40-3402, and amendments thereto, and has paid the

1 premium surcharges as required by K.S.A. 40-3404, and amendments  
2 thereto.

3 (d) At least 30 days before the ~~expiration~~ *renewal date* of a licensee's  
4 license, the board shall notify the licensee of the ~~expiration~~ *renewal date*  
5 by mail addressed to the licensee's last mailing address as noted upon the  
6 office records. If the licensee fails to *submit the renewal application and*  
7 *pay the renewal fee by the* ~~date of the expiration~~ *renewal date* of the  
8 license, the licensee shall be given ~~a second~~ notice that the ~~licensee's~~  
9 ~~license has expired~~ *licensee has failed to submit the renewal application*  
10 *and pay the renewal fee by the renewal date of the license*, that the license  
11 will be deemed canceled if not renewed within 30 days following the ~~date~~  
12 ~~of expiration~~ *renewal date*, that upon receipt of the *renewal application*  
13 *and renewal fee and an additional fee established by rules and regulations*  
14 of the board not to exceed \$500 within the thirty-day period the license  
15 will not be canceled and that, if both fees are not received within the  
16 thirty-day period, the license shall be deemed canceled by operation of law  
17 and without further proceedings.

18 (e) Any license canceled for failure to renew may be reinstated within  
19 two years of cancellation upon recommendation of the board and upon  
20 payment of the renewal fees then due and upon proof of compliance with  
21 the continuing educational requirements established by the board by rules  
22 and regulations. Any person who has not been in the active practice of the  
23 branch of the healing arts for which reinstatement is sought or who has not  
24 been engaged in a formal educational program during the two years  
25 preceding the application for reinstatement may be required to complete  
26 such additional testing, training or education as the board may deem  
27 necessary to establish the licensee's present ability to practice with  
28 reasonable skill and safety.

29 (f) There is hereby created a designation of exempt license. The board  
30 is authorized to issue an exempt license to any licensee who makes written  
31 application for such license on a form provided by the board and remits the  
32 fee for an exempt license established pursuant to K.S.A. 65-2852, and  
33 amendments thereto. The board may issue an exempt license to a person  
34 who is not regularly engaged in the practice of the healing arts in Kansas  
35 and who does not hold oneself out to the public as being professionally  
36 engaged in such practice. An exempt license shall entitle the holder to all  
37 privileges attendant to the branch of the healing arts for which such license  
38 is issued. Each exempt license may be renewed subject to the provisions of  
39 this section. Each exempt licensee shall be subject to all provisions of the  
40 healing arts act, except as otherwise provided in this subsection (f). The  
41 holder of an exempt license may be required to submit evidence of  
42 satisfactory completion of a program of continuing education required by  
43 this section. The requirements for continuing education for exempt

1 licensees of each branch of the healing arts shall be established by rules  
2 and regulations adopted by the board. Each exempt licensee may apply for  
3 an active license to regularly engage in the practice of the appropriate  
4 branch of the healing arts upon filing a written application with the board.  
5 The request shall be on a form provided by the board and shall be  
6 accompanied by the license fee established pursuant to K.S.A. 65-2852,  
7 and amendments thereto. For the licensee whose license has been exempt  
8 for less than two years, the board shall adopt rules and regulations  
9 establishing appropriate continuing education requirements for exempt  
10 licensees to become licensed to regularly practice the healing arts within  
11 Kansas. Any licensee whose license has been exempt for more than two  
12 years and who has not been in the active practice of the healing arts or  
13 engaged in a formal educational program since the license has been  
14 exempt may be required to complete such additional testing, training or  
15 education as the board may deem necessary to establish the licensee's  
16 present ability to practice with reasonable skill and safety. Nothing in this  
17 subsection (f) shall be construed to prohibit a person holding an exempt  
18 license from serving as a coroner or as a paid employee of: (1) A local  
19 health department as defined by K.S.A. 65-241, and amendments thereto;  
20 or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and  
21 amendments thereto.

22 (g) There is hereby created a designation of inactive license. The  
23 board is authorized to issue an inactive license to any licensee who makes  
24 written application for such license on a form provided by the board and  
25 remits the fee for an inactive license established pursuant to K.S.A. 65-  
26 2852, and amendments thereto. The board may issue an inactive license  
27 only to a person who is not regularly engaged in the practice of the healing  
28 arts in Kansas, who does not hold oneself out to the public as being  
29 professionally engaged in such practice and who meets the definition of  
30 inactive health care provider as defined in K.S.A. 40-3401, and  
31 amendments thereto. An inactive license shall not entitle the holder to  
32 practice the healing arts in this state. Each inactive license may be renewed  
33 subject to the provisions of this section. Each inactive licensee shall be  
34 subject to all provisions of the healing arts act, except as otherwise  
35 provided in this subsection (g). The holder of an inactive license shall not  
36 be required to submit evidence of satisfactory completion of a program of  
37 continuing education required by K.S.A. 65-2809, and amendments  
38 thereto. Each inactive licensee may apply for an active license upon filing  
39 a written application with the board. The request shall be on a form  
40 provided by the board and shall be accompanied by the license fee  
41 established pursuant to K.S.A. 65-2852, and amendments thereto. For  
42 those licensees whose license has been inactive for less than two years, the  
43 board shall adopt rules and regulations establishing appropriate continuing

1 education requirements for inactive licensees to become licensed to  
2 regularly practice the healing arts within Kansas. Any licensee whose  
3 license has been inactive for more than two years and who has not been in  
4 the active practice of the healing arts or engaged in a formal education  
5 program since the licensee has been inactive may be required to complete  
6 such additional testing, training or education as the board may deem  
7 necessary to establish the licensee's present ability to practice with  
8 reasonable skill and safety.

9 (h) (1) There is hereby created a designation of federally active  
10 license. The board is authorized to issue a federally active license to any  
11 licensee who makes written application for such license on a form  
12 provided by the board and remits the same fee required for a license  
13 established under K.S.A. 65-2852, and amendments thereto. The board  
14 may issue a federally active license only to a person who meets all the  
15 requirements for a license to practice the healing arts in Kansas and who  
16 practices that branch of the healing arts solely in the course of employment  
17 or active duty in the United States government or any of its departments,  
18 bureaus or agencies. A person issued a federally active license may engage  
19 in limited practice outside of the course of federal employment consistent  
20 with the scope of practice of exempt licensees under subsection (f), except  
21 that the scope of practice of a federally active licensee shall be limited to  
22 the following: (A) Performing administrative functions, including peer  
23 review, disability determinations, utilization review and expert opinions;  
24 (B) providing direct patient care services gratuitously or providing  
25 supervision, direction or consultation for no compensation except that  
26 nothing in this ~~subpart~~ subsection (h)(1)(B) shall prohibit a person  
27 licensed to practice the healing arts issued a federally active license from  
28 receiving payment for subsistence allowances or actual and necessary  
29 expenses incurred in providing such services; and (C) rendering  
30 professional services as a charitable health care provider as defined in  
31 K.S.A. 75-6102, and amendments thereto.

32 (2) The provisions of subsections (a), (b), (d) and (e) of this section  
33 relating to continuing education, ~~expiration and cancellation~~, renewal and  
34 *reinstatement* of a license shall be applicable to a federally active license  
35 issued under this subsection.

36 (3) A person who practices under a federally active license shall not  
37 be deemed to be rendering professional service as a health care provider in  
38 this state for purposes of K.S.A. 40-3402, and amendments thereto.

39 (j) (1) There is hereby created the designation of reentry *active*  
40 license. The board is authorized to issue a reentry *active* license to any  
41 licensee who makes written application for such license on a form  
42 provided by the board and remits the fee for a reentry *active* license. The  
43 board may issue a reentry *active* license with requirements as the board

1 may deem necessary to establish the licensee's present ability to practice  
2 with reasonable skill and safety to a person who has not regularly engaged  
3 in the practice of the healing arts for at least two years, but who meets all  
4 the qualifications for licensure. The requirements for issuance, ~~renewal~~  
5 *maintenance* and scope of practice for a reentry *active* license shall be  
6 established by rules and regulations adopted by the board.

7 *(2) The provisions of subsection (a), (b) and (d) of this section*  
8 *relating to continuing education, cancellation and renewal of a license*  
9 *shall be applicable to a reentry active license issued under this subsection.*

10 Sec. 2. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2836, as  
11 amended by section 10 of chapter 131 of the 2014 Session Laws of  
12 Kansas, is hereby amended to read as follows: 65-2836. A licensee's  
13 license may be revoked, suspended or limited, or the licensee may be  
14 publicly or privately censured or placed under probationary conditions, or  
15 an application for a license or for reinstatement of a license may be denied  
16 upon a finding of the existence of any of the following grounds:

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

19 (b) The licensee has committed an act of unprofessional or  
20 dishonorable conduct or professional incompetency, except that the board  
21 may take appropriate disciplinary action or enter into a non-disciplinary  
22 resolution when a licensee has engaged in any conduct or professional  
23 practice on a single occasion that, if continued, would reasonably be  
24 expected to constitute an inability to practice the healing arts with  
25 reasonable skill and safety to patients or unprofessional conduct as defined  
26 in K.S.A. 65-2837, and amendments thereto.

27 (c) The licensee has been convicted of a felony or class A  
28 misdemeanor, or substantially similar offense in another jurisdiction,  
29 whether or not related to the practice of the healing arts. The licensee has  
30 been convicted in a special or general court-martial, whether or not related  
31 to the practice of the healing arts. The board shall revoke a licensee's  
32 license following conviction of a felony or substantially similar offense in  
33 another jurisdiction, or following conviction in a general court-martial  
34 occurring after July 1, 2000, unless a  $\frac{2}{3}$  majority of the board members  
35 present and voting determine by clear and convincing evidence that such  
36 licensee will not pose a threat to the public in such person's capacity as a  
37 licensee and that such person has been sufficiently rehabilitated to warrant  
38 the public trust. In the case of a person who has been convicted of a felony  
39 or convicted in a general court-martial and who applies for an original  
40 license or to reinstate a canceled license, the application for a license shall  
41 be denied unless a  $\frac{2}{3}$  majority of the board members present and voting on  
42 such application determine by clear and convincing evidence that such  
43 person will not pose a threat to the public in such person's capacity as a

1 licensee and that such person has been sufficiently rehabilitated to warrant  
2 the public trust.

3 (d) The licensee has used fraudulent or false advertisements.

4 (e) The licensee is addicted to or has distributed intoxicating liquors  
5 or drugs for any other than lawful purposes.

6 (f) The licensee has willfully or repeatedly violated this act, the  
7 pharmacy act of the state of Kansas or the uniform controlled substances  
8 act, or any rules and regulations adopted pursuant thereto, or any rules and  
9 regulations of the secretary of health and environment which are relevant  
10 to the practice of the healing arts.

11 (g) The licensee has unlawfully invaded the field of practice of any  
12 branch of the healing arts in which the licensee is not licensed to practice.

13 (h) The licensee has engaged in the practice of the healing arts under  
14 a false or assumed name, or the impersonation of another practitioner. The  
15 provisions of this subsection relating to an assumed name shall not apply  
16 to licensees practicing under a professional corporation or other legal  
17 entity duly authorized to provide such professional services in the state of  
18 Kansas.

19 (i) The licensee's ability to practice the healing arts with reasonable  
20 skill and safety to patients is impaired by reason of physical or mental  
21 illness, or condition or use of alcohol, drugs or controlled substances. All  
22 information, reports, findings and other records relating to impairment  
23 shall be confidential and not subject to discovery by or release to any  
24 person or entity outside of a board proceeding.

25 (j) The licensee has had a license to practice the healing arts revoked,  
26 suspended or limited, has been censured or has had other disciplinary  
27 action taken, or an application for a license denied, by the proper licensing  
28 authority of another state, territory, District of Columbia, or other country;  
29 ~~a certified copy of the record of the action of the other jurisdiction being~~  
30 ~~conclusive evidence thereof.~~

31 (k) The licensee has violated any lawful rule and regulation  
32 promulgated by the board or violated any lawful order or directive of the  
33 board previously entered by the board.

34 (l) The licensee has failed to report or reveal the knowledge required  
35 to be reported or revealed under K.S.A. 65-28,122, and amendments  
36 thereto.

37 (m) The licensee, if licensed to practice medicine and surgery, has  
38 failed to inform in writing a patient suffering from any form of  
39 abnormality of the breast tissue for which surgery is a recommended form  
40 of treatment, of alternative methods of treatment recognized by licensees  
41 of the same profession in the same or similar communities as being  
42 acceptable under like conditions and circumstances.

43 (n) The licensee has cheated on or attempted to subvert the validity of

1 the examination for a license.

2 (o) The licensee has been found to be mentally ill, disabled, not guilty  
3 by reason of insanity, not guilty because the licensee suffers from a mental  
4 disease or defect or incompetent to stand trial by a court of competent  
5 jurisdiction.

6 (p) The licensee has prescribed, sold, administered, distributed or  
7 given a controlled substance to any person for other than medically  
8 accepted or lawful purposes.

9 (q) The licensee has violated a federal law or regulation relating to  
10 controlled substances.

11 (r) The licensee has failed to furnish the board, or its investigators or  
12 representatives, any information legally requested by the board.

13 (s) Sanctions or disciplinary actions have been taken against the  
14 licensee by a peer review committee, health care facility, a governmental  
15 agency or department or a professional association or society for acts or  
16 conduct similar to acts or conduct which would constitute grounds for  
17 disciplinary action under this section.

18 (t) The licensee has failed to report to the board any adverse action  
19 taken against the licensee by another state or licensing jurisdiction, a peer  
20 review body, a health care facility, a professional association or society, a  
21 governmental agency, by a law enforcement agency or a court for acts or  
22 conduct similar to acts or conduct which would constitute grounds for  
23 disciplinary action under this section.

24 (u) The licensee has surrendered a license or authorization to practice  
25 the healing arts in another state or jurisdiction, has surrendered the  
26 authority to utilize controlled substances issued by any state or federal  
27 agency, has agreed to a limitation to or restriction of privileges at any  
28 medical care facility or has surrendered the licensee's membership on any  
29 professional staff or in any professional association or society while under  
30 investigation for acts or conduct similar to acts or conduct which would  
31 constitute grounds for disciplinary action under this section.

32 (v) The licensee has failed to report to the board surrender of the  
33 licensee's license or authorization to practice the healing arts in another  
34 state or jurisdiction or surrender of the licensee's membership on any  
35 professional staff or in any professional association or society while under  
36 investigation for acts or conduct similar to acts or conduct which would  
37 constitute grounds for disciplinary action under this section.

38 (w) The licensee has an adverse judgment, award or settlement  
39 against the licensee resulting from a medical liability claim related to acts  
40 or conduct similar to acts or conduct which would constitute grounds for  
41 disciplinary action under this section.

42 (x) The licensee has failed to report to the board any adverse  
43 judgment, settlement or award against the licensee resulting from a

1 medical malpractice liability claim related to acts or conduct similar to acts  
2 or conduct which would constitute grounds for disciplinary action under  
3 this section.

4 (y) The licensee has failed to maintain a policy of professional  
5 liability insurance as required by K.S.A. 40-3402 or 40-3403a, and  
6 amendments thereto.

7 (z) The licensee has failed to pay the premium surcharges as required  
8 by K.S.A. 40-3404, and amendments thereto.

9 (aa) The licensee has knowingly submitted any misleading, deceptive,  
10 untrue or fraudulent representation on a claim form, bill or statement.

11 (bb) The licensee as the supervising physician for a physician  
12 assistant has failed to adequately direct and supervise the physician  
13 assistant in accordance with the physician assistant licensure act or rules  
14 and regulations adopted under such act.

15 (cc) The licensee has assisted suicide in violation of K.S.A. 21-3406,  
16 prior to its repeal, or K.S.A. ~~2013~~ 2014 Supp. 21-5407, and amendments  
17 thereto, as established by any of the following:

18 ~~(A)~~ (1) A copy of the record of criminal conviction or plea of guilty  
19 for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A.  
20 ~~2013~~ 2014 Supp. 21-5407, and amendments thereto.

21 ~~(B)~~ (2) A copy of the record of a judgment of contempt of court for  
22 violating an injunction issued under K.S.A. 60-4404, and amendments  
23 thereto.

24 ~~(C)~~ (3) A copy of the record of a judgment assessing damages under  
25 K.S.A. 60-4405, and amendments thereto.

26 (dd) The licensee has given a worthless check or stopped payment on  
27 a debit or credit card for fees or moneys legally due to the board.

28 (ee) The licensee has knowingly or negligently abandoned medical  
29 records.

30 Sec. 3. On and after July 1, 2015, K.S.A. 65-2852, as amended by  
31 section 21 of chapter 131 of the 2014 Session Laws of Kansas, is hereby  
32 amended to read as follows: 65-2852. The following fees shall be  
33 established by the board by rules and regulations and collected by the  
34 board:

35 (a) For a license, issued upon the basis of an examination, in a sum of  
36 not more than \$300;

37 (b) for a license, issued without examination and by endorsement, in  
38 a sum of not more than \$300;

39 (c) for a license, issued upon a certificate from the national boards, in  
40 a sum of not more than \$300;

41 (d) for the renewal of a license, the sum of not more than \$500;

42 (e) for a temporary permit, in a sum of not more than \$60;

43 (f) for an institutional license, in a sum of not more than \$300;



1 (g) for a visiting professor temporary license, in a sum of not more  
2 than \$50;

3 (h) for a certified statement from the board that a licensee is licensed  
4 in this state, the sum of not more than \$30;

5 (i) for any copy of any license issued by the board, the sum of not  
6 more than \$30;

7 (j) for any examination given by the board, a sum in an amount equal  
8 to the cost to the board of the examination;

9 (k) for application for and issuance of a special permit under K.S.A.  
10 65-2811a, and amendments thereto, the sum of not more than \$60;

11 (l) for an exempt or inactive license or renewal of an exempt or  
12 inactive license, the sum of not more than \$150;

13 (m) for conversion of an exempt or inactive license to a license to  
14 practice the healing arts, the sum of not more than \$300;

15 (n) for reinstatement of a revoked license, in a sum of not more than  
16 \$1,000;

17 (o) *for reinstatement of a canceled license, in a sum of not more than*  
18 *\$500;*

19 (p) for a visiting clinical professor license, or renewal of a visiting  
20 clinical professor license, in a sum of not more than \$300;

21 ~~(q)~~ (q) for a postgraduate permit in a sum of not more than \$60;

22 ~~(r)~~ (r) for a limited permit or renewal of a limited permit, the sum of  
23 not more than \$60; ~~and~~

24 ~~(s)~~ (s) for a written verification of any license or permit, the sum of  
25 not more than \$25; *and*

26 (t) *for a resident active license, the sum of not more than \$500.*

27 Sec. 4. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2895, as  
28 amended by section 36 of chapter 131 of the 2014 Session Laws of  
29 Kansas, is hereby amended to read as follows: 65-2895. (a) There is  
30 hereby created an institutional license which may be issued by the board to  
31 a person who:

32 (1) Is a graduate of an accredited school of medicine or osteopathic  
33 medicine or a school which the graduates have been licensed in another  
34 state or states which have standards similar to Kansas;

35 (2) has completed at least two years in a postgraduate training  
36 program in the United States approved by the board; and

37 (3) who is employed as provided in this section.

38 (b) Subject to the restrictions of this section, the institutional license  
39 shall confer upon the holder the right and privilege to practice medicine  
40 and surgery and shall obligate the holder to comply with all requirements  
41 of such license.

42 (c) The practice privileges of institutional license holders are  
43 restricted and shall be valid only during the period in which:

1 (1) The holder is employed by any institution within the Kansas  
2 department for aging and disability services, employed by any institution  
3 within the department of corrections or employed pursuant to a contract  
4 entered into by the Kansas department for aging and disability services or  
5 the department of corrections with a third party, and only within the  
6 institution to which the holder is assigned; and

7 (2) the holder has been employed for at least three years as described  
8 in subsection (c)(1) and is employed to provide mental health services in  
9 Kansas in the employ of a Kansas licensed community mental health  
10 center, or one of its contracted affiliates, or a federal, state, county or  
11 municipal agency, or other political subdivision, or a contractor of a  
12 federal, state, county or municipal agency, or other political subdivision, or  
13 a duly chartered educational institution, or a medical care facility licensed  
14 under K.S.A. 65-425 et seq., and amendments thereto, in a psychiatric  
15 hospital licensed under K.S.A. 75-3307b, and amendments thereto, or a  
16 contractor of such educational institution, medical care facility or  
17 psychiatric hospital, and whose practice, in any such employment, is  
18 limited to providing mental health services, is a part of the duties of such  
19 licensee's paid position and is performed solely on behalf of the employer.

20 (d) An institutional license shall ~~expire~~ *be canceled* on the date  
21 established by rules and regulations of the board which may provide for  
22 renewal throughout the year on a continuing basis. In each case in which  
23 an institutional license is renewed for a period of time of more or less than  
24 12 months, the board may prorate the amount of the fee established under  
25 K.S.A. 65-2852, and amendments thereto. The request for renewal shall be  
26 on a form provided by the board and shall be accompanied by the  
27 prescribed fee, which shall be paid not later than the ~~expiration~~  
28 *cancellation* date of the license. An institutional license may be renewed  
29 for an additional one-year period if the applicant for renewal meets the  
30 requirements under subsection (c), has submitted an application for  
31 renewal on a form provided by the board, has paid the renewal fee  
32 established by rules and regulations of the board of not to exceed \$500 and  
33 has submitted evidence of satisfactory completion of a program of  
34 continuing education required by the board. In addition, an applicant for  
35 renewal who is employed as described in subsection (c)(1) shall submit  
36 with the application for renewal a recommendation that the institutional  
37 license be renewed signed by the superintendent of the institution to which  
38 the institutional license holder is assigned.

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

43 (f) This section shall be a part of and supplemental to the Kansas

1 healing arts act.

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

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

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

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

1 of any applicable continuing education requirements established by the  
2 board. The board shall adopt rules and regulations establishing appropriate  
3 continuing education requirements for reinstatement of licenses canceled  
4 for failure to renew.

5 (e) There is hereby created the designation of inactive license. The  
6 board is authorized to issue an inactive license to any licensee who makes  
7 written application for such license on a form provided by the board and  
8 remits the fee for an inactive license established pursuant to subsection ~~(f)~~  
9 *(h)* of this section. The board may issue an inactive license only to a  
10 person who meets all the requirements for a license to practice as a  
11 physician assistant and who does not engage in active practice as a  
12 physician assistant in the state of Kansas. An inactive license shall not  
13 entitle the holder to engage in active practice. The provisions of  
14 subsections (c) and (d) of this section relating to ~~expiration~~ *cancellation*,  
15 renewal and reinstatement of a license shall be applicable to an inactive  
16 license issued under this subsection. Each inactive licensee may apply to  
17 engage in active practice by presenting a request required by subsection (a)  
18 and submit to the board evidence satisfactory to the board that such  
19 licensee is maintaining a policy of professional liability insurance as  
20 required by K.S.A. 40-3402, and amendments thereto, and has paid the  
21 premium surcharges as required by K.S.A. 40-3404, and amendments  
22 thereto. The request shall contain such information as required by rules  
23 and regulations adopted by the board. The request shall be accompanied by  
24 the fee established pursuant to subsection ~~(f)~~ *(h)* .

25 (f) *(1) There is hereby created a designation of federally active*  
26 *license. The board is authorized to issue a federally active license to any*  
27 *licensed physician assistant who makes written application for such*  
28 *license on a form provided by the board and remits the same fee required*  
29 *for a federally active license established under subsection (h). The board*  
30 *may issue a federally active license only to a person who meets all of the*  
31 *requirements for a license to practice as a physician assistant in Kansas*  
32 *and who practices as a physician assistant solely in the course of*  
33 *employment or active duty in the United States government or any of its*  
34 *departments, bureaus or agencies. A person issued a federally active*  
35 *license may engage in limited practice outside of the course of federal*  
36 *employment consistent with the scope of practice of exempt licensees*  
37 *under subsection (g), except that the scope of practice of a federally active*  
38 *licensee shall be limited to the following: (A) Performing administrative*  
39 *functions, including peer review, disability determinations, utilization*  
40 *review and expert opinions; (B) providing direct patient care services*  
41 *gratuitously or providing supervision, direction or consultation for no*  
42 *compensation except that nothing in this subsection (f)(1)(B) shall prohibit*  
43 *a physician assistant issued a federally active license from receiving*

1 *payment for subsistence allowances or actual and necessary expenses*  
2 *incurred in providing such services; and (C) rendering professional*  
3 *services as a charitable health care provider as defined in K.S.A. 75-6102,*  
4 *and amendments thereto.*

5 *(2) The provisions of subsections (c) and (d) of this section relating to*  
6 *continuing education, cancellation, renewal and reinstatement of a license*  
7 *shall be applicable to a federally active license issued under this*  
8 *subsection.*

9 *(3) A person who practices under a federally active license shall not*  
10 *be deemed to be rendering professional service as a health care provider*  
11 *in this state for purposes of K.S.A. 40-3402, and amendments thereto.*

12 *(g) (1) There is hereby created a designation of exempt license. The*  
13 *board is authorized to issue an exempt license to any licensed physician*  
14 *assistant who makes written application for such license on a form*  
15 *provided by the board and remits the fee for an exempt license established*  
16 *under subsection (h). The board may issue an exempt license to a person*  
17 *who is not regularly engaged in physician assistant practice in Kansas*  
18 *and who does not hold oneself out to the public as being professionally*  
19 *engaged in such practice. An exempt license shall entitle the holder to all*  
20 *privileges of a physician assistant for which such license is issued. Each*  
21 *exempt license may be renewed subject to the provisions of this section.*  
22 *Each exempt licensee shall be subject to all provisions of the physician*  
23 *assistant licensure act, except as otherwise provided in this subsection (g).*  
24 *The holder of an exempt license may be required to submit evidence of*  
25 *satisfactory completion of a program of continuing education required by*  
26 *this section. The requirements for continuing education for exempt*  
27 *licensees under this section shall be established by rules and regulations*  
28 *adopted by the board. Each exempt licensee may apply for an active*  
29 *license to regularly engage in the practice of a physician assistant upon*  
30 *filing a written application with the board. The request shall be on a form*  
31 *provided by the board and shall be accompanied by the active license fee*  
32 *established pursuant to subsection (h).*

33 *(2) For the licensee whose license has been exempt for less than two*  
34 *years, the board shall adopt rules and regulations establishing*  
35 *appropriate continuing education requirements for exempt licensees to*  
36 *become licensed to regularly practice as a physician assistant within*  
37 *Kansas. Any licensee whose license has been exempt for more than two*  
38 *years and who has not been in the active practice as a physician assistant*  
39 *or engaged in a formal educational program since the license has been*  
40 *exempt may be required to complete such additional testing, training or*  
41 *education as the board may deem necessary to establish the licensee's*  
42 *present ability to practice with reasonable skill and safety.*

43 *(3) Nothing in this subsection (g) shall be construed to prohibit a*

1 *person holding an exempt license from serving as a paid employee of: (A)*  
2 *A local health department as defined by K.S.A. 65-241, and amendments*  
3 *thereto; or (B) an indigent health care clinic as defined by K.S.A. 75-6102,*  
4 *and amendments thereto.*

5 *(h) The following fees shall be fixed by rules and regulations adopted*  
6 *by the state board of healing arts and shall be collected by the board:*

7 (1) For an active license as a physician assistant, the sum of not more  
8 than \$200;

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

11 (3) for temporary licensure as a physician assistant, the sum of not  
12 more than \$30;

13 (4) for the renewal of an active license to practice as a physician  
14 assistant, the sum of not more than \$150;

15 (5) for renewal of an inactive license, the sum of not more than \$150;

16 (6) for the late renewal of any license as a physician assistant, the  
17 sum of not more than \$250;

18 (7) for reinstatement of a license canceled for failure to renew, the  
19 sum of not more than \$250;

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

22 (9) *for a federally active license, the sum of not more than \$200;*

23 (10) *for the exempt license, the sum of not more than \$150;*

24 (11) for a copy of the licensure certificate of a physician assistant, the  
25 sum of not more than \$25; and

26 ~~(12)~~ (12) for conversion of an inactive license to an active license to  
27 actively practice as a physician assistant, the sum of not more than \$150.

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

33 ~~(h)~~ (j) The board may promulgate all necessary rules and regulations  
34 for carrying out the provisions of this act.

35 Sec. 6. On and after July 1, 2015, K.S.A. 65-4941 is hereby amended  
36 to read as follows: 65-4941. As used in this act:

37 (a) "Cardiopulmonary resuscitation" means chest compressions,  
38 assisted ventilations, intubation, defibrillation, administration of  
39 cardiotoxic medications or other medical procedure which is intended to  
40 restart breathing or heart functioning;

41 (b) "do not resuscitate" directive or "DNR directive" means a  
42 witnessed document in writing, voluntarily executed by the declarant in  
43 accordance with the requirements of this act;

1 (c) "do not resuscitate order" or "DNR order" means instruction by  
2 the physician *or physician assistant* who is responsible for the care of the  
3 patient while admitted to a medical care facility licensed pursuant to  
4 K.S.A. 65-429, and amendments thereto, or an adult care home licensed  
5 pursuant to K.S.A. 39-928, and amendments thereto;

6 (d) "health care provider" means a health care provider as that term is  
7 defined by K.S.A. 65-4915, and amendments thereto;

8 (e) "DNR identifier" means a medallion or bracelet designed to be  
9 worn by a patient which has been inscribed to identify the patient and  
10 contains the letters "DNR" or the statement "do not resuscitate" when such  
11 DNR identifier is distributed by an entity certified by the emergency  
12 medical services board;

13 (f) "physician" means a person licensed to practice medicine and  
14 surgery by the state board of healing arts; ~~and~~

15 (g) *"physician assistant" means a person licensed by the state board*  
16 *of healing arts to practice as a physician assistant; and*

17 (h) "declarant" means any person who has executed a "do not  
18 resuscitate" directive in accordance with the provisions of this act.

19 New Sec. 7. (a) There is hereby created a resident active license,  
20 which may be issued by the board to a person who:

21 (1) Makes written application for such license on a form provided by  
22 the board and remits the fee for a resident active license established by the  
23 board by rules and regulations;

24 (2) has successfully completed at least one year of approved  
25 postgraduate training;

26 (3) is engaged in a full-time, approved postgraduate training program;  
27 and

28 (4) has passed the examinations for licensure required under K.S.A.  
29 65-2873, and amendments thereto.

30 (b) The requirements for issuance, maintenance and renewal of a  
31 resident active license shall be established by rules and regulations  
32 adopted by the board. A resident active license shall entitle the holder to all  
33 privileges attendant to the brand of the healing arts for which such license  
34 is used.

35 (c) This section shall be part of and supplemental to the Kansas  
36 healing arts act.

37 New Sec. 8. (a) As used in this section: (1) "Health care provider"  
38 means any person licensed by the state board of healing arts.

39 (2) "Authorized representative" means the person designated in  
40 writing by the patient to obtain the health care records of the patient or the  
41 person otherwise authorized by law to obtain the health care records of the  
42 patient.

43 (3) "Authorization" means a written or printed document signed by a

1 patient or a patient's authorized representative containing: (A) A  
2 description of the health care records a health care provider is authorized  
3 to produce; (B) the patient's name, address and date of birth; (C) a  
4 designation of the person or entity authorized to obtain copies of the health  
5 care records; (D) a date or event upon which the force of the authorization  
6 shall expire which shall not exceed one year; (E) if signed by a patient's  
7 authorized representative, the authorized representative's name, address,  
8 telephone number and relationship or capacity to the patient; and (F) a  
9 statement setting forth the right of the person signing the authorization to  
10 revoke it in writing.

11 (b) Subject to applicable law, copies of health care records shall be  
12 furnished to a patient, a patient's authorized representative or any other  
13 person or entity authorized by law to obtain or reproduce such records,  
14 within 30 days of the receipt of the authorization, or the health care  
15 provider shall notify the patient or the patient's authorized representative  
16 of the reasons why copies are not available. A health care provider may  
17 withhold copies of health care records if the health care provider  
18 reasonably believes that providing copies of the requested records will  
19 cause substantial harm to the patient or another person. Health care  
20 providers may condition the furnishing of the patient's health care records  
21 to the patient, the patient's authorized representative or any other person or  
22 entity authorized by law to obtain or reproduce such records, upon the  
23 payment of charges not to exceed a \$15 fee for the cost of supplies and  
24 labor; and for copies of health care records routinely duplicated on a  
25 standard photocopy machine, \$.50 per page for the first 250 pages and  
26 \$.35 per page for additional pages. Providers may charge for the  
27 reasonable cost of all duplications of health care record information which  
28 cannot be routinely duplicated on a standard photocopy machine.

29 (c) On January 1, 2016, and annually thereafter, the fees set forth in  
30 subsection (b) shall be increased by the secretary of labor in accordance  
31 with the all-items consumer price index published by the United States  
32 department of labor.

33 (d) Any health care provider, patient, authorized representative or any  
34 other entity authorized by law to obtain or reproduce such records may  
35 bring a claim or action to enforce the provisions of this section. The  
36 petition shall include an averment that the party bringing the action has in  
37 good faith conferred or attempted to confer with the other party concerning  
38 the matter in dispute without court action. Upon a showing that the failure  
39 to comply with this section was without just cause or excuse, the court  
40 shall award the costs of the action and order the records produced without  
41 cost or expense to the prevailing party.

42 (e) Nothing in this section shall be construed to prohibit the state  
43 board of healing arts from adopting and enforcing rules and regulations not



1 inconsistent with this section that require licensees of the board to furnish  
2 health care records to patients or to their authorized representative. To the  
3 extent that the board determines that an administrative disciplinary remedy  
4 is appropriate for violation of such rules and regulations, that remedy is  
5 separate from and in addition to the provisions of this section.

6       Sec. 9. On and after July 1, 2015, K.S.A. 65-2852, as amended by  
7 section 21 of chapter 131 of the 2014 Session Laws of Kansas and 65-  
8 4941 and K.S.A. 2014 Supp. 65-2809, as amended by section 7 of chapter  
9 131 of the 2014 Session Laws of Kansas, 65-2836, as amended by section  
10 10 of chapter 131 of the 2014 Session Laws of Kansas, 65-2895, as  
11 amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas  
12 and 65-28a03, as amended by section 43 of chapter 131 of the 2014  
13 Session Laws of Kansas are hereby repealed.

14       Sec. 10. This act shall take effect and be in force from and after its  
15 publication in the statute book.