

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2615

By Committee on Health and Human Services

2-4

1 AN ACT concerning charitable healthcare providers; relating to continuing  
2 education credits for gratuitous care; amending K.S.A. 2015 Supp. 65-  
3 1431, 65-2809 and 75-6102 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 **Section 1. K.S.A. 2015 Supp. 65-1431 is hereby amended to read**  
7 **as follows: 65-1431. (a) Each license to practice as a dentist or dental**  
8 **hygienist issued by the board, shall expire on December 1 of the year**  
9 **specified by the board for the expiration of the license and shall be**  
10 **renewed on a biennial basis. Each application for renewal shall be**  
11 **made on a form prescribed and furnished by the board. Every**  
12 **licensed dentist or dental hygienist shall pay to the board a renewal fee**  
13 **fixed by the board as provided in K.S.A. 65-1447, and amendments**  
14 **thereto.**

15 (b) To provide for a staggered system of biennial renewal of  
16 licenses, the board may renew licenses for less than two years.

17 (c) On or before December 1 of the year in which the licensee's  
18 license expires, the licensee shall transmit to the board a renewal  
19 application, upon a form prescribed by the board, which shall include  
20 such licensee's signature, post office address, the number of the license  
21 of such licensee, whether such licensee has been engaged during the  
22 preceding licensure period in active and continuous practice whether  
23 within or without this state, and such other information as may be  
24 required by the board, together with the biennial licensure fee for a  
25 dental hygienist which is fixed by the board pursuant to K.S.A. 65-  
26 1447, and amendments thereto.

27 (d) (1) The board shall require every licensee to submit with the  
28 renewal application evidence of satisfactory completion of a program  
29 of continuing education required by the board. The board by duly  
30 adopted rules and regulations shall establish the requirements for  
31 such program of continuing education as soon as possible after the  
32 effective date of this act.

33 (2) *A dentist who is a charitable healthcare provider in Kansas who*  
34 *has signed an agreement to provide gratuitous services pursuant to K.S.A.*  
35 *75-6102 and 75-6120, and amendments thereto, may fulfill one hour of*  
36 *continuing education credit by the performance of two hours of gratuitous*

1 *services to medically indigent persons up to a maximum of six continuing*  
2 *education credits per licensure period.*

3 **(e) Upon fixing the biennial license renewal fee, the board shall**  
4 **immediately notify all licensees of the amount of the fee for the**  
5 **ensuing licensure period. Upon receipt of such fee and upon receipt of**  
6 **evidence that the licensee has satisfactorily completed a program of**  
7 **continuing education required by the board, the licensee shall be**  
8 **issued a renewal license authorizing the licensee to continue to**  
9 **practice in this state for a period of no more than two years.**

10 **(f) (1) Any license granted under authority of this act shall**  
11 **automatically be canceled if the holder thereof fails to apply for and**  
12 **obtain renewal prior to March 1 of the year following the December in**  
13 **which a renewal application is due.**

14 **(2) Any licensee whose license is required to be renewed for the**  
15 **next biennial period may obtain renewal, prior to February 1, by**  
16 **submitting to the board the required renewal application, payment of**  
17 **the biennial renewal fee and proof that such licensee has satisfactorily**  
18 **completed a program of continuing education required by the board.**  
19 **Any licensee whose license is required to be renewed for the next**  
20 **biennial period may obtain renewal, between February 1 and March**  
21 **1, by submitting to the board the required renewal application,**  
22 **payment of the biennial renewal fee, payment of a penalty fee of not to**  
23 **exceed \$500 as fixed by rules and regulations by the board and proof**  
24 **that such licensee has satisfactorily completed a program of**  
25 **continuing education required by the board. The penalty fee in effect**  
26 **immediately prior to the effective date of this act shall continue in**  
27 **effect until rules and regulations establishing a penalty fee under this**  
28 **section become effective.**

29 **(g) Upon failure of any licensee to pay the applicable renewal fee**  
30 **or to present proof of satisfactory completion of the required program**  
31 **of continuing education by February 1 of the year following the**  
32 **December in which a renewal application is due, the board shall notify**  
33 **such licensee, in writing, by mailing notice to such licensee's last**  
34 **registered address. Failure to mail or receive such notice shall not**  
35 **affect the cancellation of the license of such licensee.**

36 **(h) The board may waive the payment of biennial fees and the**  
37 **continuing education requirements for the renewal of licenses without**  
38 **the payment of any fee for a person who has held a Kansas license to**  
39 **practice dentistry or dental hygiene if such licensee has retired from**  
40 **such practice or has become temporarily or permanently disabled and**  
41 **such licensee files with the board a certificate stating either of the**  
42 **following:**

43 **(1) A retiring licensee shall certify to the board that the licensee is**

1 not engaged, except as provided in K.S.A. 65-1466, and amendments  
2 thereto, in the provision of any dental service, the performance of any  
3 dental operation or procedure or the delivery of any dental hygiene  
4 service as defined by the statutes of the state of Kansas; or

5 (2) a disabled licensee shall certify to the board that such licensee  
6 is no longer engaged in the provision of dental services, the  
7 performance of any dental operation or the provision of any dental  
8 hygiene services as defined by the statutes of the state of Kansas by  
9 reason of any physical disability, whether permanent or temporary,  
10 and shall describe the nature of such disability.

11 (i) The waiver of fees under subsection (h) shall continue so long  
12 as the retirement or physical disability exists. Except as provided in  
13 K.S.A. 65-1466, and amendments thereto, in the event the licensee  
14 returns to the practice for which such person is licensed, the  
15 requirement for payment of fees and continuing education  
16 requirements shall be reimposed commencing with and continuing  
17 after the date the licensee returns to such active practice. Except as  
18 provided in K.S.A. 65-1466, and amendments thereto, the  
19 performance of any dental service, including consulting service, or the  
20 performance of any dental hygiene service, including consulting  
21 service, shall be deemed the resumption of such service, requiring  
22 payment of license fees.

23 (j) The Kansas dental board may adopt such rules and  
24 regulations requiring the examination and providing means for  
25 examination of those persons returning to active practice after a  
26 period of retirement or disability as the board shall deem necessary  
27 and appropriate for the protection of the people of the state of Kansas  
28 except that for an applicant to practice dental hygiene who is  
29 returning to active practice after a period of retirement or disability,  
30 the board shall authorize as an alternative to the requirement for an  
31 examination that the applicant successfully complete a refresher  
32 course as defined by the board in an approved dental hygiene school.

33 ~~Section 1.~~ **Sec. 2.** K.S.A. 2015 Supp. 65-2809 is hereby amended to  
34 read as follows: 65-2809. (a) The license shall be canceled 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 more or less than 12 months, the  
38 board may prorate the amount of the fee established under K.S.A. 65-  
39 2852, and amendments thereto. The request for renewal shall be on a form  
40 provided by the board and shall be accompanied by the prescribed fee,  
41 which shall be paid not later than the renewal date of the license.

42 (b) There is hereby created a designation of an active license. The  
43 board is authorized to issue an active license to any licensee who makes

1 written application for such license on a form provided by the board and  
2 remits the fee for an active license established pursuant to K.S.A. 65-2852,  
3 and amendments thereto. The board shall require every active licensee to  
4 submit evidence of satisfactory completion of a program of continuing  
5 education required by the board. The requirements for continuing  
6 education for licensees of each branch of the healing arts shall be  
7 established by rules and regulations adopted by the board.

8 (c) The board, prior to renewal of a license, shall require an active  
9 licensee to submit to the board evidence satisfactory to the board that the  
10 licensee is maintaining a policy of professional liability insurance as  
11 required by K.S.A. 40-3402, and amendments thereto, and has paid the  
12 premium surcharges as required by K.S.A. 40-3404, and amendments  
13 thereto.

14 (d) At least 30 days before the renewal date of a licensee's license, the  
15 board shall notify the licensee of the renewal date by mail addressed to the  
16 licensee's last mailing address as noted upon the office records. If the  
17 licensee fails to submit the renewal application and pay the renewal fee by  
18 the renewal date of the license, the licensee shall be given notice that the  
19 licensee has failed to submit the renewal application and pay the renewal  
20 fee by the renewal date of the license, that the license will be deemed  
21 canceled if not renewed within 30 days following the renewal date, that  
22 upon receipt of the renewal application and renewal fee and an additional  
23 fee established by rules and regulations of the board not to exceed \$500  
24 within the 30-day period the license will not be canceled and that, if both  
25 fees are not received within the 30-day period, the license shall be deemed  
26 canceled by operation of law and without further proceedings.

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

38 (f) There is hereby created a designation of exempt license. The board  
39 is authorized to issue an exempt license to any licensee who makes written  
40 application for such license on a form provided by the board and remits the  
41 fee for an exempt license established pursuant to K.S.A. 65-2852, and  
42 amendments thereto. The board may issue an exempt license to a person  
43 who is not regularly engaged in the practice of the healing arts in Kansas

1 and who does not hold oneself out to the public as being professionally  
2 engaged in such practice. An exempt license shall entitle the holder to all  
3 privileges attendant to the branch of the healing arts for which such license  
4 is issued. Each exempt license may be renewed subject to the provisions of  
5 this section. Each exempt licensee shall be subject to all provisions of the  
6 healing arts act, except as otherwise provided in this subsection-~~(f)~~. The  
7 holder of an exempt license may be required to submit evidence of  
8 satisfactory completion of a program of continuing education required by  
9 this section. The requirements for continuing education for exempt  
10 licensees of each branch of the healing arts shall be established by rules  
11 and regulations adopted by the board. Each exempt licensee may apply for  
12 an active license to regularly engage in the practice of the appropriate  
13 branch of the healing arts upon filing a written application with the board.  
14 The request shall be on a form provided by the board and shall be  
15 accompanied by the license fee established pursuant to K.S.A. 65-2852,  
16 and amendments thereto. For the licensee whose license has been exempt  
17 for less than two years, the board shall adopt rules and regulations  
18 establishing appropriate continuing education requirements for exempt  
19 licensees to become licensed to regularly practice the healing arts within  
20 Kansas. Any licensee whose license has been exempt for more than two  
21 years and who has not been in the active practice of the healing arts or  
22 engaged in a formal educational program since the license has been  
23 exempt may be required to complete such additional testing, training or  
24 education as the board may deem necessary to establish the licensee's  
25 present ability to practice with reasonable skill and safety. Nothing in this  
26 subsection-~~(f)~~ shall be construed to prohibit a person holding an exempt  
27 license from serving as a coroner or as a paid employee of: (1) A local  
28 health department as defined by K.S.A. 65-241, and amendments thereto;  
29 or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and  
30 amendments thereto.

31 (g) There is hereby created a designation of inactive license. The  
32 board is authorized to issue an inactive license to any licensee who makes  
33 written application for such license on a form provided by the board and  
34 remits the fee for an inactive license established pursuant to K.S.A. 65-  
35 2852, and amendments thereto. The board may issue an inactive license  
36 only to a person who is not regularly engaged in the practice of the healing  
37 arts in Kansas, who does not hold oneself out to the public as being  
38 professionally engaged in such practice and who meets the definition of  
39 inactive health care provider as defined in K.S.A. 40-3401, and  
40 amendments thereto. An inactive license shall not entitle the holder to  
41 practice the healing arts in this state. Each inactive license may be renewed  
42 subject to the provisions of this section. Each inactive licensee shall be  
43 subject to all provisions of the healing arts act, except as otherwise

1 provided in this subsection-(g). The holder of an inactive license shall not  
2 be required to submit evidence of satisfactory completion of a program of  
3 continuing education required by K.S.A. 65-2809, and amendments  
4 thereto. Each inactive licensee may apply for an active license upon filing  
5 a written application with the board. The request shall be on a form  
6 provided by the board and shall be accompanied by the license fee  
7 established pursuant to K.S.A. 65-2852, and amendments thereto. For  
8 those licensees whose license has been inactive for less than two years, the  
9 board shall adopt rules and regulations establishing appropriate continuing  
10 education requirements for inactive licensees to become licensed to  
11 regularly practice the healing arts within Kansas. Any licensee whose  
12 license has been inactive for more than two years and who has not been in  
13 the active practice of the healing arts or engaged in a formal education  
14 program since the licensee has been inactive may be required to complete  
15 such additional testing, training or education as the board may deem  
16 necessary to establish the licensee's present ability to practice with  
17 reasonable skill and safety.

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

41 (2) The provisions of subsections (a), (b), (d) and (e) of this section  
42 relating to continuing education, cancellation, renewal and reinstatement  
43 of a license shall be applicable to a federally active license issued under

1 this subsection.

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

5 (j) (1) There is hereby created the designation of reentry active  
6 license. The board is authorized to issue a reentry active license to any  
7 licensee who makes written application for such license on a form  
8 provided by the board and remits the fee for a reentry active license. The  
9 board may issue a reentry active license with requirements as the board  
10 may deem necessary to establish the licensee's present ability to practice  
11 with reasonable skill and safety to a person who has not regularly engaged  
12 in the practice of the healing arts for at least two years, but who meets all  
13 the qualifications for licensure. The requirements for issuance,  
14 maintenance and scope of practice for a reentry active license shall be  
15 established by rules and regulations adopted by the board.

16 (2) The provisions of subsections (a), (b) and (d) of this section  
17 relating to continuing education, cancellation and renewal of a license  
18 shall be applicable to a reentry active license issued under this subsection.

19 (k) *A charitable healthcare provider in Kansas who has signed an*  
20 *agreement to provide gratuitous services pursuant to K.S.A. 75-6102 and*  
21 *75-6120, and amendments thereto, may fulfill one hour of continuing*  
22 *education credit by the performance of two hours of gratuitous services to a*  
23 *eligible low income patients **medically indigent persons** up to a*  
24 *maximum of ~~eight~~ **20** continuing education credits per licensure period.*

25 (l) *The board shall provide a measurement report annually, starting*  
26 *on January 15, 2017, to the senate committee on public health and welfare*  
27 *and the house committee on health and human services detailing by*  
28 *profession the number of gratuitous continuing education units used,*  
29 *compared to the number of continuous education units required.*

30 ~~Sec. 2.~~ **3.** K.S.A. 2015 Supp. 75-6102 is hereby amended to read as  
31 follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and  
32 amendments thereto, unless the context clearly requires otherwise:

33 (a) "State" means the state of Kansas and any department or branch of  
34 state government, or any agency, authority, institution or other  
35 instrumentality thereof.

36 (b) "Municipality" means any county, township, city, school district  
37 or other political or taxing subdivision of the state, or any agency,  
38 authority, institution or other instrumentality thereof.

39 (c) "Governmental entity" means state or municipality.

40 (d) (1) "Employee" means: (A) Any officer, employee, servant or  
41 member of a board, commission, committee, division, department, branch  
42 or council of a governmental entity, including elected or appointed  
43 officials and persons acting on behalf or in service of a governmental

1 entity in any official capacity, whether with or without compensation and a  
2 charitable health care provider;

3 (B) any steward or racing judge appointed pursuant to K.S.A. 74-  
4 8818, and amendments thereto, regardless of whether the services of such  
5 steward or racing judge are rendered pursuant to contract as an  
6 independent contractor;

7 (C) employees of the United States marshal's service engaged in the  
8 transportation of inmates on behalf of the secretary of corrections;

9 (D) a person who is an employee of a nonprofit independent  
10 contractor, other than a municipality, under contract to provide educational  
11 or vocational training to inmates in the custody of the secretary of  
12 corrections and who is engaged in providing such service in an institution  
13 under the control of the secretary of corrections provided that such  
14 employee does not otherwise have coverage for such acts and omissions  
15 within the scope of their employment through a liability insurance contract  
16 of such independent contractor;

17 (E) a person who is an employee or volunteer of a nonprofit program,  
18 other than a municipality, who has contracted with the commissioner of  
19 juvenile justice or with another nonprofit program that has contracted with  
20 the secretary of corrections to provide a juvenile justice program for  
21 juvenile offenders in a judicial district provided that such employee or  
22 volunteer does not otherwise have coverage for such acts and omissions  
23 within the scope of their employment or volunteer activities through a  
24 liability insurance contract of such nonprofit program;

25 (F) a person who contracts with the Kansas guardianship program to  
26 provide services as a court-appointed guardian or conservator;

27 (G) an employee of an indigent health care clinic;

28 (H) former employees for acts and omissions within the scope of their  
29 employment during their former employment with the governmental  
30 entity;

31 (I) any member of a regional medical emergency response team,  
32 created under the provisions of K.S.A. 48-928, and amendments thereto, in  
33 connection with authorized training or upon activation for an emergency  
34 response;

35 (J) any member of a regional search and rescue team or regional  
36 hazardous materials response team contracting with the state fire marshal  
37 pursuant to K.S.A. 31-133, and amendments thereto, or K.S.A. 2015 Supp.  
38 75-1518, and amendments thereto, in connection with authorized training  
39 or upon activation for an emergency response; and

40 (K) medical students enrolled at the university of Kansas medical  
41 center who are in clinical training, on or after July 1, 2008, at the  
42 university of Kansas medical center or at another health care institution.

43 (2) "Employee" does not include: (A) An individual or entity for

1 actions within the scope of K.S.A. 60-3614, and amendments thereto; or

2 (B) any independent contractor under contract with a governmental  
3 entity except those contractors specifically listed in ~~paragraph (1) of this~~  
4 subsection (d)(1).

5 (e) "Charitable health care provider" means a person licensed by the  
6 state board of healing arts as an exempt licensee or a federally active  
7 licensee, a person issued a limited permit by the state board of healing arts,  
8 a physician assistant licensed by the state board of healing arts, a mental  
9 health practitioner licensed by the behavioral sciences regulatory board, an  
10 ultrasound technologist currently registered in any area of sonography  
11 credentialed through the American registry of radiology technologists, the  
12 American registry for diagnostic medical sonography or cardiovascular  
13 credentialing international and working under the supervision of a person  
14 licensed to practice medicine and surgery, or a health care provider as the  
15 term "health care provider" is defined under K.S.A. 65-4921, and  
16 amendments thereto, who has entered into an agreement with:

17 (1) The secretary of health and environment under K.S.A. 75-6120,  
18 and amendments thereto, who, pursuant to such agreement, gratuitously  
19 renders professional services to a person who has provided information  
20 which would reasonably lead the health care provider to make the good  
21 faith assumption that such person meets the definition of medically  
22 indigent person as defined by this section or to a person receiving medical  
23 assistance from the programs operated by the department of health and  
24 environment, and who is considered an employee of the state of Kansas  
25 under K.S.A. 75-6120, and amendments thereto;

26 (2) the secretary of health and environment and who, pursuant to such  
27 agreement, gratuitously renders professional services in conducting  
28 children's immunization programs administered by the secretary;

29 (3) a local health department or indigent health care clinic, which  
30 renders professional services to medically indigent persons or persons  
31 receiving medical assistance from the programs operated by the  
32 department of health and environment gratuitously or for a fee paid by the  
33 local health department or indigent health care clinic to such provider and  
34 who is considered an employee of the state of Kansas under K.S.A. 75-  
35 6120, and amendments thereto. Professional services rendered by a  
36 provider under this paragraph ~~(3)~~ shall be considered gratuitous  
37 notwithstanding fees based on income eligibility guidelines charged by a  
38 local health department or indigent health care clinic and notwithstanding  
39 any fee paid by the local health department or indigent health care clinic to  
40 a provider in accordance with this paragraph ~~(3)~~; or

41 (4) the secretary of health and environment to provide dentistry  
42 services defined by K.S.A. 65-1422 et seq., and amendments thereto, or  
43 dental hygienist services defined by K.S.A. 65-1456, and amendments

1 thereto, that are targeted, but are not limited to, medically indigent  
2 persons, and are provided on a gratuitous basis: (A) At a location  
3 sponsored by a not-for-profit organization that is not the dentist or dental  
4 hygienist office location; (B) at the office location of a dentist or dental  
5 hygienist provided the care be delivered as part of a program organized by  
6 a not-for-profit organization and approved by the secretary of health and  
7 environment; or (C) as part of a charitable program organized by the  
8 dentist that has been approved by the secretary of health and environment  
9 upon a showing that the dentist seeks to treat medically indigent patients  
10 on a gratuitous basis, except that such dentistry services and dental  
11 hygienist services shall not include "oral and maxillofacial surgery" as  
12 defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result  
13 in "deep sedation" or "general anesthesia" as defined by K.A.R. 71-5-7.

14 ~~(f)~~ **(f)** *The secretary of health and environment shall annually,*  
15 *starting on January 15, 2017, report to the senate committee on public*  
16 *health and welfare and the house committee of health and human services*  
17 *what type of charitable health care providers have signed agreements*  
18 *under the act and how many are using it to provide gratuitous care.*

19 ~~(g)~~ **(g)** "Medically indigent person" means a person who lacks  
20 resources to pay for medically necessary health care services and who  
21 meets the eligibility criteria for qualification as a medically indigent  
22 person established by the secretary of health and environment under  
23 K.S.A. 75-6120, and amendments thereto.

24 ~~(h)~~ **(h)** "Indigent health care clinic" means an outpatient medical care  
25 clinic operated on a not-for-profit basis which has a contractual agreement  
26 in effect with the secretary of health and environment to provide health  
27 care services to medically indigent persons.

28 ~~(i)~~ **(i)** "Local health department" shall have the meaning ascribed to  
29 such term under K.S.A. 65-241, and amendments thereto.

30 ~~(j)~~ **(j)** "Fire control, fire rescue or emergency medical services  
31 equipment" means any vehicle, firefighting tool, protective clothing,  
32 breathing apparatus and any other supplies, tools or equipment used in  
33 firefighting or fire rescue or in the provision of emergency medical  
34 services.

35 ~~Sec.-3.~~ **4.** K.S.A. 2015 Supp. **65-1431**, 65-2809 and 75-6102 are  
36 hereby repealed.

37 ~~Sec.-4.~~ **5.** This act shall take effect and be in force from and after its  
38 publication in the statute book.