

HOUSE BILL No. 2362

By Committee on Health and Human Services

2-13

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)*~~ *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 ~~*(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 ~~*(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 *cardiotonic 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.