

HOUSE BILL No. 2503

By Representative Jones

1-18

1 AN ACT concerning the state board of healing arts; relating to licenses and
2 licensure; providing for the reinstatement of certain canceled licenses;
3 amending K.S.A. 2017 Supp. 65-2809 and repealing the existing
4 section.

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

7 Section 1. K.S.A. 2017 Supp. 65-2809 is hereby amended to read as
8 follows: 65-2809. (a) The license shall be canceled on the date established
9 by rules and regulations of the board which may provide renewal
10 throughout the year on a continuing basis. In each case in which a license
11 is renewed for a period of time of more or less than 12 months, the board
12 may prorate the amount of the fee established under K.S.A. 65-2852, and
13 amendments thereto. The request for renewal shall be on a form provided
14 by the board and shall be accompanied by the prescribed fee, which shall
15 be paid not later than the renewal date of the license.

16 (b) There is hereby created a designation of an active license. The
17 board is authorized to issue an active license to any licensee who makes
18 written application for such license on a form provided by the board and
19 remits the fee for an active license established pursuant to K.S.A. 65-2852,
20 and amendments thereto. The board shall require every active licensee to
21 submit evidence of satisfactory completion of a program of continuing
22 education required by the board. The requirements for continuing
23 education for licensees of each branch of the healing arts shall be
24 established by rules and regulations adopted by the board.

25 (c) The board, prior to renewal of a license, shall require an active
26 licensee to submit to the board evidence satisfactory to the board that the
27 licensee is maintaining a policy of professional liability insurance as
28 required by K.S.A. 40-3402, and amendments thereto, and has paid the
29 premium surcharges as required by K.S.A. 40-3404, and amendments
30 thereto.

31 (d) At least 30 days before the renewal date of a licensee's license, the
32 board shall notify the licensee of the renewal date by mail addressed to the
33 licensee's last mailing address as noted upon the office records. If the
34 licensee fails to submit the renewal application and pay the renewal fee by
35 the renewal date of the license, the licensee shall be given notice that the
36 licensee has failed to submit the renewal application and pay the renewal

1 fee by the renewal date of the license, that the license will be deemed
2 canceled if not renewed within 30 days following the renewal date, that
3 upon receipt of the renewal application and renewal fee and an additional
4 fee established by rules and regulations of the board not to exceed \$500
5 within the 30-day period the license will not be canceled and that, if both
6 fees are not received within the 30-day period, the license shall be deemed
7 canceled by operation of law and without further proceedings. *The board*
8 *must provide the licensee with written notice of the cancellation within 15*
9 *days from the cancellation for failure to renew.*

10 (e) (1) *Any canceled license may be reinstated retroactively to the*
11 *date of cancellation if the application for reinstatement and payment of all*
12 *applicable fees and fines are made within 90 days from the cancellation*
13 *date, and the board determines that the licensee's failure to renew the*
14 *license was not intentional or otherwise caused by inexcusable neglect or*
15 *mistake. The provisions of this paragraph shall apply to any licensee*
16 *whose license was canceled on or after January 1, 2017.*

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

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

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

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

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

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

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

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

38 (i) (1) There is hereby created the designation of reentry active
39 license. The board is authorized to issue a reentry active license to any
40 licensee who makes written application for such license on a form
41 provided by the board and remits the fee for a reentry active license. The
42 board may issue a reentry active license with requirements as the board
43 may deem necessary to establish the licensee's present ability to practice

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

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

9 (j) A charitable healthcare provider in Kansas who has signed an
10 agreement to provide gratuitous services pursuant to K.S.A. 75-6102 and
11 75-6120, and amendments thereto, may fulfill one hour of continuing
12 education credit by the performance of two hours of gratuitous services to
13 medically indigent persons up to a maximum of 20 continuing education
14 credits per licensure period.

15 (k) The board shall provide a measurement report annually, starting
16 on January 15, 2017, to the senate committee on public health and welfare
17 and the house committee on health and human services detailing by
18 profession the number of gratuitous continuing education units used,
19 compared to the number of continuous education units required.

20 Sec. 2. K.S.A. 2017 Supp. 65-2809 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.