AN ACT concerning certain licensees of the state board of healing arts;resident active license; access to health care records; amending K.S.A.65-2852, as amended by section 21 of chapter 131 of the 2014 SessionLaws of Kansas and 65-4941 and K.S.A. 2013 Supp. 65-2809, asamended by section 7 of chapter 131 of the 2014 Session Laws ofKansas, 65-2836, as amended by section 10 of chapter 131 of the 2014Session Laws of Kansas, 65-2895, as amended by section 36 of chapter131 of the 2014 Session Laws of Kansas and 65-28a03, as amended bysection 43 of chapter 131 of the 2014 Session Laws of Kansas andrepealing the existing sections.

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

Section 1. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2809, asamended by section 7 of chapter 131 of the 2014 Session Laws of Kansas,is hereby amended to read as follows: 65-2809. (a) The license shallexpire on the date established by rules and regulations of the boardwhich may provide renewal throughout the year on a continuing basis. Ineach case in which a license is renewed for a period of time of more or lessthan 12 months, the board may prorate the amount of the fee establishedunder K.S.A. 65-2852, and amendments thereto. The request for renewalshall be on a form provided by the board and shall be accompanied by theprescribed fee, which shall be paid not later than the expiration renewaldate of the license.

(b) There is hereby created a designation of an active license. Theboard is authorized to issue an active license to any licensee who makewritten application for such license on a form provided by the board andremits the fee for an active license established pursuant to K.S.A. 65-2852,and amendments thereto. The board shall require every active licensee tosubmit evidence of satisfactory completion of a program of continuingeducation required by the board. The requirements for continuingeducation for licensees of each branch of the healing arts shall beestablished by rules and regulations adopted by the board.

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

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

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

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

(g) There is hereby created a designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to K.S.A. 65-2852, and amendments thereto. The board may issue an inactive license only to a person who is not regularly engaged in the practice of the healing arts in Kansas, who does not hold oneself out to the public as being professionally engaged in such practice and who meets the definition of inactive health care provider as defined in K.S.A. 40-3401, and amendments thereto. An inactive license shall not entitle the holder to practice the healing arts in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the healing arts act, except as otherwise provided in this subsection (g). The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-2809, and amendments thereto. Each inactive licensee may apply for an active license upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2852, and amendments thereto. For those licensees whose license has been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing
education requirements for inactive licensees to become licensed to
gerally practice the healing arts within Kansas. Any licensee whose
license has been inactive for more than two years and who has not been in
the active practice of the healing arts or engaged in a formal education
program since the licensee has been inactive may be required to complete
such additional testing, training or education as the board may deem
necessary to establish the licensee's present ability to practice with
reasonable skill and safety.

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

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

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

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

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

(a) The licensee has committed fraud or misrepresentation in
applying for or securing an original, renewal or reinstated license.
(b) The licensee has committed an act of unprofessional or
dishonorable conduct or professional incompetency, except that the board
may take appropriate disciplinary action or enter into a non-disciplinary
resolution when a licensee has engaged in any conduct or professional
practice on a single occasion that, if continued, would reasonably be
expected to constitute an inability to practice the healing arts with
reasonable skill and safety to patients or unprofessional conduct as defined
in K.S.A. 65-2837, and amendments thereto.
(c) The licensee has been convicted of a felony or class A
misdemeanor, or substantially similar offense in another jurisdiction,
whether or not related to the practice of the healing arts. The licensee has
been convicted in a special or general court-martial, whether or not related
to the practice of the healing arts. The board shall revoke a licensee's
license following conviction of a felony or substantially similar offense in
another jurisdiction, or following conviction in a general court-martial
occurring after July 1, 2000, unless a \( \frac{2}{3} \) majority of the board members
present and voting determine by clear and convincing evidence that such
licensee will not pose a threat to the public in such person's capacity as a
licensee and that such person has been sufficiently rehabilitated to warrant
the public trust. In the case of a person who has been convicted of a felony
or convicted in a general court-martial and who applies for an original
license or to reinstate a canceled license, the application for a license shall
be denied unless a \( \frac{2}{3} \) majority of the board members present and voting on
such application determine by clear and convincing evidence that such
person will not pose a threat to the public in such person's capacity as a
licensee and that such person has been sufficiently rehabilitated to warrant
the public trust.

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

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

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

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

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

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

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

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

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

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

(n) The licensee has cheated on or attempted to subvert the validity of
the examination for a license.

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

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

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

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

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

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

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

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

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

(x) The licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a
medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) for an institutional license, in a sum of not more than $300;
(g) for a visiting professor temporary license, in a sum of not more than $50;
(h) for a certified statement from the board that a licensee is licensed in this state, the sum of not more than $30;
(i) for any copy of any license issued by the board, the sum of not more than $30;
(j) for any examination given by the board, a sum in an amount equal to the cost to the board of the examination;
(k) for application for and issuance of a special permit under K.S.A. 65-2811a, and amendments thereto, the sum of not more than $60;
(l) for an exempt or inactive license or renewal of an exempt or inactive license, the sum of not more than $150;
(m) for conversion of an exempt or inactive license to a license to practice the healing arts, the sum of not more than $300;
(n) for reinstatement of a revoked license, in a sum of not more than $1,000;
o for reinstatement of a canceled license, in a sum of not more than $500;
(p) for a visiting clinical professor license, or renewal of a visiting clinical professor license, in a sum of not more than $300;
(q) for a postgraduate permit in a sum of not more than $60;
(r) for a limited permit or renewal of a limited permit, the sum of not more than $60; and
(s) for a written verification of any license or permit, the sum of not more than $25; and
(t) for a resident active license, the sum of not more than $500.

Sec. 4. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to read as follows: 65-2895. (a) There is hereby created an institutional license which may be issued by the board to a person who:
(1) Is a graduate of an accredited school of medicine or osteopathic medicine or a school which the graduates have been licensed in another state or states which have standards similar to Kansas;
(2) has completed at least two years in a postgraduate training program in the United States approved by the board; and
(3) who is employed as provided in this section.
(b) Subject to the restrictions of this section, the institutional license shall confer upon the holder the right and privilege to practice medicine and surgery and shall obligate the holder to comply with all requirements of such license.
(c) The practice privileges of institutional license holders are restricted and shall be valid only during the period in which:
(1) The holder is employed by any institution within the Kansas department for aging and disability services, employed by any institution within the department of corrections or employed pursuant to a contract entered into by the Kansas department for aging and disability services or the department of corrections with a third party, and only within the institution to which the holder is assigned; and

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

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

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

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

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

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

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

(d) Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion.
of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of licenses canceled for failure to renew.

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

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

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

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

(g) (1) There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensed physician assistant who makes written application for such license on a form provided by the board and remits the fee for an exempt license established under subsection (h). The board may issue an exempt license to a person who is not regularly engaged in physician assistant practice in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges of a physician assistant for which such license is issued. Each exempt license may be renewed subject to the provisions of this section.

Each exempt licensee shall be subject to all provisions of the physician assistant licensure act, except as otherwise provided in this subsection (g). The holder of an exempt license may be required to submit evidence of satisfactory completion of a program of continuing education required by this section. The requirements for continuing education for exempt licensees under this section shall be established by rules and regulations adopted by the board. Each exempt licensee may apply for an active license to regularly engage in the practice of a physician assistant upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the active license fee established pursuant to subsection (h).

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

(3) Nothing in this subsection (g) shall be construed to prohibit a
person holding an exempt license from serving as a paid employee of: (A) A local health department as defined by K.S.A. 65-241, and amendments thereto; or (B) an indigent health care clinic as defined by K.S.A. 75-6102, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The board may promulgate all necessary rules and regulations for carrying out the provisions of this act.

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

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

(b) "do not resuscitate" directive or "DNR directive" means a witnessed document in writing, voluntarily executed by the declarant in accordance with the requirements of this act;
(c) "do not resuscitate order" or "DNR order" means instruction by the physician or physician assistant who is responsible for the care of the patient while admitted to a medical care facility licensed pursuant to K.S.A. 65-429, and amendments thereto, or an adult care home licensed pursuant to K.S.A. 39-928, and amendments thereto;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Nothing in this section shall be construed to prohibit the state board of healing arts from adopting and enforcing rules and regulations not
inconsistent with this section that require licensees of the board to furnish
health care records to patients or to their authorized representative. To the
extent that the board determines that an administrative disciplinary remedy
is appropriate for violation of such rules and regulations, that remedy is
separate from and in addition to the provisions of this section.

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

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