

*As Amended by Senate Committee*

*Session of 2004*

**HOUSE BILL No. 2820**

By Committee on Health and Human Services

2-11

10 AN ACT concerning the state board of healing arts; relating to actions  
11 taken for unprofessional conduct; expiration of licenses and registra-  
12 tions; creation of designations for certain licenses; amending K.S.A.  
13 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-  
14 7208, **65-7217** and 65-7209 and K.S.A. 2003 Supp. 65-2910 **and 65-**  
15 **2920** and repealing the existing sections.

16

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

18 Section 1. K.S.A. 65-2005 is hereby amended to read as follows: 65-  
19 2005. (a) A licensee shall be designated a licensed podiatrist and shall not  
20 use any title or abbreviations without the designation licensed podiatrist,  
21 practice limited to the foot, and shall not mislead the public as to such  
22 licensee's limited professional qualifications to treat human ailments.  
23 Whenever a registered podiatrist, or words of like effect, is referred to or  
24 designated by any statute, contract or other document, such reference or  
25 designation shall be deemed to refer to or designate a licensed podiatrist.

26 (b) The license of each licensed podiatrist shall expire on the date  
27 established by rules and regulations of the board which may provide re-  
28 newal throughout the year on a continuing basis. In each case in which a  
29 license is renewed for a period of time of less than one year, the board  
30 may prorate the amount of the fee established under K.S.A. 65-2012 and  
31 amendments thereto. The request for renewal shall be on a form provided  
32 by the board and shall be accompanied by the renewal fee established  
33 under K.S.A. 65-2012 and amendments thereto which shall be paid not  
34 later than the expiration date of the license. At least 30 days before the  
35 expiration of a licensee's license, the board shall notify the licensee of the  
36 expiration by mail addressed to the licensee's last mailing address as noted  
37 upon the office records. If a licensee fails to pay the renewal fee by the  
38 date of expiration, the licensee shall be given a second notice that the  
39 licensee's license has expired and the license may be renewed only if the  
40 renewal fee and the late renewal fee are received by the board within the  
41 thirty-day period following the date of expiration and that, if both fees  
42 are not received within the thirty-day period, such licensee's license shall  
43 be canceled *by operation of law and without further proceedings* for

1 failure to renew and shall be reissued only after the licensee has been  
2 reinstated under subsection (c).

3 (c) Any licensee who allows the licensee's license to be canceled by  
4 failing to renew may be reinstated upon recommendation of the board  
5 and upon payment of the renewal fee and the reinstatement fee estab-  
6 lished pursuant to K.S.A. 65-2012 and amendments thereto and upon  
7 submitting evidence of satisfactory completion of the applicable reedu-  
8 cation and continuing education requirements established by the board.  
9 The board shall adopt rules and regulations establishing appropriate reed-  
10 ucation and continuing education requirements for reinstatement of per-  
11 sons whose licenses have been canceled for failure to renew.

12 (d) The board, prior to renewal of a license, shall require the licensee,  
13 if in the active practice of podiatry within Kansas, to submit to the board  
14 evidence satisfactory to the board that the licensee is maintaining a policy  
15 of professional liability insurance as required by K.S.A. 40-3402 and  
16 amendments thereto and has paid the annual premium surcharge as re-  
17 quired by K.S.A. 40-3404 and amendments thereto.

18 (e) The board may issue a temporary permit to practice podiatry in  
19 this state to any person making application for ~~such temporary permit~~  
20 ~~upon a form provided by the board~~ *a license to practice podiatry* who  
21 ~~meets the requirements prescribed by the board~~ *required qualifications*  
22 *for a license* and who pays to the board the temporary permit fee estab-  
23 lished pursuant to K.S.A. 65-2012 and amendments thereto. A temporary  
24 permit shall authorize the permittee to practice within the limits of the  
25 permit until the license is issued or denied to the permittee by the board;  
26 ~~except that where a graduate podiatrist is working under the supervision~~  
27 ~~of a licensed podiatrist in a training program approved by the board, the~~  
28 ~~temporary permit issued to such graduate podiatrist shall be valid for the~~  
29 ~~period of such training program.~~

30 (f) *The board may issue a postgraduate permit to practice podiatry*  
31 *to any person engaged in a full-time, approved postgraduate study pro-*  
32 *gram; has made application for such postgraduate permit upon a form*  
33 *provided by the board; meets all the qualifications for a license, except*  
34 *the examination required under K.S.A. 65-2004, and amendments thereto;*  
35 *and has paid the fee established pursuant to K.S.A. 65-2012, and amend-*  
36 *ments thereto. The postgraduate permit shall authorize the person receiv-*  
37 *ing the permit to practice podiatry in the postgraduate study program,*  
38 *but shall not authorize practice outside of the postgraduate study pro-*  
39 *gram. The postgraduate permit shall be canceled if the permittee ceases*  
40 *to be engaged in the postgraduate study program.*

41 (f) (g) The board may issue, upon payment to the board of the tem-  
42 porary license fee established pursuant to K.S.A. 65-2012 and amend-  
43 ments thereto, a temporary license to a practitioner of another state or

1 country who is appearing as a clinician at meetings, seminars or training  
2 programs approved by the board, if the practitioner holds a current li-  
3 cense, registration or certificate as a podiatrist from another state or coun-  
4 try and the sole purpose of such appearance is for promoting professional  
5 education.

6 ~~(g)~~ (h) There is hereby created a designation of exempt license. The  
7 board is authorized to issue an exempt license to any licensee who makes  
8 written application for such license on a form provided by the board and  
9 remits the fee for an exempt license established under K.S.A. 65-2012  
10 and amendments thereto. The board may issue an exempt license only to  
11 a person who has previously been issued a license to practice podiatry  
12 within Kansas, who is no longer regularly engaged in such practice and  
13 who does not hold oneself out to the public as being professionally en-  
14 gaged in such practice. An exempt license shall entitle the holder to all  
15 privileges attendant to the practice of podiatry. Each exempt license may  
16 be renewed annually subject to the other provisions of this section and  
17 other sections of the podiatry act. Each exempt licensee shall be subject  
18 to all provisions of the podiatry act, except as otherwise provided. The  
19 holder of an exempt license shall not be required to submit evidence of  
20 satisfactory completion of a program of continuing education required  
21 under the podiatry act. Each exempt licensee may apply for a license to  
22 regularly engage in the practice of podiatry upon filing a written appli-  
23 cation with the board and submitting evidence of satisfactory completion  
24 of the applicable and continuing education requirements established by  
25 the board. The request shall be on a form provided by the board and  
26 shall be accompanied by the license fee established under K.S.A. 65-2012  
27 and amendments thereto. The board shall adopt rules and regulations  
28 establishing appropriate and continuing education requirements for ex-  
29 empt licensees to become licensed to regularly practice podiatry within  
30 Kansas.

31 (i) *There is hereby created a designation of inactive license. The board*  
32 *is authorized to issue an inactive license to any licensee who makes written*  
33 *application for such license on a form provided by the board and remits*  
34 *the fee for an inactive license established pursuant to K.S.A. 65-2012, and*  
35 *amendments thereto. The board may issue an inactive license only to a*  
36 *person who meets all the requirements for a license to practice podiatry*  
37 *in Kansas, who is not regularly engaged in the practice of podiatry in*  
38 *Kansas, who does not hold oneself out to the public as being professionally*  
39 *engaged in such practice and who meets the definition of inactive health*  
40 *care provider as defined in K.S.A. 40-3401, and amendments thereto. An*  
41 *inactive license shall not entitle the holder to practice podiatry in this*  
42 *state. Each inactive license may be renewed subject to the provisions of*  
43 *this section. Each inactive licensee shall be subject to all provisions of the*

1 podiatry act, except as otherwise provided in this subsection. The holder  
2 of an inactive license shall not be required to submit evidence of satisfac-  
3 tory completion of a program of continuing education required by K.S.A.  
4 65-2010, and amendments thereto. Each inactive licensee may apply for  
5 a license to regularly engage in the practice of podiatry upon filing a  
6 written application with the board. The request shall be on a form pro-  
7 vided by the board and shall be accompanied by the license fee established  
8 pursuant to K.S.A. 65-2012, and amendments thereto. For those licensees  
9 whose license has been inactive for less than two years, the board shall  
10 adopt rules and regulations establishing appropriate continuing education  
11 requirements for inactive licensees to become licensed to regularly prac-  
12 tice podiatry within Kansas. Any licensee whose license has been inactive  
13 for more than two years and who has not been in the active practice of  
14 podiatry or engaged in a formal education program since the licensee has  
15 been inactive may be required to complete such additional testing, train-  
16 ing or education as the board may deem necessary to establish the li-  
17 censee's present ability to practice with reasonable skill and safety.

18 (j) There is hereby created a designation of federally active license.  
19 The board is authorized to issue a federally active license to any licensee  
20 who makes written application for such license on a form provided by the  
21 board and remits the same fee required for a license established under  
22 K.S.A. 65-2012, and amendments thereto. The board may issue a federally  
23 active license only to a person who meets all the requirements for a license  
24 to practice podiatry in Kansas and who practices podiatry solely in the  
25 course of employment or active duty in the United States government or  
26 any of its departments, bureaus or agencies or who, in addition to such  
27 employment or assignment, provides professional services as a charitable  
28 health care provider as defined under K.S.A. 75-6102, and amendments  
29 thereto. The provisions of subsections (b) and (c) of this section relating  
30 to expiration, renewal and reinstatement of a license and K.S.A. 65-2010,  
31 and amendments thereto, relating to continuing education shall be appli-  
32 cable to a federally active license issued under this subsection. A person  
33 who practices under a federally active license shall not be deemed to be  
34 rendering professional service as a health care provider in this state for  
35 purposes of K.S.A. 40-3402, and amendments thereto.

36 ~~(h)~~ (k) Each license or permit granted under this act shall be con-  
37 spicuously displayed at the office or other place of practice of the licensee  
38 or permittee.

39 (l) A person whose license has been revoked may apply for reinstate-  
40 ment of the license after the expiration of three years from the effective  
41 date of the revocation. Application for reinstatement shall be on a form  
42 provided by the board and shall be accompanied by a reinstatement of a  
43 revoked license fee established by the board under K.S.A. 65-2012, and

1 *amendments thereto. The burden of proof by clear and convincing evi-*  
 2 *dence shall be on the applicant to show sufficient rehabilitation to justify*  
 3 *reinstatement of the license. If the board determines a license should not*  
 4 *be reinstated, the person shall not be eligible to reapply for reinstatement*  
 5 *for three years from the effective date of the denial. All proceedings con-*  
 6 *ducted on an application for reinstatement shall be in accordance with*  
 7 *the provisions of the Kansas administrative procedure act and shall be*  
 8 *reviewable in accordance with the act for judicial review and civil en-*  
 9 *forcement of agency actions. The board, on its own motion, may stay the*  
 10 *effectiveness of an order of revocation of license.*

11 Sec. 2. K.S.A. 65-2012 is hereby amended to read as follows: 65-  
 12 2012. The following fees shall be established by rules and regulations  
 13 adopted by the board and shall be collected by the board:

14 (a) For a license to practice podiatry *or an inactive license or federally*  
 15 *active license*, issued on the basis of an examination, an amount of not  
 16 more than \$300;

17 (b) for a license to practice podiatry *or an inactive license or federally*  
 18 *active license*, issued without examination and by endorsement, an  
 19 amount of not more than \$300;

20 ~~(c) for a license to practice podiatry, issued upon request of an ex-~~  
 21 ~~empt licensee, an amount of not more than \$300;~~

22 ~~(d) for an exempt license or renewal of an exempt license, an amount~~  
 23 ~~of not more than \$300;~~

24 ~~(e) (c) for the annual renewal of a license to practice podiatry *or an*~~  
 25 ~~*inactive license or federally active license*, an amount of not more than~~  
 26 ~~\$300 \$500;~~

27 (d) *for the renewal of an exempt license, an amount of not more than*  
 28 *\$150;*

29 (e) *for the renewal of an inactive license, an amount of not more than*  
 30 *\$150;*

31 (f) for late renewal of any license, an amount of not more than ~~\$200~~  
 32 *\$500;*

33 (g) for reinstatement of a licensee whose license ~~lapsed canceled~~ for  
 34 failure to renew, an amount of not more than ~~\$200~~ *\$300;*

35 (h) for a temporary permit, an amount of not more than \$60;

36 (i) for a temporary license, an amount of not more than \$50;

37 (j) for any examination given by the board, an amount equal to the  
 38 cost to the board of the examination and its administration;

39 (k) for a certified statement from the board that a licensee is licensed  
 40 to practice podiatry in this state, an amount of not more than \$30;

41 (l) for any copy of any license issued by the board, an amount of not  
 42 more than \$30; ~~and~~

43 (m) for written verification of any license issued by the board, ~~in~~ an

- 1 amount of not more than \$25;
- 2 (n) *for conversion of an exempt or inactive license to a license to*  
3 *practice podiatry, an amount of not more than \$300; ~~and~~*
- 4 (o) *for reinstatement of a revoked license, an amount of not more than*  
5 *\$1,000; and*
- 6 (p) ***for a postgraduate permit, an amount of not more than \$60.***
- 7 Sec. 3. K.S.A. 65-28a03 is hereby amended to read as follows: 65-  
8 28a03. (a) ~~The state board of healing arts shall maintain a registry of the~~  
9 ~~names of physician assistants who may engage in active practice. No per-~~  
10 ~~son's name shall be entered on the registry of physician assistants unless~~  
11 ~~such person has:~~
- 12 ~~—(1) Presented to the state board of healing arts proof of current~~  
13 ~~licensure;~~
- 14 ~~—(2) presented to the board a request signed by the applicant's pro-~~  
15 ~~posed responsible physician on a form provided by the board which shall~~  
16 ~~contain such information as required by rules and regulations adopted by~~  
17 ~~the board.~~
- 18 ~~—(b) A person's name may be removed from the registry of physician~~  
19 ~~assistants who may engage in private practice if:~~
- 20 ~~—(1) The person whose name is entered on the registry as a licensed~~  
21 ~~physician assistant requests or consents to the removal thereof;~~
- 22 ~~—(2) the state board of healing arts determines that the person whose~~  
23 ~~name is entered on the registry as a licensed physician assistant has not~~  
24 ~~been employed as a physician assistant or as a teacher or instructor of~~  
25 ~~persons being educated and trained to become a physician assistant in a~~  
26 ~~course of education and training approved by the state board of healing~~  
27 ~~arts under this act and amendments thereto at sometime during the five~~  
28 ~~years immediately preceding the date of such determination.~~
- 29 ~~—(3) the board determines, after notice and opportunity to be heard,~~  
30 ~~in accordance with the provisions of the Kansas administrative procedure~~  
31 ~~act, that a physician assistant has violated any provision of this act and~~  
32 ~~amendments thereto, or any rules and regulations adopted pursuant~~  
33 ~~thereto; or~~
- 34 ~~—(4) the board determines, after notice and opportunity to be heard,~~  
35 ~~in accordance with the provisions of the Kansas administrative procedure~~  
36 ~~act, that the request by the proposed responsible physician pursuant to~~  
37 ~~this act and amendments thereto should not be approved.~~
- 38 ~~—(c) The state board of healing arts may remove a person's name from~~  
39 ~~the registry as a licensed physician assistant or may refuse to place a~~  
40 ~~person's name on the registry as a licensed physician assistant if the board~~  
41 ~~determines, after notice and opportunity for hearing in accordance with~~  
42 ~~the provisions of the Kansas administrative procedure act, that a physician~~  
43 ~~assistant has exceeded or has acted outside the scope of authority given~~

1 ~~the physician assistant by the responsible physician or by this act. As a~~  
2 ~~condition of engaging in active practice as a physician assistant, each~~  
3 ~~licensed physician assistant shall file a request to engage in active practice~~  
4 ~~signed by the physician assistant and the physician who will be respon-~~  
5 ~~sible for the physician assistant. The request shall contain such informa-~~  
6 ~~tion as required by rules and regulations adopted by the board. The board~~  
7 ~~shall maintain a list of the names of physician assistants who may engage~~  
8 ~~in active practice in this state.~~

9 ~~(b)~~ (b) All licenses, except temporary licenses, shall expire on the date  
10 of expiration established by rules and regulations of the state board of  
11 healing arts and may be renewed as required by the board. The request  
12 for renewal shall be on a form provided by the state board of healing arts  
13 and shall be accompanied by the renewal fee established pursuant to this  
14 section, which shall be paid not later than the expiration date of the  
15 license.

16 ~~(c)~~ (c) At least 30 days before the expiration of the license of a phy-  
17 sician assistant, except a temporary license, the state board of healing arts  
18 shall notify the licensee of the expiration by mail addressed to the li-  
19 censee's last ~~place of residence~~ *mailing address* as noted upon the office  
20 records of the board. If the licensee fails to pay the renewal fee by the  
21 date of expiration of the license, the licensee shall be given a second notice  
22 that the licensee's license has expired and the license may be renewed  
23 only if the renewal fee and the late renewal fee are received by the state  
24 board of healing arts within the 30-day period following the date of ex-  
25 piration and that, if both fees are not received within the 30-day period,  
26 the license shall be ~~considered to have lapsed~~ *deemed canceled by oper-*  
27 *ation of law without further proceedings* for failure to renew and shall be  
28 reissued only after the ~~physician assistant~~ *license* has been reinstated un-  
29 der subsection ~~(d)~~ (d).

30 ~~(d)~~ (d) Any licensee who allows the licensee's license to lapse by failing  
31 *canceled for failure* to renew as herein provided may be reinstated upon  
32 recommendation of the state board of healing arts and upon payment of  
33 ~~the renewal fee and~~ the reinstatement fee and upon submitting evidence  
34 of satisfactory completion of any applicable continuing education require-  
35 ments established by the board. The board shall adopt rules and regula-  
36 tions establishing appropriate continuing education requirements for re-  
37 instatement of ~~persons whose licenses have lapsed~~ *canceled* for failure to  
38 renew.

39 (e) *There is hereby created the designation of inactive license. The*  
40 *board is authorized to issue an inactive license to any licensee who makes*  
41 *written application for such license on a form provided by the board and*  
42 *remits the fee for an inactive license established pursuant to subsection*  
43 *(g) of this section. The board may issue an inactive license only to a person*

1 *who meets all the requirements for a license to practice as a physician*  
 2 *assistant and who does not engage in active practice as a physician assis-*  
 3 *tant in the state of Kansas. An inactive license shall not entitle the holder*  
 4 *to engage in active practice. The provisions of subsections (c) and (d) of*  
 5 *this section relating to expiration, renewal and reinstatement of a license*  
 6 *shall be applicable to an inactive license issued under this subsection. Each*  
 7 *inactive licensee may apply to engage in active practice by presenting a*  
 8 *request required by subsection (a). The request shall be accompanied by*  
 9 *the fee established pursuant to subsection (g).*

10 (f) *There is hereby created a designation of federally active license.*  
 11 *The board is authorized to issue a federally active license to any licensee*  
 12 *who makes a written application for such license on a form provided by*  
 13 *the board and remits the same fee required for a license established under*  
 14 *subsection (g). The board may issue a federally active license only to a*  
 15 *person who meets all the requirements for a license to practice as a phy-*  
 16 *sician assistant and who practices as a physician assistant solely in the*  
 17 *course of employment or active duty in the United States government or*  
 18 *any of its departments, bureaus or agencies. The provisions of subsections*  
 19 *(c) and (d) relating to expiration, renewal and reinstatement of a license*  
 20 *shall be applicable to a federally active license issued under this subsec-*  
 21 *tion. Each federally active licensee may apply to engage in active practice*  
 22 *by presenting a request required by subsection (a) of this section.*

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

25 (1) ~~For licensure~~ *any license as a physician assistant, the sum of not*  
 26 *more than \$200;*

27 (2) *for temporary licensure as a physician assistant, the sum of not*  
 28 *more than \$30;*

29 (3) *for the renewal of a license to practice as a physician assistant or*  
 30 *a federally active license, the sum of not more than \$150;*

31 (4) *for renewal of an inactive license, the sum of not more than \$150;*

32 ~~(4)~~ (5) *for the late renewal of a any license as a physician assistant,*  
 33 *the sum of not more than \$250;*

34 ~~(5)~~ (6) *for reinstatement of a physician assistant whose license has*  
 35 *been canceled for failure to renew, the sum of not more than \$250;*

36 ~~(6)~~ (7) *for a certified statement from the board that a physician as-*  
 37 *stant is licensed in this state, the sum of not more than \$30; and*

38 ~~(7)~~ (8) *for a copy of the licensure certificate of a physician assistant, the*  
 39 *sum of not more than \$25; and*

40 (9) *for conversion of an inactive license to a license to actively practice*  
 41 *as a physician assistant or a federally active license, the sum of not more*  
 42 *than \$150.*

43 (h) *The state board of healing arts shall remit all moneys received by*



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

5 (i) The board may promulgate all necessary rules and regulations for  
6 carrying out the provisions of this act.

7 Sec. 4. K.S.A. 2003 Supp. 65-2910 is hereby amended to read as  
8 follows: 65-2910. (a) The license of every licensed physical therapist and  
9 the certification of every certified physical therapist assistant shall expire  
10 on the date established by rules and regulations of the board which may  
11 provide renewal throughout the year on a continuing basis. In each case  
12 in which a license or certificate is renewed for a period of time of less  
13 than one year, the board may prorate the amount of the fee established  
14 under K.S.A. 65-2911 and amendments thereto. The request for renewal  
15 shall be on a form provided by the board and shall be accompanied by  
16 the renewal fee established under K.S.A. 65-2911 and amendments  
17 thereto which shall be paid not later than the expiration date of the license  
18 or certificate.

19 (b) The board shall require every licensed physical therapist or cer-  
20 tified physical therapist assistant as a condition of renewal to submit with  
21 the application for a renewal evidence of satisfactory completion of a  
22 program of continuing education required by the board. The board shall  
23 establish the requirements for each such program of continuing education  
24 by rules and regulations. In establishing such requirements the board  
25 shall consider any existing programs of continuing education currently  
26 being offered to licensed physical therapists or certified physical therapist  
27 assistants.

28 (c) At least 30 days before the expiration of the license of a physical  
29 therapist or the certificate of a physical therapist assistant, the board shall  
30 notify the licensee or certificate holder of the expiration by mail addressed  
31 to the licensee's last mailing address as noted upon the office records. If  
32 the licensee or certificate holder fails to pay the renewal fee by the date  
33 of expiration, the licensee or certificate holder shall be given a second  
34 notice that the license or certificate has expired and the license or certif-  
35 icate may be renewed only if the renewal fee and the late renewal fee are  
36 received by the board within the thirty-day period following the date of  
37 expiration and that, if both fees are not received within the thirty-day  
38 period, the license or certificate shall be canceled for failure to renew  
39 and shall be reissued only after the physical therapist or physical therapist  
40 assistant has been reinstated under subsection (d).

41 (d) Any licensee or certificate holder who allows the license or cer-  
42 tificate to be canceled by failing to renew may be reinstated upon rec-  
43 ommendation of the board, upon payment of the reinstatement fee and

1 upon submitting evidence of satisfactory completion of any applicable  
2 reeducation and continuing education requirements established by the  
3 board. The board shall adopt rules and regulations establishing appro-  
4 priate reeducation and continuing education requirements for reinstatement  
5 of persons whose licenses or certificates have been canceled for  
6 failure to renew.

7 *(e) There is hereby created the designation of inactive license. The*  
8 *board is authorized to issue an inactive license to any physical therapist*  
9 *who makes written application for a license as a physical therapist on a*  
10 *form provided by the board and remits the fee established pursuant to*  
11 *K.S.A. 2003 Supp. 65-2911, and amendments thereto. The board may*  
12 *issue an inactive license only to a person who meets all the requirements*  
13 *for a license to practice as a physical therapist and who does not actively*  
14 *practice as a physical therapist in this state. An inactive license shall not*  
15 *entitle the holder to render professional services as a physical therapist.*  
16 *The provisions of subsections (c) and (d) relating to expiration, renewal*  
17 *and reinstatement of a license shall be applicable to an inactive license*  
18 *issued under this subsection. Each inactive licensee may apply to engage*  
19 *in active practice by providing to the board proof that a policy of profes-*  
20 *sional liability insurance will be maintained in compliance with K.S.A.*  
21 *2003 Supp. 65-2920, and amendments thereto, and rules and regulations*  
22 *adopted by the board.*

23 Sec. 5. K.S.A. 65-5410 is hereby amended to read as follows: 65-  
24 5410. (a) The board may deny, refuse to renew, suspend ~~or~~, revoke or  
25 limit a license or the licensee may be publicly or privately censured where  
26 the licensee or applicant for licensure has been guilty of unprofessional  
27 conduct which has endangered or is likely to endanger the health, welfare  
28 or safety of the public. Unprofessional conduct includes:

- 29 (1) Obtaining a license by means of fraud, misrepresentation or con-  
30 cealment of material facts;  
31 (2) being guilty of unprofessional conduct as defined by rules and  
32 regulations adopted by the board;  
33 (3) being convicted of a felony if the acts for which such person was  
34 convicted are found by the board to have a direct bearing on whether  
35 such person should be entrusted to serve the public in the capacity of an  
36 occupational therapist or occupational therapy assistant;  
37 (4) violating any lawful order or rule and regulation of the board; and  
38 (5) violating any provision of this act.

39 (b) Such denial, refusal to renew, suspension ~~or~~, revocation or *limi-*  
40 *tation* of a license or public or private censure of a licensee may be ordered  
41 by the board after notice and hearing on the matter in accordance with  
42 the provisions of the Kansas administrative procedure act. Upon the end  
43 of the period of time established by the board for the revocation of a

1 license, application may be made to the board for reinstatement. The  
2 board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. *An application for reinstatement of a revoked license shall be accompanied by the license renewal fee and the license reinstatement fee established under*  
3 *K.S.A. 65-5409, and amendments thereto.*

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7 (c) *The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.*

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17 Sec. 6. K.S.A. 65-5412 is hereby amended to read as follows: 65-5412. (a) Licenses issued under this act shall be effective for a period of one year and shall expire at the end of such period of time expire on the date of expiration established by rules and regulations of the board unless renewed in the manner prescribed by the board, upon the payment of the license renewal fee established under K.S.A. 65-5409 and amendments thereto. The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-5409, and amendments thereto. The board may establish additional requirements for licensure or registration renewal which provide evidence of continued competency. The board may provide for the late licensure or renewal of a license or registration upon the payment of a late fee established under K.S.A. 65-5409 and amendments thereto, but no such late renewal of a license or registration may be granted more than five years after its expiration.

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32 (b) *At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-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 (c).*

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43 (c) *Any license canceled for failure to renew as herein provided may*

1 *be reinstated upon recommendation of the board and upon payment of*  
2 *the renewal fee and the reinstatement fee and upon submitting evidence*  
3 *of satisfactory completion of any applicable continuing education require-*  
4 *ments established by the board. The board shall adopt rules and regula-*  
5 *tions establishing appropriate continuing education requirements for re-*  
6 *instatement of licenses canceled for failure to renew.*

7 ~~(b)~~ (d) A person whose license or registration is suspended shall not  
8 engage in any conduct or activity in violation of the order or judgment by  
9 which the license or registration was suspended. ~~If a license or registration~~  
10 ~~revoked on disciplinary grounds is reinstated, the licensee or registrant,~~  
11 ~~as a condition of reinstatement, shall pay the renewal fee and any late fee~~  
12 ~~that may be applicable.~~

13 Sec. 7. K.S.A. 65-5510 is hereby amended to read as follows: 65-  
14 5510. (a) The board may deny, refuse to renew, suspend ~~or~~, revoke *or*  
15 *limit* a license *or the licensee may be publicly or privately censured* where  
16 the licensee or applicant for licensure has been guilty of unprofessional  
17 conduct which has endangered or is likely to endanger the health, welfare  
18 or safety of the public. Unprofessional conduct includes:

19 (1) Obtaining a license by means of fraud, misrepresentation or con-  
20 cealment of material facts;

21 (2) being guilty of unprofessional conduct as defined by rules and  
22 regulations adopted by the board;

23 (3) being convicted of a felony if the acts for which such person was  
24 convicted are found by the board to have a direct bearing on whether  
25 such person should be entrusted to serve the public in the capacity of a  
26 respiratory therapist;

27 (4) violating any lawful order or rule and regulation of the board; and

28 (5) violating any provision of this act.

29 (b) Such denial, refusal to renew, suspension ~~or~~, revocation *or limi-*  
30 *tation* of a license *or public or private censure of a licensee* may be ordered  
31 by the board after notice and hearing on the matter in accordance with  
32 the provisions of the Kansas administrative procedure act. Upon the end  
33 of the period of time established by the board for the revocation of a  
34 license, application may be made to the board for reinstatement. The  
35 board shall have discretion to accept or reject an application for reinstate-  
36 ment and may hold a hearing to consider such reinstatement. An appli-  
37 cation for reinstatement *of a revoked license* shall be accompanied by the  
38 ~~licensing~~ *license renewal fee and the license* reinstatement fee established  
39 under K.S.A. 65-5509 and amendments thereto.

40 (c) *The board, in addition to any other penalty prescribed in subsec-*  
41 *tion (a), may assess a civil fine, after proper notice and an opportunity to*  
42 *be heard, against a licensee for unprofessional conduct in an amount not*  
43 *to exceed \$5,000 for the first violation, \$10,000 for the second violation*

1 *and \$15,000 for the third violation and for each subsequent violation. All*  
2 *finest assessed and collected under this section shall be remitted to the*  
3 *state treasurer in accordance with the provisions of K.S.A. 75-4215, and*  
4 *amendments thereto. Upon receipt of each such remittance, the state trea-*  
5 *surer shall deposit the entire amount in the state treasury to the credit of*  
6 *the state general fund.*

7 Sec. 8. K.S.A. 65-5512 is hereby amended to read as follows: 65-  
8 5512. (a) Licenses issued under this act shall ~~be effective for a period of~~  
9 ~~one year and shall expire at the end of such period of time on the date of~~  
10 ~~expiration established by rules and regulations of the board unless re-~~  
11 ~~newed in the manner prescribed by the board, upon the payment of the~~  
12 ~~license renewal fee established under K.S.A. 65-5509 and amendments~~  
13 ~~thereto. The request for renewal shall be accompanied by the license re-~~  
14 ~~newal fee established pursuant to K.S.A. 65-5509, and amendments~~  
15 ~~thereto. The board may establish additional requirements for license re-~~  
16 ~~newal which provide evidence of continued competency. The board may~~  
17 ~~provide for the late renewal of a license upon the payment of a late fee~~  
18 ~~established under K.S.A. 65-5509 and amendments thereto, but no such~~  
19 ~~late renewal of a license may be granted more than five years after its~~  
20 ~~expiration.~~

21 (b) *At least 30 days before the expiration of a licensee's license, the*  
22 *board shall notify the licensee of the expiration by mail addressed to the*  
23 *licensee's last mailing address as noted upon the office records. If the*  
24 *licensee fails to pay the renewal fee by the date of expiration, the licensee*  
25 *shall be given a second notice that the license has expired and the license*  
26 *may be renewed only if the renewal fee and the late renewal fee are*  
27 *received by the board within the thirty-day period following the date of*  
28 *expiration and that, if both fees are not received within the thirty-day*  
29 *period, the license shall be deemed canceled by operation of law without*  
30 *further proceedings for failure to renew and shall be reissued only after*  
31 *the license has been reinstated under subsection (c).*

32 (c) *Any license canceled for failure to renew as herein provided may*  
33 *be reinstated upon recommendation of the board and upon payment of*  
34 *the reinstatement fee and upon submitting evidence of satisfactory com-*  
35 *pletion of any applicable continuing education requirements established*  
36 *by the board. The board shall adopt rules and regulations establishing*  
37 *appropriate continuing education requirements for reinstatement of li-*  
38 *censes canceled for failure to renew.*

39 ~~(b)~~ (d) *A person whose license is suspended shall not engage in any*  
40 *conduct or activity in violation of the order or judgment by which the*  
41 *license was suspended. If a license revoked on disciplinary grounds is*  
42 *reinstated, the licensee, as a condition of reinstatement, shall pay the*  
43 *license renewal fee and any late fee that may be applicable.*

1       Sec. 9. K.S.A. 65-7208 is hereby amended to read as follows: 65-  
2 7208. (a) The board may deny, refuse to renew, suspend ~~or~~, revoke *or*  
3 *limit* a registration *or the registrant may be publicly or privately censured*  
4 where the registrant or applicant for registration has been guilty of un-  
5 professional conduct which has endangered or is likely to endanger the  
6 health, welfare or safety of the public. Unprofessional conduct includes:

7       (1) Obtaining a registration by means of fraud, misrepresentation or  
8 concealment of material facts;

9       (2) being guilty of unprofessional conduct as defined by rules and  
10 regulations adopted by the board;

11       (3) being convicted of a felony if the acts for which such person was  
12 convicted are found by the board to have a direct bearing on whether  
13 such person should be entrusted to serve the public in the capacity of a  
14 naturopathic doctor;

15       (4) violating any lawful order or rule and regulation of the board; and

16       (5) violating any provision of this act.

17       (b) Such denial, refusal to renew, suspension ~~or~~, revocation *or limi-*  
18 *tation* of a registration *or public or private censure of a registrant* may be  
19 ordered by the board after notice and hearing on the matter in accordance  
20 with the provisions of the Kansas administrative procedure act. Upon the  
21 end of the period of time established by the board for the revocation of  
22 a registration, application may be made to the board for reinstatement.  
23 The board shall have discretion to accept or reject an application for  
24 reinstatement and may hold a hearing to consider such reinstatement. An  
25 application for reinstatement *of a revoked registration* shall be accom-  
26 panied by the registration *renewal fee and the registration* reinstatement  
27 fee established under K.S.A. 65-7207 and amendments thereto.

28       (c) ~~The provisions of this section shall take effect on and after January~~  
29 ~~1, 2003~~ *board, in addition to any other penalty prescribed in subsection*  
30 *(a), may assess a civil fine, after proper notice and an opportunity to be*  
31 *heard, against a registrant for unprofessional conduct in an amount not*  
32 *to exceed \$5,000 for the first violation, \$10,000 for the second violation*  
33 *and \$15,000 for the third violation and for each subsequent violation. All*  
34 *finest assessed and collected under this section shall be remitted to the*  
35 *state treasurer in accordance with the provisions of K.S.A. 75-4215, and*  
36 *amendments thereto. Upon receipt of each such remittance, the state trea-*  
37 *surer shall deposit the entire amount in the state treasury to the credit of*  
38 *the state general fund.*

39       Sec. 10. K.S.A. 65-7209 is hereby amended to read as follows: 65-  
40 7209. (a) Registrations issued under this act shall ~~be effective for a period~~  
41 ~~of one year and shall expire at the end of such period of time on the date~~  
42 ~~of expiration established by rules and regulations of the board unless~~  
43 ~~renewed in the manner prescribed by the board, upon the payment of~~

1 ~~the registration renewal fee established under K.S.A. 65-7207 and amend-~~  
2 ~~ments thereto. The request for renewal shall be accompanied by the reg-~~  
3 ~~istration renewal fee established pursuant to K.S.A. 65-7207, and amend-~~  
4 ~~ments thereto. The board may establish additional requirements for~~  
5 ~~registration renewal which provide evidence of continued competency.~~  
6 ~~The board for registration renewal shall require completion of at least 25~~  
7 ~~hours annually of continuing education approved by the board. The board~~  
8 ~~may provide for the late renewal of a registration upon the payment of a~~  
9 ~~late fee established under K.S.A. 65-7207 and amendments thereto, but~~  
10 ~~no such late renewal of a registration may be granted more than five years~~  
11 ~~after its expiration.~~

12 (b) *At least 30 days before the expiration of a registrant's registration,*  
13 *the board shall notify the registrant of the expiration by mail addressed*  
14 *to the registrant's last mailing address as noted upon the office records.*  
15 *If the registrant fails to pay the renewal fee by the date of expiration, the*  
16 *registrant shall be given a second notice that the registration has expired*  
17 *and the registration may be renewed only if the registration renewal fee*  
18 *and the late renewal fee are received by the board within the thirty-day*  
19 *period following the date of expiration and that, if both fees are not re-*  
20 *ceived within the thirty-day period, the registration shall be deemed can-*  
21 *celed by operation of law without further proceedings for failure to renew*  
22 *and shall be reissued only after the registration has been reinstated under*  
23 *subsection (c).*

24 (c) *Any registration canceled for failure to renew as herein provided*  
25 *may be reinstated upon recommendation of the board and upon payment*  
26 *of the registration reinstatement fee and upon submitting evidence of sat-*  
27 *isfactory completion of any applicable continuing education requirements*  
28 *established by the board. The board shall adopt rules and regulations*  
29 *establishing appropriate continuing education requirements for reinstate-*  
30 *ment of registrations canceled for failure to renew.*

31 (d) *A person whose registration is suspended shall not engage in*  
32 *any conduct or activity in violation of the order or judgment by which the*  
33 *registration was suspended. If a registration revoked on disciplinary*  
34 *grounds is reinstated, the registrant, as a condition of reinstatement, shall*  
35 *pay the registration renewal fee and any late fee that may be applicable.*

36 (e) ~~The provisions of this section shall take effect on and after January~~  
37 ~~1, 2003.~~

38 **Sec. 11. K.S.A. 2003 Supp. 65-2920 is hereby amended to read**  
39 **as follows: 65-2920. A policy of Professional liability insurance ap-**  
40 **proved by the commissioner of insurance and issued by an insurer duly**  
41 **authorized to transact business in this state coverage shall be maintained**  
42 **in effect by each licensed physical therapist actively practicing in**  
43 **this state as a condition to rendering professional services as a phys-**

1 **ical therapist in this state. The state board of healing arts shall fix by**  
2 **rules and regulations the minimum level of coverage for such pro-**  
3 **fessional liability insurance.**

4 **Sec. 12. K.S.A. 65-7217 is hereby amended to read as follows:**  
5 **65-7217. (a) A policy of Professional liability insurance approved by**  
6 **the commissioner of insurance and issued by an insurer duly authorized**  
7 **to transact business in this state coverage shall be maintained in effect**  
8 **by each naturopathic doctor as a condition to rendering profes-**  
9 **sional service as a naturopathic doctor in this state. The board shall**  
10 **fix by rules and regulations the minimum level of coverage for such pro-**  
11 **fessional liability insurance.**

12 ~~(b) The provisions of this section shall take effect on and after January~~  
13 ~~1, 2003.~~

14 **Sec. ~~11~~ 13.** K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412,  
15 65-5510, 65-5512, 65-7208, **65-7217** and 65-7209 and K.S.A. 2003 Supp.  
16 65-2910 **and 65-2920** are hereby repealed.

17 **Sec. ~~12~~ 14.** This act shall take effect and be in force from and after  
18 its publication in the statute book.