

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2820

As Amended by Senate Committee on
Public Health and Welfare

Brief*

HB 2820 concerns the Board of Healing Arts and certain professions and occupations licensed and registered by the Board.

Regarding podiatrists licensed by the Board, the bill:

- authorizes the Board to issue a postgraduate permit to practice podiatry to those meeting the qualifications for such a license, except the required examination (the permit will allow the person to practice within a postgraduate study program, but not outside that program);
- creates an inactive license category for those persons who meet the qualifications for licensure but do not regularly practice or hold themselves out to the public as engaged in the practice of podiatry;
- creates a designation of federally active license for persons who meet the qualifications for licensure and practice solely in the employment or active duty in the United States government or any of its departments, bureaus, or agencies;
- allows a person whose license has been revoked to apply for reinstatement after the expiration of three years, the payment of a reinstatement fee, and a showing by clear and convincing evidence that the applicant is sufficiently rehabilitated to justify reinstatement;
- increases the statutory maximum on the amount of fees the Board may charge for the various categories of licensure (actual fees are set by rules and regulations of the Board) and authorizes

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

fees for the new types of licenses and permits created by the bill;
and

- allows the Board to cancel a podiatry license for non-renewal if the licensee has failed to meet renewal requirements after two notices.

For physician assistants, the bill:

- removes outdated language related to the Board maintaining a registry and creates a requirement for physician assistants, as a condition to active practice, to file a request to practice signed by the physician assistant and the physician who would be responsible for the physician assistant;
- creates an inactive license category for those persons who meet the qualifications for licensure but do not regularly practice or have a responsible physician;
- creates a designation of federally active license for persons who meet the qualifications for licensure and practice solely in the employment or active duty in the United States government or any of its departments, bureaus, or agencies; and
- changes some fee designations to reflect new license categories but does not change the maximum amount that can be charged (actual fees are fixed by the Board through rules and regulations).

For physical therapists, the bill:

- creates an inactive license category for those persons who meet the qualifications for licensure but do not regularly practice or hold themselves out to the public as engaged in the practice of physical therapy; and
- deletes the requirement that mandated professional liability insurance be insurance approved by the Commissioner of Insurance and issued by a company authorized to do business in Kansas.

For occupational therapists, the bill:

- authorizes the Board to limit a license or publicly or privately censure a licensee;
- provides for reinstatement of a revoked license upon application and payment of a license reinstatement fee;
- authorizes the Board to assess a civil fine, after notice and an opportunity for a hearing, 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 and each subsequent violation;
- allows the Board to fix the expiration date of a license by rule and regulation;
- establishes a process for notice to licensees of the expiration date; and
- provides that failure to renew upon receipt of a second notice will result in the license being deemed cancelled (a license cancelled for failure to renew may be reinstated upon recommendation of the Board and payment of the required fees).

For respiratory therapists, the bill:

- authorizes the Board to limit a license or publicly or privately censure a licensee;
- authorizes the Board to assess a civil fine, after notice and an opportunity for a hearing, 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 and each subsequent violation;
- allows the Board to fix the expiration date of a license by rule and regulation;
- establishes a process for notice to licensees of the expiration date; and
- provides that upon failure to renew upon receipt of a second notice, the license will be deemed cancelled (a license cancelled for failure to renew may be reinstated upon recommendation of the Board and payment of the required fees).

For naturopathic doctors, the bill:

- authorizes the Board to limit a license or publicly or privately censure a licensee;
- authorizes the Board to assess a civil fine, after notice and an opportunity for a hearing, 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 and each subsequent violation;
- allows the Board to fix the expiration date of a license by rule and regulation;
- establishes a process for notice to licensees of the expiration date and provides that upon failure to renew upon receipt of a second notice, the license will be deemed cancelled (a license cancelled for failure to renew may be reinstated upon recommendation of the Board and payment of the required fees);
- deletes the requirement that mandated professional liability insurance be approved by the Commissioner of Insurance and issued by a company authorized to do business in Kansas; and
- authorizes the Board to fix the amount of professional liability coverage required to be maintained by rule and regulation.

Background

HB 2820 was requested by the Board of Healing Arts, whose representative explained, that while the bill is lengthy, there are few substantive changes. Rather, the provisions of the bill are intended to create more consistency among the various statutes the Board administers.

The Senate Committee amendments were requested by the Board of Healing Arts.

The fiscal note prepared by the Division of the Budget indicates passage of the bill will have no fiscal effect.