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

New Section 1. Wherever the words "medicine and surgery" or "licensed to practice medicine and surgery," or words of like effect, are referred to or designated in any provision of the Kansas Statutes Annotated, and amendments thereto, any rule and regulation adopted thereunder or any contract or other document, such reference or designation shall not include reference to or designation of "podiatric medicine and surgery" or "licensed to practice podiatric medicine and surgery," or words of like effect, unless the provision explicitly includes "podiatric medicine and surgery" or "licensed to practice podiatric medicine and surgery," or words of like effect.

Sec. 2. K.S.A. 2018 Supp. 21-5808 is hereby amended to read as follows: 21-5808. (a) Criminal trespass is entering or remaining upon or in any:

(1) Land, nonnavigable body of water, structure, vehicle, aircraft or watercraft by a person who knows such person is not authorized or privileged to do so, and:

(A) Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person;

(B) such premises or property are posted as provided in K.S.A. 32-1013, and amendments thereto, or in any other manner reasonably likely to come to the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or

(C) such person enters or remains therein in defiance of a restraining order issued pursuant to K.S.A. 60-3105, 60-3106, 60-3107, 60-31a05 or 60-31a06 or K.S.A. 2018 Supp. 23-2707, 38-2243, 38-2244 or 38-2255, and amendments thereto, and the restraining order has been personally
served upon the person so restrained; or

(2) public or private land or structure in a manner that interferes with access to or from any healthcare facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the healthcare facility or other authorized person.

(b) Criminal trespass is a class B nonperson misdemeanor. Upon a conviction of a violation of subsection (a)(1)(C), a person shall be sentenced to not less than 48 consecutive hours of imprisonment—which shall be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

(c) As used in this section:

(1) "Healthcare facility" means any licensed medical care facility, certificated health maintenance organization, licensed mental health center or mental health clinic, licensed psychiatric hospital or other facility or office where services of a healthcare provider are provided directly to patients; and

(2) "healthcare provider" means any person:

(A) Licensed to practice a branch of the healing arts;
(B) licensed to practice psychology;
(C) licensed to practice professional or practical nursing;
(D) licensed to practice dentistry;
(E) licensed to practice optometry;
(F) licensed to practice pharmacy;
(G) registered licensed to practice podiatry podiatric medicine and surgery;
(H) licensed as a social worker; or
(I) registered to practice physical therapy.

(d) This section shall not apply to:

(1) A land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor's authorized agents and employees who enter upon lands, waters and other premises in the making of a survey; or
(2) railroad property as defined in K.S.A. 2018 Supp. 21-5809, and amendments thereto, or nuclear generating facility as defined in K.S.A. 66-2302, and amendments thereto.

Sec. 3. K.S.A. 40-3202 is hereby amended to read as follows: 40-

(a) "Commissioner" means the commissioner of insurance of the state of Kansas.

(b) "Basic healthcare services" means but is not limited to usual physician, hospitalization, laboratory, x-ray, emergency and preventive
services and out-of-area coverage.

(c) "Capitated basis" means a fixed per member per month payment or percentage of premium payment wherein the provider assumes risk for the cost of contracted services without regard to the type, value or frequency of services provided. For purposes of this definition, capitated basis includes the cost associated with operating staff model facilities.

(d) "Carrier" means a health maintenance organization, an insurer, a nonprofit hospital and medical service corporation, or other entity responsible for the payment of benefits or provision of services under a group contract.

(e) "Certificate of coverage" means a statement of the essential features and services of the health maintenance organization coverage which that is given to the subscriber by the health maintenance organization, medicare provider organization or by the group contract holder.

(f) "Copayment" means an amount an enrollee must pay in order to receive a specific service which that is not fully prepaid.

(g) "Deductible" means an amount an enrollee is responsible to pay out-of-pocket before the health maintenance organization begins to pay the costs associated with treatment.

(h) "Director" means the secretary of health and environment.

(i) "Disability" means an injury or illness that results in a substantial physical or mental limitation in one or more major life activities such as working or independent activities of daily living that a person was able to do prior to the injury or illness.

(j) "Enrollee" means a person who has entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health maintenance organization or the medicare provider organization for healthcare services.

(k) "Grievance" means a written complaint submitted in accordance with the formal grievance procedure by or on behalf of the enrollee regarding any aspect of the health maintenance organization or the medicare provider organization relative to the enrollee.

(l) "Group contract" means a contract for healthcare services which that by its terms limits eligibility to members of a specified group. The group contract may include coverage for dependents.

(m) "Group contract holder" means the person to which a group contract has been issued.

(n) "Healthcare services" means basic healthcare services and other services, medical equipment and supplies which that may include, but are not limited to, medical, surgical and dental care; psychological, obstetrical, osteopathic, optometric, optic, podiatric, nursing, occupational therapy services, physical therapy services, chiropractic services and
pharmaceutical services; health education, preventive medical,
rehabilitative and home health services; inpatient and outpatient hospital
services, extended care, nursing home care, convalescent institutional care,
laboratory and ambulance services, appliances, drugs, medicines and
supplies; and any other care, service or treatment for the prevention,
control or elimination of disease, the correction of defects or the
maintenance of the physical or mental well-being of human beings.

(o) "Health maintenance organization" means an organization—which
that:

(1) Provides or otherwise makes available to enrollees healthcare
services, including at a minimum those basic healthcare services—which
that are determined by the commissioner to be generally available on an
insured or prepaid basis in the geographic area served;

(2) is compensated, except for reasonable copayments, for the
provision of basic healthcare services to enrollees solely on a
predetermined periodic rate basis;

(3) provides physician services directly through physicians who are
either employees or partners of such organization or under arrangements
with a physician or any group of physicians or under arrangements as an
independent contractor with a physician or any group of physicians; and

(4) is responsible for the availability, accessibility and quality of the
healthcare services provided or made available.

(p) "Individual contract" means a contract for healthcare services
issued to and covering an individual. The individual contract may include
dependents of the subscriber.

(q) "Individual practice association" means a partnership,
corporation, association or other legal entity—which that delivers or
arranges for the delivery of basic healthcare services and—which that has
entered into a services arrangement with persons who are licensed to
practice medicine and surgery, dentistry, chiropractic, pharmacy,

podiatric medicine and surgery, optometry or any other health profession
and a majority of whom are licensed to practice medicine and surgery.
Such an arrangement shall provide:

(1) That such persons shall provide their professional services in
accordance with a compensation arrangement established by the entity;
and

(2) to the extent feasible for the sharing by such persons of medical
and other records, equipment, and professional, technical and
administrative staff.

(r) "Medical group" or "staff model" means a partnership, association
or other group:

(1) Which That is composed of health professionals licensed to
practice medicine and surgery and of such other licensed health
professionals, including but not limited to dentists, chiropractors, pharmacists, optometrists and podiatrists as are necessary for the provision of health services for which the group is responsible;

(2) a majority of the members of which are licensed to practice medicine and surgery; and

(3) the members of which: (A) As their principal professional activity over 50% individually and as a group responsibility are engaged in the coordinated practice of their profession for a health maintenance organization; (B) pool their income and distribute it among themselves according to a prearranged salary or drawing account or other plan, or are salaried employees of the health maintenance organization; (C) share medical and other records and substantial portions of major equipment and of professional, technical and administrative staff; and (D) establish an arrangement whereby the enrollee's enrollment status is not known to the member of the group who provides health services to the enrollee.

(s) "Medicare provider organization" means an organization that:

(1) Is a provider-sponsored organization as defined by section 4001 of the balanced budget act of 1997 (PL, public law 105-33); and

(2) provides or otherwise makes available to enrollees basic healthcare services pursuant to section 4001 of the balanced budget act of 1997 (PL, public law 105-33).

(t) "Net worth" means the excess of assets over liabilities as determined by the commissioner from the latest annual report filed pursuant to K.S.A. 40-3220, and amendments thereto.

(u) "Person" means any natural or artificial person including but not limited to individuals, partnerships, associations, trusts or corporations.

(v) "Physician" means a person licensed to practice medicine and surgery under the healing arts act.

(w) "Provider" means any physician, hospital or other person which is licensed or otherwise authorized in this state to furnish healthcare services.

(x) "Uncovered expenditures" means the costs of healthcare services that are covered by a health maintenance organization for which an enrollee would also be liable in the event of the organization's insolvency as determined by the commissioner from the latest annual statement filed pursuant to K.S.A. 40-3220, and amendments thereto, and which are not guaranteed, insured or assumed by any person or organization other than the carrier.

Sec. 4. K.S.A. 2018 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) "Employer" includes: (1) Any person or body of persons, corporate or unincorporated, and the legal representative of a deceased
employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any city, county, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency which assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have the rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party which filed such election with the director, or on both if both parties have filed such election with the director; for purposes of community service work, "governmental agency" shall not include any court or any officer or employee thereof and any case where there is deemed to be a "joint employer" shall not be construed to be a case of dual or multiple employment.

(b) "Workman" or "employee" or "worker" means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include, but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, attendants, as defined in subsection (f) of K.S.A. 65-6112, and amendments thereto, drivers of ambulances as defined in subsection (d) of K.S.A. 65-6112, and amendments thereto, firefighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by such organizations; persons in the service of the state, or any department, agency or authority of the state, any city, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; persons in the service of the state as volunteer members of the Kansas department of civil air patrol, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in K.S.A. 48-3302, and amendments thereto; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; minors, whether such minors are legally or illegally
employed; and persons performing community service work, but only to
the extent and during such periods as they are performing community
service work and if an election has been filed an election to extend
coverage to such persons. Any reference to an employee who has been
injured shall, where the employee is dead, include a reference to the
employee's dependents, to the employee's legal representatives, or, if the
employee is a minor or an incapacitated person, to the employee's guardian
or conservator. Unless there is a valid election in effect which has
been filed as provided in K.S.A. 44-542a, and amendments thereto, such
terms shall not include individual employers, limited liability company
members, partners or self-employed persons.

(c) (1) "Dependents" means such members of the employee's family
as were wholly or in part dependent upon the employee at the time of the
accident or injury.

(2) "Members of a family" means only surviving legal spouse and
children; or if no surviving legal spouse or children, then parents or
grandparents; or if no parents or grandparents, then grandchildren; or if no
grandchildren, then brothers and sisters. In the meaning of this section,
parents include stepparents, children include stepchildren, grandchildren
include stepgrandchildren, brothers and sisters include stepbrothers and
stepsisters, and children and parents include that relation by legal
adoption. In the meaning of this section, a surviving spouse shall not be
regarded as a dependent of a deceased employee or as a member of the
family, if the surviving spouse shall have for more than six months
willfully or voluntarily deserted or abandoned the employee prior to the
date of the employee's death.

(3) "Wholly dependent child or children" means:
(A) A birth child or adopted child of the employee except such a child
whose relationship to the employee has been severed by adoption;
(B) a stepchild of the employee who lives in the employee's
household;
(C) any other child who is actually dependent in whole or in part on
the employee and who is related to the employee by marriage or
consanguinity; or
(D) any child as defined in subsection (c)(3) subparagraph (A), (3)
(B) or (3)(C) who is less than 23 years of age and who is not physically or
mentally capable of earning wages in any type of substantial and gainful
employment or who is a full-time student attending an accredited
institution of higher education or vocational education.

(d) "Accident" means an undesigned, sudden and unexpected
traumatic event, usually of an afflictive or unfortunate nature and often,
but not necessarily, accompanied by a manifestation of force. An accident
shall be identifiable by time and place of occurrence, produce at the time
symptoms of an injury, and occur during a single work shift. The accident
must be the prevailing factor in causing the injury. "Accident" shall in no
case be construed to include repetitive trauma in any form.

(e) "Repetitive trauma" refers to cases where an injury occurs as a
result of repetitive use, cumulative traumas or microtraumas. The
repetitive nature of the injury must be demonstrated by diagnostic or
clinical tests. The repetitive trauma must be the prevailing factor in
causing the injury. "Repetitive trauma" shall in no case be construed to
include occupational disease, as defined in K.S.A. 44-5a01, and
amendments thereto.

In the case of injury by repetitive trauma, the date of injury shall be the
earliest of:

(1) The date the employee, while employed for the employer against
whom benefits are sought, is taken off work by a physician due to the
diagnosed repetitive trauma;

(2) the date the employee, while employed for the employer against
whom benefits are sought, is placed on modified or restricted duty by a
physician due to the diagnosed repetitive trauma;

(3) the date the employee, while employed for the employer against
whom benefits are sought, is advised by a physician that the condition is
work-related; or

(4) the last day worked, if the employee no longer works for the
employer against whom benefits are sought.

In no case shall the date of accident be later than the last date worked.

(f) (1) "Personal injury" and "injury" mean any lesion or change in
the physical structure of the body, causing damage or harm thereto.
Personal injury or injury may occur only by accident, repetitive trauma or
occupational disease as those terms are defined.

(2) An injury is compensable only if it arises out of and in the course
of employment. An injury is not compensable because work was a
triggering or precipitating factor. An injury is not compensable solely
because it aggravates, accelerates or exacerbates a preexisting condition or
renders a preexisting condition symptomatic.

(A) An injury by repetitive trauma shall be deemed to arise out of
employment only if:

(i) The employment exposed the worker to an increased risk or
hazard which that the worker would not have been exposed in normal non-
employment life;

(ii) the increased risk or hazard to which the employment exposed the
worker is the prevailing factor in causing the repetitive trauma; and

(iii) the repetitive trauma is the prevailing factor in causing both the
medical condition and resulting disability or impairment.

(B) An injury by accident shall be deemed to arise out of employment
only if:

(i) There is a causal connection between the conditions under which
the work is required to be performed and the resulting accident; and
(ii) the accident is the prevailing factor causing the injury, medical
condition, and resulting disability or impairment.

(3) (A) The words "arising out of and in the course of employment"
as used in the workers compensation act shall not be construed to include:

(i) Injury which occurred as a result of the natural aging process
or by the normal activities of day-to-day living;
(ii) accident or injury which arose out of a neutral risk with no
particular employment or personal character;
(iii) accident or injury which arose out of a risk personal to the
worker; or
(iv) accident or injury which arose either directly or indirectly
from idiopathic causes.

(B) The words "arising out of and in the course of employment" as
used in the workers compensation act shall not be construed to include
injuries to the employee occurring while the employee is on the way to
assume the duties of employment or after leaving such duties, the
proximate cause of which injury is not the employer's negligence. An
employee shall not be construed as being on the way to assume the duties
of employment or having left such duties at a time when the worker is on
the premises owned or under the exclusive control of the employer or on
the only available route to or from work which is a route involving a
special risk or hazard connected with the nature of the employment that is
not a risk or hazard to which the general public is exposed and which is
a route not used by the public except in dealings with the employer. An
employee shall not be construed as being on the way to assume the duties
of employment, if the employee is a provider of emergency services
responding to an emergency.

(C) The words, "arising out of and in the course of employment" as
used in the workers compensation act shall not be construed to include
injuries to employees while engaged in recreational or social events under
circumstances where the employee was under no duty to attend and where
the injury did not result from the performance of tasks related to the
employee's normal job duties or as specifically instructed to be performed
by the employer.

(g) "Prevailing" as it relates to the term "factor" means the primary
factor, in relation to any other factor. In determining what constitutes the
"prevailing factor" in a given case, the administrative law judge shall
consider all relevant evidence submitted by the parties.

(h) "Burden of proof" means the burden of a party to persuade the
trier of facts by a preponderance of the credible evidence that such party's
position on an issue is more probably true than not true on the basis of the
whole record unless a higher burden of proof is specifically required by
this act.

(i) "Director" means the director of workers compensation as
provided for in K.S.A. 75-5708, and amendments thereto.

(j) "Healthcare provider" means any person licensed, by the proper
licensing authority of this state, another state or the District of Columbia,
to practice medicine and surgery, osteopathy, chiropractic, dentistry,
ophtalmology, podiatry podiatric medicine and surgery, audiology or
psychology.

(k) "Secretary" means the secretary of labor.

(l) "Construction design professional" means any person who is an
architect, professional engineer, landscape architect or land surveyor who
has been issued a license by the state board of technical professions to
practice such technical profession in Kansas or any corporation organized
to render professional services through the practice of one or more of such
technical professions in Kansas under the professional corporation law of
Kansas or any corporation issued a certificate of authorization under
K.S.A. 74-7036, and amendments thereto, to practice one or more of such
technical professions in Kansas.

(m) "Community service work" means: (1) Public or community
service performed as a result of a contract of diversion or of assignment to
a community corrections program or conservation camp or suspension of
sentence or as a condition of probation or in lieu of a fine imposed by
court order; or (2) public or community service or other work performed
as a requirement for receipt of any kind of public assistance in accordance
with any program administered by the secretary for children and families.

(n) "Utilization review" means the initial evaluation of
appropriateness in terms of both the level and the quality of healthcare and
health services provided a patient, based on accepted standards of the
healthcare profession involved. Such evaluation is accomplished by means
of a system which that identifies the utilization of healthcare services
above the usual range of utilization for such services, which that is based
on accepted standards of the healthcare profession involved, and which
that refers instances of possible inappropriate utilization to the director for
referral to a peer review committee.

(o) "Peer review" means an evaluation by a peer review committee of
the appropriateness, quality and cost of healthcare and health services
provided a patient, which that is based on accepted standards of the
healthcare profession involved and which that is conducted in conjunction
with utilization review.

(p) "Peer review committee" means a committee composed of
healthcare providers licensed to practice the same healthcare profession as
the healthcare provider who rendered the healthcare services being reviewed.

(q) "Group-funded self-insurance plan" includes each group-funded workers compensation pool which that is authorized to operate in this state under K.S.A. 44-581 through 44-592, and amendments thereto, each municipal group-funded pool under the Kansas municipal group-funded pool act which that is covering liabilities under the workers compensation act, and any other similar group-funded or pooled plan or arrangement that provides coverage for employer liabilities under the workers compensation act and is authorized by law.

(r) On and after the effective date of this act, "workers compensation board" or "board" means the workers compensation appeals board established under K.S.A. 44-555c, and amendments thereto.

(s) "Usual charge" means the amount most commonly charged by healthcare providers for the same or similar services.

(t) "Customary charge" means the usual rates or range of fees charged by healthcare providers in a given locale or area.

(u) "Functional impairment" means the extent, expressed as a percentage, of the loss of a portion of the total physiological capabilities of the human body as established by competent medical evidence and based on the fourth edition of the American medical association guides to the evaluation of impairment, if the impairment is contained therein.

(v) "Authorized treating physician" means a licensed physician or other healthcare provider authorized by the employer or insurance carrier or both, or appointed pursuant to court-order to provide those medical services deemed necessary to diagnose and treat an injury arising out of and in the course of employment.

(w) "Mail" means the use of the United States postal service or other land based delivery service or transmission by electronic means, including delivery by fax, e-mail or other electronic delivery method designated by the director of workers compensation.

Sec. 5. K.S.A. 2018 Supp. 44-706 is hereby amended to read as follows: 44-706. The secretary shall examine whether an individual has separated from employment for each week claimed. The secretary shall apply the provisions of this section to the individual's most recent employment prior to the week claimed. An individual shall be disqualified for benefits:

(a) If the individual left work voluntarily without good cause attributable to the work or the employer, subject to the other provisions of this subsection. For purposes of this subsection, "good cause" is cause of such gravity that would impel a reasonable, not supersensitive, individual exercising ordinary common sense to leave employment. Good cause requires a showing of good faith of the individual leaving work, including
the presence of a genuine desire to work. Failure to return to work after expiration of approved personal or medical leave, or both, shall be considered a voluntary resignation. After a temporary job assignment, failure of an individual to affirmatively request an additional assignment on the next succeeding workday, if required by the employment agreement, after completion of a given work assignment, shall constitute leaving work voluntarily. The disqualification shall begin the day following the separation and shall continue until after the individual has become reemployed and has had earnings from insured work of at least three times the individual's weekly benefit amount. An individual shall not be disqualified under this subsection if:

1. The individual was forced to leave work because of illness or injury upon the advice of a licensed and practicing healthcare provider and, upon learning of the necessity for absence, immediately notified the employer thereof, or the employer consented to the absence, and after recovery from the illness or injury, when recovery was certified by a practicing healthcare provider, the individual returned to the employer and offered to perform services and the individual's regular work or comparable and suitable work was not available. As used in this paragraph "healthcare provider" means any person licensed by the proper licensing authority of any state to engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry, podiatric medicine and surgery or psychology;

2. the individual left temporary work to return to the regular employer;

3. the individual left work to enlist in the armed forces of the United States, but was rejected or delayed from entry;

4. the spouse of an individual who is a member of the armed forces of the United States who left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, which that is for the same employer or for a different employer, at a geographic location which that makes it unreasonable for the individual to continue work at the individual's job. For the purposes of this provision the term "armed forces" means active duty in the army, navy, marine corps, air force, coast guard or any branch of the military reserves of the United States;

5. the individual left work because of hazardous working conditions; in determining whether or not working conditions are hazardous for an individual, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training and the working conditions of workers engaged in the same or similar work for the same and other employers in the locality shall be considered; as used in this paragraph, "hazardous working conditions" means working conditions that
could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of: (A) The safety measures used or the lack thereof; and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged in the same or similar type of activity;

(6) the individual left work to enter training approved under section 236(a)(1) of the federal trade act of 1974, provided the work left is not of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the federal trade act of 1974, and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the federal trade act of 1974;

(7) the individual left work because of unwelcome harassment of the individual by the employer or another employee of which the employing unit had knowledge and that would impel the average worker to give up such worker's employment;

(8) the individual left work to accept better work; each determination as to whether or not the work accepted is better work shall include, but shall not be limited to, consideration of: (A) The rate of pay, the hours of work and the probable permanency of the work left as compared to the work accepted; (B) the cost to the individual of getting to the work left in comparison to the cost of getting to the work accepted; and (C) the distance from the individual's place of residence to the work accepted in comparison to the distance from the individual's residence to the work left;

(9) the individual left work as a result of being instructed or requested by the employer, a supervisor or a fellow employee to perform a service or commit an act in the scope of official job duties that is in violation of an ordinance or statute;

(10) the individual left work because of a substantial violation of the work agreement by the employing unit and, before the individual left, the individual had exhausted all remedies provided in such agreement for the settlement of disputes before terminating. For the purposes of this paragraph, a demotion based on performance does not constitute a violation of the work agreement;

(11) after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification; or

(12) (A) the individual left work due to circumstances resulting from
domestic violence, including:
   (i) The individual's reasonable fear of future domestic violence at or
       en route to or from the individual's place of employment;
   (ii) the individual's need to relocate to another geographic area in
        order to avoid future domestic violence;
   (iii) the individual's need to address the physical, psychological and
        legal impacts of domestic violence;
   (iv) the individual's need to leave employment as a condition of
        receiving services or shelter from an agency—and that provides support
        services or shelter to victims of domestic violence; or
   (v) the individual's reasonable belief that termination of employment
        is necessary to avoid other situations—which that may cause domestic
        violence and to provide for the future safety of the individual or the
        individual's family.
(B) An individual may prove the existence of domestic violence by
    providing one of the following:
    (i) A restraining order or other documentation of equitable relief by a
        court of competent jurisdiction;
    (ii) a police record documenting the abuse;
    (iii) documentation that the abuser has been convicted of one or more
        of the offenses enumerated in articles 34 and 35 of chapter 21 of the
        Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of
        chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
        or K.S.A. 2018 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-
        6422, and amendments thereto, where the victim was a family or
        household member;
    (iv) medical documentation of the abuse;
    (v) a statement provided by a counselor, social worker, healthcare
        provider, clergy, shelter worker, legal advocate, domestic violence or
        sexual assault advocate or other professional who has assisted the
        individual in dealing with the effects of abuse on the individual or the
        individual's family; or
    (vi) a sworn statement from the individual attesting to the abuse.
(C) No evidence of domestic violence experienced by an individual,
    including the individual's statement and corroborating evidence, shall be
    disclosed by the department of labor unless consent for disclosure is given
    by the individual.
(b) If the individual has been discharged or suspended for misconduct
    connected with the individual's work. The disqualification shall begin the
    day following the separation and shall continue until after the individual
    becomes reemployed and in cases where the disqualification is due to
    discharge for misconduct has had earnings from insured work of at least
    three times the individual's determined weekly benefit amount, except that
if an individual is discharged for gross misconduct connected with the
individual's work, such individual shall be disqualified for benefits until
such individual again becomes employed and has had earnings from
insured work of at least eight times such individual's determined weekly
benefit amount. In addition, all wage credits attributable to the
employment from which the individual was discharged for gross
misconduct connected with the individual's work shall be canceled. No
such cancellation of wage credits shall affect prior payments made as a
result of a prior separation.

(1) For the purposes of this subsection, "misconduct" is defined as a
violation of a duty or obligation reasonably owed the employer as a
condition of employment including, but not limited to, a violation of a
company rule, including a safety rule, if: (A) The individual knew or
should have known about the rule; (B) the rule was lawful and reasonably
related to the job; and (C) the rule was fairly and consistently enforced.

(2) (A) Failure of the employee to notify the employer of an absence
and an individual's leaving work prior to the end of such individual's
assigned work period without permission shall be considered prima facie
evidence of a violation of a duty or obligation reasonably owed the
employer as a condition of employment.

(B) For the purposes of this subsection, misconduct shall include, but
not be limited to, violation of the employer's reasonable attendance
expectations if the facts show:

(i) The individual was absent or tardy without good cause;

(ii) the individual had knowledge of the employer's attendance
expectation; and

(iii) the employer gave notice to the individual that future absence or
tardiness may or will result in discharge.

(C) For the purposes of this subsection, if an employee disputes being
absent or tardy without good cause, the employee shall present evidence
that a majority of the employee's absences or tardiness were for good
cause. If the employee alleges that the employee's repeated absences or
tardiness were the result of health related issues, such evidence shall
include documentation from a licensed and practicing healthcare provider
as defined in subsection (a)(1).

(3) (A) The term "gross misconduct" as used in this subsection shall
be construed to mean conduct evincing extreme, willful or wanton
misconduct as defined by this subsection. Gross misconduct shall include,
but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to
property; (iv) intentional infliction of personal injury; or (v) any conduct
that constitutes a felony.

(B) For the purposes of this subsection, the following shall be
conclusive evidence of gross misconduct:
(i) The use of alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;
(ii) the impairment caused by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;
(iii) a positive breath alcohol test or a positive chemical test, provided:
   (a) The test was either:
      (1) Required by law and was administered pursuant to the drug free workplace act, 41 U.S.C. § 701 et seq.;
      (2) administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;
      (3) requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment;
      (4) required by law and the test constituted a required condition of employment for the individual's job; or
      (5) there was reasonable suspicion to believe that the individual used, had possession of, or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working;
   (b) the test sample was collected either:
      (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et seq.;
      (2) as prescribed by an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;
      (3) as prescribed by the written policy of the employer of which the employee had knowledge and which constituted a required condition of employment;
      (4) as prescribed by a test which was required by law and which constituted a required condition of employment for the individual's job; or
      (5) at a time contemporaneous with the events establishing probable cause;
   (c) the collecting and labeling of a chemical test sample was performed by a licensed healthcare professional or any other individual certified pursuant to subsection (b)(3)(A)(iii)(f) or authorized to collect or label test samples by federal or state law, or a federal or state rule or regulation having the force or effect of law, including law enforcement personnel;
   (d) the chemical test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be
tested for alcohol content by a laboratory commonly used for that purpose
by state law enforcement agencies;
(e) the chemical test was confirmed by gas chromatography, gas
chromatography-mass spectroscopy or other comparably reliable
analytical method, except that no such confirmation is required for a blood
alcohol sample or a breath alcohol test;
(f) the breath alcohol test was administered by an individual trained
to perform breath tests, the breath testing instrument used was certified
and operated strictly according to a description provided by the
manufacturers and the reliability of the instrument performance was
assured by testing with alcohol standards; and
(g) the foundation evidence establishes, beyond a reasonable doubt,
that the test results were from the sample taken from the individual;
(iv) an individual's refusal to submit to a chemical test or breath
alcohol test, provided:
(a) The test meets the standards of the drug free workplace act, 41
U.S.C. § 701 et seq.;
(b) the test was administered as part of an employee assistance
program or other drug or alcohol treatment program in which the
employee was participating voluntarily or as a condition of further
employment;
(c) the test was otherwise required by law and the test constituted a
required condition of employment for the individual's job;
(d) the test was requested pursuant to a written policy of the employer
of which the employee had knowledge and was a required condition of
employment; or
(e) there was reasonable suspicion to believe that the individual used,
possession or was impaired by alcoholic liquor, cereal malt beverage or a
nonprescribed controlled substance while working;
(v) an individual's dilution or other tampering of a chemical test.
(C) For purposes of this subsection:
(i) "Alcohol concentration" means the number of grams of alcohol
per 210 liters of breath;
(ii) "alcoholic liquor" shall be defined as provided in K.S.A. 41-102,
and amendments thereto;
(iii) "cereal malt beverage" shall be defined as provided in K.S.A. 41-
2701, and amendments thereto;
(iv) "chemical test" shall include, but is not limited to, tests of urine,
blood or saliva;
(v) "controlled substance" shall be defined as provided in K.S.A.
2018 Supp. 21-5701, and amendments thereto;
(vi) "required by law" means required by a federal or state law, a
federal or state rule or regulation having the force and effect of law, a
county resolution or municipal ordinance, or a policy relating to public
district or other local governmental entity;
(vii) "positive breath test" shall mean a test result showing an alcohol
collection of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if
applicable, unless the test was administered as part of an employee
assistance program or other drug or alcohol treatment program in which
the employee was participating voluntarily or as a condition of further
employment, in which case "positive chemical test" shall mean a test result
showing an alcohol concentration at or above the levels provided for in the
assistance or treatment program;
(viii) "positive chemical test" shall mean a chemical result showing a
concentration at or above the levels listed in K.S.A. 44-501, and
amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or
abuse listed therein, unless the test was administered as part of an
employee assistance program or other drug or alcohol treatment program
in which the employee was participating voluntarily or as a condition of
further employment, in which case "positive chemical test" shall mean a
chemical result showing a concentration at or above the levels provided for
in the assistance or treatment program.
(4) An individual shall not be disqualified under this subsection if the
individual is discharged under the following circumstances:
(A) The employer discharged the individual after learning the
individual was seeking other work or when the individual gave notice of
future intent to quit, except that the individual shall be disqualified after
the time at which when such individual intended to quit and any individual
who commits misconduct after such individual gives notice to such
individual's intent to quit shall be disqualified;
(B) the individual was making a good-faith effort to do the assigned
work but was discharged due to:
(i) Inefficiency;
(ii) unsatisfactory performance due to inability, incapacity or lack of
training or experience;
(iii) isolated instances of ordinary negligence or inadvertence;
(iv) good-faith errors in judgment or discretion; or
(v) unsatisfactory work or conduct due to circumstances beyond the
individual's control; or
(C) the individual's refusal to perform work in excess of the contract
of hire.
(c) If the individual has failed, without good cause, to either apply for
suitable work when so directed by the employment office of the secretary
of labor, or to accept suitable work when offered to the individual by the
employment office, the secretary of labor, or an employer, such
disqualification shall begin with the week in which such failure occurred and shall continue until the individual becomes reemployed and has had earnings from insured work of at least three times such individual's determined weekly benefit amount. In determining whether or not any work is suitable for an individual, the secretary of labor, or a person or persons designated by the secretary, shall consider the degree of risk involved to health, safety and morals, physical fitness and prior training, experience and prior earnings, length of unemployment and prospects for securing local work in the individual's customary occupation or work for which the individual is reasonably fitted by training or experience, and the distance of the available work from the individual's residence.

Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be disqualified for refusing an offer of suitable employment, or failing to apply for suitable employment when notified by an employment office, or for leaving the individual's most recent work accepted during approved training, including training approved under section 236(a)(1) of the trade act of 1974, if the acceptance of or applying for suitable employment or continuing such work would require the individual to terminate approved training and no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (1) If the position offered is vacant due directly to a strike, lockout or other labor dispute; (2) if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed, the individual would be required to join or to resign from or refrain from joining any labor organization; and (4) if the individual left employment as a result of domestic violence, and the position offered does not reasonably accommodate the individual's physical, psychological, safety, or legal needs relating to such domestic violence.

(d) For any week with respect to which the secretary of labor, or a person or persons designated by the secretary, finds that the individual's unemployment is due to a stoppage of work which that exists because of a labor dispute or there would have been a work stoppage had normal operations not been maintained with other personnel previously and currently employed by the same employer at the factory, establishment or other premises at which where the individual is or was last employed, except that this subsection—(4) shall not apply if it is shown to the satisfaction of the secretary of labor, or a person or persons designated by the secretary, that: (1) The individual is not participating in or financing or directly interested in the labor dispute which that caused the stoppage of work; and (2) the individual does not belong to a grade or class of workers...
of which, immediately before the commencement of the stoppage, there
were members employed at the premises at which the stoppage occurs any
of whom are participating in or financing or directly interested in the
dispute. If in any case separate branches of work which are commonly
conducted as separate businesses in separate premises are conducted in
separate departments of the same premises, each such department shall, for
the purpose of this subsection be deemed to be a separate factory,
establishment or other premises. For the purposes of this subsection,
failure or refusal to cross a picket line or refusal for any reason during the
continuance of such labor dispute to accept the individual's available and
customary work at the factory, establishment or other premises where the
individual is or was last employed shall be considered as participation and
interest in the labor dispute.

(e) For any week with respect to which or a part of which the
individual has received or is seeking unemployment benefits under the
unemployment compensation law of any other state or of the United
States, except that if the appropriate agency of such other state or the
United States finally determines that the individual is not entitled to such
unemployment benefits, this disqualification shall not apply.

(f) For any week with respect to which the individual is entitled to
receive any unemployment allowance or compensation granted by the
United States under an act of congress to ex-service men and women in
recognition of former service with the military or naval services of the
United States.

(g) For the period of five years beginning with the first day following
the last week of unemployment for which the individual received benefits,
or for five years from the date the act was committed, whichever is the
later, if the individual, or another in such individual's behalf with the
knowledge of the individual, has knowingly made a false statement or
representation, or has knowingly failed to disclose a material fact to obtain
or increase benefits under this act or any other unemployment
compensation law administered by the secretary of labor. In addition to the
penalties set forth in K.S.A. 44-719, and amendments thereto, an
individual who has knowingly made a false statement or representation or
who has knowingly failed to disclose a material fact to obtain or increase
benefits under this act or any other unemployment compensation law
administered by the secretary of labor shall be liable for a penalty in the
amount equal to 25% of the amount of benefits unlawfully received.
Notwithstanding any other provision of law, such penalty shall be
deposited into the employment security trust fund.

(h) For any week with respect to which the individual is receiving
compensation for temporary total disability or permanent total disability
under the workmen's compensation law of any state or under a similar law
of the United States.

(i) For any week of unemployment on the basis of service in an instructional, research or principal administrative capacity for an educational institution as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or terms or, when an agreement provides instead for a similar period between two regular but not successive terms during such period or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(j) For any week of unemployment on the basis of service in any capacity other than service in an instructional, research, or administrative capacity in an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or terms if the individual performs such services in the first of such academic years or terms and there is a reasonable assurance that the individual will perform such services in the second of such academic years or terms, except that if benefits are denied to the individual under this subsection and the individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(k) For any week of unemployment on the basis of service in any capacity for an educational institution as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during an established and customary vacation period or holiday recess, if the individual performs services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(l) For any week of unemployment on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such week begins during the period between two successive sport seasons or similar period if such individual performed services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.

(m) For any week on the basis of services performed by an alien
unless such alien is an individual who was lawfully admitted for
permanent residence at the time such services were performed, was
lawfully present for purposes of performing such services, or was
permanently residing in the United States under color of law at the time
such services were performed, including an alien who was lawfully present
in the United States as a result of the application of the provisions of
section 212(d)(5) of the federal immigration and nationality act. Any data
or information required of individuals applying for benefits to determine
whether benefits are not payable to them because of their alien status shall
be uniformly required from all applicants for benefits. In the case of an
individual whose application for benefits would otherwise be approved, no
determination that benefits to such individual are not payable because of
such individual's alien status shall be made except upon a preponderance
of the evidence.

(n) For any week in which an individual is receiving a governmental
or other pension, retirement or retired pay, annuity or other similar
periodic payment under a plan maintained by a base period employer and
to which the entire contributions were provided by such employer, except
that: (1) If the entire contributions to such plan were provided by the base
period employer but such individual's weekly benefit amount exceeds such
governmental or other pension, retirement or retired pay, annuity or other
similar periodic payment attributable to such week, the weekly benefit
amount payable to the individual shall be reduced, but not below zero, by
an amount equal to the amount of such pension, retirement or retired pay,
annuity or other similar periodic payment which is attributable to such
week; or (2) if only a portion of contributions to such plan were provided
by the base period employer, the weekly benefit amount payable to such
individual for such week shall be reduced, but not below zero, by the
prorated weekly amount of the pension, retirement or retired pay, annuity
or other similar periodic payment after deduction of that portion of the
pension, retirement or retired pay, annuity or other similar periodic payment
that is directly attributable to the percentage of the contributions
made to the plan by such individual; or (3) if the entire contributions to the
plan were provided by such individual, or by the individual and an
employer, or any person or organization, who is not a base period
employer, no reduction in the weekly benefit amount payable to the
individual for such week shall be made under this subsection; or (4)
whatever portion of contributions to such plan were provided by the base
period employer, if the services performed for the employer by such
individual during the base period, or remuneration received for the
services, did not affect the individual's eligibility for, or increased the
amount of, such pension, retirement or retired pay, annuity or other similar
periodic payment, no reduction in the weekly benefit amount payable to
the individual for such week shall be made under this subsection. No
reduction shall be made for payments made under the social security act or
(o) For any week of unemployment on the basis of services
performed in any capacity and under any of the circumstances described in
subsection (i), (j) or (k)—which that an individual performed in an
educational institution while in the employ of an educational service
agency. For the purposes of this subsection, the term "educational service
agency" means a governmental agency or entity—which that is established
and operated exclusively for the purpose of providing such services to one
or more educational institutions.
(p) For any week of unemployment on the basis of service as a school
bus or other motor vehicle driver employed by a private contractor to
transport pupils, students and school personnel to or from school-related
functions or activities for an educational institution, as defined in K.S.A.
44-703(v), and amendments thereto, if such week begins during the period
between two successive academic years or during a similar period between
two regular terms, whether or not successive, if the individual has a
contract or contracts, or a reasonable assurance thereof, to perform
services in any such capacity with a private contractor for any educational
institution for both such academic years or both such terms. An individual
shall not be disqualified for benefits as provided in this subsection for any
week of unemployment on the basis of service as a bus or other motor
vehicle driver employed by a private contractor to transport persons to or
from nonschool-related functions or activities.
(q) For any week of unemployment on the basis of services
performed by the individual in any capacity and under any of the
circumstances described in subsection (i), (j), (k) or (o)—which that are
provided to or on behalf of an educational institution, as defined in K.S.A.
44-703(v), and amendments thereto, while the individual is in the employ
of an employer—which that is a governmental entity, Indian tribe or any
employer described in section 501(c)(3) of the federal internal revenue
code of 1986—which that is exempt from income under section 501(a) of
the code.
(r) For any week in which an individual is registered at and attending
an established school, training facility or other educational institution, or is
on vacation during or between two successive academic years or terms. An
individual shall not be disqualified for benefits as provided in this
subsection provided:
(1) The individual was engaged in full-time employment concurrent
with the individual's school attendance;
(2) the individual is attending approved training as defined in K.S.A.
44-703(s), and amendments thereto; or
(3) the individual is attending evening, weekend or limited day time classes, which would not affect availability for work, and is otherwise eligible under K.S.A. 44-705(c), and amendments thereto.

(s) For any week with respect to which an individual is receiving or has received remuneration in the form of a back pay award or settlement. The remuneration shall be allocated to the week or weeks in the manner as specified in the award or agreement, or in the absence of such specificity in the award or agreement, such remuneration shall be allocated to the week or weeks in which such remuneration, in the judgment of the secretary, would have been paid.

(1) For any such weeks that an individual receives remuneration in the form of a back pay award or settlement, an overpayment will be established in the amount of unemployment benefits paid and shall be collected from the claimant.

(2) If an employer chooses to withhold from a back pay award or settlement, amounts paid to a claimant while they claimed unemployment benefits, such employer shall pay the department the amount withheld. With respect to such amount, the secretary shall have available all of the collection remedies authorized or provided in K.S.A. 44-717, and amendments thereto.

(t) (1) Any applicant for or recipient of unemployment benefits who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary of labor, secretary of commerce or secretary for children and families, and a job skills program approved by the secretary of labor, secretary of commerce or the secretary for children and families. Subject to applicable federal laws, any applicant for or recipient of unemployment benefits who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive unemployment benefits until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of unemployment benefits may be subject to periodic drug screening, as determined by the secretary of labor. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or recipient of unemployment benefits shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from unemployment benefits for a period of 12 months, or until such applicant for or recipient of unemployment benefits completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or a
recipient of unemployment benefits shall be terminated from receiving unemployment benefits, subject to applicable federal law.

(2) Any individual who has been discharged or refused employment for failing a preemployment drug screen required by an employer may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening.

(u) If the individual was found not to have a disqualifying adjudication or conviction under K.S.A. 39-970 or 65-5117, and amendments thereto, was hired and then was subsequently convicted of a disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and amendments thereto. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount.

(v) Notwithstanding the provisions of any subsection, an individual shall not be disqualified for such week of part-time employment in a substitute capacity for an educational institution if such individual's most recent employment prior to the individual's benefit year begin date was for a non-educational institution and such individual demonstrates application for work in such individual's customary occupation or for work for which the individual is reasonably fitted by training or experience.

Sec. 6. K.S.A. 48-1601 is hereby amended to read as follows: 48-1601. (a) It is the policy of the state of Kansas in furtherance of its responsibility to protect the public health and safety:

(a)(1) To institute and maintain a program to permit development and utilization of sources of radiation for peaceful purposes consistent with the health and safety of the public;

(b)(2) to institute and maintain a regulatory program for sources of radiation so as to provide for:

(A) Compatibility with the standards and regulatory programs of the federal government;

(B) an integrated, effective system of regulation within the state; and

(C) a system consonant insofar as possible with those of other states; and

(e)(3) to provide for the availability of capacity either within or outside the state for the disposal of low-level radioactive waste generated within the state, except for waste generated as a result of defense or federal research and development activities, and to recognize that such radioactive waste can be most safely and efficiently managed on a regional basis. Any state agency or institution acting as a grantee in a federal research or development program which that generates low-level radioactive waste within the state shall be required to dispose of such waste in accordance
with applicable state law.

(b) The provisions of this act shall not be interpreted as limiting the intentional exposure of patients to radiation, for the purpose of diagnosis or therapy, by persons licensed to practice one or more of the healing arts within the authority granted to them by the Kansas healing arts statute, or by persons licensed to practice dentistry or podiatry podiatric medicine and surgery within the authority granted to them by Kansas licensing laws applying to dentists and podiatrists.

Sec. 7. K.S.A. 65-2001 is hereby amended to read as follows: 65-2001. As used in the podiatry podiatric medicine and surgery act, unless the context otherwise requires:

(a) "Board" means the state board of healing arts.

(b) "Podiatrist" means one practicing podiatry podiatric medicine and surgery.

(c) "Podiatry" means the diagnosis and medical and surgical treatment of all illnesses of the human foot, including the ankle and tendons which insert into the foot as well as the foot, subject to subsection (d) of K.S.A. 65-2002, and amendments thereto.

(d) "Podiatric medicine and surgery" means the specialty that addresses the diagnosis and treatment of pathologies and conditions of the lower extremities, with special emphasis in the diagnosis and treatment of the foot and ankle, and governing and related structures of the leg, by any and all means.

Sec. 8. K.S.A. 65-2002 is hereby amended to read as follows: 65-2002. (a) It shall be unlawful for any person to profess to be a podiatrist, to practice or assume the duties incidental to podiatry podiatric medicine and surgery, to advertise or hold oneself out to the public as a podiatrist, or to use any sign or advertisement with the word or words podiatrist, foot specialist, foot correctionist, foot expert, practapedist or chiropodist, or any other term or terms indicating that such person is a podiatrist or that such person practices or holds oneself out as practicing podiatry podiatric medicine and surgery or foot correction in any manner, without first obtaining from the board a license authorizing the practice of podiatry podiatric medicine and surgery in this state, except as hereinafter otherwise provided by the podiatric medicine and surgery act.

(b) A licensed podiatrist shall be authorized to prescribe such drugs or medicine, and to perform such surgery on the human foot, ankle and tendons that insert into the foot, including amputation of the toes or part of the foot, as may be necessary to the proper practice of podiatry podiatric medicine and surgery, but no podiatrist shall amputate the human foot or administer any anesthetic other than local.

(c) This act shall not prohibit the recommendation, advertising, fitting or sale of corrective shoes, arch supports, or similar mechanical appliances, or foot remedies by manufacturers, wholesalers or retail
dealers. 

(d) No podiatrist shall perform surgery on the ankle unless such person has completed a three-year post-doctoral surgical residency program in reconstructive rearfoot/ankle surgery and is either board-certified or board qualified progressing to board certification in reconstructive rearfoot/ankle surgery by a nationally recognized certifying organization acceptable to the board. Surgical treatment of the ankle by a podiatrist shall be performed only in a medical care facility, as defined in K.S.A. 65-425, and amendments thereto.

(e) Not later than 90 days after the effective date of this act, the board shall appoint a five-member committee to be known as the podiatry interdisciplinary advisory committee. Such committee shall advise and make recommendations to the board on matters relating to licensure of podiatrists to perform surgery on the ankle pursuant to subsection (d). The podiatry interdisciplinary advisory committee shall consist of five members:

(1) One member of the board appointed by the board who shall serve as a nonvoting chairperson;

(2) Two persons licensed to practice medicine and surgery specializing in orthopedics, chosen by the board from four names submitted by the Kansas medical society; and

(3) Two podiatrists, at least one of whom shall have completed an accredited residency in foot and ankle surgery, chosen by the board from four names submitted by the Kansas podiatric medical association.

Members appointed to such committee shall serve at the pleasure of the board without compensation. All expenses of the committee shall be paid by the board. The provisions of this subsection shall expire on July 1, 2018.

Sec. 9. K.S.A. 65-2004 is hereby amended to read as follows: 65-2004. (a) Except as provided in subsection (b) of K.S.A. 65-2003(h), and amendments thereto, each applicant for a license to practice podiatric medicine and surgery shall be examined by the board in the following subjects: Anatomy, bacteriology, chemistry, dermatology, histology, pathology, physiology, pharmacology and medicine, diagnosis, therapeutics, and clinical podiatric medicine and surgery, limited in their scope to the treatment of the human foot, including the ankle and tendons which insert into the foot as well as the foot. If the applicant possesses the qualifications required by K.S.A. 65-2003, and amendments thereto, completes the examination prescribed with the passing grade as established by rules and regulations of the board and pays to the board the license fee established pursuant to K.S.A. 65-2012, and amendments thereto, such applicant shall be issued a license by the board to practice podiatric medicine and surgery in this state.
(b) Each applicant before taking the examination shall pay to the board the examination fee established pursuant to K.S.A. 65-2012, and amendments thereto. Any applicant failing the examination may have a reexamination in accordance with criteria established by rules and regulations of the board, which criteria may limit the number of times an applicant may retake the examination.

Sec. 10. K.S.A. 65-2005 is hereby amended to read as follows: 65-2005. (a) A licensee shall be designated a licensed podiatrist and shall not use any title or abbreviations without the designation licensed podiatrist, practice limited to the human foot, including the ankle and tendons that insert into the foot as well as the foot, and shall not mislead the public as to such licensee's limited professional qualifications to treat human ailments. Whenever a registered podiatrist, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to refer to or designate a licensed podiatrist.

(b) The license of each licensed podiatrist shall expire on the date established by rules and regulations of the board, which may provide renewal throughout the year on a continuing basis. In each case in which a license is renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-2012, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under K.S.A. 65-2012, and amendments thereto, which shall be paid not later than the expiration date of the license. 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 a licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the licensee's 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 30-day period following the date of expiration and that, if both fees are not received within the thirty 30-day period, such licensee's license shall be canceled by operation of law and without further proceedings for failure to renew and shall be reissued only after the licensee has been reinstated under subsection (c).

(c) Any licensee who allows the licensee's license to be canceled by failing to renew may be reinstated upon recommendation of the board and upon payment of the renewal fee and the reinstatement fee established pursuant to K.S.A. 65-2012, and amendments thereto, and upon submitting evidence of satisfactory completion of the applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and
continuing education requirements for reinstatement of persons whose licenses have been canceled for failure to renew.

(d) The board, prior to renewal of a license, shall require the licensee, if in the active practice of podiatry, podiatric medicine and surgery within Kansas, 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 annual premium surcharge as required by K.S.A. 40-3404, and amendments thereto.

(e) The board may issue a temporary permit to practice podiatry, podiatric medicine and surgery in this state to any person making application for a license to practice podiatry, podiatric medicine and surgery who meets the required qualifications for a license and who pays to the board the temporary permit fee established pursuant to K.S.A. 65-2012, and amendments thereto. A temporary permit shall authorize the permittee to practice within the limits of the permit until the license is issued or denied to the permittee by the board.

(f) The board may issue a postgraduate permit to practice podiatry, podiatric medicine and surgery to any person who: (1) Is engaged in a full-time, approved postgraduate study program; (2) has made application for such postgraduate permit upon a form provided by the board; (3) meets all the qualifications for a license, except the examination required under K.S.A. 65-2004, and amendments thereto; and (4) has paid the fee established pursuant to K.S.A. 65-2012, and amendments thereto. The postgraduate permit shall authorize the person receiving the permit to practice podiatry, podiatric medicine and surgery in the postgraduate study program, but shall not authorize practice outside of the postgraduate study program. The postgraduate permit shall be canceled if the permittee ceases to be engaged in the postgraduate study program.

(g) The board may issue, upon payment to the board of the temporary license fee established pursuant to K.S.A. 65-2012, and amendments thereto, a temporary license to a practitioner of another state or country who is appearing as a clinician at meetings, seminars or training programs approved by the board, if the practitioner holds a current license, registration or certificate as a podiatrist from another state or country and the sole purpose of such appearance is for promoting professional education.

(h) 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 under K.S.A. 65-2012, and amendments thereto. The board may issue an exempt license only to a person who has previously been issued a license to practice podiatry.
podiatric medicine and surgery within Kansas, who is no longer regularly engaged in such practice 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 practice of podiatric medicine and surgery. Each exempt license may be renewed annually subject to the other provisions of this section and other sections of the podiatry podiatric medicine and surgery act. Each exempt licensee shall be subject to all provisions of the podiatry podiatric medicine and surgery act, except as otherwise provided. The holder of an exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education required under the podiatry podiatric medicine and surgery act. Each exempt licensee may apply for a license to regularly engage in the practice of podiatric medicine and surgery upon filing a written application with the board and submitting evidence of satisfactory completion of the applicable—and continuing education requirements established by the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established under K.S.A. 65-2012, and amendments thereto. The board shall adopt rules and regulations establishing appropriate and continuing education requirements for exempt licensees to become licensed to regularly practice podiatric medicine and surgery within Kansas.

(i) 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. 65-2012, and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice podiatric medicine and surgery in Kansas, who is not regularly engaged in the practice of podiatric medicine and surgery 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 healthcare provider as defined in K.S.A. 40-3401, and amendments thereto. An inactive license shall not entitle the holder to practice podiatric medicine and surgery 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 podiatry podiatric medicine and surgery act, except as otherwise provided in this subsection. 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. 65-2010, and amendments thereto. Each inactive licensee may apply for a license to regularly engage in the practice of podiatric medicine and surgery 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. 65-2012, 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 regularly practice podiatry podiatric medicine and surgery within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of podiatry podiatric medicine and surgery 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.

(j) 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. 65-2012, 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 podiatry podiatric medicine and surgery in Kansas and who practices podiatry podiatric medicine and surgery solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who, in addition to such employment or assignment, provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto. The provisions of subsections (b) and (c) of this section relating to expiration, renewal and reinstatement of a license and K.S.A. 65-2010, and amendments thereto, relating to continuing education shall be applicable to a federally active license issued under this subsection. A person who practices under a federally active license shall not be deemed to be rendering professional service as a healthcare provider in this state for purposes of K.S.A. 40-3402, and amendments thereto.

(k) Each license or permit granted under this act shall be conspicuously displayed at the office or other place of practice of the licensee or permittee.

(l) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by a reinstatement of a revoked license fee established by the board under K.S.A. 65-2012, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license. If the board determines a license should not be reinstated, the person shall not be eligible to reapply for
reinstatement for three years from the effective date of the denial. All
proceedings conducted on an application for reinstatement shall be in
accordance with the provisions of the Kansas administrative procedure act
and shall be reviewable in accordance with the Kansas judicial review act.
The board, on its own motion, may stay the effectiveness of an order of
revocation of license.

Sec. 11. K.S.A. 65-2006 is hereby amended to read as follows: 65-
2006. (a) The board, upon hearing, may revoke, suspend or limit any
license or permit to practice podiatry podiatric medicine and surgery, may
deny issuance or renewal of any such license or permit, or may publicly or
privately censure a licensee or permittee, if the person holding or applying
for such license or permit is found by the board to:

(1) Have committed fraud in securing the license or permit;
(2) have engaged in unprofessional or dishonorable conduct or
professional incompetency;
(3) have been convicted of a felony if the board determines, after
investigation, that such person has not been sufficiently rehabilitated to
warrant the public trust;
(4) have used untruthful or improbable statements or flamboyant,
exaggerated or extravagant claims in advertisements concerning the
licensee's or permit holder's professional excellence or abilities;
(5) be addicted to or have distributed intoxicating liquors or drugs for
any other than lawful purposes;
(6) have willfully or repeatedly violated the podiatry podiatric
medicine and surgery act, the pharmacy act of the state of Kansas or the
uniform controlled substances act, or any rules and regulations adopted
thereunder, or any rules and regulations of the secretary of health and
environment which are relevant to the practice of podiatry podiatric
medicine and surgery;
(7) have unlawfully invaded the field of practice of any branch of the
healing arts;
(8) have failed to submit proof of completion of a continuing
education course required pursuant to the podiatry podiatric medicine and
surgery act;
(9) have engaged in the practice of podiatry under a false or assumed
name or impersonated another podiatrist, but practice by a licensee or
permit holder under a professional corporation or other legal entity duly
authorized to provide podiatry podiatric medicine and surgery services in
the state shall not be considered to be practice under an assumed name;
(10) be unable to practice podiatry podiatric medicine and surgery
with reasonable skill and safety to patients by reason of any mental or
physical condition, illness, alcoholism or excessive use of drugs,
controlled substances or chemical or any other type of material;
(11) have had the person's license or permit to practice podiatry podiatric medicine and surgery revoked, suspended or limited, or have had other disciplinary actions taken or an application for a license or permit denied, by the proper licensing authority of any state, territory or country or the District of Columbia;

(12) have violated any rules and regulations of the board or any lawful order or directive of the board;

(13) have knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement;

(14) have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018 Supp. 21-5407, and amendments thereto, as established by any of the following:

(A) 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. 2018 Supp. 21-5407, and amendments thereto.

(B) 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.

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

(b) (1) In determining whether or not a licensee or permit holder is unable to practice podiatry podiatric medicine and surgery with reasonable skill and safety to patients as provided in subsection (a)(10), the board, upon probable cause, shall have authority to compel a licensee or permit holder to submit to mental or physical examination by such persons as the board may designate. Failure of a licensee or permit holder to submit to such examination when directed shall constitute an admission of the allegations against the licensee or permit holder, unless the failure was due to circumstances beyond the licensee's or permit holder's control. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of podiatry podiatric medicine and surgery with reasonable skill and safety to patients. Each licensee or permit holder accepting the privilege to practice podiatry podiatric medicine and surgery in this state, by practicing podiatry podiatric medicine and surgery in this state or by making and filing an application for a license or permit, or renewal of a license or permit, to practice podiatry podiatric medicine and surgery in this state, shall be deemed to have consented to submit to a mental or physical examination when directed in writing by the board pursuant to this subsection and to have waived all objections to the admissibility of the testimony or examination report of the person conducting such examination at any proceeding or hearing before the board on the ground that such testimony or examination report constitutes a privileged
communication. The record of any board proceedings involving a mental
or physical examination pursuant to this subsection shall not be used in
any other administrative or judicial proceeding.

(2) Whenever the board directs that a licensee or permit holder
submit to an examination pursuant to this subsection, the time from the
date of the board's directive until the submission to the board of the report
of the examination shall not be included in the computation of the time
limit for hearing prescribed by the Kansas administrative procedure act.

(c) As used in this section, "professional incompetency" and
"unprofessional conduct" shall have the meanings ascribed thereto by
mean the same as defined in K.S.A. 65-2837, and amendments thereto.

(d) The procedure for revocation, suspension, limitation, temporary
suspension, temporary limitation, or for denial of issuance or renewal
pursuant to this section, of any license or permit to practice podiatric medicine and surgery shall be in accordance with the provisions
of the Kansas administrative procedure act.

Sec. 12. K.S.A. 65-2009 is hereby amended to read as follows: 65-
2009. An action to enjoin or oust from the unlawful practice of podiatric medicine and surgery may be brought and maintained in the
name of the state of Kansas against any person who shall practice podiatric medicine and surgery without being licensed to
practice podiatric medicine and surgery by the board. This
authority shall be in addition to and not in lieu of authority to prosecute criminally any person unlawfully engaged in the practice of podiatric medicine and surgery.

Sec. 13. K.S.A. 65-2010 is hereby amended to read as follows: 65-
2010. (a) Every licensed podiatrist in the active practice of podiatric medicine and surgery within Kansas shall submit with the
request for renewal under K.S.A. 65-2005, and amendments thereto
evidence of satisfactory completion of a continuing education course
approved by the board. The board shall revoke the license of any
individual who fails to submit proof of completion of such course. Where
a license has been revoked for this cause, the board may later reissue such
license if proof of completion of such course is later provided.

(b) Every licensed podiatrist in the active practice of podiatric medicine and surgery within Kansas, in order to comply with the
provisions of this section, shall complete such hours of continuing
education as may be required by the board by rules and regulations. The
following categories of continuing education programs shall count toward
satisfying the hourly requirement: (1) Programs offered by colleges of
podiatric medicine and surgery; (2) veterans administration
programs; (3) American podiatry association programs; (4) state podiatry
association programs; (5) seminars sponsored by recognized specialty
groups of the American podiatry association; and (6) the activities of persons publishing papers, presenting clinics, lecturing and teaching shall be granted 10 credit hours for each hour of original presentation and hour for hour credit for additional presentations of the same material.

(c) Formal meetings and seminars which that are not included in any category of subsection (b) shall be assigned credit by the board upon the licensee furnishing a copy of the program of such meetings and seminars to the board for the board's approval 30 days prior to the license renewal date. Podiatrists engaged in acceptable internships, residencies, military service or formal graduate study will fulfill their continuing education requirements by the nature of their activities and shall not be required to fulfill the formal requirements for continuing education while involved in the above training programs.

(d) Commercially sponsored courses shall not constitute approved courses for continuing education credit.

(e) Each licensed podiatrist shall be responsible for keeping a record of attendance for credit in compliance with the requirements of continuing education established by this section. Such record shall be submitted to the board at the time required by subsection (a). The board may waive educational requirements set forth in subsections (a) and (b) for good cause shown.

Sec. 14. K.S.A. 65-2012 is hereby amended to read as follows: 65-2012. The following fees shall be established by rules and regulations adopted by the board and shall be collected by the board:

(a) For a license to practice podiatric medicine and surgery or an inactive license or federally active license, issued on the basis of an examination, an amount of not more than $300;

(b) for a license to practice podiatric medicine and surgery or an inactive license or federally active license, issued without examination and by endorsement, an amount of not more than $300;

(c) for the renewal of a license to practice podiatric medicine and surgery or an inactive license or federally active license, an amount of not more than $500;

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

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

(f) for late renewal of any license, an amount of not more than $500;

(g) for reinstatement of a license canceled for failure to renew, an amount of not more than $300;

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

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

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

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

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

(m) for written verification of any license issued by the board, an amount of not more than $25;

(n) for conversion of an exempt or inactive license to a license to practice podiatry podiatric medicine and surgery, an amount of not more than $300;

(o) for reinstatement of a revoked license, an amount of not more than $1,000; and

(p) for a postgraduate permit, an amount of not more than $60.

Sec. 15. K.S.A. 65-2013 is hereby amended to read as follows: 65-2013. The board shall adopt such rules and regulations as necessary to carry out the provisions of the podiatry podiatric medicine and surgery act, and may amend or revoke any existing rules and regulations adopted by the state podiatry board of examiners prior to the state podiatry board of examiner’s abolition.

Sec. 16. K.S.A. 65-2014 is hereby amended to read as follows: 65-2014. K.S.A. 65-2001 to 65-2013, inclusive, through 65-2016, and amendments thereto, shall be known and may be cited as the podiatry podiatric medicine and surgery act.

Sec. 17. K.S.A. 65-2015 is hereby amended to read as follows: 65-2015. (a) The state board of healing arts, in addition to any other penalty prescribed under the podiatry podiatric medicine and surgery act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the podiatry podiatric medicine and surgery act 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.

(b) This section shall be part of and supplemental to the podiatry podiatric medicine and surgery act.

Sec. 18. K.S.A. 65-2016 is hereby amended to read as follows: 65-2016. The state board of healing arts shall establish and appoint a review committee for the practice of podiatry podiatric medicine and surgery. The review committee shall be composed of not less than two members. The members shall be licensed podiatrists. Additional members of the review
committee may be appointed on an ad hoc basis. Such additional members shall be licensed podiatrists. Members of the state board of healing arts shall not be eligible to act as members of the review committee. Members of the review committee may be selected from names submitted by the state podiatry association. The state board of healing arts shall ensure that no conflict of interest exists by reason of geography, personal or professional relationship, or otherwise, between any of the review committee members and any person whose conduct is being reviewed. Members of the review committee attending meetings of such committee shall be paid amounts provided in subsection (e) of K.S.A. 75-3223(e), and amendments thereto.

Sec. 19. K.S.A. 65-2813 is hereby amended to read as follows: 65-2813. Five members of the board shall hold a degree of doctor of medicine from an accredited medical school and shall be residents of and have been actively engaged in the practice of medicine and surgery in the state of Kansas under license issued in this state, for a period of at least six consecutive years immediately preceding their appointment; three members shall hold a degree of doctor of osteopathy from an accredited school of osteopathic medicine and surgery and shall be residents of and have been actively engaged in the practice of osteopathic medicine and surgery in the state of Kansas under license issued in this state, for a period of at least six consecutive years immediately preceding their appointment; three members shall hold a degree of doctor of chiropractic from an accredited school of chiropractic and shall be residents of and have been actively engaged in the practice of chiropractic in the state of Kansas under license issued in this state, for a period of at least six consecutive years immediately preceding their appointment; one member shall be a licensed podiatrist and shall be a resident of and have been actively engaged in the practice of podiatry in the state of Kansas under license issued in this state for a period of at least six consecutive years immediately preceding appointment; and three members shall be appointed to represent the general public of this state. Subject to the provisions of K.S.A. 1992 Supp. 75-4315c, and amendments thereto, no two of the members representing the general public shall be from the same United States congressional district. No member representing the general public shall be the spouse of a licensee of the healing arts or a person or the spouse of a person who has a financial interest in any person's practice of the healing arts.

Sec. 20. K.S.A. 65-7302 is hereby amended to read as follows: 65-7302. As used in this act:

(a) "Board" means the state board of healing arts.

(b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta particles, high speed electrons, protons, neutrons and other nuclear
particles capable of producing ions directly or indirectly in its passage through matter.

(c) "License" means a certificate issued by the board authorizing the licensee to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.

(d) "Licensed practitioner" means a person licensed to practice medicine and surgery, dentistry, podiatry, podiatric medicine and surgery or chiropractic in this state.

(e) "Licensure" and "licensing" mean a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in a health related occupation or profession.

(f) "Nuclear medicine technologist" means a person who uses radio pharmaceutical agents on humans for diagnostic or therapeutic purposes.

(g) "Nuclear medicine technology" means the use of radio nuclides on human beings for diagnostic or therapeutic purposes.

(h) "Radiation therapist" means a person who applies radiation to humans for therapeutic purposes.

(i) "Radiation therapy" means the use of any radiation procedure or article intended for the cure, mitigation or prevention of disease in humans.

(j) "Radiographer" means a person who applies radiation to humans for diagnostic purposes.

(k) "Radiography" means the use of ionizing radiation on human beings for diagnostic purposes.

(l) "Radiologic technologist" means any person who is a radiographer, radiation therapist or nuclear medicine technologist.

(m) "Radiologic technology" means the use of radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner. The term includes the practice of radiography, nuclear medicine technology and radiation therapy, but does not include echocardiography, diagnostic sonography and magnetic resonance imaging.

(n) This section shall take effect on and after July 1, 2005.

Sec. 21. K.S.A. 65-7602 is hereby amended to read as follows: 65-7602. As used in the acupuncture practice act:

(a) "ACAOM" means the national accrediting agency recognized by the U.S. department of education that provides accreditation for educational programs for acupuncture and oriental medicine. For purposes of the acupuncture practice act, the term ACAOM shall also include any entity deemed by the board to be the equivalent of ACAOM.

(b) "Act" means the acupuncture practice act.

(c) "Acupuncture" means the use of needles inserted into the human
body by piercing of the skin and related modalities for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body and stimulating the body to restore itself to its proper functioning and state of health.

(d) "Board" means the state board of healing arts.

(e) "Council" means the acupuncture advisory council established by K.S.A. 65-7613, and amendments thereto.

(f) "Licensed acupuncturist" means any person licensed to practice acupuncture under the acupuncture practice act.

(g) "NCCAOM" means the national certification commission for acupuncture and oriental medicine. NCCAOM is a national organization that validates entry-level competency in the practice of acupuncture and oriental medicine through the administration of professional certification examinations. For purposes of the acupuncture practice act, the term NCCAOM shall also include any entity deemed by the board to be the equivalent of the NCCAOM.

(h) "Physician" means a person licensed to practice medicine and surgery or osteopathy in Kansas.

(i) "Practice of acupuncture" includes, but is not limited to:

(1) Techniques sometimes called "dry needling," "trigger point therapy," "intramuscular therapy," "auricular detox treatment" and similar terms;

(2) mechanical, thermal, pressure, suction, friction, electrical, magnetic, light, sound, vibration, manual and electromagnetic treatment;

(3) the use, application or recommendation of therapeutic exercises, breathing techniques, meditation and dietary and nutritional counselings; and

(4) the use and recommendation of herbal products and nutritional supplements, according to the acupuncturist's level of training and certification by the NCCAOM or its equivalent.

(j) "Practice of acupuncture" does not include:

(1) Prescribing, dispensing or administering of any controlled substances as defined in K.S.A. 65-4101 et seq., and amendments thereto, or any prescription-only drugs;

(2) the practice of medicine and surgery, including obstetrics and the use of lasers or ionizing radiation;

(3) the practice of osteopathic medicine and surgery or osteopathic manipulative treatment;

(4) the practice of chiropractic;

(5) the practice of dentistry; or

(6) the practice of podiatry podiatric medicine and surgery.

Sec. 22. K.S.A. 65-7605 is hereby amended to read as follows: 65-
The following shall be exempt from the requirements for an acupuncture license pursuant to this act:

(a) Any person licensed in this state to practice medicine and surgery, osteopathy, dentistry or podiatry, a licensed chiropractor or a licensed naturopathic doctor, if the person confines the person's acts or practice to the scope of practice authorized by their health professional licensing laws and does not represent to the public that the person is licensed under this act;

(b) any herbalist or herbal retailer who does not hold oneself out to be a licensed acupuncturist;

(c) any healthcare provider in the United States armed forces, federal facilities and other military service when acting in the line of duty in this state;

(d) any student, trainee or visiting teacher of acupuncture, oriental medicine or herbology who is designated as a student, trainee or visiting teacher while participating in a course of study or training under the supervision of a licensed acupuncturist licensed under this act in a program that the council has approved. This includes continuing education programs and any acupuncture or herbology programs that are a recognized route by the NCCAOM, or its equivalent, to certification;

(e) any person rendering assistance in the case of an emergency or disaster relief;

(f) any person practicing self-care or any family member providing gratuitous care, so long as such person or family member does not represent or hold oneself out to be an acupuncturist;

(g) any person who massages, so long as such person does not practice acupuncture or hold oneself out to be a licensed acupuncturist;

(h) any person whose professional services are performed pursuant to delegation by and under the supervision of a practitioner licensed under this act;

(i) any team acupuncturist or herbology practitioner, who is traveling with and treating those associated with an out-of-state or national team that is temporarily in the state for training or competition purposes; and

(j) any person licensed as a physical therapist when performing dry needling, trigger point therapy or services specifically authorized in accordance with the provisions of the physical therapy practice act.

(b) This section shall take effect on and after July 1, 2017.

Sec. 23. K.S.A. 2018 Supp. 79-201a is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All property belonging exclusively to the United States, except
property—which that congress has expressly declared to be subject to state and local taxation.

Second. All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any municipality or political subdivision of the state, including property—which that is vacant or lying dormant, which that is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic medicine by the state board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-1501 et seq., and amendments thereto, podiatry podiatric medicine and surgery services by a person licensed by the state board of healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than motor vehicles leased for a period of at least one year and property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property
taxes levied upon any such property prior to tax year 1989, shall not be
abated or refunded. Any property constructed or purchased with the
proceeds of industrial revenue bonds issued prior to July 1, 1963, as
authorized by K.S.A. 12-1740 through 12-1749, and amendments thereto,
or purchased with proceeds of improvement district bonds issued prior to
July 1, 1963, as authorized by K.S.A. 19-2776, and amendments thereto,
or with proceeds of bonds issued prior to July 1, 1963, as authorized by
K.S.A. 19-3815a and 19-3815b, and amendments thereto, or any property
improved, purchased, constructed, reconstructed or repaired with the
proceeds of revenue bonds issued prior to July 1, 1963, as authorized by
K.S.A. 13-1238 through 13-1245, and amendments thereto, or any
property improved, reimproved, reconstructed or repaired with the
proceeds of revenue bonds issued after July 1, 1963, under the authority of
K.S.A. 13-1238 through 13-1245, and amendments thereto, which had
previously been improved, reconstructed or repaired with the proceeds of
revenue bonds issued under such act on or before July 1, 1963, shall be
exempt from taxation for so long as any of the revenue bonds issued to
finance such construction, reconstruction, improvement, repair or purchase
shall be outstanding and unpaid. Any property constructed or purchased
with the proceeds of any revenue bonds authorized by K.S.A. 13-1238
through 13-1245, and amendments thereto, 19-2776, 19-3815a and 19-
3815b, and amendments thereto, issued on or after July 1, 1963, shall be
exempt from taxation only for a period of 10 calendar years after the
calendar year in which the bonds were issued. Any property, all or any
portion of which is constructed or purchased with the proceeds of revenue
bonds authorized by K.S.A. 12-1740 through 12-1749, and amendments
thereo, issued on or after July 1, 1963 and prior to July 1, 1981, shall be
exempt from taxation only for a period of 10 calendar years after the
calendar year in which the bonds were issued. Except as hereinafter
provided, any property constructed or purchased wholly with the proceeds
of revenue bonds issued on or after July 1, 1981, under the authority of
K.S.A. 12-1740 through 12-1749, and amendments thereto, shall be
exempt from taxation only for a period of 10 calendar years after the
calendar year in which the bonds were issued. Except as hereinafter
provided, any property constructed or purchased in part with the proceeds
of revenue bonds issued on or after July 1, 1981, under the authority of
K.S.A. 12-1740 through 12-1749, and amendments thereto, shall be
exempt from taxation to the extent of the value of that portion of the
property financed by the revenue bonds and only for a period of 10
calendar years after the calendar year in which the bonds were issued. The
exemption of that portion of the property constructed or purchased with
the proceeds of revenue bonds shall terminate upon the failure to pay all
taxes levied on that portion of the property—

which that is not exempt and
the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 through 12-1749, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Third. All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used exclusively by any entity which performed the functions of a rural water district on and after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

Fourth. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the
safekeeping thereof, and for the meeting of fire companies, whether
belonging to any rural fire district, township fire district, town, city or
village, or to any fire company organized therein or therefor.

Fifth. All property, real and personal, owned by county fair associations
organized and operating under the provisions of K.S.A. 2-125 et seq., and
amendments thereto.

Sixth. Property acquired and held by any municipality under the
municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto,
except that such exemption shall not apply to any portion of the project
used by a nondwelling facility for profit making enterprise.

Seventh. All property of a municipality, acquired or held under and for
the purposes of the urban renewal law, K.S.A. 17-4742 et seq., and
amendments thereto, except that such tax exemption shall terminate when
the municipality sells, leases or otherwise disposes of such property in an
urban renewal area to a purchaser or lessee which is not a public body
titled to tax exemption with respect to such property.

Eighth. All property acquired and held by the Kansas armory board for
armory purposes under the provisions of K.S.A. 48-317, and amendments
thereto.

Ninth. All property acquired and used by the Kansas turnpike authority
under the authority of K.S.A. 68-2001 et seq., and amendments thereto,
K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq.,
and amendments thereto, and K.S.A. 68-2070 et seq., and amendments
thereto.

Tenth. All property acquired and used for state park purposes by the
Kansas department of wildlife, parks and tourism. Property that is part of a
state park listed in K.S.A. 32-837(a)(25) or (a)(26), and amendments
thereto, and that is contained within or encumbered by any railroad rights-
of-way that have been transferred or conveyed to the Kansas department of
wildlife, parks and tourism for interim use, pursuant to 16 U.S.C. §
1247(d), shall be deemed to be acquired and used for state park purposes
by the Kansas department of wildlife, parks and tourism for the purposes
of this subsection.

Eleventh. The state office building constructed under authority of
K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which
such building is located.

Twelfth. All buildings erected under the authority of K.S.A. 76-6a01 et
seq., and amendments thereto, and all other student union buildings and
student dormitories erected upon the campus of any institution mentioned
in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit
corporation.

Thirteenth. All buildings, as the same is defined in K.S.A. 76-6a13(c),
and amendments thereto, which that are erected, constructed or acquired
under the authority of K.S.A. 76-6a13 et seq., and amendments thereto, and building sites acquired therefor.

Fourteenth. All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by K.S.A. 79-205, and amendments thereto.

Fifteenth. All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

Sixteenth. All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 et seq., and amendments thereto.

Seventeenth. All property, including interests less than fee ownership, acquired for the state of Kansas by the secretary of transportation or a predecessor in interest—which that is used in the administration, construction, maintenance or operation of the state system of highways, regardless of how or when acquired.

Eighteenth. Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 74-32,407, and amendments thereto, and the site upon which any such building is located.

Nineteenth. For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 74-32,407, and amendments thereto, which that are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

Twentieth. For all taxable years commencing after December 31, 1997, all personal property—which that is contained within a dormitory that is exempt from property taxation and—which that is necessary for the accommodation of the students residing therein.

Twenty-First. All real property from and after the date of its transfer by the city of Olathe, Kansas, to the Kansas state university foundation, all buildings and improvements thereafter erected and located on such property, and all tangible personal property, which that is held, used or operated for educational and research purposes at the Kansas state university Olathe innovation campus located in the city of Olathe, Kansas.

Twenty-Second. All real property, and all tangible personal property, owned by postsecondary educational institutions, as that term is defined in K.S.A. 74-3201b, and amendments thereto, or by the board of regents on
behalf of the postsecondary educational institutions, which is leased by a for profit company and is actually and regularly used exclusively for research and development purposes so long as any rental income received by such postsecondary educational institution or the board of regents from such a company is used exclusively for educational or scientific purposes. Any such lease or occupancy described in this section shall be for a term of no more than five years.

Twenty-Third. For all taxable years commencing after December 31, 2005, any and all housing developments and related improvements located on United States department of defense military installations in the state of Kansas, which are developed pursuant to the military housing privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto, and which are provided exclusively or primarily for use by military personnel of the United States and their families.

Twenty-Fourth. For all taxable years commencing after December 31, 2012, except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 2013, under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of
K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Twenty-Fifth. For all taxable years commencing after December 31, 2013, any and all utility systems and appurtenances located on United States department of defense military installations in the state of Kansas, which have been acquired after December 31, 2013, pursuant to the military utilities privatization initiative, 10 U.S.C. § 2688 et seq., or any successor thereto, or which have been installed after December 31, 2013, and which are provided exclusively or primarily for use by the military of the United States.

Twenty-Sixth. All land owned by a municipality that is a part of a public levee that is leased pursuant to K.S.A. 13-1243, and amendments thereto. Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2010.


Sec. 25. This act shall take effect and be in force from and after its publication in the statute book.