Session of 2024

SENATE BILL No. 496

By Committee on Public Health and Welfare

2-9

AN ACT concerning health and healthcare; relating to the practice of naturopathy; licensure and regulation of naturopathic doctors; expanding the scope of practice of naturopathic doctors; specifying continuing education requirements; increasing the amount of required professional liability insurance; amending K.S.A. 65-7201, 65-7205, 65-7207, 65-7208, 65-7209, 65-7214 and 65-7217 and K.S.A. 2023 Supp. 65-1626, 65-4101 and 65-7202 and repealing the existing sections.

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

New Section 1. (a) A naturopathic doctor may:

(1) Order and perform physical examinations, orifical examinations, excluding endoscopies, and laboratory examinations for diagnostic purposes, including, but not limited to, phlebotomy, clinical laboratory tests, speculum examinations and physiological function tests;

(2) order diagnostic imaging studies, including, but not limited to, x-ray, ultrasound, mammogram, bone densitometry, computed tomography, magnetic resonance imaging and electrocardiograms, except that a naturopathic doctor shall refer patients to an appropriately licensed and qualified healthcare professional to conduct diagnostic imaging studies and interpret the results;

(3) prescribe, recommend or administer: (A) Food, food extracts, nutraceuticals, vitamins, minerals, amino acids, enzymes, whole gland thyroid, botanicals, homeopathic preparations, plant substances, dietary supplements and nonprescription drugs; (B) human cellular and tissue-based products that are not regulated as drugs; (C) healthcare and nutritional counseling, including fertility counseling; (D) dietary therapy, naturopathic physical applications, barrier contraceptive devices and intrauterine insemination; (E) non-diagnostic ultrasound guided therapy; (F) substances that are authorized for intradermal, subcutaneous, intramuscular, intravenous, ligamentous, tendinous, periarticular or intra-articular administration, including proliferative therapy; (G) biofeedback and neurofeedback therapies; and (H) durable medical equipment related to naturopathic practice authorized by the naturopathic doctor licensure act;

(4) prescribe, administer or dispense: (A) Prescription-only drugs as

defined in K.S.A. 65-1626, and amendments thereto; and (B) controlled substances as defined in K.S.A. 65-4101, and amendments thereto, except that such authority shall be limited to substances containing testosterone that are designated in schedule III of the controlled substances act, K.S.A. 65-4109(f), and amendments thereto;

(5) perform minor office procedures and naturopathic acupuncture;

(6) provide naturopathic care to a pregnant patient;

(7) utilize routes of administration that include oral, nasal, topical, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intramuscular, ligamentous, tendinous, periarticular, intra-articular and intravenous; and

(8) utilize ultrasound guidance in the performance of services as authorized by the naturopathic doctor licensure act.

(b) A naturopathic doctor shall not:

(1) Perform surgical procedures, except those minor office procedures as authorized by the naturopathic doctor licensure act;

(2) perform obstetrics;

(3) administer ionizing radiation for therapeutic purposes;

(4) use general or spinal anesthetics;

(5) administer, conduct or interpret the results of diagnostic imaging studies except as authorized by this act;

(6) claim to practice any licensed healthcare profession or system other than naturopathic medicine, unless holding a separate license in that profession;

(7) perform surgical procedures involving the eye, ear, tendons, nerves, veins or arteries extending beyond superficial tissue;

(8) perform procedures involving the termination of a pregnancy or prescribe, dispense or administer drugs involving the termination of a pregnancy; or

(9) prescribe, administer or dispense any controlled substances not authorized by this act.

New Sec. 2. A naturopathic doctor who prescribes pursuant to section 1(a)(3) and (a)(4), and amendments thereto, shall:

(a) Record each prescription order in writing, which may include an electronically recorded and transmitted communication. The order shall include the name, address and telephone number of the naturopathic doctor;

(b) prescribe only when the naturopathic doctor has adequate education, training and experience to safely manage the medical regimen; and

(c) register with the United States drug enforcement administration in order to prescribe controlled substances authorized by this act.

New Sec. 3. (a) The practice of naturopathy shall not include the

following:

(1) Persons whose professional services are performed under the supervision or by order of or referral from a naturopathic doctor licensed under the naturopathic doctor licensure act;

(2) persons licensed to engage in the practice of naturopathic medicine in another state, territory or the District of Columbia when called into this state in consultation with naturopathic doctors licensed in this state; and

(3) practitioners of the healing arts licensed under the healing arts act and practicing their professions or persons performing services pursuant to the delegation of a licensee under K.S.A. 65-2872(g), and amendments thereto.

(b) Nothing in this act shall be construed to restrict any person licensed or regulated by the state of Kansas from engaging in the profession or practice for which they are licensed or regulated.

New Sec. 4. (a) Every naturopathic doctor shall maintain a record for each patient for whom a professional service is rendered, including, documentation of dates of professional services, pertinent and significant information regarding the patient's condition, examinations and testing, all findings and results, diagnosis and treatment performed or recommended, patient progress and all patient records received from other providers.

(b) Every naturopathic doctor shall maintain a patient's record for a minimum of 10 years from the date the licensee provided the professional service recorded.

New Sec. 5. If any provision of the naturopathic doctor licensure act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end, the provisions of the naturopathic doctor licensure act are declared to be severable.

New Sec. 6. (a) For the second and each subsequent license renewal and for each renewal after reinstatement, a naturopathic doctor shall complete 50 credits of continuing education beginning after the license was last renewed or was reinstated, whichever is more recent. Continuing education activities shall be designed to maintain, develop or increase the knowledge, skills and professional performance of naturopathic doctors.

(1) One hour of credit is allowed for every 60 minutes of participation in an approved continuing medical education activity, unless otherwise approved by the board.

(2) The content of each continuing education activity shall have a direct bearing on patient care.

(3) (A) At least 20 of the required credits shall be taken in a professionally supervised setting, category 1, and up to 30 credits may be

taken in a non-supervised setting, category 2.

(B) Pre-recorded education may qualify for credit under this section if the licensee is required to pass an examination in order to successfully complete the course.

(4) The following continuing medical education activities are approved whether such activities are attended live, in person, remotely or pre-recorded:

(A) Education certified as category 1 by an organization that is accredited by:

(i) Accreditation council on continuing medical education (ACCME); or

(ii) American council on pharmaceutical education (ACPE);

(B) continuing medical education programs in the clinical application of naturopathic medical philosophy that are approved by:

(i) The American association of naturopathic physicians or any other state constituent organizations;

(ii) the federation of naturopathic medicine regulatory authority (FNMRA);

(iii) North American naturopathic continuing education accreditation council (NANCEAC);

(iv) Naturopathic medicine academic institutions and scholarly organizations approved by the board;

(v) Any naturopathic licensing authority in the United States or Canada;

(vi) Kansas naturopathic doctors association; or

(vii) any other structured, interactive and formal learning methods approved by the board; or

(C) any other courses that meet the standards for continuing education for individuals licensed by the state board of healing arts to practice medicine and surgery.

(5) Licensees shall complete a minimum of 10 category 1 continuing education hours on the subject of pharmacology consistent with naturopathic scope of practice in this state. Eligible pharmacology course content includes, but is not limited to:

(A) Prescription-only drugs as defined in K.S.A. 65-1626, and amendments thereto;

(B) controlled substances as defined in K.S.A. 65-4101, and amendments thereto;

(C) biopharmacology, which is the study of medicinal or drug products manufactured in, extracted from or semi-synthesized from biological sources;

(D) pharmacognosy, which is the study of medicinal drugs derived from plants or other natural sources;

(E) contraindications or interactions of drug-to-drug, drug-to-herb or drug-to-nutrient; and

(F) other subjects approved by the board.

(6) The following are approved category 2 continuing medical education activities, of which licensees shall complete up to 30 annual credit hours:

(A) Teaching health-related courses to practicing naturopathic doctors or other healthcare professionals;

(B) presenting a scientific paper to an audience of healthcare professionals or publishing a scientific paper in a medical or naturopathic journal;

(C) engaging in self-instruction, including journal reading, participating in webinars and the use of television and other audiovisual materials;

(D) receiving instruction from a medical or naturopathic consultant;

(E) participating in programs concerned with review and evaluation of patient care;

(F) spending time in a self-assessment examination, not including examinations and quizzes published in journals; or

(G) engaging in meritorious learning experiences that provide a unique educational benefit to the licensee.

(7) To provide evidence of satisfactory completion of continuing education, each licensee shall submit the following to the board upon request:

(A) Documented evidence of attendance for category 1 credits; and

(B) proof of participation in each activity for category 2 credits, which shall include a copy of any professional publication, the certification of a teaching activity or the personal verification of any other activity occurring in a non-supervised setting.

(8) The board shall grant an extension of time to complete continuing medical education required in this section upon written application by a licensee if the licensee has failed to complete the continuing medical education requirements due to illness, military service, medical or religious missionary activity, residence in a foreign country or extenuating circumstance. An extension, other than for military service, shall not exceed 90 days.

Sec. 7. K.S.A. 2023 Supp. 65-1626 is hereby amended to read as follows: 65-1626. As used in the pharmacy act of the state of Kansas:

(a) "Address" means, with respect to prescriptions, the physical address where a patient resides, including street address, city and state.

(b) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;

(2) the patient or research subject at the direction and in the presence of the practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments thereto, or K.S.A. 2022 Supp. 65-16,129, and amendments thereto.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, repackager, wholesale distributor, third-party logistics provider or dispenser but does not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

(d) "Automated dispensing system" means a robotic or mechanical system controlled by a computer that:

(1) Performs operations or activities, other than compounding or administration, relative to the storage, packaging, labeling, dispensing or distribution of drugs;

(2) collects, controls and maintains all transaction information; and

(3) operates in accordance with the board's rules and regulations.

(e) "Biological product" means the same as defined in 42 U.S.C. § 262(i), as in effect on January 1, 2017.

(f) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(g) "Brand exchange," in the case of a drug prescribed, means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed, and in the case of a biological product prescribed, means the dispensing of an interchangeable biological product.

(h) "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

(i) "Co-licensed partner" means a person or pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer or an affiliate of the manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a product.

(j) "Common carrier" means any person who undertakes, whether directly or by any other arrangement, to transport property, including drugs, for compensation.

(k) (1) "Compounding" means the combining of components into a compounded preparation under either of the following conditions:

(A) As the result of a practitioner's prescription drug order or initiative based on the practitioner-patient-pharmacist relationship in the course of professional practice to meet the specialized medical need of an individual patient of the practitioner that cannot be filled by an FDA-

approved drug; or

(B) for the purpose of, or incidental to, research, teaching or chemical analysis, and not for sale or dispensing.

(2) Compounding includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed prescribing patterns.

(3) Compounding does not include reconstituting any mixed drug according to the FDA-approved labeling for the drug.

(l) "Current good manufacturing practices" or "CGMP" means the requirements for ensuring that drugs and drug products are consistently manufactured, repackaged, produced, stored and dispensed in accordance with 21 C.F.R. §§ 207, 210 and 211.

(m) "DEA" means the United States department of justice, drug enforcement administration.

(n) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(o) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory that:

(1) (A) Is recognized in the official national formulary, or the United States pharmacopoeia, or any supplement thereof;

(B) is intended for use in the diagnosis of disease or other conditions;

(C) is used for the cure, mitigation, treatment or prevention of disease in human or other animals; or

(D) is intended to affect the structure or any function of the body of human or other animals; and

(2) (A) does not achieve its primary intended purposes through chemical action within or on the body of human or other animals; and

(B) is not dependent upon being metabolized for the achievement of any of its primary intended purposes.

(p) "Direct supervision" means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacist intern or pharmacy technician, be readily and immediately available at all time activities are performed, provide personal assistance, direction and approval throughout the time the activities are performed and complete the final check before dispensing.

(q) "Dispense" or "dispensing" means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner, including, but not limited to, delivering prescription medication to a patient by mail, common carrier, personal delivery or third-party delivery to any location requested by the patient.

(r) "Dispenser" means:

(1) A practitioner or pharmacist who dispenses prescription drugs or devices or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto; or

(2) a retail pharmacy, hospital pharmacy or group of pharmacies under common ownership and control that do not act as a wholesale distributor.

(s) "Distribute" or "distribution" means to deliver, offer to deliver, sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store or receive, other than by administering or dispensing, any product, but does not include dispensing a product pursuant to a prescription executed in accordance with 21 U.S.C. § 353 or the dispensing of a product approved under 21 U.S.C. § 360b.

(t) "Distributor" means a person or entity that distributes a drug or device.

(u) "Diversion" means the transfer of a controlled substance from a lawful to an unlawful channel of distribution or use.

(v) "Drop shipment" means the sale, by a manufacturer, repackager or exclusive distributor, of the manufacturer's prescription drug to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the dispenser, and the dispenser receives delivery of the prescription drug directly from the manufacturer, repackager, third-party logistics provider or exclusive distributor, of such prescription drug.

(w) "Drug" means articles:

(1) Recognized in the official United States pharmacopeia, or other such official compendiums of the United States, or official national formulary, or any supplement to any of them;

(2) intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or other animals;

(3) other than food, intended to affect the structure or any function of the body of human or other animals; and

(4) intended for use as a component of any articles specified in paragraph (1), (2) or (3); but does not include devices or their components, parts or accessories, except that the term "drug" does not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated, prior to its repeal.

(x) "Durable medical equipment" means equipment that:

(1) Provides therapeutic benefits or enables an individual to perform certain tasks that the individual is unable to otherwise undertake due to certain medical conditions or illnesses;

(2) is primarily and customarily used to serve a medical purpose;

(3) generally is not useful to a person in the absence of an illness or injury;

(4) can withstand repeated use;

(5) is appropriate for use in the home, long-term care facility or medical care facility, but may be transported to other locations to allow the individual to complete instrumental activities of daily living that are more complex tasks required for independent living; and

(6) may include devices and medical supplies or other similar equipment determined by the board in rules and regulations adopted by the board.

(y) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(z) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(aa) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(bb) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(cc) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(dd) "Exclusive distributor" means the wholesale distributor that directly purchased the product from the manufacturer and is the sole distributor of that manufacturer's product to a subsequent repackager, wholesale distributor or dispenser.

(ee) "FDA" means the United States department of health and human services, food and drug administration.

(ff) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the

prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(gg) "Generic name" means the established chemical name or official name of a drug or drug product.

(hh) "Healthcare entity" means any person that provides diagnostic, medical, surgical or dental treatment or rehabilitative care but does not include any retail pharmacy or wholesale distributor.

(ii) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and that is maintained or operated for the purpose of providing the drug needs of:

(A) Inmates of a jail or correctional institution or facility;

(B) residents of a juvenile correctional facility or juvenile detention facility, as defined in K.S.A. 38-2302, and amendments thereto;

(C) students of a public or private university or college, a community college or any other institution of higher learning that is located in Kansas;

(D) employees of a business or other employer; or

(E) persons receiving inpatient hospice services.

(2) "Institutional drug room" does not include:

(A) Any registered pharmacy;

(B) any office of a practitioner; or

(C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(jj) "Interchangeable biological product" means a biological product that the FDA has identified in the "purple book: lists of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations" as meeting the standards for "interchangeability" as defined in 42 U.S.C. § 262(k), as in effect on January 1, 2017.

(kk) "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensed partners.

(ll) "Label" means a display of written, printed or graphic matter upon the immediate container of any drug.

(mm) "Labeling" means the process of preparing and affixing a label to any drug container, exclusive of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug.

(nn) "Long-term care facility" means "nursing facility," as defined in K.S.A. 39-923, and amendments thereto.

(oo) "Medical care facility" means the same as defined in K.S.A. 65-

425, and amendments thereto, and also includes psychiatric hospitals and psychiatric residential treatment facilities as defined by K.S.A. 39-2002, and amendments thereto.

(pp) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical or biological synthesis or by a combination of extraction and chemical or biological synthesis or the packaging or repackaging of the drug or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;

(2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

(qq) "Manufacturer" means:

(1) A person that holds an application approved under section 505 of the federal food, drug and cosmetic act or a license issued under section 351 of the federal public health service act for such drug or, if such drug is not the subject of an approved application or license, the person who manufactured the drug;

(2) a co-licensed partner of the person described in paragraph (1) that obtains the drug directly from a person described in paragraph (1) or (3); or

(3) an affiliate of a person described in paragraph (1) or (2) that receives the product directly from a person described in paragraph (1) or (2).

(rr) "Medication order" means a written or oral order by a prescriber or the prescriber's authorized agent for administration of a drug or device to a patient in a Kansas licensed medical care facility or in a Kansas licensed nursing facility or nursing facility for mental health, as such terms are defined by K.S.A. 39-923, and amendments thereto.

(ss) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs under K.S.A. 65-1130, and amendments

thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(tt) "Nonresident pharmacy" means a pharmacy located outside of Kansas.

(uu) "Outsourcing facility" means a facility at one geographic location or address that is engaged in the compounding of sterile drugs and has registered with the FDA as an outsourcing facility pursuant to 21 U.S.C. § 353b.

(vv) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

(ww) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

(xx) "Pharmacist-in-charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist-in-charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

(yy) "Pharmacist intern" or "intern" means:

(1) A student currently enrolled in and in good standing with an accredited pharmacy program;

(2) a graduate of an accredited pharmacy program serving an internship; or

(3) a graduate of a pharmacy program located outside of the United States that is not accredited and who has successfully passed equivalency examinations approved by the board.

(zz) "Pharmacy," "drugstore" or "apothecary" means premises, laboratory, area or other place, including any electronic medium:

(1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed;

(2) that has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import in any language or on any sign containing any of these words as used in the context of health, medical or pharmaceutical care or services; or

(3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited in the context of health, medical or pharmaceutical care or services. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

(aaa) "Pharmacy prescription application" means software that is used to process prescription information and is either installed on a pharmacy's computers or servers and is controlled by the pharmacy or is maintained on the servers of an entity that sells electronic pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(bbb) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy-related duties, but who does not perform duties restricted to a pharmacist.

(ccc) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist*, naturopathic doctor* or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(ddd) "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises and is responsible for the actions of pharmacist interns obtaining pharmaceutical experience.

(eee) "Prescriber" means a practitioner or a mid-level practitioner.

(fff) "Prescription" or "prescription order" means the front and back of a lawful written, electronic or facsimile order from a prescriber or an oral order from a prescriber or the prescriber's authorized agent that communicates the prescriber's instructions for a prescription drug or device to be dispensed.

(ggg) "Prescription medication" means any drug, including label and container according to context, that is dispensed pursuant to a prescription order.

(hhh) "Prescription-only drug" means any drug whether intended for use by human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(iii) "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or

permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

(jjj) "Product" means the same as defined by part H of the federal drug supply chain security act, 21 U.S.C. § 351 et seq. and 21 U.S.C. § 360eee.

(lll) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior that demonstrates a manifest incapacity or incompetence to practice pharmacy.

(mmm) "Readily retrievable" or "readily available" means that records kept in hard copy or by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records quickly and easily during an inspection or investigation, or within a reasonable time not to exceed 48 hours of a written request from the board or other authorized agent.

(nnn) "Repackage" means changing the container, wrapper, quantity or label of a drug to further the distribution of the drug.

(ooo) "Repackager" means a person who owns or operates a facility that repackages.

(ppp) "Retail dealer" means a person selling at retail nonprescription drugs that are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include:

(1) A controlled substance;

(2) a prescription-only drug; or

(3) a drug intended for human use by hypodermic injection.

(qqq) "Reverse distributor" means a person who owns or operates an establishment that disposes of or otherwise processes saleable or nonsaleable products received from an authorized trading partner such that the product may be processed for credit to the purchaser, manufacturer or seller or disposed of for no further distribution.

(rrr) "Secretary" means the executive secretary of the board.

(sss) "Third-party logistics provider" means an entity that provides or coordinates warehousing or other logistic services of a product in interstate

commerce on behalf of a manufacturer, wholesale distributor or dispenser, but does not take ownership of the product or have responsibility to direct the sale or disposition of the product.

(ttt) "Trading partner" means:

(1) A manufacturer, repackager, wholesale distributor or dispenser from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct ownership of a product; or

(2) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct possession of a product.

(uuu) "Transaction" means the transfer of product between persons in which a change of ownership occurs.

(vvv) "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;

(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;

(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;

(4) intentionally falsifying or altering records or prescriptions;

(5) unlawful possession of drugs and unlawful diversion of drugs to others;

(6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;

(7) conduct likely to deceive, defraud or harm the public;

(8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;

(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or

(10) performing unnecessary tests, examinations or services that have no legitimate pharmaceutical purpose.

(www) "Vaccination protocol" means a written protocol, agreed to and signed by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, that establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

(xxx) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the

basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

(yyy) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a nonhuman.

(zzz) "Virtual manufacturer" means an entity that engages in the manufacture of a drug or device for which it:

(1) Owns the new drug application or abbreviated new drug application number, if a prescription drug;

(2) owns the unique device identification number, as available, for a prescription device;

(3) contracts with a contract manufacturing organization for the physical manufacture of the drug or device;

(4) is not involved in the physical manufacture of the drug or device; and

(5) does not store or take physical possession of the drug or device.

(aaaa) "Virtual wholesale distributor" means a wholesale distributor that sells, brokers or transfers a drug or device but never physically possesses the product.

(bbbb) "Wholesale distributor" means any person engaged in wholesale distribution or reverse distribution of drugs or devices, other than a manufacturer, co-licensed partner or third-party logistics provider.

(cccc) "Wholesale distribution" means the distribution or receipt of drugs or devices to or by persons other than consumers or patients, in which a change of ownership occurs. "Wholesale distribution" does not include:

(1) The dispensing of a drug or device pursuant to a prescription;

(2) the distribution of a drug or device or an offer to distribute a drug or device for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the public health service act, except that, for purposes of this paragraph, a drug or device shortage not caused by a public health emergency shall not constitute an emergency medical reason;

(3) intracompany distribution;

(4) the distribution of a drug or device, or an offer to distribute a drug or device, among hospitals or other healthcare entities under common control;

(5) the distribution of a drug or device, or the offer to distribute a drug or device, by a charitable organization described in section 501(c)(3) of the internal revenue code of 1986 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(6) the distribution of an intravenous drug used to maintain the

equilibrium of water and minerals in the body, such as dialysis solutions; or

(7) the sale or transfer from a retail pharmacy of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a reverse distributor registered in accordance with the board's rules and regulations.

Sec. 8. K.S.A. 2023 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. "Agent" does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant,

depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance that, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants that contain or can produce controlled substances.

(j) "DEA" means the ~~U.S.~~ *United States* department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) (1) "Drug" means substances:

(A) Recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(B) intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals;

(C) other than food intended to affect the structure or any function of the body of human or animals; and

(D) intended for use as a component of any article specified in

subparagraph (A), (B) or (C).

(2) "Drug" does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance that the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either

directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination;

(2) any substance listed in schedules II through V of the uniform controlled substances act;

(3) drug products approved by the United States food and drug administration as of the effective date of this act;

(4) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

(5) industrial hemp as defined in K.S.A. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

(bb) "Medical care facility" ~~shall have the meaning ascribed to that term~~ *means the same as defined* in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant

licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw; *or*

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species Papaver somniferum l. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States that is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and

surgery, dentist, podiatrist, veterinarian, optometrist, *naturopathic doctor* or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 9. K.S.A. 65-7201 is hereby amended to read as follows: 65-7201. K.S.A. 65-7201 ~~to~~ *through* 65-7218, ~~inclusive~~ *and amendments thereto, and sections 1 through 6*, and amendments thereto, shall be known and may be cited as the naturopathic doctor licensure act.

Sec. 10. K.S.A. 2023 Supp. 65-7202 is hereby amended to read as follows: 65-7202. As used in ~~K.S.A. 65-7201 through 65-7218, and amendments thereto~~ *the naturopathic doctor licensure act*:

(a) "Naturopathic doctor" means a doctor of naturopathic medicine who is authorized and licensed pursuant to this act.

(b) ~~(1)~~ "Naturopathic medicine," or "naturopathy" means a system of ~~health care~~ *healthcare* practiced by naturopathic doctors *that employs natural therapies and holistic principles* for the *promotion of health,* prevention *of disease*, diagnosis and treatment of ~~human health conditions, injuries and diseases~~ *illness, injury or conditions in individuals*, that ~~uses education, natural medicines and therapies~~ *utilizes the therapeutic order* to support and stimulate the individual's intrinsic self-healing ~~processes, and includes: (A) Prescribing, recommending or administering: (i) Food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeopathic preparations, nonprescription drugs, plant substances that are not designated as prescription drugs or controlled substances, topical drugs as defined in subsection (i); (ii) health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, barrier contraceptive devices; (iii) substances on the naturopathic formulary that are authorized for intramuscular or intravenous administration pursuant to a written protocol entered into with a physician who has entered into a~~

~~written protocol with a naturopathic doctor licensed under the naturopathic doctor licensure act; (iv) noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and orofacial examinations, excluding endoscopies; (v) minor office procedures; and (vi) naturopathic acupuncture; and (B) ordering diagnostic imaging studies, including, but not limited to, x-ray, ultrasound, mammogram, bone densitometry, computed tomography, magnetic resonance imaging and electrocardiograms, except that naturopathic doctors shall refer patients to an appropriately licensed and qualified healthcare professional to conduct diagnostic imaging studies and interpret the results of such studies.~~

~~(2) A naturopathic doctor may not perform surgery, obstetrics, administer ionizing radiation, or prescribe, dispense or administer any controlled substances as defined in K.S.A. 65-4101, and amendments thereto, or any prescription-only drugs except those listed on the naturopathic formulary adopted by the board pursuant to this act~~ *process*.

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

(d) "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine *accredited by the council on naturopathic medical education (CNME) or* that has been approved by the board under this act and ~~which~~ *such* college and program requires at a minimum a *graduate-level,* four-year, full-time resident program of academic and clinical study.

(e) "Homeopathic preparations" means substances and drugs prepared according to the official homeopathic pharmacopoeia recognized by the United States food and drug administration.

(f) "Naturopathic acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin or both to treat human disease and impairment and to relieve pain.

(g) "Minor office procedures" means care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues, except eyes~~, and not involving blood vessels, tendons, ligaments or nerves~~. "Minor office procedures" includes use of antiseptics,~~ but shall not include the~~ suturing, repairing, alteration or removal of tissue~~ or~~ *and* the use of~~ general or spinal~~ *local* anesthesia*, but does not include the use of general or spinal anesthesia or surgery entering a body cavity.*~~ Minor office procedures does not include anesthetics or surgery.~~

(h) "Naturopathic physical applications" means the therapeutic use by naturopathic doctors of the actions or devices of electrical muscle stimulation, galvanic, diathermy, *electromagnetic energy,* ultrasound, ~~ultraviolet~~ light,~~ constitutional~~ *heat, air, hot or cold* hydrotherapy,

naturopathic musculoskeletal technique~~ and~~, therapeutic exercise *and treatments taught in any approved medical college that are not otherwise prohibited by this act*.

~~(i) "Topical drugs" means topical analgesics, antiseptics, scabicides, antifungals and antibacterials but does not include prescription only drugs. (j) "Physician" means a person licensed to practice medicine and surgery. (k) "Written protocol" means a formal written agreement between a naturopathic doctor licensed under this act and a person licensed to practice medicine and surgery. Any licensee of the board entering into a written protocol with a licensed naturopathic doctor shall notify the board in writing of such relationship by providing such information as the board may require.~~ *"Diagnosis" in the context of naturopathic medicine means the identification of and discrimination between signs, symptoms and underlying causes of disease essential to the execution and management of the naturopathic regimen, including a naturopathic differential diagnosis and shall be construed as distinct from a nursing diagnosis and medical diagnosis.*

(j) "Therapeutic order" means a structured framework utilized by licensed naturopathic doctors in the practice of naturopathic medicine. "Therapeutic order" utilizes a systematic approach, emphasizing the use of minimally invasive, natural therapies as appropriate before considering more aggressive, pharmaceutical interventions or referral to a physician for surgical or other invasive interventions, with the goal of individualized patient care and optimal health outcomes while always prioritizing patient safety and well-being. The "therapeutic order" serves as a guideline to ensure that naturopathic treatments are provided in a safe, effective and patient-centered manner, with a strong emphasis on minimizing harm and promoting the body's natural healing capacities.

Sec. 11. K.S.A. 65-7205 is hereby amended to read as follows: 65-7205. Each applicant for licensure under this act shall be examined by a written examination or examinations chosen by the board to test the applicant's knowledge of the basic and clinical sciences relating to naturopathy, and naturopathy theory and practice, including the applicant's professional skills and judgment in the utilization of naturopathic techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice naturopathy. *Any examination required under this section shall be administered by the North American board of naturopathic examiners.*

Sec. 12. K.S.A. 65-7207 is hereby amended to read as follows: 65-7207. ~~(a)~~ The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

Application fee, not more than..... $200

Temporary license fee, not more than..... $30
License renewal fee, not more than..... $150
License late renewal additional fee, not more than..... $250
License reinstatement fee, not more than..... $250
Certified copy of license, not more than..... $30
Written verification of license, not more than..... $25

~~(b) The board shall charge and collect in advance fees for any examination administered by the board under the naturopathic doctor licensure act as fixed by the board by rules and regulations in an amount equal to the cost to the board of the examination. If the examination is not administered by the board, the board may require that fees paid for any examination under the naturopathic doctor licensure act be paid directly to the examination service by the person taking the examination.~~

Sec. 13. K.S.A. 65-7208 is hereby amended to read as follows: 65-7208. (a) The board may deny, refuse to renew, suspend, revoke*, place under probationary conditions* or limit a *licensee's* license or the licensee may be publicly or privately censured ~~where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes~~ *upon a finding that a licensee has*:

(1) ~~Obtaining~~ *Obtained* a license by means of fraud, misrepresentation or concealment of material facts;

(2) ~~being guilty~~ *committed an act* of unprofessional conduct as defined by rules and regulations adopted by the board;

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

(4) ~~violating~~ *violated* any lawful order or rule and regulation of the board; ~~and~~

(5) ~~violating~~ *violated* any provision of ~~this~~ *the naturopathic doctor licensure* act*;*

(6) an adverse judgment, award or settlement rendered against the licensee resulting from a professional liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section;

(7) failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a healthcare facility, a professional association or society, a governmental agency, a law enforcement agency or a court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section;

(8) prescribed or administered a prescription drug or substance,

including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice; and

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

(b) Such denial, refusal to renew, suspension, revocation*, probation* or limitation of a license or public or private censure of a licensee may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement of a revoked license shall be accompanied by the license renewal fee and the license reinstatement fee established under K.S.A. 65-7207, and amendments thereto.

(c) The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed $5,000 for the first violation, $10,000 for the second violation and $15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. *Fines collected under this section shall be considered administrative fines pursuant to 11 U.S.C. § 523.*

Sec. 14. K.S.A. 65-7209 is hereby amended to read as follows: 65-7209. (a) Licenses issued under this act shall ~~expire on the date of expiration established by rules and regulations of the board~~ *be canceled on January 31 of each year* unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-7207, and amendments thereto. ~~The board may establish additional requirements for license renewal which provide evidence of continued competency. The board shall require as a condition for renewal of a license completion of at least 25 hours annually of continuing education approved by the board.~~

(b) At least 30 days before the ~~expiration~~ *renewal date* of a *licensee's* license, the board shall notify the licensee of the ~~expiration~~ *renewal date* by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to *submit the renewal application and* pay the renewal fee by the ~~date of expiration~~ *renewal date*, the licensee shall be given ~~a second~~ notice that the ~~license has expired and the license~~

~~may be renewed only if the license~~ *licensee has failed to submit the renewal application and pay the renewal fee by the renewal date of the license and that the license will be canceled if not renewed within 30 days following the renewal date. The notice shall also state that if the renewal application, the* renewal fee and ~~the~~ *an additional* late renewal fee *established by rules and regulations* are received by the board within the ~~thirty-day~~ *30-day* period following the date of ~~expiration~~ *cancellation, the license will not be canceled* and that, if both fees are not received within the ~~thirty-day~~ *30-day* period, the license shall be deemed canceled by operation of law without further proceedings ~~for failure to renew~~ and shall be reissued only after the license has been reinstated under subsection (c).

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

~~(d) A person whose license is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the license was suspended.~~

Sec. 15. K.S.A. 65-7214 is hereby amended to read as follows: 65-7214. (a) There is established a naturopathic advisory council to advise the board in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas appointed as follows: Three members shall be naturopathic doctors appointed by the state board of healing arts; one member shall be the president of the state board of healing arts or a person designated by the president; and one member appointed by the governor shall be from the public sector who is not engaged, directly or indirectly, in the provision of health services. Insofar as possible persons appointed to the council shall be from different geographic areas. If a vacancy occurs on the council, the appointing authority of the position ~~which~~ *that* has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any. The members of the council appointed by the governor shall be appointed for terms of three years and until a successor is appointed. The members appointed by the state board of healing arts shall serve at the pleasure of the state board of healing arts. If a member is designated by the president of the state board of healing arts, the member shall serve at the pleasure of the president.

(b) Members of the council attending meetings of the council, or attending a subcommittee meeting thereof authorized by the council, shall be paid amounts provided in ~~subsection (e) of~~ K.S.A. 75-3223*(e),* and

amendments thereto*,* from the healing arts fee fund.

~~(c) During the 2003 regular session of the legislature the legislature shall consider establishing an alternative health care board composed of representatives as may be designated from existing health care regulatory agencies, alternative health care providers and members of the general public for purposes of advising the legislature on matters relating to alternative health care, administering the naturopathic doctor registration act and performing such other duties as may be established by law.~~

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

Sec. 16. K.S.A. 65-7217 is hereby amended to read as follows: 65-7217. *(a)* Professional liability insurance coverage shall be maintained in effect by each naturopathic doctor as a condition to rendering professional service as a naturopathic doctor in this state. ~~The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.~~ *Before rendering professional services within the state, each naturopathic doctor shall submit to the board evidence that such naturopathic doctor is maintaining professional liability insurance coverage, for which the limit of the insurer's liability is not less than $1,000,000 per claim, subject to an annual aggregate of not less than $3,000,000 for all claims made during the period of coverage.*

(b) The board, prior to renewal of a license, shall require a licensee to submit to the board satisfactory evidence that the licensee is maintaining the professional liability insurance coverage as required by this section.

Sec. 17. K.S.A. 65-7201, 65-7205, 65-7207, 65-7208, 65-7209, 65-7214 and 65-7217 and K.S.A. 2023 Supp. 65-1626, 65-4101 and 65-7202 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the statute book.