SENATE BILL No. 496

By Committee on Ways and Means

3-8

AN ACT concerning healthcare and healthcare providers; relating to the healing arts; licensure of telemedicine providers; amending K.S.A. 2015 Supp. 65-2809 and repealing the existing section.

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

Section 1. K.S.A. 2015 Supp. 65-2809 is hereby amended to read as follows: 65-2809. (a) The license shall be canceled 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 more or less than 12 months, the board may prorate the amount of the fee established under K.S.A. 65-2852, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the renewal date of the license.

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

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

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

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

(f) There is hereby created a designation of exempt license. The board
is authorized to issue an exempt license to any licensee who makes written
application for such license on a form provided by the board and remits the
fee for an exempt license established pursuant to K.S.A. 65-2852, and
amendments thereto. The board may issue an exempt license to a person
who is not regularly engaged in the practice of the healing arts in Kansas
and who does not hold oneself out to the public as being professionally
engaged in such practice or to a person licensed to practice a branch of
the healing arts in another state or jurisdiction who provides telemedicine
services to patients in Kansas without a physical presence or practice in
Kansas. An exempt license shall entitle the holder to all privileges
attendant to the branch of the healing arts for which such license is issued.
Each exempt license may be renewed subject to the provisions of this
section. Each exempt licensee shall be subject to all provisions of the
healing arts act, except as otherwise provided in this subsection-(f). The
holder of an exempt license may be required to submit evidence of
satisfactory completion of a program of continuing education required by
this section. The requirements for continuing education for exempt
licensees of each branch of the healing arts shall be established by rules
and regulations adopted by the board. Each exempt licensee may apply for
an active license to regularly engage in the practice of the appropriate
branch of the healing arts upon filing a written application with the board.
The request shall be on a form provided by the board and shall be
accompanied by the license fee established pursuant to K.S.A. 65-2852,
and amendments thereto. For the licensee whose license has been exempt
for less than two years, the board shall adopt rules and regulations
establishing appropriate continuing education requirements for exempt
licensees to become licensed to regularly practice the healing arts within
Kansas. Any licensee whose license has been exempt for more than two
years and who has not been in the active practice of the healing arts or
engaged in a formal educational program since the license has been
exempt may be required to complete such additional testing, training or
education as the board may deem necessary to establish the licensee's
present ability to practice with reasonable skill and safety. Nothing in this
subsection-(f) shall be construed to prohibit a person holding an exempt
license from serving as a coroner or as a paid employee of: (1) A local
health department as defined by K.S.A. 65-241, and amendments thereto;
or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and
amendments thereto.

(g) There is hereby created a designation of inactive license. The
board is authorized to issue an inactive license to any licensee who makes
written application for such license on a form provided by the board and
remits the fee for an inactive license established pursuant to K.S.A. 65-
2852, and amendments thereto. The board may issue an inactive license
only to a person who is not regularly engaged in the practice of the healing
arts in Kansas, who does not hold oneself out to the public as being
professionally engaged in such practice and who meets the definition of
inactive health care provider as defined in K.S.A. 40-3401, and
amendments thereto. An inactive license shall not entitle the holder to
practice the healing arts in this state. Each inactive license may be renewed
subject to the provisions of this section. Each inactive licensee shall be
subject to all provisions of the healing arts act, except as otherwise
provided in this subsection-(g). The holder of an inactive license shall not
be required to submit evidence of satisfactory completion of a program of
continuing education required by K.S.A. 65-2809, and amendments
thereto. Each inactive licensee may apply for an active license upon filing
a written application with the board. The request shall be on a form
provided by the board and shall be accompanied by the license fee
established pursuant to K.S.A. 65-2852, and amendments thereto. For
those licensees whose license has been inactive for less than two years, the
board shall adopt rules and regulations establishing appropriate continuing
education requirements for inactive licensees to become licensed to
regularly practice the healing arts within Kansas. Any licensee whose
license has been inactive for more than two years and who has not been in
the active practice of the healing arts or engaged in a formal education
program since the licensee has been inactive may be required to complete
such additional testing, training or education as the board may deem
necessary to establish the licensee's present ability to practice with
reasonable skill and safety.
(h) (1) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes written application for such license on a form provided by the board and remits the same fee required for a license established under K.S.A. 65-2852, and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice the healing arts in Kansas and who practices that branch of the healing arts solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. A person issued a federally active license may engage in limited practice outside of the course of federal employment consistent with the scope of practice of exempt licensees under subsection (f), except that the scope of practice of a federally active licensee shall be limited to the following: (A) Performing administrative functions, including peer review, disability determinations, utilization review and expert opinions; (B) providing direct patient care services gratuitously or providing supervision, direction or consultation for no compensation except that nothing in this subsection (h)(1)(B) subparagraph shall prohibit a person licensed to practice the healing arts issued a federally active license from receiving payment for subsistence allowances or actual and necessary expenses incurred in providing such services; and (C) rendering professional services as a charitable health care provider as defined in K.S.A. 75-6102, and amendments thereto.

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

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

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

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

Sec. 2. K.S.A. 2015 Supp. 65-2809 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.