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

Section 1. K.S.A. 2016 Supp. 65-4202 is hereby amended to read as
follows: 65-4202. As used in this act: (a) "Board" means the state board of
nursing.

(b) The "practice of mental health technology" means the
performance, under the direction of a physician licensed to practice
medicine and surgery or registered professional nurse, of services in caring
for and treatment of the mentally ill, emotionally disturbed, or people with
intellectual disability for compensation or personal profit, which services:

(1) Involve responsible nursing participation and provision of input
into the development of person-centered treatment plans and therapeutic
procedures for patients with mental illness or intellectual disability
individuals or groups of individuals specified in paragraph (b) requiring
interpersonal and technical skills in the observations and recognition of
symptoms and reactions of such patients, the accurate
recording of such symptoms and reactions and the carrying out of
treatments and medications as prescribed by a licensed physician or a mid-
level practitioner as defined in subsection (ii) of K.S.A. 65-1626(ii), and
amendments thereto; and

(2) require an application of techniques and procedures that involve
understanding of cause and effect and the safeguarding of life and health
of the patient individual and others; and

(3) require the performance of duties that are necessary to facilitate
habilitation and rehabilitation of the patient individual or are necessary in
the physical, therapeutic and psychiatric care of the patient individual and
require close work with persons licensed to practice medicine and surgery,
psychiatrists, psychologists, rehabilitation therapists, social workers,
registered nurses, and other professional personnel.

(c) A "licensed mental health technician" means a person who
lawfully practices mental health technology as defined in this act.

(d) An "approved course in mental health technology" means a
program of training and study including a basic curriculum which shall be
prescribed and approved by the board in accordance with the standards
prescribed herein, the successful completion of which shall be required
before licensure as a mental health technician, except as hereinafter
provided.

Sec. 2. K.S.A. 65-4203 is hereby amended to read as follows: 65-
4203. (a) Qualification. An applicant for a license to practice as a mental
health technician shall:

(1) Have graduated from a high school accredited by the appropriate
legal accrediting agency or has obtained the equivalent of a high
school education, as determined by the state department of education;

(2) have satisfactorily completed an approved course of mental health
technology; and

(3) file with the board a written application for a license.

(b) The board may issue a license to an applicant to practice as a
mental health technician who has:

(1) Met the qualifications set forth in subsection (a);

(2) passed a written examination in mental health technology as
prescribed and conducted by the board; and

(3) no disqualifying factors under K.S.A. 65-4209, and amendments
thereto.

(c) Licensure examination within 24 months of graduation. (1) Persons who do not take the licensure examination within 24 months after
graduation shall petition the board for permission prior to taking the
licensure examination. The board may require the applicant to submit and
complete a plan of study prior to taking the licensure examination.

(2) Persons who are unsuccessful in passing the licensure
examination within 24 months after graduation shall petition the board for
permission prior to subsequent attempts. The board may require the
applicant to submit and complete a plan of study prior to taking the
licensure examination a subsequent time. The study plan shall contain
subjects related to deficiencies identified on the failed examination
profiles.

(d) An application for initial licensure will be held awaiting
completion of meeting qualifications for a time period specified in rules
and regulations.

(e) Refresher course. Notwithstanding the provisions of subsection
(a), an applicant for a license to practice as a mental health technician who
has not been licensed to practice as a mental health technician for five
years preceding application shall be required to successfully complete a
refresher course as defined by the board in rules and regulations.

(f) The board may issue a one-time temporary permit to practice as a
mental health technician for a period not to exceed 120 days when a
reinstatement application has been made.
(g) **Exempt license.** The board may issue an exempt license to any licensee as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-4208, and amendments thereto, and who is not regularly engaged in mental health technician practice in Kansas but volunteers mental health technician service or is a charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt licensee shall be subject to all provisions of the mental health technician act, except as otherwise provided in this subsection (e). Each exempt license may be renewed biennially subject to the provisions of this section. The holder of the exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education for renewal. To convert an exempt license to an active license, the exempt licensee shall meet all the requirements of subsection (b) or K.S.A. 65-4205 and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

(h) The board may adopt rules and regulations as necessary to administer the mental health technician's licensure act.

Sec. 3. K.S.A. 65-4208 is hereby amended to read as follows: 65-4208. (a) The board shall collect in advance the fees provided for in this act, the amount of which shall be fixed by the board by rules and regulations, but not to exceed:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>(1) Mental health technician programs:</td>
<td></td>
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<tr>
<td>Annual renewal of program approval</td>
<td>$110</td>
</tr>
<tr>
<td>Survey of a new program</td>
<td>220</td>
</tr>
<tr>
<td>Application for approval of continuing education providers</td>
<td>200</td>
</tr>
<tr>
<td>Annual fee for continuing education providers</td>
<td>75</td>
</tr>
<tr>
<td>(2) Mental health technicians:</td>
<td></td>
</tr>
<tr>
<td>Application for license</td>
<td>$50</td>
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<tr>
<td>Application for renewal of license</td>
<td>60</td>
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<tr>
<td>Application for reinstatement</td>
<td>70</td>
</tr>
<tr>
<td>Application for reinstatement of license with temporary permit</td>
<td>75</td>
</tr>
<tr>
<td>Certified copy of license</td>
<td>12</td>
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<tr>
<td>Duplicate of license</td>
<td>12</td>
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<tr>
<td>Inactive license</td>
<td>20</td>
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<tr>
<td>Examination</td>
<td>40</td>
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<tr>
<td>Reexamination</td>
<td>40</td>
</tr>
<tr>
<td>Verification of current Kansas license to other states</td>
<td>11</td>
</tr>
<tr>
<td>Application for exempt license</td>
<td>50</td>
</tr>
<tr>
<td>Application for biennial renewal of exempt license</td>
<td>50</td>
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</tbody>
</table>

(b) *The board shall require that fees for an examination prescribed by the board be paid directly to the examination service providing the examination by the person taking the examination.*
(c) The board shall accept for payment of fees under this section personal checks, certified checks, cashier's checks, money orders or credit cards. The board may designate other methods of payment, but shall not refuse payment in the form of a personal check. The board may impose additional fees and recover any costs incurred by reason of payments made by personal checks with insufficient funds and payments made by credit cards.

Sec. 4. K.S.A. 2016 Supp. 65-4212 is hereby amended to read as follows: 65-4212. The provisions of this act shall not be construed as prohibiting: (a) Gratuotious care of the mentally ill, emotionally disturbed or people with intellectual disability by friends or members of the family;

(b) The practice of mental health technology by students enrolled in approved courses of mental health technology;

(c) The practice of mental health technology by graduates of an approved course in mental health technology who are practicing as mental health technicians pending the results of the first licensing examination scheduled by the board following graduation;

(d) Practice by short-term trainees exploring the practice of mental health technology as a prospective vocation;

(e) Service conducted in accordance with the practice of the tenets of any religious denomination in which persons of good faith rely solely upon spiritual means or prayer in the exercise of their religion to prevent or cure disease;

(f) The practice of any legally qualified mental health technician of this state or another who is employed by the United States government of any bureau, division or agency thereof, while in the discharge of official duties;

(g) Temporary assistance in the therapeutic care of patients—individuals where adequate medical, nursing, and/or other supervision is provided;

(h) Subsidiary workers in hospitals or related institutions from assisting in the nursing care of—patients—individuals where adequate medical and nursing supervision is provided; and

(i) The employment of psychiatric aides who have received at least three months instruction in an approved basic aide training program and who work under the supervision of licensed personnel.

Sec. 5. K.S.A. 65-4203 and 65-4208 and K.S.A. 2016 Supp. 65-4202 and 65-4212 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.