

SENATE BILL No. 15

AN ACT concerning public health; relating to the behavioral sciences regulatory board; licensure requirements for certain behavioral sciences professions; naturopathic doctors; scope of practice; adult care homes; licensure; receivership; financial solvency; amending K.S.A. 39-955, 39-956, 39-957, 39-959, 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 65-7202, 65-7302, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 and repealing the existing sections.

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

New Section 1. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the baccalaureate level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a baccalaureate social worker; or

(2) the applicant demonstrates compliance on forms set by the board, with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the baccalaureate level for at least 48 of the last 54 months immediately preceding the application, with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a baccalaureate degree in social work from a regionally accredited university.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the master's level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a master social worker; or

(2) the applicant demonstrates compliance on forms set by the board, with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the master level for at least 48 of the last 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a master's degree in social work from a regionally accredited university.

(c) Applicants for licensure as a specialist clinical social worker shall demonstrate:

(1) That the applicant meets the requirements of subsection (b);

(2) that the applicant is currently licensed to practice social work at the clinical level in another state; and

(3) competence to diagnose and treat mental disorders by meeting at least two of the following areas acceptable to the board:

(A) Passing a national clinical examination approved by the board;

(B) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(C) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

New Sec. 2. (a) If, in evaluating any applicant for licensure as a professional counselor, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-5804a or 65-5807, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a professional counselor on a form and in a manner prescribed by the board. The board may issue a provisional license to practice professional counseling. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice professional counseling or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing professional counseling with a provisional license may not use the title "licensed professional counselor" or "licensed clinical professional counselor" or the initials "LPC" or "LCPC," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 3. (a) If, in evaluating any applicant for licensure as a marriage and family therapist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6404 or 65-6406, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a marriage and family therapist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice marriage and family therapy. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice marriage and family therapy or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing marriage and family therapy with a provisional license may not use the title "licensed marriage and family therapist" or "licensed clinical marriage and family therapist" or the initials "LMFT" or "LCMFT," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 4. (a) If, in evaluating any applicant for licensure as a master's level psychologist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 74-5363 or 74-5375, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for a provisional license as a master's level psychologist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice master's level psychology. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice

master's level psychology or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing master's level psychology with a provisional license may not use the title "licensed master's level psychologist" or "licensed clinical psychotherapist" or the initials "LMLP" or "LCP," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 5. (a) If, in evaluating any applicant for licensure as a social worker, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6306, and amendments thereto, or section 1, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a social worker on a form and in a manner prescribed by the board. The board may issue a provisional license to practice social work. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice social work or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing social work with a provisional license may not use the title "licensed baccalaureate social worker," "licensed master's social worker" or "licensed specialist clinical social worker" or the initials "LBSW," "LMSW" or "LSCSW," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

(d) This section shall be a part of and supplemental to the social workers licensure act.

New Sec. 6. (a) If, in evaluating any applicant for licensure as an addiction counselor, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6610 or 65-6613, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as an addiction counselor on a form and in a manner prescribed by the board. The board may issue a provisional license to practice addiction counseling. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice addiction counseling or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing addiction counseling with a provisional license may not use the title "licensed addiction counselor," "licensed master's addiction counselor" or "licensed clinical addiction counselor" or the initials "LAC," "LMAC" or "LCAC," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

(d) This section shall be a part of and supplemental to the addiction counselor licensure act.

New Sec. 7. (a) If, in evaluating any applicant for licensure as a psychologist, the board finds that the applicant is deficient in the

qualifications or in the quality of the applicant's educational experience required by K.S.A. 74-5310 or 74-5315, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a psychologist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice psychology. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice psychology or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing psychology with a provisional license may not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

Sec. 8. K.S.A. 65-5801 is hereby amended to read as follows: 65-5801. K.S.A. 65-5801 through ~~65-5816~~ 65-5818, and amendments thereto, and section 2, and amendments thereto, shall be known and may be cited as the professional counselors licensure act.

Sec. 9. K.S.A. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice professional counseling for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) *at least* a master's degree in counseling or a related field from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board.

Sec. 10. K.S.A. 65-6309 is hereby amended to read as follows: 65-6309. (a) ~~Except as provided in subsections (b) and (c);~~ An applicant shall be exempted from the requirement for any examination provided for herein, if:

(1) ~~The applicant proves to the board that the applicant is licensed or~~

~~registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and~~

~~(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.~~

~~(b) The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:~~

~~(1) The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or~~

~~(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:~~

~~(A) Licensure to practice social work at the clinical level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;~~

~~(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and~~

~~(C) a master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.~~

~~(e) Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:~~

~~(1) Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the 10 years immediately preceding the application; and~~

~~(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.~~

~~(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314, and amendments thereto, if required by the board.~~

~~(e) Upon application, the board shall issue temporary licenses to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.~~

~~(f)(c) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice social work or ~~six~~ 12 months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.~~

~~(g)(d) No person may work under a temporary license except under the supervision of a licensed social worker.~~

~~(h)(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.~~

~~(i)(f) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.~~

~~(g) A person practicing social work with a temporary license may~~

not use the title "licensed baccalaureate social worker" or "licensed master social worker" or use the initials "LBSW" or "LMSW," independently. The word "licensed" may be used only when followed by the words "by temporary license."

Sec. 11. K.S.A. 65-6321 is hereby amended to read as follows: 65-6321. K.S.A. 65-6301 through ~~65-6320~~, and K.S.A. 65-6321, and amendments thereto, *and sections 1 and 5, and amendments thereto*, shall be known and may be cited as the social workers licensure act.

Sec. 12. K.S.A. 65-6401 is hereby amended to read as follows: 65-6401. K.S.A. 65-6401 through ~~65-6412~~ 65-6414, and amendments thereto, *and section 3, and amendments thereto*, shall be known and may be cited as the marriage and family therapists licensure act.

Sec. 13. K.S.A. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed marriage and family therapist by:

(1) Paying an application fee as established by the board under K.S.A. 65-6411, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and amendments thereto.

(b) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee ~~set as established by the board for issuance of new licenses~~ *as established by the board under K.S.A. 65-6411, and amendments thereto*.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or 12 months after the date of issuance of the temporary license.

(3) No temporary license ~~will~~ *shall* be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(c) A person practicing marriage and family therapy with a temporary license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license." ~~such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.~~

(d) No person may practice marriage and family therapy under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 14. K.S.A. 65-6406 is hereby amended to read as follows: 65-6406. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board;

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice marriage and family therapy for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately

preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of *at least* a master's degree in marriage and family therapy *or a related field as approved by the board* from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

Sec. 15. K.S.A. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board may fix the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a marriage and family therapist, not to exceed \$150;

(2) *for temporary licensure as a marriage and family therapist, not to exceed \$175;*

(3) for original licensure as a marriage and family therapist, not to exceed \$175;

~~(3)~~(4) for renewal for licensure as a marriage and family therapist, not to exceed \$175;

~~(4)~~(5) for application for licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(5)~~(6) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(6)~~(7) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(7)~~(8) for reinstatement of a license, not to exceed \$175;

~~(8)~~(9) for replacement of a license, not to exceed \$20;

~~(9)~~(10) for renewal penalty, an amount equal to the renewal of license; and

~~(10)~~(11) for a wallet card license, not to exceed \$5.

(b) Fees paid to the board are not refundable.

Sec. 16. K.S.A. 65-6611 is hereby amended to read as follows: 65-6611. (a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary license to practice as a licensed addiction counselor by:

(1) ~~Paying an application~~ a fee for a temporary license fixed under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(a)(1), (a)(2) ~~and~~, (a)(4) *and* (a)(5), and amendments thereto.

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary license to practice as a licensed master's addiction counselor by:

(1) ~~Paying an application~~ a fee for a temporary license fixed under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(b)(1)(A), ~~(b)(2) and (b)(4)(1)(B)~~, (b)(1)(D) and (b)(1)(E), and amendments thereto.

(c) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or 12 months after the date of issuance of the temporary license.

(3) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(d) A person practicing addiction counseling with a temporary license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license." ~~such as licensed addiction counselor by temporary license, or addiction counselor, temporarily licensed.~~

(e) No person may practice addiction counseling under a temporary license except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

(f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

Sec. 17. K.S.A. 65-6613 is hereby amended to read as follows: 65-6613. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice as an addiction counselor for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate degree from a college or university approved by the board.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board

compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the master's level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree from a college or university approved by the board.

(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the clinical level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the clinical level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the clinical level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency;

(C) completion of at least a master's degree from a college or university approved by the board; and

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat substance use disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6618, and amendments thereto, if required by the board.

Sec. 18. K.S.A. 74-5301 is hereby amended to read as follows: 74-5301. ~~This act~~ *K.S.A. 74-5301 through 74-5350, and amendments thereto, and section 7, and amendments thereto*, shall be known and may be cited as the licensure of psychologists act of the state of Kansas.

Sec. 19. K.S.A. 74-5310 is hereby amended to read as follows: 74-5310. (a) The board shall issue a license as a psychologist to any person who pays ~~an~~ *a nonrefundable* application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, ~~an~~ *a nonrefundable* original license fee not in excess of \$150, ~~which shall not be refunded~~, who either satisfies the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee must also submit evidence verified by oath and satisfactory to the board that such person:

(1) Is at least 21 years of age;

(2) is of good moral character;

(3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a

graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and

(4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under subsection (a)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of subsection (a)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 20. K.S.A. 74-5315 is hereby amended to read as follows: 74-5315. (a) The board may grant a license to any person who, at the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

(1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure as a psychologist at the doctoral level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board.

Sec. 21. K.S.A. 74-5316 is hereby amended to read as follows: 74-5316. (a) Upon application, the board may issue temporary licenses to persons who have met all qualifications for licensure under *the* provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, ~~who must wait for completion of the next examination~~, who have paid the required application, ~~examination~~ and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) ~~Such temporary licensee shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board~~ *Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the earlier of the date the board issues or denies a license to practice psychology or two years after the date of issuance of the temporary license. No temporary license shall be renewed or issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an*

applicant may take the required examination;

(2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(3) no person may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(4) the fee for such temporary license may be fixed by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under provisions of such act, except completion of the postdoctoral supervised work experience pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period ~~after expiration;~~

~~(3) temporary licensees shall take the license examination pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, subsequent to the date of issuance and prior to expiration of the temporary license unless there are extenuating circumstances approved by the board~~ *no temporary license shall be issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;*

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in K.S.A. 74-5310(a)(4), and amendments thereto;

(5) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(6) no temporary licensee may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(7) the fee for a renewal of the temporary license may be fixed by the board and shall not exceed \$200 per issuance, and any such fee shall be established by rules and regulations adopted by the board.

(c) A person practicing psychology with a temporary license may not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used only when preceded by the word "temporary" ~~such as temporary licensed psychologist, or the initials "TLP."~~

(d) This section shall be part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection (a)

or (b) ~~or~~ (e).

Sec. 22. K.S.A. 74-5344 is hereby amended to read as follows: 74-5344. Nothing contained in the licensure of psychologists act of the state of Kansas shall be construed: (a) To prevent qualified members of other professional groups such as, but not limited to, ministers, Christian Science practitioners, social workers and sociologists from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions so long as they do not hold themselves out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist" or "psychology";

(b) in any way to restrict any person from carrying on any of the aforesaid activities in the free expression or exchange of ideas concerning the practice of psychology, the application of its principles, the teaching of such subject matter and the conducting of research on problems relating to human behavior if such person does not represent such person or such person's services in any manner prohibited by such act;

(c) to limit the practice of psychology of a licensed masters level psychologist or a person who holds a temporary license to practice as a licensed masters level psychologist ~~insofar as such practice is a part of the duties of any such person's salaried position, and insofar as such practice is performed solely on behalf of such person's employer, so long as such practice is under the direction of a licensed psychologist, licensed clinical psychotherapist, a person licensed by the state board of healing arts to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders~~ or insofar as such person is engaged in public speaking with or without remuneration;

(d) to limit the practice of psychology or services of a student, intern or resident in psychology pursuing a degree in psychology in a school, college, university or other institution, with educational standards consistent with those of the state universities of Kansas if such practice or services are supervised as a part of such person's degree program. Nothing contained in this section shall be construed as permitting such persons to offer their services as psychologists to any other person and to accept remuneration for such psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of the licensure of psychologists act of the state of Kansas, registered under the provisions of K.S.A. 74-5361 ~~to~~ through 74-5371, ~~inclusive~~, and amendments thereto, or granted a temporary license under the provisions of K.S.A. 74-5367, and amendments thereto;

(e) to prevent the employment, by a person, association, partnership or a corporation furnishing psychological services for remuneration, of persons licensed as psychologists under the provisions of the licensure of psychologists act of the state of Kansas;

(f) to restrict the use of tools, tests, instruments or techniques usually denominated "psychological," so long as the user does not represent oneself to be a licensed psychologist or a licensed masters level psychologist;

(g) to permit persons licensed as psychologists to engage in the practice of medicine as defined in the laws of this state, nor to require such licensed psychologists to comply with the Kansas healing arts act;

(h) to restrict the use of the term "social psychologist" by any person who has received a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a school or college as defined in the licensure of psychologists act of the state of Kansas, and who has passed comprehensive examination in the field of social psychology as a part of the requirements for the doctoral degree or has had equivalent specialized training in social psychology;

(i) to restrict the practice of psychology by a person who is certified as a school psychologist by the state department of education so long as such practice is conducted as a part of the duties of employment by a unified school district or as part of an independent evaluation conducted in accordance with K.S.A. 72-3405, and amendments thereto, including the use of the term "school psychologist" by such person in conjunction with such practice; or

(j) to restrict the use of the term psychologist or the practice of psychology by psychologists not licensed under the licensure of psychologists act of the state of Kansas in institutions for people with intellectual disability, in a juvenile correctional facility, as defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto, or in institutions within the department of corrections insofar as such term is used or such practice of psychology is performed solely in conjunction with such person's employment by any such institution or juvenile correctional facility.

(k) Any person not licensed as a psychologist but who immediately prior to the effective date of this act was engaged in the practice of psychology in accordance with subsection (e) as it existed immediately prior to the effective date of this act under the supervision of a licensed psychologist may continue on and after the effective date of this act to engage in such practice in the manner authorized by subsection (e) as it existed immediately prior to the effective date of this act.

Sec. 23. K.S.A. 74-5375 is hereby amended to read as follows: 74-5375. (a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the master's level in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) Registration, certification or licensure to practice psychology at the master's level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) *at least* a master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board.

Sec. 24. K.S.A. 74-5376 is hereby amended to read as follows: 74-5376. K.S.A. 74-5361 through ~~74-5374~~ and ~~K.S.A. 74-5375~~, and amendments thereto, *and section 4, and amendments thereto*, shall be

known and may be cited as the licensure of master's level psychologists act.

Sec. 25. K.S.A. 65-6306 is hereby amended to read as follows: 65-6306. (a) The board shall issue a license as a baccalaureate social worker to an applicant who:

(1) Has a baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

(3) has satisfied the board that the applicant is a person who merits the public trust.

(b) The board shall issue a license as a master social worker to an applicant who:

(1) Has a master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

(3) has satisfied the board that the applicant is a person who merits the public trust.

(c) The board shall issue a license in one of the social work specialties to an applicant who:

(1) Has a master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;

(3) has passed an examination approved by the board for this purpose; and

(4) has satisfied the board that the applicant is a person who merits the public trust.

(d) (1) The board shall issue a license as a specialist clinical social worker to an applicant who:

(A) Has met the requirements of subsection (c);

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than ~~150~~ 100 hours of clinical supervision, including not less than 75 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental

disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (c) prior to July 1, 2003, in lieu of the education and training requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary license to practice as a specialist clinical social worker on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee.

(2) A licensed specialist clinical social worker may engage in the social work practice and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed specialist clinical social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(3) Notwithstanding any other provision of this subsection, a licensed master social worker who has provided to the board an acceptable clinical supervision plan for licensure as a specialist clinical social worker prior to the effective date of this act shall be licensed as a specialist clinical social worker under this act upon completion of the requirements in effect for licensure as a specialist clinical social worker at the time the acceptable training plan is submitted to the board.

(4) A person licensed as a specialist clinical social worker on the day immediately preceding the effective date of this act shall be deemed to be a licensed specialist clinical social worker under this act. Such person shall not be required to file an original application for licensure as a specialist clinical social worker under this act.

(e) The board shall adopt rules and regulations establishing the criteria which a social work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board.

Sec. 26. K.S.A. 2018 Supp. 39-923 is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual

disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential healthcare facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential healthcare facility is not prohibited by this act. Generally, the skilled services provided in a residential healthcare facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must

remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions ~~which~~ *that* require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, *sublease*, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties ~~which~~ *that* hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit ~~which~~ *that* includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit ~~which~~ *that* includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, K.S.A. 2018 Supp. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or

residential healthcare facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential healthcare facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and 42 C.F.R. § 483.35(h), and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(30) *"Insolvent" means that the adult care home, or any individual or entity that operates an adult care home or appears on the adult care home license, has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.*

(b) The term "adult care home" ~~shall~~ *does* not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices ~~which that~~ *that* are certified to participate in the medicare program under 42 ~~code of federal regulations, chapter IV, C.F.R. § 418.1 et seq., and amendments thereto,~~ *and* ~~which that~~ *that* provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 ~~code of federal regulations, chapter IV, part C.F.R. § 460 et seq., and amendments thereto,~~ *and* ~~which that~~ *that* provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential healthcare facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of

the facility to residential healthcare shall have the option of licensing for residential healthcare for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services—~~which that~~ shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 27. K.S.A. 2018 Supp. 39-927 is hereby amended to read as follows: 39-927. (a) An application for a license to operate an adult care home shall be made in writing to the licensing agency upon forms provided by ~~it the licensing agency~~ and shall be in such form and shall contain such information as the licensing agency shall require, ~~which may include~~ if applicable:

(1) *A detailed projected budget for the first 12 months of operation, prepared in accordance with generally accepted accounting principles and certified by the principal officer of the applicant, accompanied by evidence of access to a sufficient amount of working capital required to operate the adult care home in accordance with the budget, in the form of cash on deposit, a line of credit, applicant's equity, or any combination thereof;*

(2) *a list of each current or previously licensed facility in Kansas or any other state, territory or country or the District of Columbia in which the applicant has or previously had any percentage of ownership in the operations or the real property of the facility; and*

(3) affirmative evidence of the applicant's ability to comply with such reasonable standards and rules and regulations as are adopted under the provisions of this act.

(b) The application shall be signed by the person or persons seeking to operate an adult care home, as specified by the licensing agency, or by a duly authorized agent of any person so specified.

(c) Any nonprofit corporation operating a nursing facility for people with intellectual disability—~~which that~~, on the effective date of this act, includes more than one residential building located on one site or on contiguous sites may apply for a license to operate a new nursing facility for people with intellectual disability—~~which that~~ includes more than one residential building located on one site or on contiguous sites and may apply for one license for each residential building located on the new site, except that total resident population at any such location shall not exceed 75 residents.

Sec. 28. K.S.A. 2018 Supp. 39-931 is hereby amended to read as follows: 39-931. (a) Whenever the licensing agency finds a substantial failure to comply with the requirements, standards or rules and regulations established under this act ~~or that a receiver has been appointed under K.S.A. 39-958, and amendments thereto, it~~, the licensing agency shall make an order denying, suspending or revoking the license after notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. Any applicant or licensee who is aggrieved by the order may appeal such order in accordance with the provisions of the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

(b) Except as provided in subsection (c), whenever the licensing agency denies, suspends or revokes a license under this section, the applicant or licensee shall not be eligible to apply for a new license or reinstatement of a license for a period of two years from the date of denial, suspension or revocation, *and whenever the district court appoints a receiver under K.S.A. 39-958, and amendments thereto, the applicant or*

licensee that is under receivership shall not be eligible to apply for a new license or reinstatement of a license for a period of 10 years from the date the receivership action was terminated under K.S.A. 39-963, and amendments thereto.

(c) (1) Any applicant or licensee issued an emergency order by the licensing agency denying, suspending or revoking a license under this section may apply for a new license or reinstatement of a license at any time upon submission of a written waiver of any right conferred upon such applicant or licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto,~~ and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto,~~ to the licensing agency in a settlement agreement or other manner as approved by the licensing agency.

(2) Any licensee issued a notice of intent to take disciplinary action by the licensing agency under this section may enter into a settlement agreement or other manner as approved by the licensing agency, with the licensing agency, at any time upon submission of a written waiver of any right conferred upon such licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto,~~ and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto.~~

(d) No person shall operate an intermediate care facility for people with intellectual disability, *as defined in K.S.A. 39-923, and amendments thereto,* of five beds or less, ~~as defined by subsection (a)(4) of K.S.A. 39-923, and amendments thereto,~~ within this state unless such person:

(A) Is issued a license by the licensing agency on or before January 1, 2012; or

(B) participated in the medicaid program as an intermediate care facility for people with intellectual disability of five beds or less, on or before January 1, 2012.

Sec. 29. K.S.A. 2018 Supp. 39-931a is hereby amended to read as follows: 39-931a. (a) As used in this section, the term "person" means any person who is an applicant for a license to operate an adult care home or who is the licensee of an adult care home and who has any direct or indirect ownership interest ~~of 25% or more~~ in an adult care home or who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured, in whole or in part, by such facility or any of the property or assets of such facility, or who, if the facility is organized as a corporation, is an officer or director of the corporation, or who, if the facility is organized as a partnership, is a partner.

(b) Pursuant to K.S.A. 39-931, and amendments thereto, the licensing agency may deny a license to any person and may suspend or revoke the license of any person who:

(1) Has willfully or repeatedly violated any provision of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto;

(2) has had a license to operate an adult care home denied, suspended, revoked or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of such action of the other jurisdiction being conclusive evidence thereof;

(3) has failed or refused to comply with the medicaid requirements of title XIX of the social security act, or medicaid regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(4) has failed or refused to comply with the medicare requirements of chapter 7 of title 42 of the United States code, or medicare regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(5) has been convicted of a felony;

(6) has failed to assure that nutrition, medication and treatment of residents, including the use of restraints, are in accordance with acceptable medical practices;

(7) has aided, abetted, sanctioned or condoned any violation of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, *and amendments thereto*; or

(8) has willfully admitted a person to a nursing facility in violation of K.S.A. 39-968, and amendments thereto.

Sec. 30. K.S.A. 39-955 is hereby amended to read as follows: 39-955. The application for receivership shall be filed in the *Shawnee county district court or the district court* in the county where the adult care home is located. The application shall be verified and set forth the specific reasons therefor.

Sec. 31. K.S.A. 39-956 is hereby amended to read as follows: 39-956. The applicant shall serve those persons set forth in K.S.A. 39-954, *and amendments thereto*, with copies of the application. Service of process shall be as provided for under the code of civil procedure. The applicant shall also send ~~five (5) copies~~ *a copy* of the application for receivership to the adult care home. The adult care home shall post ~~the copies of the application in a conspicuous place~~ *place* within the adult care home.

Sec. 32. K.S.A. 39-957 is hereby amended to read as follows: 39-957. A party shall file an answer to the application within five ~~(5)~~ days after the service of *process of the application upon such person*.

Sec. 33. K.S.A. 2018 Supp. 39-958 is hereby amended to read as follows: 39-958. (a) The application for receivership shall be given priority by the district court and shall be heard no later than the seventh day following the filing of the ~~application~~ *answer or other responsive pleading*. A continuance of no more than ~~10~~ *14* days may be granted by the district court for good cause. The district court shall give all parties who have filed an answer the opportunity to present evidence pertaining to the application. If the district court finds that the facts warrant the granting of the application, the court shall appoint the secretary for aging and disability services or the designee of the secretary as receiver to operate the home.

(b) Upon the appointment of a receiver under this section, the receiver shall be granted a license by the licensing agency to operate an adult care home as provided under the provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto. The provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, relating to inspection prior to granting a license to operate an adult care home and relating to payment of license fees shall not apply to a license granted to a receiver under this section, and such license shall remain in effect during the existence of the receivership and shall expire on the termination of the receivership. ~~The receiver shall make application for the license on forms provided for this purpose by the licensing agency.~~

Sec. 34. K.S.A. 39-959 is hereby amended to read as follows: 39-959. (a) A receiver appointed in accordance with the provisions of this act shall have the following powers and duties:

~~(1)~~ (1) Conduct the day to day business operations of the adult care home;

(2) *operate the adult care home to provide safe and adequate healthcare for the residents of the adult care home;*

(3) *correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition or sanitation of the residents of the adult care home and that is life threatening or endangering;*

(4) *provide for the orderly transfer of all residents of the adult care home to other adult care homes or make other provisions for such*

residents' continued safety and healthcare, as necessary;

(5) be entitled to the immediate use of all proceeds of any accounts receivable to discharge the powers and duties of the receiver;

(6) collect incoming payments from all sources and apply such payments to costs incurred in the performance of the receiver's powers and duties, including compensation of the receiver, if any;

(7) enter into or terminate contracts as necessary to carry out the receiver's powers and duties and incur expenses for individual items for repairs, improvements or supplies, without being subject to any requirements to procure competitive bids established by law;

(8) repay expenditures of the receiver from moneys appropriated to the Kansas department for aging and disability services for purposes set forth in K.S.A. 39-954 et seq., and amendments thereto, if incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties; and

(9) other powers and duties as authorized or imposed by the district court.

(b) If incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties, the receiver may:

(1) Pay post-receivership quality care assessments as established under Kansas law;

(2) reimburse the owner or licensee, as appropriate, a fair monthly rental for the adult care home, taking into account all relevant factors, including the condition of such adult care home and set-offs arising from improvements made by the receiver; and

(e)(3) give fair compensation to the owner or licensee, as appropriate, for all property taken or used during the course of the receivership if such person has not previously received compensation for the property being taken or used;

~~*(d) correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition, or sanitation of the residents of the adult care home and is life threatening or endangering;*~~

~~*(e) enter into contracts as necessary to carry out his or her duties as receiver and incur expenses for individual items of repairs, improvements or supplies without the procurement of competitive bids, if otherwise required by law, where the total amount of such individual item does not exceed five hundred dollars (\$500);*~~

~~*(f) collect incoming payments from all sources and apply them to the costs incurred in the performance of his or her functions as receiver including the compensation of the receiver, if any;*~~

~~*(g) honor all existing leases, mortgages, chattel mortgages and security interests;*~~

~~*(h) operate the adult care home so as to provide safe and adequate health care for the residents of the adult care home;*~~

~~*(i) provide for the orderly transfer of all residents in the adult care home to other adult care homes or make other provisions for their continued safety and health care, as necessary;*~~

~~*(j) other powers and duties as authorized or imposed by the district court.*~~

Sec. 35. K.S.A. 2018 Supp. 39-960 is hereby amended to read as follows: 39-960. *(a)* The secretary for aging and disability services, upon request of a receiver, may authorize expenditures from moneys appropriated for purposes set forth in this act if incoming payments from the operation of the adult care home are less than the cost incurred by the receiver in the performance of the receiver's functions as receiver or for purposes of initial operating expenses of the receivership.

(b) Any payments made by the secretary for aging and disability services pursuant to this section shall be owed by the owner, *operator* or

licensee, *including any individuals or entities that appear on the license issued by the secretary pursuant to the adult care home licensure act*, and repaid to the secretary for aging and disability services when the receivership is terminated pursuant to K.S.A. 39-963, and amendments thereto, and until repaid shall constitute a lien against all non-exempt personal and real property of the owner, *operator* or licensee.

Sec. 36. K.S.A. 2018 Supp. 39-961 is hereby amended to read as follows: 39-961. (a) The personnel and facilities of the Kansas department for aging and disability services shall be available to the receiver for the purposes of carrying out the receiver's duties as receiver as authorized by the secretary for aging and disability services.

(b) The Kansas department for aging and disability services shall itemize and keep a ledger showing costs of personnel and other expenses establishing the receivership and assisting the receiver and such amount shall be owed by the owner, *operator* or licensee to the Kansas department for aging and disability services. Such department shall submit a bill for such expenses to the receiver for inclusion in the receiver's final accounting. Any amount so billed and until repaid shall constitute a lien against all ~~nonexempt~~ *non-exempt* personal and real property of the owner, *operator* or licensee, *including any individuals or entities that appear on the license issued by the secretary pursuant to the adult care home licensure act*.

Sec. 37. K.S.A. 2018 Supp. 39-963 is hereby amended to read as follows: 39-963. (a) The court shall terminate the receivership only under any of the following circumstances:

(1) Twenty-four months after the date on which the receivership was ordered;

(2) a new license, other than the license granted to the receiver under K.S.A. 39-958, and amendments thereto, has been granted to operate the adult care home; or

(3) at such time as all of the residents in the adult care home have been provided alternative modes of healthcare, either in another adult care home or otherwise.

(b) (1) At the time of termination of the receivership, the receiver shall render a full and complete accounting to the district court and shall make disposition of surplus money at the direction of the district court.

(2) The court may make such additional orders as are appropriate to recover the expenses and costs to the Kansas department for aging and disability services ~~and the secretary for children and families~~ incurred pursuant to K.S.A. 39-960 or 39-961, and amendments thereto.

Sec. 38. K.S.A. 65-7202 is hereby amended to read as follows: 65-7202. As used in K.S.A. 65-7201 ~~to~~ *through* 65-7218, ~~inclusive~~, and amendments thereto:

(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 practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes, and includes: (A) Prescribing, recommending or administering: ~~(1)~~(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) ~~of this section, and amendments thereto~~; ~~(2)~~(ii) health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, barrier contraceptive devices; ~~(3)~~(iii) substances on the naturopathic formulary ~~which~~ *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 ~~this act~~ *the naturopathic doctor licensure act*; ~~(4)~~(iv) noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and orofacial examinations, excluding endoscopies; ~~(5)~~(v) minor office procedures; and ~~(6)~~(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.

(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 that has been approved by the board under this act and which college and program requires at a minimum a 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 the use of general or spinal anesthesia. 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, ultrasound, ultraviolet light, constitutional hydrotherapy, naturopathic musculoskeletal technique and therapeutic exercise.

(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.

Sec. 39. K.S.A. 65-7302 is hereby amended to read as follows: 65-7302. As used in this act:

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

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

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

(d) "Licensed practitioner" means a person licensed to practice medicine and surgery, dentistry, podiatry or chiropractic in this state, *or a person licensed as a physician assistant, advanced practice registered nurse or naturopathic doctor in this state.*

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

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

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

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

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

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

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

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

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

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

Sec. 40. K.S.A. 39-955, 39-956, 39-957, 39-959, 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 65-7202, 65-7302, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 are hereby repealed.

Sec. 41. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.