

**SENATE BILL No. 496**

By Committee on Ways and Means

3-8

1 AN ACT concerning healthcare and healthcare providers; relating to the  
2 healing arts; licensure of telemedicine providers; amending K.S.A.  
3 2015 Supp. 65-2809 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 2015 Supp. 65-2809 is hereby amended to read as  
7 follows: 65-2809. (a) The license shall be canceled on the date established  
8 by rules and regulations of the board which may provide renewal  
9 throughout the year on a continuing basis. In each case in which a license  
10 is renewed for a period of time of more or less than 12 months, the board  
11 may prorate the amount of the fee established under K.S.A. 65-2852, and  
12 amendments thereto. The request for renewal shall be on a form provided  
13 by the board and shall be accompanied by the prescribed fee, which shall  
14 be paid not later than the renewal date of the license.

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

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

30 (d) At least 30 days before the renewal date of a licensee's license, the  
31 board shall notify the licensee of the renewal date by mail addressed to the  
32 licensee's last mailing address as noted upon the office records. If the  
33 licensee fails to submit the renewal application and pay the renewal fee by  
34 the renewal date of the license, the licensee shall be given notice that the  
35 licensee has failed to submit the renewal application and pay the renewal  
36 fee by the renewal date of the license, that the license will be deemed

1 canceled if not renewed within 30 days following the renewal date, that  
2 upon receipt of the renewal application and renewal fee and an additional  
3 fee established by rules and regulations of the board not to exceed \$500  
4 within the 30-day period the license will not be canceled and that, if both  
5 fees are not received within the 30-day period, the license shall be deemed  
6 canceled by operation of law and without further proceedings.

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

18 (f) There is hereby created a designation of exempt license. The board  
19 is authorized to issue an exempt license to any licensee who makes written  
20 application for such license on a form provided by the board and remits the  
21 fee for an exempt license established pursuant to K.S.A. 65-2852, and  
22 amendments thereto. The board may issue an exempt license to a person  
23 who is not regularly engaged in the practice of the healing arts in Kansas  
24 and who does not hold oneself out to the public as being professionally  
25 engaged in such practice *or to a person licensed to practice a branch of*  
26 *the healing arts in another state or jurisdiction who provides telemedicine*  
27 *services to patients in Kansas without a physical presence or practice in*  
28 *Kansas.* An exempt license shall entitle the holder to all privileges  
29 attendant to the branch of the healing arts for which such license is issued.  
30 Each exempt license may be renewed subject to the provisions of this  
31 section. Each exempt licensee shall be subject to all provisions of the  
32 healing arts act, except as otherwise provided in this subsection-~~(f)~~. The  
33 holder of an exempt license may be required to submit evidence of  
34 satisfactory completion of a program of continuing education required by  
35 this section. The requirements for continuing education for exempt  
36 licensees of each branch of the healing arts shall be established by rules  
37 and regulations adopted by the board. Each exempt licensee may apply for  
38 an active license to regularly engage in the practice of the appropriate  
39 branch of the healing arts upon filing a written application with the board.  
40 The request shall be on a form provided by the board and shall be  
41 accompanied by the license fee established pursuant to K.S.A. 65-2852,  
42 and amendments thereto. For the licensee whose license has been exempt  
43 for less than two years, the board shall adopt rules and regulations

1 establishing appropriate continuing education requirements for exempt  
2 licensees to become licensed to regularly practice the healing arts within  
3 Kansas. Any licensee whose license has been exempt for more than two  
4 years and who has not been in the active practice of the healing arts or  
5 engaged in a formal educational program since the license has been  
6 exempt may be required to complete such additional testing, training or  
7 education as the board may deem necessary to establish the licensee's  
8 present ability to practice with reasonable skill and safety. Nothing in this  
9 subsection~~(f)~~ shall be construed to prohibit a person holding an exempt  
10 license from serving as a coroner or as a paid employee of: (1) A local  
11 health department as defined by K.S.A. 65-241, and amendments thereto;  
12 or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and  
13 amendments thereto.

14 (g) There is hereby created a designation of inactive license. The  
15 board is authorized to issue an inactive license to any licensee who makes  
16 written application for such license on a form provided by the board and  
17 remits the fee for an inactive license established pursuant to K.S.A. 65-  
18 2852, and amendments thereto. The board may issue an inactive license  
19 only to a person who is not regularly engaged in the practice of the healing  
20 arts in Kansas, who does not hold oneself out to the public as being  
21 professionally engaged in such practice and who meets the definition of  
22 inactive health care provider as defined in K.S.A. 40-3401, and  
23 amendments thereto. An inactive license shall not entitle the holder to  
24 practice the healing arts in this state. Each inactive license may be renewed  
25 subject to the provisions of this section. Each inactive licensee shall be  
26 subject to all provisions of the healing arts act, except as otherwise  
27 provided in this subsection~~(g)~~. The holder of an inactive license shall not  
28 be required to submit evidence of satisfactory completion of a program of  
29 continuing education required by K.S.A. 65-2809, and amendments  
30 thereto. Each inactive licensee may apply for an active license upon filing  
31 a written application with the board. The request shall be on a form  
32 provided by the board and shall be accompanied by the license fee  
33 established pursuant to K.S.A. 65-2852, and amendments thereto. For  
34 those licensees whose license has been inactive for less than two years, the  
35 board shall adopt rules and regulations establishing appropriate continuing  
36 education requirements for inactive licensees to become licensed to  
37 regularly practice the healing arts within Kansas. Any licensee whose  
38 license has been inactive for more than two years and who has not been in  
39 the active practice of the healing arts or engaged in a formal education  
40 program since the licensee has been inactive may be required to complete  
41 such additional testing, training or education as the board may deem  
42 necessary to establish the licensee's present ability to practice with  
43 reasonable skill and safety.

1 (h) (1) There is hereby created a designation of federally active  
2 license. The board is authorized to issue a federally active license to any  
3 licensee who makes written application for such license on a form  
4 provided by the board and remits the same fee required for a license  
5 established under K.S.A. 65-2852, and amendments thereto. The board  
6 may issue a federally active license only to a person who meets all the  
7 requirements for a license to practice the healing arts in Kansas and who  
8 practices that branch of the healing arts solely in the course of employment  
9 or active duty in the United States government or any of its departments,  
10 bureaus or agencies. A person issued a federally active license may engage  
11 in limited practice outside of the course of federal employment consistent  
12 with the scope of practice of exempt licensees under subsection (f), except  
13 that the scope of practice of a federally active licensee shall be limited to  
14 the following: (A) Performing administrative functions, including peer  
15 review, disability determinations, utilization review and expert opinions;  
16 (B) providing direct patient care services gratuitously or providing  
17 supervision, direction or consultation for no compensation except that  
18 nothing in this ~~subsection (h)(1)(B)~~ *subparagraph* shall prohibit a person  
19 licensed to practice the healing arts issued a federally active license from  
20 receiving payment for subsistence allowances or actual and necessary  
21 expenses incurred in providing such services; and (C) rendering  
22 professional services as a charitable health care provider as defined in  
23 K.S.A. 75-6102, and amendments thereto.

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

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

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

42 (2) The provisions of subsections (a), (b) and (d) ~~of this section~~  
43 relating to continuing education, cancellation and renewal of a license

- 1 shall be applicable to a reentry active license issued under this subsection.
- 2       Sec. 2. K.S.A. 2015 Supp. 65-2809 is hereby repealed.
- 3       Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.