

**SENATE BILL No. 285**

By Committee on Ways and Means

3-13

1 AN ACT concerning certain licensees of the state board of healing arts;  
2 resident active license; access to health care records; amending K.S.A.  
3 65-2811a, 65-2852, as amended by section 21 of chapter 131 of the  
4 2014 Session Laws of Kansas, 65-2857, as amended by section 22 of  
5 chapter 131 of the 2014 Session Laws of Kansas, 65-2860, as amended  
6 by section 24 of chapter 131 of the 2014 Session Laws of Kansas, 65-  
7 28a02, as amended by section 42 of chapter 131 of the 2014 Session  
8 Laws of Kansas, 65-28a08, as amended by section 47 of chapter 131 of  
9 the 2014 Session Laws of Kansas, 65-4941 and 65-4942 and K.S.A.  
10 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of the  
11 2014 Session Laws of Kansas, 65-2809, as amended by section 7 of  
12 chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as amended  
13 by section 10 of chapter 131 of the 2014 Session Laws of Kansas, 65-  
14 2895, as amended by section 36 of chapter 131 of the 2014 Session  
15 Laws of Kansas, 65-28,127, as amended by section 40 of chapter 131  
16 of the 2014 Session Laws of Kansas, 65-28a03, as amended by section  
17 43 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as  
18 amended by section 50 of chapter 131 of the 2014 Session Laws of  
19 Kansas and 72-8252, as amended by section 54 of chapter 131 of the  
20 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-6824 and  
21 repealing the existing sections.

22

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

24

25 Section 1. On and after July 1, 2015, K.S.A. 2013 Supp. 65-1626, as  
26 amended by section 4 of chapter 131 of the 2014 Session Laws of Kansas,  
27 is hereby amended to read as follows: 65-1626. For the purposes of this  
act:

28

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

31

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

32

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

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(3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments  
35 thereto.

36

(b) "Agent" means an authorized person who acts on behalf of or at

1 the direction of a manufacturer, distributor or dispenser but shall not  
2 include a common carrier, public warehouseman or employee of the carrier  
3 or warehouseman when acting in the usual and lawful course of the  
4 carrier's or warehouseman's business.

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

9 (d) "Authorized distributor of record" means a wholesale distributor  
10 with whom a manufacturer has established an ongoing relationship to  
11 distribute the manufacturer's prescription drug. An ongoing relationship is  
12 deemed to exist between such wholesale distributor and a manufacturer  
13 when the wholesale distributor, including any affiliated group of the  
14 wholesale distributor, as defined in section 1504 of the internal revenue  
15 code, complies with any one of the following: (1) The wholesale  
16 distributor has a written agreement currently in effect with the  
17 manufacturer evidencing such ongoing relationship; and (2) the wholesale  
18 distributor is listed on the manufacturer's current list of authorized  
19 distributors of record, which is updated by the manufacturer on no less  
20 than a monthly basis.

21 (e) "Board" means the state board of pharmacy created by K.S.A. 74-  
22 1603, and amendments thereto.

23 (f) "Brand exchange" means the dispensing of a different drug  
24 product of the same dosage form and strength and of the same generic  
25 name as the brand name drug product prescribed.

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

28 (h) "Chain pharmacy warehouse" means a permanent physical  
29 location for drugs or devices, or both, that acts as a central warehouse and  
30 performs intracompany sales or transfers of prescription drugs or devices  
31 to chain pharmacies that have the same ownership or control. Chain  
32 pharmacy warehouses must be registered as wholesale distributors.

33 (i) "Co-licensee" means a pharmaceutical manufacturer that has  
34 entered into an agreement with another pharmaceutical manufacturer to  
35 engage in a business activity or occupation related to the manufacture or  
36 distribution of a prescription drug and the national drug code on the drug  
37 product label shall be used to determine the identity of the drug  
38 manufacturer.

39 (j) "DEA" means the U.S. department of justice, drug enforcement  
40 administration.

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

1 (l) "Direct supervision" means the process by which the responsible  
2 pharmacist shall observe and direct the activities of a pharmacy student or  
3 pharmacy technician to a sufficient degree to assure that all such activities  
4 are performed accurately, safely and without risk or harm to patients, and  
5 complete the final check before dispensing.

6 (m) "Dispense" means to deliver prescription medication to the  
7 ultimate user or research subject by or pursuant to the lawful order of a  
8 practitioner or pursuant to the prescription of a mid-level practitioner.

9 (n) "Dispenser" means a practitioner or pharmacist who dispenses  
10 prescription medication, or a physician assistant who has authority to  
11 dispense prescription-only drugs in accordance with ~~subsection (b) of~~  
12 K.S.A. 65-28a08(b), and amendments thereto.

13 (o) "Distribute" means to deliver, other than by administering or  
14 dispensing, any drug.

15 (p) "Distributor" means a person who distributes a drug.

16 (q) "Drop shipment" means the sale, by a manufacturer, that  
17 manufacturer's co-licensee, that manufacturer's third party logistics  
18 provider, or that manufacturer's exclusive distributor, of the manufacturer's  
19 prescription drug, to a wholesale distributor whereby the wholesale  
20 distributor takes title but not possession of such prescription drug and the  
21 wholesale distributor invoices the pharmacy, the chain pharmacy  
22 warehouse, or other designated person authorized by law to dispense or  
23 administer such prescription drug, and the pharmacy, the chain pharmacy  
24 warehouse, or other designated person authorized by law to dispense or  
25 administer such prescription drug receives delivery of the prescription  
26 drug directly from the manufacturer, that manufacturer's co-licensee, that  
27 manufacturer's third party logistics provider, or that manufacturer's  
28 exclusive distributor, of such prescription drug. Drop shipment shall be  
29 part of the "normal distribution channel."

30 (r) "Drug" means: (1) Articles recognized in the official United States  
31 pharmacopoeia, or other such official compendiums of the United States,  
32 or official national formulary, or any supplement of any of them; (2)  
33 articles intended for use in the diagnosis, cure, mitigation, treatment or  
34 prevention of disease in man or other animals; (3) articles, other than food,  
35 intended to affect the structure or any function of the body of man or other  
36 animals; and (4) articles intended for use as a component of any articles  
37 specified in ~~clause paragraph~~ (1), (2) or (3) of this subsection; but does  
38 not include devices or their components, parts or accessories, except that  
39 the term "drug" shall not include amygdalin (laetrile) or any livestock  
40 remedy, if such livestock remedy had been registered in accordance with  
41 the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated,  
42 prior to its repeal.

43 (s) "Durable medical equipment" means technologically sophisticated

1 medical devices that may be used in a residence, including the following:  
2 (1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory  
3 disease management devices; (4) continuous positive airway pressure  
4 (CPAP) devices; (5) electronic and computerized wheelchairs and seating  
5 systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator  
6 (TENS) units; (8) low air loss cutaneous pressure management devices; (9)  
7 sequential compression devices; (10) feeding pumps; (11) home  
8 phototherapy devices; (12) infusion delivery devices; (13) distribution of  
9 medical gases to end users for human consumption; (14) hospital beds;  
10 (15) nebulizers; or (16) other similar equipment determined by the board  
11 in rules and regulations adopted by the board.

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

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

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

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

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

30 (y) "Exclusive distributor" means any entity that: (1) Contracts with a  
31 manufacturer to provide or coordinate warehousing, wholesale distribution  
32 or other services on behalf of a manufacturer and who takes title to that  
33 manufacturer's prescription drug, but who does not have general  
34 responsibility to direct the sale or disposition of the manufacturer's  
35 prescription drug; (2) is registered as a wholesale distributor under the  
36 pharmacy act of the state of Kansas; and (3) to be considered part of the  
37 normal distribution channel, must be an authorized distributor of record.

38 (z) "Facsimile transmission" or "fax transmission" means the  
39 transmission of a digital image of a prescription from the prescriber or the  
40 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but  
41 is not limited to, transmission of a written prescription between the  
42 prescriber's fax machine and the pharmacy's fax machine; transmission of  
43 an electronically prepared prescription from the prescriber's electronic

- 1 prescription application to the pharmacy's fax machine, computer or  
2 printer; or transmission of an electronically prepared prescription from the  
3 prescriber's fax machine to the pharmacy's fax machine, computer or  
4 printer.
- 5 (aa) "Generic name" means the established chemical name or official  
6 name of a drug or drug product.
- 7 (bb) (1) "Institutional drug room" means any location where  
8 prescription-only drugs are stored and from which prescription-only drugs  
9 are administered or dispensed and which is maintained or operated for the  
10 purpose of providing the drug needs of:
- 11 (A) Inmates of a jail or correctional institution or facility;  
12 (B) residents of a juvenile detention facility, as defined by the revised  
13 Kansas code for care of children and the revised Kansas juvenile justice  
14 code;  
15 (C) students of a public or private university or college, a community  
16 college or any other institution of higher learning which is located in  
17 Kansas;  
18 (D) employees of a business or other employer; or  
19 (E) persons receiving inpatient hospice services.
- 20 (2) "Institutional drug room" does not include:
- 21 (A) Any registered pharmacy;  
22 (B) any office of a practitioner; or  
23 (C) a location where no prescription-only drugs are dispensed and no  
24 prescription-only drugs other than individual prescriptions are stored or  
25 administered.
- 26 (cc) "Intermediary" means any technology system that receives and  
27 transmits an electronic prescription between the prescriber and the  
28 pharmacy.
- 29 (dd) "Intracompany transaction" means any transaction or transfer  
30 between any division, subsidiary, parent or affiliated or related company  
31 under common ownership or control of a corporate entity, or any  
32 transaction or transfer between co-licensees of a co-licensed product.
- 33 (ee) "Medical care facility" shall have the meaning provided in  
34 K.S.A. 65-425, and amendments thereto, except that the term shall also  
35 include facilities licensed under the provisions of K.S.A. 75-3307b, and  
36 amendments thereto, except community mental health centers and  
37 facilities for people with intellectual disability.
- 38 (ff) "Manufacture" means the production, preparation, propagation,  
39 compounding, conversion or processing of a drug either directly or  
40 indirectly by extraction from substances of natural origin, independently  
41 by means of chemical synthesis or by a combination of extraction and  
42 chemical synthesis and includes any packaging or repackaging of the drug  
43 or labeling or relabeling of its container, except that this term shall not

1 include the preparation or compounding of a drug by an individual for the  
2 individual's own use or the preparation, compounding, packaging or  
3 labeling of a drug by:

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

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

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

13 (gg) "Manufacturer" means a person licensed or approved by the  
14 FDA to engage in the manufacture of drugs and devices.

15 (hh) "Mid-level practitioner" means an advanced practice registered  
16 nurse issued a license pursuant to K.S.A. 65-1131, and amendments  
17 thereto, who has authority to prescribe drugs pursuant to a written protocol  
18 with a responsible physician under K.S.A. 65-1130, and amendments  
19 thereto, or a physician assistant licensed pursuant to the physician assistant  
20 licensure act who has authority to prescribe drugs *prior to January 11,*  
21 *2016,* pursuant to a written protocol *with a responsible physician under*  
22 *K.S.A. 65-28a08, and amendments thereto, and on and after January 11,*  
23 *2016, pursuant to a written agreement,* with a supervising physician under  
24 K.S.A. 65-28a08, and amendments thereto.

25 (ii) "Normal distribution channel" means a chain of custody for a  
26 prescription-only drug that goes from a manufacturer of the prescription-  
27 only drug, from that manufacturer to that manufacturer's co-licensed  
28 partner, from that manufacturer to that manufacturer's third-party logistics  
29 provider, or from that manufacturer to that manufacturer's exclusive  
30 distributor, directly or by drop shipment, to:

31 (1) A pharmacy to a patient or to other designated persons authorized  
32 by law to dispense or administer such drug to a patient;

33 (2) a wholesale distributor to a pharmacy to a patient or other  
34 designated persons authorized by law to dispense or administer such drug  
35 to a patient;

36 (3) a wholesale distributor to a chain pharmacy warehouse to that  
37 chain pharmacy warehouse's intracompany pharmacy to a patient or other  
38 designated persons authorized by law to dispense or administer such drug  
39 to a patient; or

40 (4) a chain pharmacy warehouse to the chain pharmacy warehouse's  
41 intracompany pharmacy to a patient or other designated persons authorized  
42 by law to dispense or administer such drug to a patient.

43 (jj) "Person" means individual, corporation, government,

1 governmental subdivision or agency, partnership, association or any other  
2 legal entity.

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

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

14 (mm) "Pharmacist intern" means: (1) A student currently enrolled in  
15 an accredited pharmacy program; (2) a graduate of an accredited pharmacy  
16 program serving an internship; or (3) a graduate of a pharmacy program  
17 located outside of the United States which is not accredited and who has  
18 successfully passed equivalency examinations approved by the board.

19 (nn) "Pharmacy," "drugstore" or "apothecary" means premises,  
20 laboratory, area or other place: (1) Where drugs are offered for sale where  
21 the profession of pharmacy is practiced and where prescriptions are  
22 compounded and dispensed; or (2) which has displayed upon it or within it  
23 the words "pharmacist," "pharmaceutical chemist," "pharmacy,"  
24 "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of  
25 these words or combinations of these words or words of similar import  
26 either in English or any sign containing any of these words; or (3) where  
27 the characteristic symbols of pharmacy or the characteristic prescription  
28 sign "Rx" may be exhibited. As used in this subsection, premises refers  
29 only to the portion of any building or structure leased, used or controlled  
30 by the licensee in the conduct of the business registered by the board at the  
31 address for which the registration was issued.

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

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

41 (qq) "Practitioner" means a person licensed to practice medicine and  
42 surgery, dentist, podiatrist, veterinarian, optometrist or scientific  
43 investigator or other person authorized by law to use a prescription-only

1 drug in teaching or chemical analysis or to conduct research with respect  
2 to a prescription-only drug.

3 (rr) "Preceptor" means a licensed pharmacist who possesses at least  
4 two years' experience as a pharmacist and who supervises students  
5 obtaining the pharmaceutical experience required by law as a condition to  
6 taking the examination for licensure as a pharmacist.

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

8 (tt) "Prescription" or "prescription order" means: (1) An order to be  
9 filled by a pharmacist for prescription medication issued and signed by a  
10 prescriber in the authorized course of such prescriber's professional  
11 practice; or (2) an order transmitted to a pharmacist through word of  
12 mouth, note, telephone or other means of communication directed by such  
13 prescriber, regardless of whether the communication is oral, electronic,  
14 facsimile or in printed form.

15 (uu) "Prescription medication" means any drug, including label and  
16 container according to context, which is dispensed pursuant to a  
17 prescription order.

18 (vv) "Prescription-only drug" means any drug whether intended for  
19 use by man or animal, required by federal or state law, including 21 U.S.C.  
20 § 353, to be dispensed only pursuant to a written or oral prescription or  
21 order of a practitioner or is restricted to use by practitioners only.

22 (ww) "Probation" means the practice or operation under a temporary  
23 license, registration or permit or a conditional license, registration or  
24 permit of a business or profession for which a license, registration or  
25 permit is granted by the board under the provisions of the pharmacy act of  
26 the state of Kansas requiring certain actions to be accomplished or certain  
27 actions not to occur before a regular license, registration or permit is  
28 issued.

29 (xx) "Professional incompetency" means:

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

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

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

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



1 from other items appearing on the records.

2 (zz) "Retail dealer" means a person selling at retail nonprescription  
3 drugs which are prepackaged, fully prepared by the manufacturer or  
4 distributor for use by the consumer and labeled in accordance with the  
5 requirements of the state and federal food, drug and cosmetic acts. Such  
6 nonprescription drugs shall not include: (1) A controlled substance; (2) a  
7 prescription-only drug; or (3) a drug intended for human use by  
8 hypodermic injection.

9 (aaa) "Secretary" means the executive secretary of the board.

10 (bbb) "Third party logistics provider" means an entity that: (1)  
11 Provides or coordinates warehousing, distribution or other services on  
12 behalf of a manufacturer, but does not take title to the prescription drug or  
13 have general responsibility to direct the prescription drug's sale or  
14 disposition; (2) is registered as a wholesale distributor under the pharmacy  
15 act of the state of Kansas; and (3) to be considered part of the normal  
16 distribution channel, must also be an authorized distributor of record.

17 (ccc) "Unprofessional conduct" means:

18 (1) Fraud in securing a registration or permit;

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

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

23 (4) intentionally falsifying or altering records or prescriptions;

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

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

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

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

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

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

35 (ddd) "Vaccination protocol" means a written protocol, agreed to by a  
36 pharmacist and a person licensed to practice medicine and surgery by the  
37 state board of healing arts, which establishes procedures and  
38 recordkeeping and reporting requirements for administering a vaccine by  
39 the pharmacist for a period of time specified therein, not to exceed two  
40 years.

41 (eee) "Valid prescription order" means a prescription that is issued for  
42 a legitimate medical purpose by an individual prescriber licensed by law to  
43 administer and prescribe drugs and acting in the usual course of such

1 prescriber's professional practice. A prescription issued solely on the basis  
2 of an internet-based questionnaire or consultation without an appropriate  
3 prescriber-patient relationship is not a valid prescription order.

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

8 (ggg) "Wholesale distributor" means any person engaged in  
9 wholesale distribution of prescription drugs or devices in or into the state,  
10 including, but not limited to, manufacturers, repackagers, own-label  
11 distributors, private-label distributors, jobbers, brokers, warehouses,  
12 including manufacturers' and distributors' warehouses, co-licensees,  
13 exclusive distributors, third party logistics providers, chain pharmacy  
14 warehouses that conduct wholesale distributions, and wholesale drug  
15 warehouses, independent wholesale drug traders and retail pharmacies that  
16 conduct wholesale distributions. Wholesale distributor shall not include  
17 persons engaged in the sale of durable medical equipment to consumers or  
18 patients.

19 (hhh) "Wholesale distribution" means the distribution of prescription  
20 drugs or devices by wholesale distributors to persons other than consumers  
21 or patients, and includes the transfer of prescription drugs by a pharmacy  
22 to another pharmacy if the total number of units of transferred drugs  
23 during a twelve-month period does not exceed 5% of the total number of  
24 all units dispensed by the pharmacy during the immediately preceding  
25 twelve-month period. Wholesale distribution does not include:

26 (1) The sale, purchase or trade of a prescription drug or device, an  
27 offer to sell, purchase or trade a prescription drug or device or the  
28 dispensing of a prescription drug or device pursuant to a prescription;

29 (2) the sale, purchase or trade of a prescription drug or device or an  
30 offer to sell, purchase or trade a prescription drug or device for emergency  
31 medical reasons;

32 (3) intracompany transactions, as defined in this section, unless in  
33 violation of own use provisions;

34 (4) the sale, purchase or trade of a prescription drug or device or an  
35 offer to sell, purchase or trade a prescription drug or device among  
36 hospitals, chain pharmacy warehouses, pharmacies or other health care  
37 entities that are under common control;

38 (5) the sale, purchase or trade of a prescription drug or device or the  
39 offer to sell, purchase or trade a prescription drug or device by a charitable  
40 organization described in 503(c)(3) of the internal revenue code of 1954 to  
41 a nonprofit affiliate of the organization to the extent otherwise permitted  
42 by law;

43 (6) the purchase or other acquisition by a hospital or other similar

1 health care entity that is a member of a group purchasing organization of a  
2 prescription drug or device for its own use from the group purchasing  
3 organization or from other hospitals or similar health care entities that are  
4 members of these organizations;

5 (7) the transfer of prescription drugs or devices between pharmacies  
6 pursuant to a centralized prescription processing agreement;

7 (8) the sale, purchase or trade of blood and blood components  
8 intended for transfusion;

9 (9) the return of recalled, expired, damaged or otherwise non-salable  
10 prescription drugs, when conducted by a hospital, health care entity,  
11 pharmacy, chain pharmacy warehouse or charitable institution in  
12 accordance with the board's rules and regulations;

13 (10) the sale, transfer, merger or consolidation of all or part of the  
14 business of a retail pharmacy or pharmacies from or with another retail  
15 pharmacy or pharmacies, whether accomplished as a purchase and sale of  
16 stock or business assets, in accordance with the board's rules and  
17 regulations;

18 (11) the distribution of drug samples by manufacturers' and  
19 authorized distributors' representatives;

20 (12) the sale of minimal quantities of drugs by retail pharmacies to  
21 licensed practitioners for office use; or

22 (13) the sale or transfer from a retail pharmacy or chain pharmacy  
23 warehouse of expired, damaged, returned or recalled prescription drugs to  
24 the original manufacturer, originating wholesale distributor or to a third  
25 party returns processor in accordance with the board's rules and  
26 regulations.

27 Sec. 2. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2809, as  
28 amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas,  
29 is hereby amended to read as follows: 65-2809. (a) The license shall ~~expire~~  
30 *be canceled* on the date established by rules and regulations of the board  
31 which may provide renewal throughout the year on a continuing basis. In  
32 each case in which a license is renewed for a period of time of more or less  
33 than 12 months, the board may prorate the amount of the fee established  
34 under K.S.A. 65-2852, and amendments thereto. The request for renewal  
35 shall be on a form provided by the board and shall be accompanied by the  
36 prescribed fee, which shall be paid not later than the ~~expiration~~ *renewal*  
37 date of the license.

38 (b) There is hereby created a designation of an active license. The  
39 board is authorized to issue an active license to any licensee who make  
40 written application for such license on a form provided by the board and  
41 remits the fee for an active license established pursuant to K.S.A. 65-2852,  
42 and amendments thereto. The board shall require every active licensee to  
43 submit evidence of satisfactory completion of a program of continuing

1 education required by the board. The requirements for continuing  
2 education for licensees of each branch of the healing arts shall be  
3 established by rules and regulations adopted by the board.

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

10 (d) At least 30 days before the ~~expiration~~ *renewal date* of a licensee's  
11 license, the board shall notify the licensee of the ~~expiration~~ *renewal date*  
12 by mail addressed to the licensee's last mailing address as noted upon the  
13 office records. If the licensee fails to *submit the renewal application and*  
14 *pay the renewal fee by the* ~~date of the expiration~~ *renewal date* of the  
15 license, the licensee shall be given ~~a second~~ notice that the ~~licensee's~~  
16 ~~license has expired~~ *licensee has failed to submit the renewal application*  
17 *and pay the renewal fee by the renewal date of the license*, that the license  
18 will be deemed canceled if not renewed within 30 days following the ~~date~~  
19 ~~of expiration~~ *renewal date*, that upon receipt of the *renewal application*  
20 *and renewal fee and an additional fee established by rules and regulations*  
21 *of the board not to exceed \$500 within the* ~~thirty-day~~ *30-day* period the  
22 license will not be canceled and that, if both fees are not received within  
23 the ~~thirty-day~~ *30-day* period, the license shall be deemed canceled by  
24 operation of law and without further proceedings.

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

36 (f) There is hereby created a designation of exempt license. The board  
37 is authorized to issue an exempt license to any licensee who makes written  
38 application for such license on a form provided by the board and remits the  
39 fee for an exempt license established pursuant to K.S.A. 65-2852, and  
40 amendments thereto. The board may issue an exempt license to a person  
41 who is not regularly engaged in the practice of the healing arts in Kansas  
42 and who does not hold oneself out to the public as being professionally  
43 engaged in such practice. An exempt license shall entitle the holder to all

1 privileges attendant to the branch of the healing arts for which such license  
2 is issued. Each exempt license may be renewed subject to the provisions of  
3 this section. Each exempt licensee shall be subject to all provisions of the  
4 healing arts act, except as otherwise provided in this subsection (f). The  
5 holder of an exempt license may be required to submit evidence of  
6 satisfactory completion of a program of continuing education required by  
7 this section. The requirements for continuing education for exempt  
8 licensees of each branch of the healing arts shall be established by rules  
9 and regulations adopted by the board. Each exempt licensee may apply for  
10 an active license to regularly engage in the practice of the appropriate  
11 branch of the healing arts upon filing a written application with the board.  
12 The request shall be on a form provided by the board and shall be  
13 accompanied by the license fee established pursuant to K.S.A. 65-2852,  
14 and amendments thereto. For the licensee whose license has been exempt  
15 for less than two years, the board shall adopt rules and regulations  
16 establishing appropriate continuing education requirements for exempt  
17 licensees to become licensed to regularly practice the healing arts within  
18 Kansas. Any licensee whose license has been exempt for more than two  
19 years and who has not been in the active practice of the healing arts or  
20 engaged in a formal educational program since the license has been  
21 exempt may be required to complete such additional testing, training or  
22 education as the board may deem necessary to establish the licensee's  
23 present ability to practice with reasonable skill and safety. Nothing in this  
24 subsection (f) shall be construed to prohibit a person holding an exempt  
25 license from serving as a coroner or as a paid employee of: (1) A local  
26 health department as defined by K.S.A. 65-241, and amendments thereto;  
27 or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and  
28 amendments thereto.

29 (g) There is hereby created a designation of inactive license. The  
30 board is authorized to issue an inactive license to any licensee who makes  
31 written application for such license on a form provided by the board and  
32 remits the fee for an inactive license established pursuant to K.S.A. 65-  
33 2852, and amendments thereto. The board may issue an inactive license  
34 only to a person who is not regularly engaged in the practice of the healing  
35 arts in Kansas, who does not hold oneself out to the public as being  
36 professionally engaged in such practice and who meets the definition of  
37 inactive health care provider as defined in K.S.A. 40-3401, and  
38 amendments thereto. An inactive license shall not entitle the holder to  
39 practice the healing arts in this state. Each inactive license may be renewed  
40 subject to the provisions of this section. Each inactive licensee shall be  
41 subject to all provisions of the healing arts act, except as otherwise  
42 provided in this subsection (g). The holder of an inactive license shall not  
43 be required to submit evidence of satisfactory completion of a program of

1 continuing education required by K.S.A. 65-2809, and amendments  
2 thereto. Each inactive licensee may apply for an active license upon filing  
3 a written application with the board. The request shall be on a form  
4 provided by the board and shall be accompanied by the license fee  
5 established pursuant to K.S.A. 65-2852, and amendments thereto. For  
6 those licensees whose license has been inactive for less than two years, the  
7 board shall adopt rules and regulations establishing appropriate continuing  
8 education requirements for inactive licensees to become licensed to  
9 regularly practice the healing arts within Kansas. Any licensee whose  
10 license has been inactive for more than two years and who has not been in  
11 the active practice of the healing arts or engaged in a formal education  
12 program since the licensee has been inactive may be required to complete  
13 such additional testing, training or education as the board may deem  
14 necessary to establish the licensee's present ability to practice with  
15 reasonable skill and safety.

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

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

43 (3) A person who practices under a federally active license shall not

1 be deemed to be rendering professional service as a health care provider in  
2 this state for purposes of K.S.A. 40-3402, and amendments thereto.

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

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

17 Sec. 3. On and after July 1, 2015, K.S.A. 65-2811a is hereby  
18 amended to read as follows: 65-2811a. (a) The state board of healing arts  
19 may issue a special permit to practice ~~the appropriate branch of the healing~~  
20 ~~arts medicine and surgery~~, under the supervision of a person licensed to  
21 practice ~~such branch of the healing arts medicine and surgery~~, to any  
22 person who has completed undergraduate training ~~in a branch of the~~  
23 ~~healing arts at the university of Kansas school of medicine or the Kansas~~  
24 ~~City university of medicine and biosciences college of osteopathic~~  
25 ~~medicine~~ and who has not engaged in a full-time approved postgraduate  
26 training program.

27 (b) Such special permit shall be issued only to a person who: (1) Has  
28 made proper application for such special permit upon forms approved by  
29 the state board of healing arts;

30 (2) meets all qualifications of licensure except examinations and  
31 postgraduate training, as required by the Kansas healing arts act;

32 (3) ~~is not yet but will be engaged in~~ *has not yet commenced* a full-  
33 time, approved postgraduate training program in Kansas;

34 (4) has obtained the sponsorship of a person licensed to practice ~~the~~  
35 ~~branch of the healing arts in which the applicant is training~~, *medicine and*  
36 *surgery* which sponsor practices in an area of Kansas which is determined  
37 under K.S.A. 76-375, and amendments thereto, to be medically  
38 underserved; and

39 (5) has paid the prescribed fees as established by the state board of  
40 healing arts for the application for and granting of such special permit.

41 (c) The special permit, when issued, shall authorize the person to  
42 whom the special permit is issued to practice ~~the branch of the healing arts~~  
43 ~~in which such person is training~~ *medicine and surgery* under the

1 supervision of the person licensed to practice ~~that branch of the healing~~  
2 ~~arts medicine and surgery~~ who has agreed to sponsor *and accept*  
3 *responsibility for the services rendered by* such special permit holder. *A*  
4 *special permit holder may prescribe drugs, but may not prescribe*  
5 *controlled substances.* The special permit shall not authorize the person  
6 holding the special permit to engage in the private practice of ~~the healing~~  
7 ~~arts medicine and surgery~~. The holder of a special permit under this section  
8 shall not charge patients a fee for services rendered but may be  
9 compensated directly by the person under whose supervision and  
10 sponsorship the permit holder is practicing. *A special permit holder shall*  
11 *clearly identify oneself to patients as a physician in training and may use*  
12 *the term "doctor" or "Dr."* The special permit shall expire on the day the  
13 person holding the special permit becomes engaged in a full-time,  
14 approved postgraduate training program or one year from its date of  
15 issuance, whichever occurs first. *In no event may a special permit be*  
16 *renewed more than once.*

17 (d) *For the purposes of this section, "supervision" means that the*  
18 *supervising licensee is physically present within the healthcare facility or*  
19 *other site of patient care and is immediately available to the special*  
20 *permit holder.*

21 (e) *A person who practices under a special permit issued herein shall*  
22 *not be deemed to be rendering professional service as a health care*  
23 *provider in this state for purposes of K.S.A. 40-3402, and amendments*  
24 *thereto.*

25 (f) *A person who practices under a special permit issued herein shall*  
26 *be subject to all provisions of the healing arts act, except as otherwise*  
27 *provided in this subsection.*

28 (g) *The board may adopt all necessary rules and regulations, not*  
29 *inconsistent herewith, for carrying out the provisions of this section.*

30 (h) This section shall be part of and supplemental to the Kansas  
31 healing arts act.

32 Sec. 4. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2836, as  
33 amended by section 10 of chapter 131 of the 2014 Session Laws of  
34 Kansas, is hereby amended to read as follows: 65-2836. A licensee's  
35 license may be revoked, suspended or limited, or the licensee may be  
36 publicly or ~~privately~~ censured or placed under probationary conditions, or  
37 an application for a license or for reinstatement of a license may be denied  
38 upon a finding of the existence of any of the following grounds:

39 (a) The licensee has committed fraud or misrepresentation in  
40 applying for or securing an original, renewal or reinstated license.

41 (b) The licensee has committed an act of unprofessional or  
42 dishonorable conduct or professional incompetency, except that the board  
43 may take appropriate disciplinary action or enter into a non-disciplinary



1 resolution when a licensee has engaged in any conduct or professional  
2 practice on a single occasion that, if continued, would reasonably be  
3 expected to constitute an inability to practice the healing arts with  
4 reasonable skill and safety to patients or unprofessional conduct as defined  
5 in K.S.A. 65-2837, and amendments thereto.

6 (c) The licensee has been convicted of a felony or class A  
7 misdemeanor, or substantially similar offense in another jurisdiction,  
8 whether or not related to the practice of the healing arts. The licensee has  
9 been convicted in a special or general court-martial, whether or not related  
10 to the practice of the healing arts. The board shall revoke a licensee's  
11 license following conviction of a felony or substantially similar offense in  
12 another jurisdiction, or following conviction in a general court-martial  
13 occurring after July 1, 2000, unless a  $\frac{2}{3}$  majority of the board members  
14 present and voting determine by clear and convincing evidence that such  
15 licensee will not pose a threat to the public in such person's capacity as a  
16 licensee and that such person has been sufficiently rehabilitated to warrant  
17 the public trust. In the case of a person who has been convicted of a felony  
18 or convicted in a general court-martial and who applies for an original  
19 license or to reinstate a canceled license, the application for a license shall  
20 be denied unless a  $\frac{2}{3}$  majority of the board members present and voting on  
21 such application determine by clear and convincing evidence that such  
22 person will not pose a threat to the public in such person's capacity as a  
23 licensee and that such person has been sufficiently rehabilitated to warrant  
24 the public trust.

25 (d) The licensee has used fraudulent or false advertisements.

26 (e) The licensee is addicted to or has distributed intoxicating liquors  
27 or drugs for any other than lawful purposes.

28 (f) The licensee has willfully or repeatedly violated this act, the  
29 pharmacy act of the state of Kansas or the uniform controlled substances  
30 act, or any rules and regulations adopted pursuant thereto, or any rules and  
31 regulations of the secretary of health and environment which are relevant  
32 to the practice of the healing arts.

33 (g) The licensee has unlawfully invaded the field of practice of any  
34 branch of the healing arts in which the licensee is not licensed to practice.

35 (h) The licensee has engaged in the practice of the healing arts under  
36 a false or assumed name, or the impersonation of another practitioner. The  
37 provisions of this subsection relating to an assumed name shall not apply  
38 to licensees practicing under a professional corporation or other legal  
39 entity duly authorized to provide such professional services in the state of  
40 Kansas.

41 (i) The licensee's ability to practice the healing arts with reasonable  
42 skill and safety to patients is impaired by reason of physical or mental  
43 illness, or condition or use of alcohol, drugs or controlled substances. All

1 information, reports, findings and other records relating to impairment  
2 shall be confidential and not subject to discovery by or release to any  
3 person or entity outside of a board proceeding.

4 (j) The licensee has had a license to practice the healing arts revoked,  
5 suspended or limited, has been censured or has had other disciplinary  
6 action taken, or an application for a license denied, by the proper licensing  
7 authority of another state, territory, District of Columbia, or other country;  
8 ~~a certified copy of the record of the action of the other jurisdiction being~~  
9 ~~conclusive evidence thereof.~~

10 (k) The licensee has violated any lawful rule and regulation  
11 promulgated by the board or violated any lawful order or directive of the  
12 board previously entered by the board.

13 (l) The licensee has failed to report or reveal the knowledge required  
14 to be reported or revealed under K.S.A. 65-28,122, and amendments  
15 thereto.

16 (m) The licensee, if licensed to practice medicine and surgery, has  
17 failed to inform in writing a patient suffering from any form of  
18 abnormality of the breast tissue for which surgery is a recommended form  
19 of treatment, of alternative methods of treatment recognized by licensees  
20 of the same profession in the same or similar communities as being  
21 acceptable under like conditions and circumstances.

22 (n) The licensee has cheated on or attempted to subvert the validity of  
23 the examination for a license.

24 (o) The licensee has been found to be mentally ill, disabled, not guilty  
25 by reason of insanity, not guilty because the licensee suffers from a mental  
26 disease or defect or incompetent to stand trial by a court of competent  
27 jurisdiction.

28 (p) The licensee has prescribed, sold, administered, distributed or  
29 given a controlled substance to any person for other than medically  
30 accepted or lawful purposes.

31 (q) The licensee has violated a federal law or regulation relating to  
32 controlled substances.

33 (r) The licensee has failed to furnish the board, or its investigators or  
34 representatives, any information legally requested by the board.

35 (s) Sanctions or disciplinary actions have been taken against the  
36 licensee by a peer review committee, health care facility, a governmental  
37 agency or department or a professional association or society for acts or  
38 conduct similar to acts or conduct which would constitute grounds for  
39 disciplinary action under this section.

40 (t) The licensee has failed to report to the board any adverse action  
41 taken against the licensee by another state or licensing jurisdiction, a peer  
42 review body, a health care facility, a professional association or society, a  
43 governmental agency, by a law enforcement agency or a court for acts or

1 conduct similar to acts or conduct which would constitute grounds for  
2 disciplinary action under this section.

3 (u) The licensee has surrendered a license or authorization to practice  
4 the healing arts in another state or jurisdiction, has surrendered the  
5 authority to utilize controlled substances issued by any state or federal  
6 agency, has agreed to a limitation to or restriction of privileges at any  
7 medical care facility or has surrendered the licensee's membership on any  
8 professional staff or in any professional association or society while under  
9 investigation for acts or conduct similar to acts or conduct which would  
10 constitute grounds for disciplinary action under this section.

11 (v) The licensee has failed to report to the board surrender of the  
12 licensee's license or authorization to practice the healing arts in another  
13 state or jurisdiction or surrender of the licensee's membership on any  
14 professional staff or in any professional association or society while under  
15 investigation for acts or conduct similar to acts or conduct which would  
16 constitute grounds for disciplinary action under this section.

17 (w) The licensee has an adverse judgment, award or settlement  
18 against the licensee resulting from a medical liability claim related to acts  
19 or conduct similar to acts or conduct which would constitute grounds for  
20 disciplinary action under this section.

21 (x) The licensee has failed to report to the board any adverse  
22 judgment, settlement or award against the licensee resulting from a  
23 medical malpractice liability claim related to acts or conduct similar to acts  
24 or conduct which would constitute grounds for disciplinary action under  
25 this section.

26 (y) The licensee has failed to maintain a policy of professional  
27 liability insurance as required by K.S.A. 40-3402 or 40-3403a, and  
28 amendments thereto.

29 (z) The licensee has failed to pay the premium surcharges as required  
30 by K.S.A. 40-3404, and amendments thereto.

31 (aa) The licensee has knowingly submitted any misleading, deceptive,  
32 untrue or fraudulent representation on a claim form, bill or statement.

33 (bb) The licensee as the supervising physician for a physician  
34 assistant has failed to adequately direct and supervise the physician  
35 assistant in accordance with the physician assistant licensure act or rules  
36 and regulations adopted under such act.

37 (cc) The licensee has assisted suicide in violation of K.S.A. 21-3406,  
38 prior to its repeal, or K.S.A. ~~2013~~ 2014 Supp. 21-5407, and amendments  
39 thereto, as established by any of the following:

40 ~~(A)~~ (1) A copy of the record of criminal conviction or plea of guilty  
41 for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A.  
42 ~~2013~~ 2014 Supp. 21-5407, and amendments thereto.

43 ~~(B)~~ (2) A copy of the record of a judgment of contempt of court for

1 violating an injunction issued under K.S.A. 60-4404, and amendments  
2 thereto.

3 ~~(c)~~ (3) A copy of the record of a judgment assessing damages under  
4 K.S.A. 60-4405, and amendments thereto.

5 (dd) The licensee has given a worthless check or stopped payment on  
6 a debit or credit card for fees or moneys legally due to the board.

7 (ee) The licensee has knowingly or negligently abandoned medical  
8 records.

9 Sec. 5. On and after July 1, 2015, K.S.A. 65-2852, as amended by  
10 section 21 of chapter 131 of the 2014 Session Laws of Kansas, is hereby  
11 amended to read as follows: 65-2852. The following fees shall be  
12 established by the board by rules and regulations and collected by the  
13 board:

14 (a) For a license, issued upon the basis of an examination, in a sum of  
15 not more than \$300;

16 (b) for a license, issued without examination and by endorsement, in  
17 a sum of not more than \$300;

18 (c) for a license, issued upon a certificate from the national boards, in  
19 a sum of not more than \$300;

20 (d) for the renewal of a license, the sum of not more than \$500;

21 (e) for a temporary permit, in a sum of not more than \$60;

22 (f) for an institutional license, in a sum of not more than \$300;

23 (g) for a visiting professor temporary license, in a sum of not more  
24 than \$50;

25 (h) for a certified statement from the board that a licensee is licensed  
26 in this state, the sum of not more than \$30;

27 (i) for any copy of any license issued by the board, the sum of not  
28 more than \$30;

29 (j) for any examination given by the board, a sum in an amount equal  
30 to the cost to the board of the examination;

31 (k) for application for and issuance of a special permit under K.S.A.  
32 65-2811a, and amendments thereto, the sum of not more than \$60;

33 (l) for an exempt or inactive license or renewal of an exempt or  
34 inactive license, the sum of not more than \$150;

35 (m) for conversion of an exempt or inactive license to a license to  
36 practice the healing arts, the sum of not more than \$300;

37 (n) for reinstatement of a revoked license, in a sum of not more than  
38 \$1,000;

39 (o) *for reinstatement of a canceled license, in a sum of not more than*  
40 *\$500;*

41 (p) for a visiting clinical professor license, or renewal of a visiting  
42 clinical professor license, in a sum of not more than \$300;

43 ~~(q)~~ (q) for a postgraduate permit in a sum of not more than \$60;

1       ~~(r)~~ (r) for a limited permit or renewal of a limited permit, the sum of  
 2 not more than \$60;~~and~~

3       ~~(s)~~ (s) for a written verification of any license or permit, the sum of  
 4 not more than \$25;

5       (i) for a reentry active license or renewal of a reentry active license,  
 6 the sum of not more than \$500; and

7       (u) for a resident active license, the sum of not more than \$500.

8       Sec. 6. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2895, as  
 9 amended by section 36 of chapter 131 of the 2014 Session Laws of  
 10 Kansas, is hereby amended to read as follows: 65-2895. (a) There is  
 11 hereby created an institutional license which may be issued by the board to  
 12 a person who:

13       (1) Is a graduate of an accredited school of medicine or osteopathic  
 14 medicine or a school which the graduates have been licensed in another  
 15 state or states which have standards similar to Kansas;

16       (2) has completed at least two years in a postgraduate training  
 17 program in the United States approved by the board; and

18       (3) who is employed as provided in this section.

19       (b) Subject to the restrictions of this section, the institutional license  
 20 shall confer upon the holder the right and privilege to practice medicine  
 21 and surgery and shall obligate the holder to comply with all requirements  
 22 of such license.

23       (c) The practice privileges of institutional license holders are  
 24 restricted and shall be valid only during the period in which:

25       (1) The holder is employed by any institution within the Kansas  
 26 department for aging and disability services, employed by any institution  
 27 within the department of corrections or employed pursuant to a contract  
 28 entered into by the Kansas department for aging and disability services or  
 29 the department of corrections with a third party, and only within the  
 30 institution to which the holder is assigned; and

31       (2) the holder has been employed for at least three years as described  
 32 in subsection (c)(1) and is employed to provide mental health services in  
 33 Kansas in the employ of a Kansas licensed community mental health  
 34 center, or one of its contracted affiliates, or a federal, state, county or  
 35 municipal agency, or other political subdivision, or a contractor of a  
 36 federal, state, county or municipal agency, or other political subdivision, or  
 37 a duly chartered educational institution, or a medical care facility licensed  
 38 under K.S.A. 65-425 et seq., and amendments thereto, in a psychiatric  
 39 hospital licensed under K.S.A. 75-3307b, and amendments thereto, or a  
 40 contractor of such educational institution, medical care facility or  
 41 psychiatric hospital, and whose practice, in any such employment, is  
 42 limited to providing mental health services, is a part of the duties of such  
 43 licensee's paid position and is performed solely on behalf of the employer.

1 (d) An institutional license shall ~~expire~~ *be canceled* on the date  
2 established by rules and regulations of the board which may provide for  
3 renewal throughout the year on a continuing basis. In each case in which  
4 an institutional license is renewed for a period of time of more or less than  
5 12 months, the board may prorate the amount of the fee established under  
6 K.S.A. 65-2852, and amendments thereto. The request for renewal shall be  
7 on a form provided by the board and shall be accompanied by the  
8 prescribed fee, which shall be paid not later than the ~~expiration-~~  
9 *cancellation* date of the license. An institutional license may be renewed  
10 for an additional one-year period if the applicant for renewal meets the  
11 requirements under subsection (c), has submitted an application for  
12 renewal on a form provided by the board, has paid the renewal fee  
13 established by rules and regulations of the board of not to exceed \$500 and  
14 has submitted evidence of satisfactory completion of a program of  
15 continuing education required by the board. In addition, an applicant for  
16 renewal who is employed as described in subsection (c)(1) shall submit  
17 with the application for renewal a recommendation that the institutional  
18 license be renewed signed by the superintendent of the institution to which  
19 the institutional license holder is assigned.

20 (e) Nothing in this section shall prohibit any person who was issued  
21 an institutional license prior to the effective date of this section from  
22 having the institutional license reinstated by the board if the person meets  
23 the requirements for an institutional license described in subsection (a).

24 (f) This section shall be a part of and supplemental to the Kansas  
25 healing arts act.

26 Sec. 7. On and after July 1, 2015, K.S.A. 2013 Supp. 65-28,127, as  
27 amended by section 40 of chapter 131 of the 2014 Session Laws of  
28 Kansas, is hereby amended to read as follows: 65-28,127. (a) Every  
29 supervising or responsible licensee who directs, supervises, orders, refers,  
30 accepts responsibility for, enters into written agreements or practice  
31 protocols with, or who delegates acts which constitute the practice of the  
32 healing arts to other persons shall:

33 (1) Be actively engaged in the practice of the healing arts in Kansas;

34 (2) review and keep current any required written agreements or  
35 practice protocols between the supervising or responsible licensee and  
36 such persons, as may be determined by the board;

37 (3) direct, supervise, order, refer, enter into a written agreement or  
38 practice protocol with, or delegate to such persons only those acts and  
39 functions which the supervising or responsible licensee knows or has  
40 reason to believe can be competently performed by such person and is not  
41 in violation of any other statute or regulation;

42 (4) direct, supervise, order, refer, enter into a written agreement or  
43 practice protocol with, or delegate to other persons only those acts and

1 functions which are within the normal and customary specialty,  
2 competence and lawful practice of the supervising or responsible licensee;

3 (5) provide for a qualified, substitute licensee who accepts  
4 responsibility for the direction, supervision, delegation and written  
5 agreements or practice protocols with such persons when the supervising  
6 or responsible licensee is temporarily absent; and

7 (6) comply with all rules and regulations of the board establishing  
8 limits and conditions on the delegation and supervision of services  
9 constituting the practice of medicine and surgery.

10 (b) "Responsible licensee" means a person licensed by the state board  
11 of healing arts to practice medicine and surgery or chiropractic who has  
12 accepted responsibility for the actions of persons who perform acts  
13 pursuant to written agreements or practice protocols with, or at the order  
14 of, or referral, direction, supervision or delegation from such responsible  
15 licensee.

16 (c) Except as otherwise provided by rules and regulations of the  
17 board implementing this section, the physician assistant licensure act shall  
18 govern the direction and supervision of physician assistants by persons  
19 licensed by the state board of healing arts to practice medicine and surgery.

20 (d) Nothing in subsection (a)(4) shall be construed to prohibit a  
21 person licensed to practice medicine and surgery from ordering,  
22 authorizing or directing anesthesia care by a registered nurse anesthetist  
23 pursuant to K.S.A. 65-1158, and amendments thereto.

24 (e) Nothing in this section shall be construed to prohibit a person  
25 licensed to practice medicine and surgery from ordering, authorizing or  
26 directing physical therapy services pursuant to K.S.A. 65-2901 et seq., and  
27 amendments thereto.

28 (f) Nothing in this section shall be construed to prohibit a person  
29 licensed to practice medicine and surgery from entering into a co-  
30 management relationship with an optometrist pursuant to K.S.A. 65-1501  
31 et seq., and amendments thereto.

32 (g) The board may adopt rules and regulations establishing limits and  
33 conditions on the delegation and supervision of services constituting the  
34 practice of medicine and surgery.

35 (h) As used in this section, "supervising physician" ~~means a physician~~  
36 ~~who has accepted continuous and ultimate responsibility for the medical~~  
37 ~~services rendered and actions of the physician assistant while performing~~  
38 ~~under the direction and supervision of the supervising physician shall have~~  
39 ~~the meaning ascribed thereto in K.S.A. 65-28a02, and amendments thereto.~~

40 (i) This section shall be part of and supplemental to the Kansas  
41 healing arts act.

42 Sec. 8. On and after July 1, 2015, K.S.A. 65-28a02, as amended by  
43 section 42 of chapter 131 of the 2014 Session Laws of Kansas, is hereby

1 amended to read as follows: 65-28a02. (a) The following words and  
2 phrases when used in the physician assistant licensure act shall have the  
3 meanings respectively ascribed to them in this section:

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

5 (2) "Direction and supervision" means the guidance, direction and  
6 coordination of activities of a physician assistant by such physician  
7 assistant's supervising physician, whether written or verbal, whether  
8 immediate or by prior arrangement, in accordance with standards  
9 established by the board by rules and regulations, which standards shall be  
10 designed to ensure adequate direction and supervision by the supervising  
11 physician of the physician assistant. The term "direction and supervision"  
12 shall not be construed to mean that the immediate or physical presence of  
13 the supervising physician is required during the performance of the  
14 physician assistant.

15 (3) "Physician" means any person licensed by the state board of  
16 healing arts to practice medicine and surgery.

17 (4) "Physician assistant" means a person who is licensed in  
18 accordance with the provisions of K.S.A. 65-28a04, and amendments  
19 thereto, and who provides patient services under the direction and  
20 supervision of a supervising physician.

21 (5) "Supervising physician" means *prior to January 11, 2016, a*  
22 *responsible physician and on and after January 11, 2016, a physician who*  
23 *has accepted responsibility for the medical services rendered and actions*  
24 *of the physician assistant while performing under the direction and*  
25 *supervision of the supervising physician.*

26 (6) *"Responsible physician" means a physician who has accepted*  
27 *continuous and ultimate responsibility for the medical services rendered*  
28 *and actions of the physician assistant while performing under the*  
29 *direction and supervision of the responsible physician.*

30 (7) "Licensee," for purposes of the physician assistant licensure act,  
31 means all persons issued a license or temporary license pursuant to the  
32 physician assistant licensure act.

33 ~~(7)~~(8) "License," for purposes of the physician assistant licensure act,  
34 means any license or temporary license granted by the physician assistant  
35 licensure act.

36 (9) *"Agreement" means, prior to January 11, 2016, protocol and on*  
37 *and after January 11, 2016, agreement.*

38 (b) *Prior to January 11, 2016, wherever the term "supervising*  
39 *physician" in connection with the term "physician assistant," or words of*  
40 *like effect, appears in any statute, contract or other document, it shall*  
41 *mean responsible physician as defined in subsection (a)(6). On and after*  
42 *January 11, 2016, such term shall mean supervising physician as defined*  
43 *in subsection (a)(5).*



1       Sec. 9. On and after July 1, 2015, K.S.A. 2013 Supp. 65-28a03, as  
2 amended by section 43 of chapter 131 of the 2014 Session Laws of  
3 Kansas, is hereby amended to read as follows: 65-28a03. (a) There is  
4 hereby created a designation of active license. The board is authorized to  
5 issue an active license to a physician assistant who makes written  
6 application for such license on a form provided by the board and remits the  
7 fee for an active license established pursuant to subsection ~~(f)~~ (h). As a  
8 condition of engaging in active practice as a physician assistant, each  
9 licensed physician assistant shall file a request to engage in active practice  
10 signed by the physician assistant and the physician who will be responsible  
11 for the physician assistant. The request shall contain such information as  
12 required by rules and regulations adopted by the board. The board shall  
13 maintain a list of the names of physician assistants who may engage in  
14 active practice in this state.

15       (b) All licenses, except temporary licenses, shall ~~expire~~ *be canceled*  
16 on the date of ~~expiration~~ *cancellation* established by rules and regulations  
17 of the board and may be renewed as required by the board. The request for  
18 renewal shall be on a form provided by the board and shall be  
19 accompanied by the renewal fee established pursuant to this section, which  
20 shall be paid not later than the expiration date of the license. The board,  
21 prior to renewal of an active license, shall require the licensee to submit to  
22 the board evidence satisfactory to the board that the licensee is maintaining  
23 a policy of professional liability insurance as required by K.S.A. 40-3402,  
24 and amendments thereto, and has paid the premium surcharges as required  
25 by K.S.A. 40-3404, and amendments thereto.

26       (c) At least 30 days before the ~~expiration~~ *renewal date* of the license  
27 of a physician assistant, except a temporary license, the board shall notify  
28 the licensee of the ~~expiration~~ *renewal date* by mail addressed to the  
29 licensee's last mailing address as noted upon the office records of the  
30 board. If the licensee fails to *submit the renewal application and* pay the  
31 renewal fee by the ~~date of expiration~~ *renewal date* of the license, the  
32 licensee shall be given ~~a second~~ notice that the ~~licensee's license has~~  
33 ~~expired~~ *licensee has failed to pay the renewal fee by the renewal date of*  
34 *the license* and the license may be renewed only if the renewal fee and the  
35 late renewal fee are received by the board within the 30-day period  
36 following the ~~date of expiration~~ *renewal date* and that, if both fees are not  
37 received within the 30-day period, the license shall be deemed canceled by  
38 operation of law without further proceedings for failure to renew and shall  
39 be reissued only after the license has been reinstated under subsection (d).

40       (d) Any license canceled for failure to renew as herein provided may  
41 be reinstated upon recommendation of the board and upon payment of the  
42 reinstatement fee and upon submitting evidence of satisfactory completion  
43 of any applicable continuing education requirements established by the

1 board. The board shall adopt rules and regulations establishing appropriate  
2 continuing education requirements for reinstatement of licenses canceled  
3 for failure to renew.

4 (e) There is hereby created the designation of inactive license. The  
5 board is authorized to issue an inactive license to any licensee who makes  
6 written application for such license on a form provided by the board and  
7 remits the fee for an inactive license established pursuant to subsection ~~(f)~~  
8 *(h)* of this section. The board may issue an inactive license only to a  
9 person who meets all the requirements for a license to practice as a  
10 physician assistant and who does not engage in active practice as a  
11 physician assistant in the state of Kansas. An inactive license shall not  
12 entitle the holder to engage in active practice. The provisions of  
13 subsections (c) and (d) of this section relating to ~~expiration cancellation,~~  
14 renewal and reinstatement of a license shall be applicable to an inactive  
15 license issued under this subsection. Each inactive licensee may apply to  
16 engage in active practice by presenting a request required by subsection (a)  
17 and submit to the board evidence satisfactory to the board that such  
18 licensee is maintaining a policy of professional liability insurance as  
19 required by K.S.A. 40-3402, and amendments thereto, and has paid the  
20 premium surcharges as required by K.S.A. 40-3404, and amendments  
21 thereto. The request shall contain such information as required by rules  
22 and regulations adopted by the board. The request shall be accompanied by  
23 the fee established pursuant to subsection ~~(f)~~ *(h)* .

24 (f) *(1) There is hereby created a designation of federally active*  
25 *license. The board is authorized to issue a federally active license to any*  
26 *licensed physician assistant who makes written application for such*  
27 *license on a form provided by the board and remits the same fee required*  
28 *for a federally active license established under subsection (h). The board*  
29 *may issue a federally active license only to a person who meets all of the*  
30 *requirements for a license to practice as a physician assistant in Kansas*  
31 *and who practices as a physician assistant solely in the course of*  
32 *employment or active duty in the United States government or any of its*  
33 *departments, bureaus or agencies. A person issued a federally active*  
34 *license may engage in limited practice outside of the course of federal*  
35 *employment consistent with the scope of practice of exempt licensees*  
36 *under subsection (g), except that the scope of practice of a federally active*  
37 *licensee shall be limited to the following: (A) Performing administrative*  
38 *functions, including peer review, disability determinations, utilization*  
39 *review and expert opinions; (B) providing direct patient care services*  
40 *gratuitously or providing supervision, direction or consultation for no*  
41 *compensation except that nothing in this subsection (f)(1)(B) shall prohibit*  
42 *a physician assistant issued a federally active license from receiving*  
43 *payment for subsistence allowances or actual and necessary expenses*

1 incurred in providing such services; and (C) rendering professional  
2 services as a charitable health care provider as defined in K.S.A. 75-6102,  
3 and amendments thereto.

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

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

11 (g) (1) There is hereby created a designation of exempt license. The  
12 board is authorized to issue an exempt license to any licensed physician  
13 assistant who makes written application for such license on a form  
14 provided by the board and remits the fee for an exempt license established  
15 under subsection (h). The board may issue an exempt license to a person  
16 who is not regularly engaged in physician assistant practice in Kansas  
17 and who does not hold oneself out to the public as being professionally  
18 engaged in such practice. An exempt license shall entitle the holder to all  
19 privileges of a physician assistant for which such license is issued. Each  
20 exempt license may be renewed subject to the provisions of this section.  
21 Each exempt licensee shall be subject to all provisions of the physician  
22 assistant licensure act, except as otherwise provided in this subsection (g).  
23 The holder of an exempt license may be required to submit evidence of  
24 satisfactory completion of a program of continuing education required by  
25 this section. The requirements for continuing education for exempt  
26 licensees under this section shall be established by rules and regulations  
27 adopted by the board. Each exempt licensee may apply for an active  
28 license to regularly engage in the practice of a physician assistant upon  
29 filing a written application with the board. The request shall be on a form  
30 provided by the board and shall be accompanied by the active license fee  
31 established pursuant to subsection (h).

32 (2) For the licensee whose license has been exempt for less than two  
33 years, the board shall adopt rules and regulations establishing  
34 appropriate continuing education requirements for exempt licensees to  
35 become licensed to regularly practice as a physician assistant within  
36 Kansas. Any licensee whose license has been exempt for more than two  
37 years and who has not been in the active practice as a physician assistant  
38 or engaged in a formal educational program since the license has been  
39 exempt may be required to complete such additional testing, training or  
40 education as the board may deem necessary to establish the licensee's  
41 present ability to practice with reasonable skill and safety.

42 (3) Nothing in this subsection (g) shall be construed to prohibit a  
43 person holding an exempt license from serving as a paid employee of: (A)

1 *A local health department as defined by K.S.A. 65-241, and amendments*  
2 *thereto; or (B) an indigent health care clinic as defined by K.S.A. 75-6102,*  
3 *and amendments thereto.*

4 (h) The following fees shall be fixed by rules and regulations adopted  
5 by the state board of healing arts and shall be collected by the board:

6 (1) For an active license as a physician assistant, the sum of not more  
7 than \$200;

8 (2) for any license by endorsement as a physician assistant, the sum  
9 of not more than \$200;

10 (3) for temporary licensure as a physician assistant, the sum of not  
11 more than \$30;

12 (4) for the renewal of an active license to practice as a physician  
13 assistant, the sum of not more than \$150;

14 (5) for renewal of an inactive license, the sum of not more than \$150;

15 (6) for the late renewal of any license as a physician assistant, the  
16 sum of not more than \$250;

17 (7) for reinstatement of a license canceled for failure to renew, the  
18 sum of not more than \$250;

19 (8) for a certified statement from the board that a physician assistant  
20 is licensed in this state, the sum of not more than \$30;

21 (9) *for a federally active license, the sum of not more than \$200;*

22 (10) *for the exempt license, the sum of not more than \$150;*

23 (11) for a copy of the licensure certificate of a physician assistant, the  
24 sum of not more than \$25; and

25 ~~(12)~~ (12) for conversion of an inactive license to an active license to  
26 actively practice as a physician assistant, the sum of not more than \$150.

27 ~~(g)~~ (i) The board shall remit all moneys received by or for the board  
28 under the provisions of this act to the state treasurer and such money shall  
29 be deposited in the state treasury, credited to the state general fund and the  
30 healing arts fee fund and expended all in accordance with K.S.A. 65-2855,  
31 and amendments thereto.

32 ~~(h)~~ (j) The board may promulgate all necessary rules and regulations  
33 for carrying out the provisions of this act.

34 Sec. 10. On and after July 1, 2015, K.S.A. 65-28a08, as amended by  
35 section 47 of chapter 131 of the 2014 Session Laws of Kansas, is hereby  
36 amended to read as follows: 65-28a08. (a) The practice of a physician  
37 assistant shall include medical services within the education, training and  
38 experience of the physician assistant that are delegated by the supervising  
39 physician. Physician assistants practice in a dependent role with a  
40 supervising physician, and may perform those duties and responsibilities  
41 through delegated authority or written agreement. Medical services  
42 rendered by physician assistants may be performed in any setting  
43 authorized by the supervising physician, including, but not limited to,

1 clinics, hospitals, ambulatory surgical centers, patient homes, nursing  
2 homes and other medical institutions.

3 (b) (1) A person licensed as a physician assistant may perform, only  
4 under the direction and supervision of a physician, acts which constitute  
5 the practice of medicine and surgery to the extent and in the manner  
6 authorized by the physician responsible for the physician assistant and  
7 only to the extent such acts are consistent with rules and regulations  
8 adopted by the board which relate to acts performed by a physician  
9 assistant under the supervising physician's direction and supervision. A  
10 physician assistant may prescribe drugs pursuant to a written agreement as  
11 authorized by the supervising physician.

12 (2) *On and after January 11, 2016*, a physician assistant, when  
13 authorized by a supervising physician, may dispense prescription-only  
14 drugs:

15 (A) In accordance with rules and regulations adopted by the board  
16 governing prescription-only drugs;

17 (B) when dispensing such prescription-only drugs is in the best  
18 interests of the patient and pharmacy services are not readily available; and

19 (C) if such prescription-only drugs do not exceed the quantity  
20 necessary for a 72-hour supply.

21 (c) Before a physician assistant shall perform under the direction and  
22 supervision of a supervising physician, such physician assistant shall be  
23 identified to the patient and others involved in providing the patient  
24 services as a physician assistant to the supervising physician. Physician  
25 assistants licensed under the provisions of this act shall keep such person's  
26 license available for inspection at their primary place of business. A  
27 physician assistant may not perform any act or procedure performed in the  
28 practice of optometry except as provided in K.S.A. 65-1508 and 65-2887,  
29 and amendments thereto.

30 (d) (1) The board shall adopt rules and regulations *to be effective*  
31 *January 11, 2016*, governing the practice of physician assistants, including  
32 the delegation, direction and supervision responsibilities of a supervising  
33 physician. Such rules and regulations shall establish conditions and  
34 limitations as the board determines to be necessary to protect the public  
35 health and safety, and may include a limit upon the number of physician  
36 assistants that a supervising physician is able to safely and properly  
37 supervise. In developing rules and regulations relating to the practice of  
38 physician assistants, the board shall take into consideration the amount of  
39 training and capabilities of physician assistants, the different practice  
40 settings in which physician assistants and supervising physicians practice,  
41 the needs of the geographic area of the state in which the physician  
42 assistant and the supervising physician practice and the differing degrees  
43 of direction and supervision by a supervising physician appropriate for

1 such settings and areas.

2 (2) The board shall adopt rules and regulations governing the  
3 prescribing of drugs by physician assistants and the responsibilities of the  
4 supervising physician with respect thereto. Such rules and regulations shall  
5 establish such conditions and limitations as the board determines to be  
6 necessary to protect the public health and safety. In developing rules and  
7 regulations relating to the prescribing of drugs by physician assistants, the  
8 board shall take into consideration the amount of training and capabilities  
9 of physician assistants, the different practice settings in which physician  
10 assistants and supervising physicians practice, the degree of direction and  
11 supervision to be provided by a supervising physician and the needs of the  
12 geographic area of the state in which the supervising physician's physician  
13 assistant and the supervising physician practice. In all cases in which a  
14 physician assistant is authorized to prescribe drugs by a supervising  
15 physician, a written agreement between the supervising physician and the  
16 physician assistant containing the essential terms of such authorization  
17 shall be in effect. Any written prescription order shall include the name,  
18 address and telephone number of the supervising physician. In no case  
19 shall the scope of the authority of the physician assistant to prescribe drugs  
20 exceed the normal and customary practice of the supervising physician in  
21 the prescribing of drugs.

22 (e) The physician assistant may request, receive and sign for  
23 professional samples and may distribute professional samples to patients  
24 pursuant to a written agreement as authorized by the supervising  
25 physician. In order to prescribe or dispense controlled substances, the  
26 physician assistant shall register with the federal drug enforcement  
27 administration.

28 (f) As used in this section, "drug" means those articles and substances  
29 defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

30 (g) *Prior to January 11, 2016, the board shall limit the number of*  
31 *physician assistants a responsible physician may supervise at any one time*  
32 *to the equivalent of two full-time physician assistants as approved in each*  
33 *case by the board. Any limitation on the number of physician assistants in*  
34 *this subsection shall not apply to services performed in a medical care*  
35 *facility, as defined in K.S.A. 65-425, and amendments thereto. The*  
36 *provisions of this subsection shall expire on January 11, 2016.*

37 Sec. 11. On and after July 1, 2015, K.S.A. 65-2857, as amended by  
38 section 22 of chapter 131 of the 2014 Session Laws of Kansas, is hereby  
39 amended to read as follows: 65-2857. An action in injunction or quo  
40 warranto may be brought and maintained in the name of the state of  
41 Kansas to enjoin or oust from the unlawful practice of any profession  
42 regulated by the board or any profession defined by the practice acts  
43 administered by the board a *person practicing such profession* without

1 being duly licensed therefor.

2 Sec. 12. On and after July 1, 2015, K.S.A. 65-2860, as amended by  
3 section 24 of chapter 131 of the 2014 Session Laws of Kansas, is hereby  
4 amended to read as follows: 65-2860. Any person who ~~shall present~~  
5 *presents* to the board a diploma or certificate of which such person is not  
6 the rightful owner for the purpose of procuring a license, or who ~~shall~~  
7 ~~falsely impersonate~~ *impersonates* anyone to whom a license, registration,  
8 permit or certificate has been issued by the board. ~~Violation of this section~~  
9 is *guilty of* an unclassified nonperson felony. In addition, violation of this  
10 section may render the violator liable for a civil penalty, as well as  
11 reasonable costs of investigation and prosecution, unless otherwise  
12 specified.

13 Sec. 13. On and after July 1, 2015, K.S.A. 2013 Supp. 65-4101. as  
14 amended by section 50 of chapter 131 of the 2014 Session Laws of  
15 Kansas, is hereby amended to read as follows: 65-4101. As used in this  
16 act: (a) "Administer" means the direct application of a controlled  
17 substance, whether by injection, inhalation, ingestion or any other means,  
18 to the body of a patient or research subject by:

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

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

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

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

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

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

34 (f) "Controlled substance" means any drug, substance or immediate  
35 precursor included in any of the schedules designated in K.S.A. 65-4105,  
36 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

37 (g) (1) "Controlled substance analog" means a substance that is  
38 intended for human consumption, and:

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

43 (B) which has a stimulant, depressant or hallucinogenic effect on the

1 central nervous system substantially similar to the stimulant, depressant or  
2 hallucinogenic effect on the central nervous system of a controlled  
3 substance included in the schedules designated in K.S.A. 65-4105 or 65-  
4 4107, and amendments thereto; or

5 (C) with respect to a particular individual, which such individual  
6 represents or intends to have a stimulant, depressant or hallucinogenic  
7 effect on the central nervous system substantially similar to the stimulant,  
8 depressant or hallucinogenic effect on the central nervous system of a  
9 controlled substance included in the schedules designated in K.S.A. 65-  
10 4105 or 65-4107, and amendments thereto.

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

12 (A) A controlled substance;

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

14 or

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

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

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

27 (j) "DEA" means the U.S. department of justice, drug enforcement  
28 administration.

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

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

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

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

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



1 (p) "Drug" means: (1) Substances recognized as drugs in the official  
2 United States pharmacopoeia, official homeopathic pharmacopoeia of the  
3 United States or official national formulary or any supplement to any of  
4 them; (2) substances intended for use in the diagnosis, cure, mitigation,  
5 treatment or prevention of disease in man or animals; (3) substances (other  
6 than food) intended to affect the structure or any function of the body of  
7 man or animals; and (4) substances intended for use as a component of any  
8 article specified in ~~clause~~ *paragraph* (1), (2) or (3) of this subsection. It  
9 does not include devices or their components, parts or accessories.

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

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

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

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

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

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

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

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

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

5 (z) "Manufacture" means the production, preparation, propagation,  
6 compounding, conversion or processing of a controlled substance either  
7 directly or indirectly or by extraction from substances of natural origin or  
8 independently by means of chemical synthesis or by a combination of  
9 extraction and chemical synthesis and includes any packaging or  
10 repackaging of the substance or labeling or relabeling of its container,  
11 except that this term does not include the preparation or compounding of a  
12 controlled substance by an individual for the individual's own lawful use  
13 or the preparation, compounding, packaging or labeling of a controlled  
14 substance:

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

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

23 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis  
24 whether growing or not, the seeds thereof, the resin extracted from any  
25 part of the plant and every compound, manufacture, salt, derivative,  
26 mixture or preparation of the plant, its seeds or resin. It does not include  
27 the mature stalks of the plant, fiber produced from the stalks, oil or cake  
28 made from the seeds of the plant, any other compound, manufacture, salt,  
29 derivative, mixture or preparation of the mature stalks, except the resin  
30 extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant  
31 which is incapable of germination.

32 (bb) "Medical care facility" shall have the meaning ascribed to that  
33 term in K.S.A. 65-425, and amendments thereto.

34 (cc) "Mid-level practitioner" means an advanced practice registered  
35 nurse issued a license pursuant to K.S.A. 65-1131, and amendments  
36 thereto, who has authority to prescribe drugs pursuant to a written protocol  
37 with a responsible physician under K.S.A. 65-1130, and amendments  
38 thereto, or a physician assistant licensed under the physician assistant  
39 licensure act who has authority to prescribe drugs *prior to January 11,*  
40 *2016,* pursuant to a written protocol *with a responsible physician under*  
41 *K.S.A. 65-28a08, and amendments thereto, and on and after January 11,*  
42 *2016, pursuant to a written agreement* with a supervising physician under  
43 K.S.A. 65-28a08, and amendments thereto.

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

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

7 (2) any salt, compound, isomer, derivative or preparation thereof  
8 which is chemically equivalent or identical with any of the substances  
9 referred to in ~~clause~~ *paragraph* (1) but not including the isoquinoline  
10 alkaloids of opium;

11 (3) opium poppy and poppy straw;

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

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

24 (ff) "Opium poppy" means the plant of the species *Papaver*  
25 *somniferum* L. except its seeds.

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

29 (hh) "Pharmacist" means any natural person licensed under K.S.A.  
30 65-1625 et seq., *and amendments thereto*, to practice pharmacy.

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

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

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

42 (ll) "Practitioner" means a person licensed to practice medicine and  
43 surgery, dentist, podiatrist, veterinarian, optometrist, or scientific

1 investigator or other person authorized by law to use a controlled  
2 substance in teaching or chemical analysis or to conduct research with  
3 respect to a controlled substance.

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

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

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

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

18 Sec. 14. On and after July 1, 2015, K.S.A. 65-4941 is hereby  
19 amended to read as follows: 65-4941. As used in this act:

20 (a) "Cardiopulmonary resuscitation" means chest compressions,  
21 assisted ventilations, intubation, defibrillation, administration of  
22 cardiotoxic medications or other medical procedure which is intended to  
23 restart breathing or heart functioning;

24 (b) "do not resuscitate" directive or "DNR directive" means a  
25 witnessed document in writing, voluntarily executed by the declarant in  
26 accordance with the requirements of this act;

27 (c) "do not resuscitate order" or "DNR order" means instruction by  
28 the physician *or physician assistant* who is responsible for the care of the  
29 patient while admitted to a medical care facility licensed pursuant to  
30 K.S.A. 65-429, and amendments thereto, or an adult care home licensed  
31 pursuant to K.S.A. 39-928, and amendments thereto;

32 (d) "health care provider" means a health care provider as that term is  
33 defined by K.S.A. 65-4915, and amendments thereto;

34 (e) "DNR identifier" means a medallion or bracelet designed to be  
35 worn by a patient which has been inscribed to identify the patient and  
36 contains the letters "DNR" or the statement "do not resuscitate" when such  
37 DNR identifier is distributed by an entity certified by the emergency  
38 medical services board;

39 (f) "physician" means a person licensed to practice medicine and  
40 surgery by the state board of healing arts; ~~and~~

41 (g) "*physician assistant*" means a person licensed by the state board  
42 of healing arts to practice as a physician assistant; and

43 (h) "declarant" means any person who has executed a "do not

1 resuscitate" directive in accordance with the provisions of this act.

2 New Sec. 15. (a) There is hereby created a resident active license,  
3 which may be issued by the board to a person who:

4 (1) Makes written application for such license on a form provided by  
5 the board and remits the fee for a resident active license established by the  
6 board by rules and regulations;

7 (2) has successfully completed at least one year of approved  
8 postgraduate training;

9 (3) is engaged in a full-time, approved postgraduate training program;  
10 and

11 (4) has passed the examinations for licensure required under K.S.A.  
12 65-2873, and amendments thereto.

13 (b) The requirements for issuance, maintenance and renewal of a  
14 resident active license shall be established by rules and regulations  
15 adopted by the board. A resident active license shall entitle the holder to all  
16 privileges attendant to the branch of the healing arts for which such license  
17 is used.

18 (c) This section shall be part of and supplemental to the Kansas  
19 healing arts act.

20 Sec. 16. On and after July 1, 2015, K.S.A. 65-4942 is hereby  
21 amended to read as follows: 65-4942. A "do not resuscitate" directive shall  
22 be in substantially the following form:

23 PRE-HOSPITAL DNR REQUEST FORM  
24 An advanced request to Limit the Scope of  
25 Emergency Medical Care

26 I, \_\_\_\_\_, request limited emergency care as herein described.  
27 (Name)

28 I understand DNR means that if my heart stops beating or if I stop  
29 breathing, no medical procedure to restart breathing or heart functioning  
30 will be instituted.

31 I understand this decision will not prevent me from obtaining other  
32 emergency medical care by pre-hospital care providers or medical care  
33 directed by a physician prior to my death.

34 I understand I may revoke this directive at any time.

35 I give permission for this information to be given to the pre-hospital  
36 care providers, doctors, nurses or other health care personnel as necessary  
37 to implement this directive.

38 I hereby agree to the "Do Not Resuscitate" (DNR) directive.

39 \_\_\_\_\_  
40 Signature Date

41 \_\_\_\_\_  
42 Witness Date

43 I AFFIRM THIS DIRECTIVE IS THE EXPRESSED WISH OF THE

1 PATIENT, IS MEDICALLY APPROPRIATE, AND IS DOCUMENTED  
 2 IN THE PATIENT'S PERMANENT MEDICAL RECORD.

3 In the event of an acute cardiac or respiratory arrest, no  
 4 cardiopulmonary resuscitation will be initiated.

5 \_\_\_\_\_  
 6 Attending Physician's *or* \_\_\_\_\_ Date  
 7 Physician Assistant's Signature\*  
 8

9 \_\_\_\_\_  
 Address Facility or Agency Name

10 \*Signature of physician *or physician assistant* not required if the  
 11 above-named is a member of a church or religion which, in lieu of medical  
 12 care and treatment, provides treatment by spiritual means through prayer  
 13 alone and care consistent therewith in accordance with the tenets and  
 14 practices of such church or religion.

15 REVOCATION PROVISION

16 I hereby revoke the above declaration.

17 \_\_\_\_\_  
 18 Signature Date

19 Sec. 17. On and after July 1, 2015, K.S.A. 2014 Supp. 65-6824 is  
 20 hereby amended to read as follows: 65-6824. (a) A covered entity shall  
 21 provide an individual or such individual's personal representative with  
 22 access to the individual's protected health information maintained,  
 23 collected, used or disseminated by or for the covered entity in compliance  
 24 with 45 C.F.R. § 164.524, *except that a covered entity which is defined as*  
 25 *a health care provider under section 19, and amendments thereto, shall*  
 26 *furnish copies of health care records to a patient, a patient's authorized*  
 27 *representative or any other person or entity authorized by law to obtain or*  
 28 *reproduce such records in accordance with the provisions of section 19,*  
 29 *and amendments thereto.*

30 (b) A covered entity shall implement and maintain appropriate  
 31 administrative, technical and physical safeguards to protect the privacy of  
 32 protected health information in a manner consistent with 45 C.F.R. §  
 33 164.530(c).

34 Sec. 18. On and after July 1, 2015, K.S.A. 2013 Supp. 72-8252, as  
 35 amended by section 54 of chapter 131 of the 2014 Session Laws of  
 36 Kansas, is hereby amended to read as follows: 72-8252. (a) As used in this  
 37 section:

38 (1) "Medication" means a medicine prescribed by a health care  
 39 provider for the treatment of anaphylaxis or asthma including, but not  
 40 limited to, any medicine defined in section 201 of the federal food, drug  
 41 and cosmetic act, inhaled bronchodilators and auto-injectible epinephrine.

42 (2) "Health care provider" means: (A) A physician licensed to  
 43 practice medicine and surgery; (B) an advanced practice registered nurse

1 issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who  
2 has authority to prescribe drugs as provided by K.S.A. 65-1130, and  
3 amendments thereto; or (C) a physician assistant licensed pursuant to the  
4 physician assistant licensure act who has authority to prescribe drugs *prior*  
5 *to January 11, 2016*, pursuant to a written protocol *with a responsible*  
6 *physician under K.S.A. 65-28a08, and amendments thereto, and on and*  
7 *after January 11, 2016, pursuant to a written agreement* with a supervising  
8 physician under K.S.A. 65-28a08, and amendments thereto.

9 (3) "School" means any public or accredited nonpublic school.

10 (4) "Self-administration" means a student's discretionary use of such  
11 student's medication pursuant to a prescription or written direction from a  
12 health care provider.

13 (b) Each school district shall adopt a policy authorizing the self-  
14 administration of medication by students enrolled in kindergarten or any of  
15 the grades ~~one~~ through 12. A student shall meet all requirements of a  
16 policy adopted pursuant to this subsection. Such policy shall include:

17 (1) A requirement of a written statement from the student's health  
18 care provider stating the name and purpose of the medication; the  
19 prescribed dosage; the time the medication is to be regularly administered,  
20 and any additional special circumstances under which the medication is to  
21 be administered; and the length of time for which the medication is  
22 prescribed;

23 (2) a requirement that the student has demonstrated to the health care  
24 provider or such provider's designee and the school nurse or such nurse's  
25 designee the skill level necessary to use the medication and any device that  
26 is necessary to administer such medication as prescribed. If there is no  
27 school nurse, the school shall designate a person for the purposes of this  
28 subsection;

29 (3) a requirement that the health care provider has prepared a written  
30 treatment plan for managing asthma or anaphylaxis episodes of the student  
31 and for medication use by the student during school hours;

32 (4) a requirement that the student's parent or guardian has completed  
33 and submitted to the school any written documentation required by the  
34 school, including the treatment plan prepared as required by paragraph (3)  
35 and documents related to liability;

36 (5) a requirement that all teachers responsible for the student's  
37 supervision shall be notified that permission to carry medications and self-  
38 medicate has been granted; and

39 (6) any other requirement imposed by the school district pursuant to  
40 this section and ~~subsection (e)~~ of K.S.A. 72-8205(e), and amendments  
41 thereto.

42 (c) A school district shall require annual renewal of parental  
43 authorization for the self-administration of medication.

1 (d) A school district, and its officers, employees and agents, which  
2 authorizes the self-administration of medication in compliance with the  
3 provisions of this section shall not be held liable in any action for damage,  
4 injury or death resulting directly or indirectly from the self-administration  
5 of medication.

6 (e) A school district shall provide written notification to the parent or  
7 guardian of a student that the school district and its officers, employees  
8 and agents are not liable for damage, injury or death resulting directly or  
9 indirectly from the self-administration of medication. The parent or  
10 guardian of the student shall sign a statement acknowledging that the  
11 school district and its officers, employees or agents incur no liability for  
12 damage, injury or death resulting directly or indirectly from the self-  
13 administration of medication and agreeing to release, indemnify and hold  
14 the school and its officers, employees and agents, harmless from and  
15 against any claims relating to the self-administration of such medication.

16 (f) A school district shall require that any back-up medication  
17 provided by the student's parent or guardian be kept at the student's school  
18 in a location to which the student has immediate access in the event of an  
19 asthma or anaphylaxis emergency.

20 (g) A school district shall require that information described in  
21 ~~paragraphs (3) and (4) of subsection (b)(3) and (4)~~ be kept on file at the  
22 student's school in a location easily accessible in the event of an asthma or  
23 anaphylaxis emergency.

24 (h) An authorization granted pursuant to subsection (b) shall allow a  
25 student to possess and use such student's medication at any place where a  
26 student is subject to the jurisdiction or supervision of the school district or  
27 its officers, employees or agents.

28 (i) A board of education may adopt a policy pursuant to ~~subsection~~  
29 ~~(e) of K.S.A. 72-8205(e)~~, and amendments thereto, which:

30 (1) Imposes requirements relating to the self-administration of  
31 medication which are in addition to those required by this section; and

32 (2) establishes a procedure for, and the conditions under which, the  
33 authorization for the self-administration of medication may be revoked.

34 New Sec. 19. (a) As used in this section: (1) "Health care provider"  
35 means any person licensed by the state board of healing arts.

36 (2) "Authorized representative" means the person designated in  
37 writing by the patient to obtain the health care records of the patient or the  
38 person otherwise authorized by law to obtain the health care records of the  
39 patient.

40 (3) "Authorization" means a written or printed document signed by a  
41 patient or a patient's authorized representative containing: (A) A  
42 description of the health care records a health care provider is authorized  
43 to produce; (B) the patient's name, address and date of birth; (C) a



1 designation of the person or entity authorized to obtain copies of the health  
2 care records; (D) a date or event upon which the force of the authorization  
3 shall expire which shall not exceed one year; (E) if signed by a patient's  
4 authorized representative, the authorized representative's name, address,  
5 telephone number and relationship or capacity to the patient; and (F) a  
6 statement setting forth the right of the person signing the authorization to  
7 revoke it in writing.

8 (b) Subject to K.S.A. 2014 Supp. 65-6824, and amendments thereto,  
9 except as otherwise provided herein, copies of health care records shall be  
10 furnished to a patient, a patient's authorized representative or any other  
11 person or entity authorized by law to obtain or reproduce such records,  
12 within 30 days of the receipt of the authorization, or the health care  
13 provider shall notify the patient or the patient's authorized representative  
14 of the reasons why copies are not available. A health care provider may  
15 withhold copies of health care records if the health care provider  
16 reasonably believes that providing copies of the requested records will  
17 cause substantial harm to the patient or another person. Health care  
18 providers may condition the furnishing of the patient's health care records  
19 to the patient, the patient's authorized representative or any other person or  
20 entity authorized by law to obtain or reproduce such records, upon the  
21 payment of charges not to exceed those established and updated not less  
22 than every two years by rules and regulations adopted by the state board of  
23 healing arts. In establishing such charges, the board shall consider changes  
24 in the all-items consumer price index published by the United States  
25 department of labor. Providers may charge for the reasonable cost of all  
26 duplications of health care record information which cannot be routinely  
27 duplicated on a standard photocopy machine.

28 (c) Any health care provider, patient, authorized representative or any  
29 other entity authorized by law to obtain or reproduce such records may  
30 bring a claim or action to enforce the provisions of this section. The  
31 petition shall include an averment that the party bringing the action has  
32 good faith conferred or attempted to confer with the other party concerning  
33 the matter in dispute without court action. Upon a showing that the failure  
34 to comply with this section was without just cause or excuse, the court  
35 shall award the costs of the action and order the records produced without  
36 cost or expense to the prevailing party.

37 (d) Nothing in this section shall be construed to prohibit the state  
38 board of healing arts from adopting and enforcing rules and regulations not  
39 inconsistent with this section that require licensees of the board to furnish  
40 health care records to patients or to their authorized representative. To the  
41 extent that the board determines that an administrative disciplinary remedy  
42 is appropriate for violation of such rules and regulations, that remedy is  
43 separate from and in addition to the provisions of this section.

1       Sec. 20. On July 1, 2015, K.S.A. 65-2811a, 65-2852, as amended by  
2 section 21 of chapter 131 of the 2014 Session Laws of Kansas, 65-2857, as  
3 amended by section 22 of chapter 131 of the 2014 Session Laws of  
4 Kansas, 65-2860, as amended by section 24 of chapter 131 of the 2014  
5 Session Laws of Kansas, 65-28a02, as amended by section 42 of chapter  
6 131 of the 2014 Session Laws of Kansas, 65-28a08, as amended by section  
7 47 of chapter 131 of the 2014 Session Laws of Kansas, 65-4941 and 65-  
8 4942 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter  
9 131 of the 2014 Session Laws of Kansas, 65-2809, as amended by section  
10 7 of chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as  
11 amended by section 10 of chapter 131 of the 2014 Session Laws of  
12 Kansas, 65-2895, as amended by section 36 of chapter 131 of the 2014  
13 Session Laws of Kansas, 65-28,127, as amended by section 40 of chapter  
14 131 of the 2014 Session Laws of Kansas, 65-28a03, as amended by section  
15 43 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as  
16 amended by section 50 of chapter 131 of the 2014 Session Laws of Kansas  
17 and 72-8252, as amended by section 54 of chapter 131 of the 2014 Session  
18 Laws of Kansas and K.S.A. 2014 Supp. 65-6824 are hereby repealed.

19       Sec. 21. This act shall take effect and be in force from and after its  
20 publication in the statute book.