

Senate Substitute for HOUSE BILL No. 2225

By Committee on Public Health and Welfare

3-19

1 AN ACT concerning the healing arts; regarding licenses and medical
2 retainer agreements; 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

New Section 1. (a) As used in this section:

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(1) "Health care provider" means a person licensed under the healing
26 arts act as specified by K.S.A. 65-2802(d), and amendments thereto.
27 Health care provider includes an individual or other legal entity alone or
28 with others professionally associated with the individual or other legal
29 entity.

30

(2) "Medical retainer agreement" means a contract between a health
31 care provider and an individual patient or patient's legal representative in
32 which the health care provider agrees to provide routine health care
33 services to the individual patient for an agreed-upon fee and period of
34 time.

35

(3) "Routine health care service" means only the following:

36

(A) Screening, assessment, diagnosis and treatment for the purpose of

- 1 promotion of health or the detection and management of disease or injury;
- 2 (B) medical supplies and prescription drugs that are dispensed in a
3 health care provider's office or facility site;
- 4 (C) laboratory work including routine blood screening or routine
5 pathology screening performed by a laboratory that meets either of the
6 following requirements:
- 7 (i) Is associated with the health care provider that is a party to the
8 medical retainer agreement; or
- 9 (ii) if not associated with the health care provider, has entered into an
10 agreement with the health care provider that is a party to the medical
11 retainer agreement to provide the laboratory work without charging a fee
12 to the patient for the laboratory work.
- 13 (b) (1) A medical retainer agreement is not insurance and shall not be
14 subject to any provisions of chapter 40 of the Kansas Statutes Annotated,
15 and amendments thereto. Entering into a medical retainer agreement is not
16 the business of insurance and is not subject to any provisions of chapter 40
17 of the Kansas Statutes Annotated, and amendments thereto.
- 18 (2) A health care provider or agent of a health care provider is not
19 required to obtain a certificate of authority or license under chapter 40 of
20 the Kansas Statutes Annotated, and amendments thereto, to market, sell or
21 offer to sell a medical retainer agreement.
- 22 (3) To be considered a medical retainer agreement for the purposes of
23 this section, the agreement must meet all of the following requirements:
- 24 (A) Be in writing;
- 25 (B) be signed by the health care provider or agent of the health care
26 provider and the individual patient or such patient's legal representative;
- 27 (C) allow either party to terminate the agreement on written notice to
28 the other party;
- 29 (D) describe and quantify the specific routine health care services that
30 are included in the agreement;
- 31 (E) specify the fee for the agreement;
- 32 (F) specify the period of time under the agreement;
- 33 (G) prominently state in writing that the agreement is not health
34 insurance;
- 35 (H) prohibit the health care provider and the patient from billing an
36 insurer or other third party payer for the services provided under the
37 agreement; and
- 38 (I) prominently state in writing that the individual patient must pay
39 the provider for all services not specified in the agreement and not
40 otherwise covered by insurance.
- 41 (c) At the top of the first page of the medical retainer agreement, the
42 language shall prominently state in writing, in boldface type in 10 point
43 font or greater and in the following form with all words capitalized:

1 NOTICE: THIS MEDICAL RETAINER AGREEMENT DOES NOT
2 CONSTITUTE INSURANCE, IS NOT A MEDICAL PLAN THAT
3 PROVIDES HEALTH INSURANCE COVERAGE FOR PURPOSES OF
4 THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE
5 ACT AND COVERS ONLY LIMITED, ROUTINE HEALTH CARE
6 SERVICES AS DESIGNATED IN THIS AGREEMENT.

7 This notice shall be followed by a short, parallel line which shall be
8 initialed by the patient or the patient's legal representative to indicate the
9 patient or patient's legal representative has read the notice statement.

10 Sec. 2. On and after July 1, 2015, K.S.A. 2013 Supp. 65-1626, as
11 amended by section 4 of chapter 131 of the 2014 Session Laws of Kansas,
12 is hereby amended to read as follows: 65-1626. For the purposes of this
13 act:

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

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

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

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

22 (b) "Agent" means an authorized person who acts on behalf of or at
23 the direction of a manufacturer, distributor or dispenser but shall not
24 include a common carrier, public warehouseman or employee of the carrier
25 or warehouseman when acting in the usual and lawful course of the
26 carrier's or warehouseman's business.

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) "Authorized distributor of record" means a wholesale distributor
32 with whom a manufacturer has established an ongoing relationship to
33 distribute the manufacturer's prescription drug. An ongoing relationship is
34 deemed to exist between such wholesale distributor and a manufacturer
35 when the wholesale distributor, including any affiliated group of the
36 wholesale distributor, as defined in section 1504 of the internal revenue
37 code, complies with any one of the following: (1) The wholesale
38 distributor has a written agreement currently in effect with the
39 manufacturer evidencing such ongoing relationship; and (2) the wholesale
40 distributor is listed on the manufacturer's current list of authorized
41 distributors of record, which is updated by the manufacturer on no less
42 than a monthly basis.

43 (e) "Board" means the state board of pharmacy created by K.S.A. 74-

1 1603, and amendments thereto.

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

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

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

12 (i) "Co-licensee" means a pharmaceutical manufacturer that has
13 entered into an agreement with another pharmaceutical manufacturer to
14 engage in a business activity or occupation related to the manufacture or
15 distribution of a prescription drug and the national drug code on the drug
16 product label shall be used to determine the identity of the drug
17 manufacturer.

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

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

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

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

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

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

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

38 (q) "Drop shipment" means the sale, by a manufacturer, that
39 manufacturer's co-licensee, that manufacturer's third party logistics
40 provider, or that manufacturer's exclusive distributor, of the manufacturer's
41 prescription drug, to a wholesale distributor whereby the wholesale
42 distributor takes title but not possession of such prescription drug and the
43 wholesale distributor invoices the pharmacy, the chain pharmacy

1 warehouse, or other designated person authorized by law to dispense or
2 administer such prescription drug, and the pharmacy, the chain pharmacy
3 warehouse, or other designated person authorized by law to dispense or
4 administer such prescription drug receives delivery of the prescription
5 drug directly from the manufacturer, that manufacturer's co-licensee, that
6 manufacturer's third party logistics provider, or that manufacturer's
7 exclusive distributor, of such prescription drug. Drop shipment shall be
8 part of the "normal distribution channel."

9 (r) "Drug" means: (1) Articles recognized in the official United States
10 pharmacopoeia, or other such official compendiums of the United States,
11 or official national formulary, or any supplement of any of them; (2)
12 articles intended for use in the diagnosis, cure, mitigation, treatment or
13 prevention of disease in man or other animals; (3) articles, other than food,
14 intended to affect the structure or any function of the body of man or other
15 animals; and (4) articles intended for use as a component of any articles
16 specified in ~~clause~~ *paragraph* (1), (2) or (3) of this subsection; but does
17 not include devices or their components, parts or accessories, except that
18 the term "drug" shall not include amygdalin (laetrile) or any livestock
19 remedy, if such livestock remedy had been registered in accordance with
20 the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated,
21 prior to its repeal.

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

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

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

41 (v) "Electronic signature" means a confidential personalized digital
42 key, code, number or other method for secure electronic data transmissions
43 which identifies a particular person as the source of the message,

1 authenticates the signatory of the message and indicates the person's
2 approval of the information contained in the transmission.

3 (w) "Electronic transmission" means the transmission of an electronic
4 prescription, formatted as an electronic data file, from a prescriber's
5 electronic prescription application to a pharmacy's computer, where the
6 data file is imported into the pharmacy prescription application.

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

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

17 (z) "Facsimile transmission" or "fax transmission" means the
18 transmission of a digital image of a prescription from the prescriber or the
19 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
20 is not limited to, transmission of a written prescription between the
21 prescriber's fax machine and the pharmacy's fax machine; transmission of
22 an electronically prepared prescription from the prescriber's electronic
23 prescription application to the pharmacy's fax machine, computer or
24 printer; or transmission of an electronically prepared prescription from the
25 prescriber's fax machine to the pharmacy's fax machine, computer or
26 printer.

27 (aa) "Generic name" means the established chemical name or official
28 name of a drug or drug product.

29 (bb) (1) "Institutional drug room" means any location where
30 prescription-only drugs are stored and from which prescription-only drugs
31 are administered or dispensed and which is maintained or operated for the
32 purpose of providing the drug needs of:

33 (A) Inmates of a jail or correctional institution or facility;

34 (B) residents of a juvenile detention facility, as defined by the revised
35 Kansas code for care of children and the revised Kansas juvenile justice
36 code;

37 (C) students of a public or private university or college, a community
38 college or any other institution of higher learning which is located in
39 Kansas;

40 (D) employees of a business or other employer; or

41 (E) persons receiving inpatient hospice services.

42 (2) "Institutional drug room" does not include:

43 (A) Any registered pharmacy;

1 (B) any office of a practitioner; or

2 (C) a location where no prescription-only drugs are dispensed and no
3 prescription-only drugs other than individual prescriptions are stored or
4 administered.

5 (cc) "Intermediary" means any technology system that receives and
6 transmits an electronic prescription between the prescriber and the
7 pharmacy.

8 (dd) "Intracompany transaction" means any transaction or transfer
9 between any division, subsidiary, parent or affiliated or related company
10 under common ownership or control of a corporate entity, or any
11 transaction or transfer between co-licensees of a co-licensed product.

12 (ee) "Medical care facility" shall have the meaning provided in
13 K.S.A. 65-425, and amendments thereto, except that the term shall also
14 include facilities licensed under the provisions of K.S.A. 75-3307b, and
15 amendments thereto, except community mental health centers and
16 facilities for people with intellectual disability.

17 (ff) "Manufacture" means the production, preparation, propagation,
18 compounding, conversion or processing of a drug either directly or
19 indirectly by extraction from substances of natural origin, independently
20 by means of chemical synthesis or by a combination of extraction and
21 chemical synthesis and includes any packaging or repackaging of the drug
22 or labeling or relabeling of its container, except that this term shall not
23 include the preparation or compounding of a drug by an individual for the
24 individual's own use or the preparation, compounding, packaging or
25 labeling of a drug by:

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

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

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

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

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

1 *K.S.A. 65-28a08, and amendments thereto, and on and after January 11,*
2 *2016, pursuant to a written agreement with a supervising physician under*
3 *K.S.A. 65-28a08, and amendments thereto.*

4 (ii) "Normal distribution channel" means a chain of custody for a
5 prescription-only drug that goes from a manufacturer of the prescription-
6 only drug, from that manufacturer to that manufacturer's co-licensed
7 partner, from that manufacturer to that manufacturer's third-party logistics
8 provider; or from that manufacturer to that manufacturer's exclusive
9 distributor, directly or by drop shipment, to:

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

12 (2) a wholesale distributor to a pharmacy to a patient or other
13 designated persons authorized by law to dispense or administer such drug
14 to a patient;

15 (3) a wholesale distributor to a chain pharmacy warehouse to that
16 chain pharmacy warehouse's intracompany pharmacy to a patient or other
17 designated persons authorized by law to dispense or administer such drug
18 to a patient; or

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

22 (jj) "Person" means individual, corporation, government,
23 governmental subdivision or agency, partnership, association or any other
24 legal entity.

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

27 (ll) "Pharmacist-in-charge" means the pharmacist who is responsible
28 to the board for a registered establishment's compliance with the laws and
29 regulations of this state pertaining to the practice of pharmacy,
30 manufacturing of drugs and the distribution of drugs. The pharmacist-in-
31 charge shall supervise such establishment on a full-time or a part-time
32 basis and perform such other duties relating to supervision of a registered
33 establishment as may be prescribed by the board by rules and regulations.
34 Nothing in this definition shall relieve other pharmacists or persons from
35 their responsibility to comply with state and federal laws and regulations.

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

41 (nn) "Pharmacy," "drugstore" or "apothecary" means premises,
42 laboratory, area or other place: (1) Where drugs are offered for sale where
43 the profession of pharmacy is practiced and where prescriptions are

1 compounded and dispensed; or (2) which has displayed upon it or within it
2 the words "pharmacist," "pharmaceutical chemist," "pharmacy,"
3 "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of
4 these words or combinations of these words or words of similar import
5 either in English or any sign containing any of these words; or (3) where
6 the characteristic symbols of pharmacy or the characteristic prescription
7 sign "Rx" may be exhibited. As used in this subsection, premises refers
8 only to the portion of any building or structure leased, used or controlled
9 by the licensee in the conduct of the business registered by the board at the
10 address for which the registration was issued.

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

14 (pp) "Pharmacy technician" means an individual who, under the
15 direct supervision and control of a pharmacist, may perform packaging,
16 manipulative, repetitive or other nondiscretionary tasks related to the
17 processing of a prescription or medication order and who assists the
18 pharmacist in the performance of pharmacy related duties, but who does
19 not perform duties restricted to a pharmacist.

20 (qq) "Practitioner" means a person licensed to practice medicine and
21 surgery, dentist, podiatrist, veterinarian, optometrist or scientific
22 investigator or other person authorized by law to use a prescription-only
23 drug in teaching or chemical analysis or to conduct research with respect
24 to a prescription-only drug.

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

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

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

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

40 (vv) "Prescription-only drug" means any drug whether intended for
41 use by man or animal, required by federal or state law, including 21 U.S.C.
42 § 353, to be dispensed only pursuant to a written or oral prescription or
43 order of a practitioner or is restricted to use by practitioners only.

1 (ww) "Probation" means the practice or operation under a temporary
2 license, registration or permit or a conditional license, registration or
3 permit of a business or profession for which a license, registration or
4 permit is granted by the board under the provisions of the pharmacy act of
5 the state of Kansas requiring certain actions to be accomplished or certain
6 actions not to occur before a regular license, registration or permit is
7 issued.

8 (xx) "Professional incompetency" means:

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

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

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

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

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

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

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

39 (ccc) "Unprofessional conduct" means:

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

41 (2) intentional adulteration or mislabeling of any drug, medicine,
42 chemical or poison;

43 (3) causing any drug, medicine, chemical or poison to be adulterated

- 1 or mislabeled, knowing the same to be adulterated or mislabeled;
- 2 (4) intentionally falsifying or altering records or prescriptions;
- 3 (5) unlawful possession of drugs and unlawful diversion of drugs to
- 4 others;
- 5 (6) willful betrayal of confidential information under K.S.A. 65-1654,
- 6 and amendments thereto;
- 7 (7) conduct likely to deceive, defraud or harm the public;
- 8 (8) making a false or misleading statement regarding the licensee's
- 9 professional practice or the efficacy or value of a drug;
- 10 (9) commission of any act of sexual abuse, misconduct or
- 11 exploitation related to the licensee's professional practice; or
- 12 (10) performing unnecessary tests, examinations or services which
- 13 have no legitimate pharmaceutical purpose.
- 14 (ddd) "Vaccination protocol" means a written protocol, agreed to by a
- 15 pharmacist and a person licensed to practice medicine and surgery by the
- 16 state board of healing arts, which establishes procedures and
- 17 recordkeeping and reporting requirements for administering a vaccine by
- 18 the pharmacist for a period of time specified therein, not to exceed two
- 19 years.
- 20 (eee) "Valid prescription order" means a prescription that is issued for
- 21 a legitimate medical purpose by an individual prescriber licensed by law to
- 22 administer and prescribe drugs and acting in the usual course of such
- 23 prescriber's professional practice. A prescription issued solely on the basis
- 24 of an internet-based questionnaire or consultation without an appropriate
- 25 prescriber-patient relationship is not a valid prescription order.
- 26 (fff) "Veterinary medical teaching hospital pharmacy" means any
- 27 location where prescription-only drugs are stored as part of an accredited
- 28 college of veterinary medicine and from which prescription-only drugs are
- 29 distributed for use in treatment of or administration to a nonhuman.
- 30 (ggg) "Wholesale distributor" means any person engaged in
- 31 wholesale distribution of prescription drugs or devices in or into the state,
- 32 including, but not limited to, manufacturers, repackagers, own-label
- 33 distributors, private-label distributors, jobbers, brokers, warehouses,
- 34 including manufacturers' and distributors' warehouses, co-licensees,
- 35 exclusive distributors, third party logistics providers, chain pharmacy
- 36 warehouses that conduct wholesale distributions, and wholesale drug
- 37 warehouses, independent wholesale drug traders and retail pharmacies that
- 38 conduct wholesale distributions. Wholesale distributor shall not include
- 39 persons engaged in the sale of durable medical equipment to consumers or
- 40 patients.
- 41 (hhh) "Wholesale distribution" means the distribution of prescription
- 42 drugs or devices by wholesale distributors to persons other than consumers
- 43 or patients, and includes the transfer of prescription drugs by a pharmacy

1 to another pharmacy if the total number of units of transferred drugs
2 during a twelve-month period does not exceed 5% of the total number of
3 all units dispensed by the pharmacy during the immediately preceding
4 twelve-month period. Wholesale distribution does not include:

5 (1) The sale, purchase or trade of a prescription drug or device, an
6 offer to sell, purchase or trade a prescription drug or device or the
7 dispensing of a prescription drug or device pursuant to a prescription;

8 (2) the sale, purchase or trade of a prescription drug or device or an
9 offer to sell, purchase or trade a prescription drug or device for emergency
10 medical reasons;

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

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

17 (5) the sale, purchase or trade of a prescription drug or device or the
18 offer to sell, purchase or trade a prescription drug or device by a charitable
19 organization described in 503(c)(3) of the internal revenue code of 1954 to
20 a nonprofit affiliate of the organization to the extent otherwise permitted
21 by law;

22 (6) the purchase or other acquisition by a hospital or other similar
23 health care entity that is a member of a group purchasing organization of a
24 prescription drug or device for its own use from the group purchasing
25 organization or from other hospitals or similar health care entities that are
26 members of these organizations;

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

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

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

35 (10) the sale, transfer, merger or consolidation of all or part of the
36 business of a retail pharmacy or pharmacies from or with another retail
37 pharmacy or pharmacies, whether accomplished as a purchase and sale of
38 stock or business assets, in accordance with the board's rules and
39 regulations;

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

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

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

6 Sec. 3. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2809, as
7 amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas,
8 is hereby amended to read as follows: 65-2809. (a) The license shall ~~expire~~
9 *be canceled* on the date established by rules and regulations of the board
10 which may provide renewal throughout the year on a continuing basis. In
11 each case in which a license is renewed for a period of time of more or less
12 than 12 months, the board may prorate the amount of the fee established
13 under K.S.A. 65-2852, and amendments thereto. The request for renewal
14 shall be on a form provided by the board and shall be accompanied by the
15 prescribed fee, which shall be paid not later than the ~~expiration~~ *renewal*
16 date of the license.

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

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

32 (d) At least 30 days before the ~~expiration~~ *renewal date* of a licensee's
33 license, the board shall notify the licensee of the ~~expiration~~ *renewal date*
34 by mail addressed to the licensee's last mailing address as noted upon the
35 office records. If the licensee fails to *submit the renewal application and*
36 *pay the renewal fee by the* ~~date of the expiration~~ *renewal date* of the
37 license, the licensee shall be given ~~a second~~ notice that the ~~licensee's~~
38 ~~license has expired~~ *licensee has failed to submit the renewal application*
39 *and pay the renewal fee by the renewal date of the license*, that the license
40 will be deemed canceled if not renewed within 30 days following the ~~date~~
41 ~~of expiration~~ *renewal date*, that upon receipt of the *renewal application*
42 *and renewal fee and an additional fee established by rules and regulations*
43 of the board not to exceed \$500 within the ~~thirty-day~~ *30-day* period the

1 license will not be canceled and that, if both fees are not received within
2 the ~~thirty-day~~ 30-day period, the license shall be deemed canceled by
3 operation of law and without further proceedings.

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

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

1 education as the board may deem necessary to establish the licensee's
2 present ability to practice with reasonable skill and safety. Nothing in this
3 subsection (f) shall be construed to prohibit a person holding an exempt
4 license from serving as a coroner or as a paid employee of: (1) A local
5 health department as defined by K.S.A. 65-241, and amendments thereto;
6 or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and
7 amendments thereto.

8 (g) There is hereby created a designation of inactive license. The
9 board is authorized to issue an inactive license to any licensee who makes
10 written application for such license on a form provided by the board and
11 remits the fee for an inactive license established pursuant to K.S.A. 65-
12 2852, and amendments thereto. The board may issue an inactive license
13 only to a person who is not regularly engaged in the practice of the healing
14 arts in Kansas, who does not hold oneself out to the public as being
15 professionally engaged in such practice and who meets the definition of
16 inactive health care provider as defined in K.S.A. 40-3401, and
17 amendments thereto. An inactive license shall not entitle the holder to
18 practice the healing arts in this state. Each inactive license may be renewed
19 subject to the provisions of this section. Each inactive licensee shall be
20 subject to all provisions of the healing arts act, except as otherwise
21 provided in this subsection (g). The holder of an inactive license shall not
22 be required to submit evidence of satisfactory completion of a program of
23 continuing education required by K.S.A. 65-2809, and amendments
24 thereto. Each inactive licensee may apply for an active license upon filing
25 a written application with the board. The request shall be on a form
26 provided by the board and shall be accompanied by the license fee
27 established pursuant to K.S.A. 65-2852, and amendments thereto. For
28 those licensees whose license has been inactive for less than two years, the
29 board shall adopt rules and regulations establishing appropriate continuing
30 education requirements for inactive licensees to become licensed to
31 regularly practice the healing arts within Kansas. Any licensee whose
32 license has been inactive for more than two years and who has not been in
33 the active practice of the healing arts or engaged in a formal education
34 program since the licensee has been inactive may be required to complete
35 such additional testing, training or education as the board may deem
36 necessary to establish the licensee's present ability to practice with
37 reasonable skill and safety.

38 (h) (1) There is hereby created a designation of federally active
39 license. The board is authorized to issue a federally active license to any
40 licensee who makes written application for such license on a form
41 provided by the board and remits the same fee required for a license
42 established under K.S.A. 65-2852, and amendments thereto. The board
43 may issue a federally active license only to a person who meets all the

1 requirements for a license to practice the healing arts in Kansas and who
2 practices that branch of the healing arts solely in the course of employment
3 or active duty in the United States government or any of its departments,
4 bureaus or agencies. A person issued a federally active license may engage
5 in limited practice outside of the course of federal employment consistent
6 with the scope of practice of exempt licensees under subsection (f), except
7 that the scope of practice of a federally active licensee shall be limited to
8 the following: (A) Performing administrative functions, including peer
9 review, disability determinations, utilization review and expert opinions;
10 (B) providing direct patient care services gratuitously or providing
11 supervision, direction or consultation for no compensation except that
12 nothing in this ~~subpart~~ *subsection (h)(1)(B)* shall prohibit a person licensed
13 to practice the healing arts issued a federally active license from receiving
14 payment for subsistence allowances or actual and necessary expenses
15 incurred in providing such services; and (C) rendering professional
16 services as a charitable health care provider as defined in K.S.A. 75-6102,
17 and amendments thereto.

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

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

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

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

39 Sec. 4. On and after July 1, 2015, K.S.A. 65-2811a is hereby
40 amended to read as follows: 65-2811a. (a) The state board of healing arts
41 may issue a special permit to practice ~~the appropriate branch of the healing~~
42 ~~arts medicine and surgery~~, under the supervision of a person licensed to
43 practice ~~such branch of the healing arts medicine and surgery~~, to any

1 person who has completed undergraduate training ~~in a branch of the~~
2 ~~healing arts at the university of Kansas school of medicine or the Kansas~~
3 ~~City university of medicine and biosciences college of osteopathic~~
4 ~~medicine~~ and who has not engaged in a full-time approved postgraduate
5 training program.

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

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

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

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

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

20 (c) The special permit, when issued, shall authorize the person to
21 whom the special permit is issued to practice ~~the branch of the healing arts~~
22 ~~in which such person is training~~ *medicine and surgery* under the
23 supervision of the person licensed to practice ~~that branch of the healing~~
24 ~~arts~~ *medicine and surgery* who has agreed to sponsor *and accept*
25 *responsibility for the services rendered* by such special permit holder. *A*
26 *special permit holder may prescribe drugs, but may not prescribe*
27 *controlled substances*. The special permit shall not authorize the person
28 holding the special permit to engage in the private practice of ~~the healing~~
29 ~~arts~~ *medicine and surgery*. The holder of a special permit under this section
30 shall not charge patients a fee for services rendered but may be
31 compensated directly by the person under whose supervision and
32 sponsorship the permit holder is practicing. *A special permit holder shall*
33 *clearly identify oneself to patients as a physician in training and may use*
34 *the term "doctor" or "Dr."* The special permit shall expire on the day the
35 person holding the special permit becomes engaged in a full-time,
36 approved postgraduate training program or one year from its date of
37 issuance, whichever occurs first. *In no event may a special permit be*
38 *renewed more than once.*

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

43 (e) *A person who practices under a special permit issued herein shall*

1 *not be deemed to be rendering professional service as a health care*
2 *provider in this state for purposes of K.S.A. 40-3402, and amendments*
3 *thereto.*

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

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

9 *(h) This section shall be part of and supplemental to the Kansas*
10 *healing arts act.*

11 Sec. 5. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2836, as
12 amended by section 10 of chapter 131 of the 2014 Session Laws of
13 Kansas, is hereby amended to read as follows: 65-2836. A licensee's
14 license may be revoked, suspended or limited, or the licensee may be
15 publicly or privately censured or placed under probationary conditions, or
16 an application for a license or for reinstatement of a license may be denied
17 upon a finding of the existence of any of the following grounds:

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

20 (b) The licensee has committed an act of unprofessional or
21 dishonorable conduct or professional incompetency, except that the board
22 may take appropriate disciplinary action or enter into a non-disciplinary
23 resolution when a licensee has engaged in any conduct or professional
24 practice on a single occasion that, if continued, would reasonably be
25 expected to constitute an inability to practice the healing arts with
26 reasonable skill and safety to patients or unprofessional conduct as defined
27 in K.S.A. 65-2837, and amendments thereto.

28 (c) The licensee has been convicted of a felony or class A
29 misdemeanor, or substantially similar offense in another jurisdiction,
30 whether or not related to the practice of the healing arts. The licensee has
31 been convicted in a special or general court-martial, whether or not related
32 to the practice of the healing arts. The board shall revoke a licensee's
33 license following conviction of a felony or substantially similar offense in
34 another jurisdiction, or following conviction in a general court-martial
35 occurring after July 1, 2000, unless a $\frac{2}{3}$ majority of the board members
36 present and voting determine by clear and convincing evidence that such
37 licensee will not pose a threat to the public in such person's capacity as a
38 licensee and that such person has been sufficiently rehabilitated to warrant
39 the public trust. In the case of a person who has been convicted of a felony
40 or convicted in a general court-martial and who applies for an original
41 license or to reinstate a canceled license, the application for a license shall
42 be denied unless a $\frac{2}{3}$ majority of the board members present and voting on
43 such application determine by clear and convincing evidence that such

1 person will not pose a threat to the public in such person's capacity as a
2 licensee and that such person has been sufficiently rehabilitated to warrant
3 the public trust.

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

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

7 (f) The licensee has willfully or repeatedly violated this act, the
8 pharmacy act of the state of Kansas or the uniform controlled substances
9 act, or any rules and regulations adopted pursuant thereto, or any rules and
10 regulations of the secretary of health and environment which are relevant
11 to the practice of the healing arts.

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

14 (h) The licensee has engaged in the practice of the healing arts under
15 a false or assumed name, or the impersonation of another practitioner. The
16 provisions of this subsection relating to an assumed name shall not apply
17 to licensees practicing under a professional corporation or other legal
18 entity duly authorized to provide such professional services in the state of
19 Kansas.

20 (i) The licensee's ability to practice the healing arts with reasonable
21 skill and safety to patients is impaired by reason of physical or mental
22 illness, or condition or use of alcohol, drugs or controlled substances. All
23 information, reports, findings and other records relating to impairment
24 shall be confidential and not subject to discovery by or release to any
25 person or entity outside of a board proceeding.

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

32 (k) The licensee has violated any lawful rule and regulation
33 promulgated by the board or violated any lawful order or directive of the
34 board previously entered by the board.

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

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

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

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

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

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

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

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

19 (t) The licensee has failed to report to the board any adverse action
20 taken against the licensee by another state or licensing jurisdiction, a peer
21 review body, a health care facility, a professional association or society, a
22 governmental agency, by a law enforcement agency or a court for acts or
23 conduct similar to acts or conduct which would constitute grounds for
24 disciplinary action under this section.

25 (u) The licensee has surrendered a license or authorization to practice
26 the healing arts in another state or jurisdiction, has surrendered the
27 authority to utilize controlled substances issued by any state or federal
28 agency, has agreed to a limitation to or restriction of privileges at any
29 medical care facility or has surrendered the licensee's membership on any
30 professional staff or in any professional association or society while under
31 investigation for acts or conduct similar to acts or conduct which would
32 constitute grounds for disciplinary action under this section.

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

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

43 (x) The licensee has failed to report to the board any adverse

1 judgment, settlement or award against the licensee resulting from a
2 medical malpractice liability claim related to acts or conduct similar to acts
3 or conduct which would constitute grounds for disciplinary action under
4 this section.

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

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

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

12 (bb) The licensee as the supervising physician for a physician
13 assistant has failed to adequately direct and supervise the physician
14 assistant in accordance with the physician assistant licensure act or rules
15 and regulations adopted under such act.

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

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

22 ~~(B)~~ (2) A copy of the record of a judgment of contempt of court for
23 violating an injunction issued under K.S.A. 60-4404, and amendments
24 thereto.

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

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

29 (ee) The licensee has knowingly or negligently abandoned medical
30 records.

31 Sec. 6. On and after July 1, 2015, K.S.A. 65-2852, as amended by
32 section 21 of chapter 131 of the 2014 Session Laws of Kansas, is hereby
33 amended to read as follows: 65-2852. The following fees shall be
34 established by the board by rules and regulations and collected by the
35 board:

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

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

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

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

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

- 1 (f) for an institutional license, in a sum of not more than \$300;
- 2 (g) for a visiting professor temporary license, in a sum of not more
3 than \$50;
- 4 (h) for a certified statement from the board that a licensee is licensed
5 in this state, the sum of not more than \$30;
- 6 (i) for any copy of any license issued by the board, the sum of not
7 more than \$30;
- 8 (j) for any examination given by the board, a sum in an amount equal
9 to the cost to the board of the examination;
- 10 (k) for application for and issuance of a special permit under K.S.A.
11 65-2811a, and amendments thereto, the sum of not more than \$60;
- 12 (l) for an exempt or inactive license or renewal of an exempt or
13 inactive license, the sum of not more than \$150;
- 14 (m) for conversion of an exempt or inactive license to a license to
15 practice the healing arts, the sum of not more than \$300;
- 16 (n) for reinstatement of a revoked license, in a sum of not more than
17 \$1,000;
- 18 (o) *for reinstatement of a canceled license, in a sum of not more than*
19 *\$500;*
- 20 (p) for a visiting clinical professor license, or renewal of a visiting
21 clinical professor license, in a sum of not more than \$300;
- 22 ~~(q)~~ (q) for a postgraduate permit in a sum of not more than \$60;
- 23 ~~(r)~~ (r) for a limited permit or renewal of a limited permit, the sum of
24 not more than \$60; ~~and~~
- 25 ~~(s)~~ (s) for a written verification of any license or permit, the sum of
26 not more than \$25;
- 27 (t) *for a reentry active license or renewal of a reentry active license,*
28 *the sum of not more than \$500; and*
- 29 (u) *for a resident active license, the sum of not more than \$500.*
- 30 Sec. 7. On and after July 1, 2015, K.S.A. 2013 Supp. 65-2895, as
31 amended by section 36 of chapter 131 of the 2014 Session Laws of
32 Kansas, is hereby amended to read as follows: 65-2895. (a) There is
33 hereby created an institutional license which may be issued by the board to
34 a person who:
- 35 (1) Is a graduate of an accredited school of medicine or osteopathic
36 medicine or a school which the graduates have been licensed in another
37 state or states which have standards similar to Kansas;
- 38 (2) has completed at least two years in a postgraduate training
39 program in the United States approved by the board; and
- 40 (3) who is employed as provided in this section.
- 41 (b) Subject to the restrictions of this section, the institutional license
42 shall confer upon the holder the right and privilege to practice medicine
43 and surgery and shall obligate the holder to comply with all requirements

1 of such license.

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

4 (1) The holder is employed by any institution within the Kansas
5 department for aging and disability services, employed by any institution
6 within the department of corrections or employed pursuant to a contract
7 entered into by the Kansas department for aging and disability services or
8 the department of corrections with a third party, and only within the
9 institution to which the holder is assigned; and

10 (2) the holder has been employed for at least three years as described
11 in subsection (c)(1) and is employed to provide mental health services in
12 Kansas in the employ of a Kansas licensed community mental health
13 center, or one of its contracted affiliates, or a federal, state, county or
14 municipal agency, or other political subdivision, or a contractor of a
15 federal, state, county or municipal agency, or other political subdivision, or
16 a duly chartered educational institution, or a medical care facility licensed
17 under K.S.A. 65-425 et seq., and amendments thereto, in a psychiatric
18 hospital licensed under K.S.A. 75-3307b, and amendments thereto, or a
19 contractor of such educational institution, medical care facility or
20 psychiatric hospital, and whose practice, in any such employment, is
21 limited to providing mental health services, is a part of the duties of such
22 licensee's paid position and is performed solely on behalf of the employer.

23 (d) An institutional license shall ~~expire~~ *be canceled* on the date
24 established by rules and regulations of the board which may provide for
25 renewal throughout the year on a continuing basis. In each case in which
26 an institutional license is renewed for a period of time of more or less than
27 12 months, the board may prorate the amount of the fee established under
28 K.S.A. 65-2852, and amendments thereto. The request for renewal shall be
29 on a form provided by the board and shall be accompanied by the
30 prescribed fee, which shall be paid not later than the ~~expiration~~ *renewal*
31 date of the license. An institutional license may be renewed for an
32 additional one-year period if the applicant for renewal meets the
33 requirements under subsection (c), has submitted an application for
34 renewal on a form provided by the board, has paid the renewal fee
35 established by rules and regulations of the board of not to exceed \$500 and
36 has submitted evidence of satisfactory completion of a program of
37 continuing education required by the board. In addition, an applicant for
38 renewal who is employed as described in subsection (c)(1) shall submit
39 with the application for renewal a recommendation that the institutional
40 license be renewed signed by the superintendent of the institution to which
41 the institutional license holder is assigned.

42 (e) Nothing in this section shall prohibit any person who was issued
43 an institutional license prior to the effective date of this section from

1 having the institutional license reinstated by the board if the person meets
2 the requirements for an institutional license described in subsection (a).

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

5 Sec. 8. On and after July 1, 2015, K.S.A. 2013 Supp. 65-28,127, as
6 amended by section 40 of chapter 131 of the 2014 Session Laws of
7 Kansas, is hereby amended to read as follows: 65-28,127. (a) Every
8 supervising or responsible licensee who directs, supervises, orders, refers,
9 accepts responsibility for, enters into written agreements or practice
10 protocols with, or who delegates acts which constitute the practice of the
11 healing arts to other persons shall:

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

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

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

21 (4) direct, supervise, order, refer, enter into a written agreement or
22 practice protocol with, or delegate to other persons only those acts and
23 functions which are within the normal and customary specialty,
24 competence and lawful practice of the supervising or responsible licensee;

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

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

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

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

42 (d) Nothing in subsection (a)(4) shall be construed to prohibit a
43 person licensed to practice medicine and surgery from ordering,

1 authorizing or directing anesthesia care by a registered nurse anesthetist
2 pursuant to K.S.A. 65-1158, and amendments thereto.

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

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

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

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

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

21 Sec. 9. On and after July 1, 2015, K.S.A. 65-28a02, as amended by
22 section 42 of chapter 131 of the 2014 Session Laws of Kansas, is hereby
23 amended to read as follows: 65-28a02. (a) The following words and
24 phrases when used in the physician assistant licensure act shall have the
25 meanings respectively ascribed to them in this section:

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

27 (2) "Direction and supervision" means the guidance, direction and
28 coordination of activities of a physician assistant by such physician
29 assistant's supervising physician, whether written or verbal, whether
30 immediate or by prior arrangement, in accordance with standards
31 established by the board by rules and regulations, which standards shall be
32 designed to ensure adequate direction and supervision by the supervising
33 physician of the physician assistant. The term "direction and supervision"
34 shall not be construed to mean that the immediate or physical presence of
35 the supervising physician is required during the performance of the
36 physician assistant.

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

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

43 (5) "Supervising physician" means *prior to January 11, 2016, a*

1 *responsible physician and on and after January 11, 2016, a physician who*
2 *has accepted responsibility for the medical services rendered and actions*
3 *of the physician assistant while performing under the direction and*
4 *supervision of the supervising physician.*

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

9 (7) *"Licensee," for purposes of the physician assistant licensure act,*
10 *means all persons issued a license or temporary license pursuant to the*
11 *physician assistant licensure act.*

12 ~~(7)~~(8) *"License," for purposes of the physician assistant licensure act,*
13 *means any license or temporary license granted by the physician assistant*
14 *licensure act.*

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

17 (b) *Prior to January 11, 2016, wherever the term "supervising*
18 *physician" in connection with the term "physician assistant," or words of*
19 *like effect, appears in any statute, contract or other document, it shall*
20 *mean responsible physician as defined in subsection (a)(6). On and after*
21 *January 11, 2016, such term shall mean supervising physician as defined*
22 *in subsection (a)(5).*

23 Sec. 10. On and after July 1, 2015, K.S.A. 2013 Supp. 65-28a03, as
24 amended by section 43 of chapter 131 of the 2014 Session Laws of
25 Kansas, is hereby amended to read as follows: 65-28a03. (a) There is
26 hereby created a designation of active license. The board is authorized to
27 issue an active license to a physician assistant who makes written
28 application for such license on a form provided by the board and remits the
29 fee for an active license established pursuant to subsection ~~(f)~~ (h). As a
30 condition of engaging in active practice as a physician assistant, each
31 licensed physician assistant shall file a request to engage in active practice
32 signed by the physician assistant and the physician who will be responsible
33 for the physician assistant. The request shall contain such information as
34 required by rules and regulations adopted by the board. The board shall
35 maintain a list of the names of physician assistants who may engage in
36 active practice in this state.

37 (b) All licenses, except temporary licenses, shall ~~expire~~ *be canceled*
38 *on the date of ~~expiration~~ cancellation established by rules and regulations*
39 *of the board and may be renewed as required by the board. The request for*
40 *renewal shall be on a form provided by the board and shall be*
41 *accompanied by the renewal fee established pursuant to this section, which*
42 *shall be paid not later than the ~~expiration~~ renewal date of the license. The*
43 *board, prior to renewal of an active license, shall require the licensee to*

1 submit to the board evidence satisfactory to the board that the licensee is
2 maintaining a policy of professional liability insurance as required by
3 K.S.A. 40-3402, and amendments thereto, and has paid the premium
4 surcharges as required by K.S.A. 40-3404, and amendments thereto.

5 (c) At least 30 days before the ~~expiration~~ *renewal date* of the license
6 of a physician assistant, except a temporary license, the board shall notify
7 the licensee of the ~~expiration~~ *renewal date* by mail addressed to the
8 licensee's last mailing address as noted upon the office records of the
9 board. If the licensee fails to *submit the renewal application and* pay the
10 renewal fee by the ~~date of expiration~~ *renewal date* of the license, the
11 licensee shall be given ~~a second~~ notice that the ~~licensee's license has~~
12 ~~expired~~ *licensee has failed to pay the renewal fee by the renewal date of*
13 *the license* and the license may be renewed only if the renewal fee and the
14 late renewal fee are received by the board within the 30-day period
15 following the ~~date of expiration~~ *renewal date* and that, if both fees are not
16 received within the 30-day period, the license shall be deemed canceled by
17 operation of law without further proceedings for failure to renew and shall
18 be reissued only after the license has been reinstated under subsection (d).

19 (d) Any license canceled for failure to renew as herein provided may
20 be reinstated upon recommendation of the board and upon payment of the
21 reinstatement fee and upon submitting evidence of satisfactory completion
22 of any applicable continuing education requirements established by the
23 board. The board shall adopt rules and regulations establishing appropriate
24 continuing education requirements for reinstatement of licenses canceled
25 for failure to renew.

26 (e) There is hereby created the designation of inactive license. The
27 board is authorized to issue an inactive license to any licensee who makes
28 written application for such license on a form provided by the board and
29 remits the fee for an inactive license established pursuant to subsection ~~(f)~~
30 *(h)* of this section. The board may issue an inactive license only to a
31 person who meets all the requirements for a license to practice as a
32 physician assistant and who does not engage in active practice as a
33 physician assistant in the state of Kansas. An inactive license shall not
34 entitle the holder to engage in active practice. The provisions of
35 subsections (c) and (d) of this section relating to ~~expiration~~ *cancellation*,
36 renewal and reinstatement of a license shall be applicable to an inactive
37 license issued under this subsection. Each inactive licensee may apply to
38 engage in active practice by presenting a request required by subsection (a)
39 and submit to the board evidence satisfactory to the board that such
40 licensee is maintaining a policy of professional liability insurance as
41 required by K.S.A. 40-3402, and amendments thereto, and has paid the
42 premium surcharges as required by K.S.A. 40-3404, and amendments
43 thereto. The request shall contain such information as required by rules

1 and regulations adopted by the board. The request shall be accompanied by
2 the fee established pursuant to subsection ~~(f)~~ (h).

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

26 (2) *The provisions of subsections (c) and (d) of this section relating to*
27 *continuing education, cancellation, renewal and reinstatement of a license*
28 *shall be applicable to a federally active license issued under this*
29 *subsection.*

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

33 (g) (1) *There is hereby created a designation of exempt license. The*
34 *board is authorized to issue an exempt license to any licensed physician*
35 *assistant who makes written application for such license on a form*
36 *provided by the board and remits the fee for an exempt license established*
37 *under subsection (h). The board may issue an exempt license to a person*
38 *who is not regularly engaged in physician assistant practice in Kansas*
39 *and who does not hold oneself out to the public as being professionally*
40 *engaged in such practice. An exempt license shall entitle the holder to all*
41 *privileges of a physician assistant for which such license is issued. Each*
42 *exempt license may be renewed subject to the provisions of this section.*
43 *Each exempt licensee shall be subject to all provisions of the physician*

1 *assistant licensure act, except as otherwise provided in this subsection (g).*
2 *The holder of an exempt license may be required to submit evidence of*
3 *satisfactory completion of a program of continuing education required by*
4 *this section. The requirements for continuing education for exempt*
5 *licensees under this section shall be established by rules and regulations*
6 *adopted by the board. Each exempt licensee may apply for an active*
7 *license to regularly engage in the practice of a physician assistant upon*
8 *filing a written application with the board. The request shall be on a form*
9 *provided by the board and shall be accompanied by the active license fee*
10 *established pursuant to subsection (h).*

11 *(2) For the licensee whose license has been exempt for less than two*
12 *years, the board shall adopt rules and regulations establishing*
13 *appropriate continuing education requirements for exempt licensees to*
14 *become licensed to regularly practice as a physician assistant within*
15 *Kansas. Any licensee whose license has been exempt for more than two*
16 *years and who has not been in the active practice as a physician assistant*
17 *or engaged in a formal educational program since the license has been*
18 *exempt may be required to complete such additional testing, training or*
19 *education as the board may deem necessary to establish the licensee's*
20 *present ability to practice with reasonable skill and safety.*

21 *(3) Nothing in this subsection (g) shall be construed to prohibit a*
22 *person holding an exempt license from serving as a paid employee of: (A)*
23 *A local health department as defined by K.S.A. 65-241, and amendments*
24 *thereto; or (B) an indigent health care clinic as defined by K.S.A. 75-6102,*
25 *and amendments thereto.*

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~(10)~~ (12) *for conversion of an inactive license to an active license to*
5 *actively practice as a physician assistant, the sum of not more than \$150.*

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

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

13 Sec. 11. On and after July 1, 2015, K.S.A. 65-28a08, as amended by
14 section 47 of chapter 131 of the 2014 Session Laws of Kansas, is hereby
15 amended to read as follows: 65-28a08. (a) The practice of a physician
16 assistant shall include medical services within the education, training and
17 experience of the physician assistant that are delegated by the supervising
18 physician. Physician assistants practice in a dependent role with a
19 supervising physician, and may perform those duties and responsibilities
20 through delegated authority or written agreement. Medical services
21 rendered by physician assistants may be performed in any setting
22 authorized by the supervising physician, including, but not limited to,
23 clinics, hospitals, ambulatory surgical centers, patient homes, nursing
24 homes and other medical institutions.

25 (b) (1) A person licensed as a physician assistant may perform, only
26 under the direction and supervision of a physician, acts which constitute
27 the practice of medicine and surgery to the extent and in the manner
28 authorized by the physician responsible for the physician assistant and
29 only to the extent such acts are consistent with rules and regulations
30 adopted by the board which relate to acts performed by a physician
31 assistant under the supervising physician's direction and supervision. A
32 physician assistant may prescribe drugs pursuant to a written agreement as
33 authorized by the supervising physician.

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

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

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

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

43 (c) Before a physician assistant shall perform under the direction and

1 supervision of a supervising physician, such physician assistant shall be
2 identified to the patient and others involved in providing the patient
3 services as a physician assistant to the supervising physician. Physician
4 assistants licensed under the provisions of this act shall keep such person's
5 license available for inspection at their primary place of business. A
6 physician assistant may not perform any act or procedure performed in the
7 practice of optometry except as provided in K.S.A. 65-1508 and 65-2887,
8 and amendments thereto.

9 (d) (1) The board shall adopt rules and regulations *to be effective*
10 *January 11, 2016*, governing the practice of physician assistants, including
11 the delegation, direction and supervision responsibilities of a supervising
12 physician. Such rules and regulations shall establish conditions and
13 limitations as the board determines to be necessary to protect the public
14 health and safety, and may include a limit upon the number of physician
15 assistants that a supervising physician is able to safely and properly
16 supervise. In developing rules and regulations relating to the practice of
17 physician assistants, the board shall take into consideration the amount of
18 training and capabilities of physician assistants, the different practice
19 settings in which physician assistants and supervising physicians practice,
20 the needs of the geographic area of the state in which the physician
21 assistant and the supervising physician practice and the differing degrees
22 of direction and supervision by a supervising physician appropriate for
23 such settings and areas.

24 (2) The board shall adopt rules and regulations governing the
25 prescribing of drugs by physician assistants and the responsibilities of the
26 supervising physician with respect thereto. Such rules and regulations shall
27 establish such conditions and limitations as the board determines to be
28 necessary to protect the public health and safety. In developing rules and
29 regulations relating to the prescribing of drugs by physician assistants, the
30 board shall take into consideration the amount of training and capabilities
31 of physician assistants, the different practice settings in which physician
32 assistants and supervising physicians practice, the degree of direction and
33 supervision to be provided by a supervising physician and the needs of the
34 geographic area of the state in which the supervising physician's physician
35 assistant and the supervising physician practice. In all cases in which a
36 physician assistant is authorized to prescribe drugs by a supervising
37 physician, a written agreement between the supervising physician and the
38 physician assistant containing the essential terms of such authorization
39 shall be in effect. Any written prescription order shall include the name,
40 address and telephone number of the supervising physician. In no case
41 shall the scope of the authority of the physician assistant to prescribe drugs
42 exceed the normal and customary practice of the supervising physician in
43 the prescribing of drugs.

1 (e) The physician assistant may request, receive and sign for
2 professional samples and may distribute professional samples to patients
3 pursuant to a written agreement as authorized by the supervising
4 physician. In order to prescribe or dispense controlled substances, the
5 physician assistant shall register with the federal drug enforcement
6 administration.

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

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

16 Sec. 12. On and after July 1, 2015, K.S.A. 65-2857, as amended by
17 section 22 of chapter 131 of the 2014 Session Laws of Kansas, is hereby
18 amended to read as follows: 65-2857. An action in injunction or quo
19 warranto may be brought and maintained in the name of the state of
20 Kansas to enjoin or oust from the unlawful practice of any profession
21 regulated by the board or any profession defined by the practice acts
22 administered by the board a *person practicing such profession* without
23 being duly licensed therefor.

24 Sec. 13. On and after July 1, 2015, K.S.A. 65-2860, as amended by
25 section 24 of chapter 131 of the 2014 Session Laws of Kansas, is hereby
26 amended to read as follows: 65-2860. Any person who ~~shall present~~
27 *presents* to the board a diploma or certificate of which such person is not
28 the rightful owner for the purpose of procuring a license, or who ~~shall~~
29 ~~falsely impersonate~~ *impersonates* anyone to whom a license, registration,
30 permit or certificate has been issued by the board. ~~Violation of this section~~
31 *is guilty of* an unclassified nonperson felony. In addition, violation of this
32 section may render the violator liable for a civil penalty, as well as
33 reasonable costs of investigation and prosecution, unless otherwise
34 specified.

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

- 41 (1) A practitioner or pursuant to the lawful direction of a practitioner;
42 or
43 (2) the patient or research subject at the direction and in the presence

1 of the practitioner.

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

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

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

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

13 (f) "Controlled substance" means any drug, substance or immediate
14 precursor included in any of the schedules designated in K.S.A. 65-4105,
15 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

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

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

22 (B) which has a stimulant, depressant or hallucinogenic effect on the
23 central nervous system substantially similar to the stimulant, depressant or
24 hallucinogenic effect on the central nervous system of a controlled
25 substance included in the schedules designated in K.S.A. 65-4105 or 65-
26 4107, and amendments thereto; or

27 (C) with respect to a particular individual, which such individual
28 represents or intends to have a stimulant, depressant or hallucinogenic
29 effect on the central nervous system substantially similar to the stimulant,
30 depressant or hallucinogenic effect on the central nervous system of a
31 controlled substance included in the schedules designated in K.S.A. 65-
32 4105 or 65-4107, and amendments thereto.

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

34 (A) A controlled substance;

35 (B) a substance for which there is an approved new drug application;
36 or

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

41 (h) "Counterfeit substance" means a controlled substance which, or
42 the container or labeling of which, without authorization bears the
43 trademark, trade name or other identifying mark, imprint, number or

1 device or any likeness thereof of a manufacturer, distributor or dispenser
2 other than the person who in fact manufactured, distributed or dispensed
3 the substance.

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

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

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

11 (l) "Dispense" means to deliver a controlled substance to an ultimate
12 user or research subject by or pursuant to the lawful order of a practitioner,
13 including the packaging, labeling or compounding necessary to prepare the
14 substance for that delivery, or pursuant to the prescription of a mid-level
15 practitioner.

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

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

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

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

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

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

41 (s) "Electronic prescription application" means software that is used
42 to create electronic prescriptions and that is intended to be installed on the
43 prescriber's computers and servers where access and records are controlled

1 by the prescriber.

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

7 (u) "Electronic transmission" means the transmission of an electronic
8 prescription, formatted as an electronic data file, from a prescriber's
9 electronic prescription application to a pharmacy's computer, where the
10 data file is imported into the pharmacy prescription application.

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

13 (w) "Facsimile transmission" or "fax transmission" means the
14 transmission of a digital image of a prescription from the prescriber or the
15 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
16 is not limited to, transmission of a written prescription between the
17 prescriber's fax machine and the pharmacy's fax machine; transmission of
18 an electronically prepared prescription from the prescriber's electronic
19 prescription application to the pharmacy's fax machine, computer or
20 printer; or transmission of an electronically prepared prescription from the
21 prescriber's fax machine to the pharmacy's fax machine, computer or
22 printer.

23 (x) "Intermediary" means any technology system that receives and
24 transmits an electronic prescription between the prescriber and the
25 pharmacy.

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

27 (z) "Manufacture" means the production, preparation, propagation,
28 compounding, conversion or processing of a controlled substance either
29 directly or indirectly or by extraction from substances of natural origin or
30 independently by means of chemical synthesis or by a combination of
31 extraction and chemical synthesis and includes any packaging or
32 repackaging of the substance or labeling or relabeling of its container,
33 except that this term does not include the preparation or compounding of a
34 controlled substance by an individual for the individual's own lawful use
35 or the preparation, compounding, packaging or labeling of a controlled
36 substance:

37 (1) By a practitioner or the practitioner's agent pursuant to a lawful
38 order of a practitioner as an incident to the practitioner's administering or
39 dispensing of a controlled substance in the course of the practitioner's
40 professional practice; or

41 (2) by a practitioner or by the practitioner's authorized agent under
42 such practitioner's supervision for the purpose of or as an incident to
43 research, teaching or chemical analysis or by a pharmacist or medical care

1 facility as an incident to dispensing of a controlled substance.

2 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis
3 whether growing or not, the seeds thereof, the resin extracted from any
4 part of the plant and every compound, manufacture, salt, derivative,
5 mixture or preparation of the plant, its seeds or resin. It does not include
6 the mature stalks of the plant, fiber produced from the stalks, oil or cake
7 made from the seeds of the plant, any other compound, manufacture, salt,
8 derivative, mixture or preparation of the mature stalks, except the resin
9 extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant
10 which is incapable of germination.

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

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

23 (dd) "Narcotic drug" means any of the following whether produced
24 directly or indirectly by extraction from substances of vegetable origin or
25 independently by means of chemical synthesis or by a combination of
26 extraction and chemical synthesis:

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

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

33 (3) opium poppy and poppy straw;

34 (4) coca leaves and any salt, compound, derivative or preparation of
35 coca leaves, and any salt, compound, isomer, derivative or preparation
36 thereof which is chemically equivalent or identical with any of these
37 substances, but not including decocainized coca leaves or extractions of
38 coca leaves which do not contain cocaine or ecgonine.

39 (ee) "Opiate" means any substance having an addiction-forming or
40 addiction-sustaining liability similar to morphine or being capable of
41 conversion into a drug having addiction-forming or addiction-sustaining
42 liability. It does not include, unless specifically designated as controlled
43 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer

1 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
2 include its racemic and levorotatory forms.

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

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

8 (hh) "Pharmacist" means any natural person licensed under K.S.A.
9 65-1625 et seq., *and amendments thereto*, to practice pharmacy.

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

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

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

21 (ll) "Practitioner" means a person licensed to practice medicine and
22 surgery, dentist, podiatrist, veterinarian, optometrist, or scientific
23 investigator or other person authorized by law to use a controlled
24 substance in teaching or chemical analysis or to conduct research with
25 respect to a controlled substance.

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

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

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

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

40 Sec. 15. On and after July 1, 2015, K.S.A. 65-4941 is hereby
41 amended to read as follows: 65-4941. As used in this act:

42 (a) "Cardiopulmonary resuscitation" means chest compressions,
43 assisted ventilations, intubation, defibrillation, administration of

1 cardiotoxic medications or other medical procedure which is intended to
2 restart breathing or heart functioning;

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

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

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

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

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

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

22 (h) "declarant" means any person who has executed a "do not
23 resuscitate" directive in accordance with the provisions of this act.

24 New Sec. 16. (a) There is hereby created a resident active license,
25 which may be issued by the board to a person who:

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

29 (2) has successfully completed at least one year of approved
30 postgraduate training;

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

33 (4) has passed the examinations for licensure required under K.S.A.
34 65-2873, and amendments thereto.

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

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

42 Sec. 17. On and after July 1, 2015, K.S.A. 65-4942 is hereby
43 amended to read as follows: 65-4942. A "do not resuscitate" directive shall

1 be in substantially the following form:

2 PRE-HOSPITAL DNR REQUEST FORM

3 An advanced request to Limit the Scope of

4 Emergency Medical Care

5 I, _____, request limited emergency care as herein described.

6 (Name)

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

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

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

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

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

18 _____
19 Signature Date

20 _____
21 Witness Date

22 I AFFIRM THIS DIRECTIVE IS THE EXPRESSED WISH OF THE
23 PATIENT, IS MEDICALLY APPROPRIATE, AND IS DOCUMENTED
24 IN THE PATIENT'S PERMANENT MEDICAL RECORD.

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

27 _____
28 Attending Physician's or Date
29 Physician Assistant's Signature*

30 _____
31 Address Facility or Agency Name

32 *Signature of physician *or physician assistant* not required if the
33 above-named is a member of a church or religion which, in lieu of medical
34 care and treatment, provides treatment by spiritual means through prayer
35 alone and care consistent therewith in accordance with the tenets and
36 practices of such church or religion.

37 REVOCATION PROVISION

38 I hereby revoke the above declaration.

39 _____
40 Signature Date

41 Sec. 18. On and after July 1, 2015, K.S.A. 2014 Supp. 65-6824 is
42 hereby amended to read as follows: 65-6824. (a) A covered entity shall
43 provide an individual or such individual's personal representative with

1 access to the individual's protected health information maintained,
2 collected, used or disseminated by or for the covered entity in compliance
3 with 45 C.F.R. § 164.524, *except that a covered entity which is defined as*
4 *a health care provider under section 20, and amendments thereto, shall*
5 *furnish copies of health care records to a patient, a patient's authorized*
6 *representative or any other person or entity authorized by law to obtain or*
7 *reproduce such records in accordance with the provisions of section 20,*
8 *and amendments thereto.*

9 (b) A covered entity shall implement and maintain appropriate
10 administrative, technical and physical safeguards to protect the privacy of
11 protected health information in a manner consistent with 45 C.F.R. §
12 164.530(c).

13 Sec. 19. On and after July 1, 2015, K.S.A. 2013 Supp. 72-8252, as
14 amended by section 54 of chapter 131 of the 2014 Session Laws of
15 Kansas, is hereby amended to read as follows: 72-8252. (a) As used in this
16 section:

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

21 (2) "Health care provider" means: (A) A physician licensed to
22 practice medicine and surgery; (B) an advanced practice registered nurse
23 issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who
24 has authority to prescribe drugs as provided by K.S.A. 65-1130, and
25 amendments thereto; or (C) a physician assistant licensed pursuant to the
26 physician assistant licensure act who has authority to prescribe drugs *prior*
27 *to January 11, 2016, pursuant to a written protocol with a responsible*
28 *physician under K.S.A. 65-28a08, and amendments thereto, and on and*
29 *after January 11, 2016, pursuant to a written agreement with a supervising*
30 *physician under K.S.A. 65-28a08, and amendments thereto.*

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

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

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

39 (1) A requirement of a written statement from the student's health
40 care provider stating the name and purpose of the medication; the
41 prescribed dosage; the time the medication is to be regularly administered,
42 and any additional special circumstances under which the medication is to
43 be administered; and the length of time for which the medication is

1 prescribed;

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

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

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

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

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

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

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

28 (e) A school district shall provide written notification to the parent or
29 guardian of a student that the school district and its officers, employees
30 and agents are not liable for damage, injury or death resulting directly or
31 indirectly from the self-administration of medication. The parent or
32 guardian of the student shall sign a statement acknowledging that the
33 school district and its officers, employees or agents incur no liability for
34 damage, injury or death resulting directly or indirectly from the self-
35 administration of medication and agreeing to release, indemnify and hold
36 the school and its officers, employees and agents, harmless from and
37 against any claims relating to the self-administration of such medication.

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

42 (g) A school district shall require that information described in
43 ~~paragraphs (3) and (4) of subsection (b)(3) and (4)~~ be kept on file at the

1 student's school in a location easily accessible in the event of an asthma or
2 anaphylaxis emergency.

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

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

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

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

13 New Sec. 20. (a) As used in this section: (1) "Health care provider"
14 means any person licensed by the state board of healing arts.

15 (2) "Authorized representative" means the person designated in
16 writing by the patient to obtain the health care records of the patient or the
17 person otherwise authorized by law to obtain the health care records of the
18 patient.

19 (3) "Authorization" means a written or printed document signed by a
20 patient or a patient's authorized representative containing: (A) A
21 description of the health care records a health care provider is authorized
22 to produce; (B) the patient's name, address and date of birth; (C) a
23 designation of the person or entity authorized to obtain copies of the health
24 care records; (D) a date or event upon which the force of the authorization
25 shall expire which shall not exceed one year; (E) if signed by a patient's
26 authorized representative, the authorized representative's name, address,
27 telephone number and relationship or capacity to the patient; and (F) a
28 statement setting forth the right of the person signing the authorization to
29 revoke it in writing.

30 (b) Subject to K.S.A. 2014 Supp. 65-6824, and amendments thereto,
31 except as otherwise provided herein, copies of health care records shall be
32 furnished to a patient, a patient's authorized representative or any other
33 person or entity authorized by law to obtain or reproduce such records,
34 within 30 days of the receipt of the authorization, or the health care
35 provider shall notify the patient or the patient's authorized representative
36 of the reasons why copies are not available. A health care provider may
37 withhold copies of health care records if the health care provider
38 reasonably believes that providing copies of the requested records will
39 cause substantial harm to the patient or another person. Health care
40 providers may condition the furnishing of the patient's health care records
41 to the patient, the patient's authorized representative or any other person or
42 entity authorized by law to obtain or reproduce such records, upon the
43 payment of charges not to exceed those established and updated not less

1 than every two years by rules and regulations adopted by the state board of
2 healing arts. In establishing such charges, the board shall consider changes
3 in the all-items consumer price index published by the United States
4 department of labor. Providers may charge for the reasonable cost of all
5 duplications of health care record information which cannot be routinely
6 duplicated on a standard photocopy machine.

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

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

23 Sec. 21. On July 1, 2015, K.S.A. 65-2811a, 65-2852, as amended by
24 section 21 of chapter 131 of the 2014 Session Laws of Kansas, 65-2857, as
25 amended by section 22 of chapter 131 of the 2014 Session Laws of
26 Kansas, 65-2860, as amended by section 24 of chapter 131 of the 2014
27 Session Laws of Kansas, 65-28a02, as amended by section 42 of chapter
28 131 of the 2014 Session Laws of Kansas, 65-28a08, as amended by section
29 47 of chapter 131 of the 2014 Session Laws of Kansas, 65-4941 and 65-
30 4942 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter
31 131 of the 2014 Session Laws of Kansas, 65-2809, as amended by section
32 7 of chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as
33 amended by section 10 of chapter 131 of the 2014 Session Laws of
34 Kansas, 65-2895, as amended by section 36 of chapter 131 of the 2014
35 Session Laws of Kansas, 65-28,127, as amended by section 40 of chapter
36 131 of the 2014 Session Laws of Kansas, 65-28a03, as amended by section
37 43 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as
38 amended by section 50 of chapter 131 of the 2014 Session Laws of Kansas
39 and 72-8252, as amended by section 54 of chapter 131 of the 2014 Session
40 Laws of Kansas and K.S.A. 2014 Supp. 65-6824 are hereby repealed.

41 Sec. 22. This act shall take effect and be in force from and after its
42 publication in the statute book.