

SENATE BILL No. 523

By Committee on Judiciary

2-8

9 AN ACT concerning criminal history records; authorizing fingerprints
10 and criminal history of applicants and current holders of any license,
11 registration, permit or certificate issued by the state board of healing
12 arts.
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. (a) The state board of healing arts may require an appli-
16 cant for any license, registration, permit or certificate or any individual
17 who currently holds any license, registration, permit or certificate issued
18 by the state board of healing arts to be fingerprinted and submit to a
19 national criminal history record check for the purpose of determining
20 initial or continuing qualifications and suitability to obtain or maintain a
21 license, registration, permit or certificate. The fingerprints shall be used
22 to identify the applicant or holder of the license, registration, permit or
23 certificate and to determine whether the applicant or holder of the li-
24 cense, registration, permit or certificate has a record of criminal arrests
25 and convictions in this state or other jurisdictions. The state board of
26 healing arts is authorized to submit the fingerprints to the Kansas bureau
27 of investigation and the federal bureau of investigation for a state and
28 national criminal history record check. The state board of healing arts
29 may use the information obtained from fingerprinting and the criminal
30 history of the applicant or holder of the license, registration, permit or
31 certificate only for purposes of verifying the identification of any applicant
32 or holder and in the official determination of qualifications and suitability
33 to be issued or to maintain a license, registration, permit or certificate
34 issued by the board.

35 (b) The state board of healing arts shall have access to any court
36 orders or adjudications of any court of record, any records of such orders,
37 adjudications, arrests, nonconvictions, convictions, expungements, juve-
38 nile records, juvenile expungements, diversions and any criminal history
39 record information in the possession of the Kansas bureau of investigation
40 concerning applicants or holders of a license, registration, permit or cer-
41 tificate issued by the board.

42 (c) Local and state law enforcement officers and agencies shall assist
43 the state board of healing arts in taking and processing of fingerprints of

1 applicants for any license, registration, permit or certificate or individuals
2 who currently hold any license, registration, permit or certificate issued
3 by the state board of healing arts and shall release all records of the arrests
4 and convictions of an applicant or holder of a license, registration, permit
5 or certificate to the state board of healing arts.

6 (d) Fees for such record checks shall be assessed to the state board
7 of healing arts, provided, however, the state board of healing arts may
8 charge and collect in advance the fees from the applicant or holder of a
9 license, registration, permit or certificate for whom the criminal history
10 is obtained.

11 (e) Disclosure or use of any such information received by the state
12 board of healing arts or of any record containing such information, for
13 any purpose other than that provided by this act is a class A misdemeanor
14 and shall constitute grounds for removal from office or termination of
15 employment. Nothing in this act shall be construed to make unlawful or
16 prohibit the disclosure of any such information in an administrative or
17 court proceeding relating to the qualifications and suitability of a person
18 to obtain or maintain any license, registration, permit or certificate issued
19 by the state board of healing arts.

20 Sec. 2. This act shall take effect and be in force from and after its
21 publication in the statute book.