

Substitute for HOUSE BILL No. 2575

By Committee on Health and Human Services

2-17

10 AN ACT concerning *the Kansas board of healing arts; relating to*
11 *licensure of perfusionists and* naturopathic doctors; ~~licensure;~~
12 amending K.S.A. 17-2707, 65-7201, 65-7202, 65-7203, 65-7204, 65-
13 7205, 65-7206, 65-7207, 65-7211, 65-7212 and 65-7216 and K.S.A.
14 2009 Supp. 65-2913, 65-7208 and 65-7209 and repealing the existing
15 sections.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 ***New Section 1. Sections 1 through 18, and amendments***
19 ***thereto, shall be known and may be cited as the perfusion practice***
20 ***act.***

21 ***New Sec. 2. As used in sections 1 through 18, and amendments***
22 ***thereto:***

- 23 (a) ***“Act” means the perfusion practice act.***
- 24 (b) ***“Board” means the state board of healing arts.***
- 25 (c) ***“Council” means the perfusion council.***
- 26 (d) ***“Extracorporeal circulation” means the diversion of a pa-***
27 ***tient’s blood through a heart-lung machine or a similar device that***
28 ***assumes the functions of the patient’s heart, lungs, kidney, liver, or***
29 ***other organs.***
- 30 (e) ***“Perfusionist” means a person who practices perfusion as***
31 ***defined in this act.***
- 32 (f) ***“Perfusion” means the functions necessary for the support,***
33 ***treatment, measurement, or supplementation of the cardiovascular,***
34 ***circulatory, respiratory systems or other organs, or a combination***
35 ***of those activities, and to ensure the safe management of physiologic***
36 ***functions by monitoring and analyzing the parameters of the sys-***
37 ***tems under an order and under the supervision of a licensed phy-***
38 ***sician, including:***
 - 39 (1) ***The use of extracorporeal circulation, long-term cardiopul-***
40 ***monary support techniques including extracorporeal carbon-diox-***
41 ***ide removal and extracorporeal membrane oxygenation, and asso-***
42 ***ciated therapeutic and diagnostic technologies;***
 - 43 (2) ***counterpulsation, ventricular assistance, autotransfusion,***

- 1 *blood conservation techniques, myocardial and organ preservation,*
2 *extracorporeal life support, and therapeutic modalities including*
3 *isolated limb perfusion and intra-peritoneal hyperthermic*
4 *chemotherapy;*
- 5 (3) *the use of techniques involving blood management, ad-*
6 *vanced life support, and other related functions;*
- 7 (4) *the administration of pharmacological and therapeutic*
8 *agents, blood products and anesthetic agents through the extracor-*
9 *poreal circuit as ordered by a physician or certified registered nurse*
10 *anesthetist pursuant to K.S.A. 65-1158, and amendments thereto;*
- 11 (5) *the performance and use of coagulation monitoring and*
12 *analysis, physiologic monitoring and analysis, blood gas and chem-*
13 *istry monitoring and analysis, hematologic monitoring and analysis,*
14 *hypothermia, hyperthermia, hemoconcentration and hemodilution*
15 *and hemodialysis; and*
- 16 (6) *the observation of signs and symptoms related to perfusion*
17 *services, the determination of whether the signs and symptoms ex-*
18 *hibit abnormal characteristics, and the implementation of appro-*
19 *priate reporting, perfusion protocols, or changes in or the initiation*
20 *of emergency procedures.*
- 21 (g) *“Perfusion protocols” means perfusion related policies and*
22 *protocols developed or approved by a licensed medical care facility*
23 *or a physician through collaboration with administrators, licensed*
24 *perfusionists, and other health care professionals.*
- 25 (h) *This section shall take effect on and after July 1, 2011.*
- 26 New Sec. 3. (a) *On and after July 1, 2011, except as otherwise*
27 *provided in this act, no person shall perform perfusion unless the*
28 *person possesses a valid license issued under this act.*
- 29 (b) *No person shall depict one’s self orally or in writing, ex-*
30 *pressly or by implication, as holder of a license who does not hold*
31 *a current license under this act.*
- 32 (c) *Only persons licensed under this act as a perfusionist shall*
33 *be entitled to use the title “perfusionist”, “licensed perfusionist”,*
34 *“licensed clinical perfusionist” or “certified clinical perfusionist”,*
35 *abbreviations thereof, words similar to such title or the designated*
36 *letters “LP”, “LCP” or “CCP”.*
- 37 New Sec. 4. (a) *Nothing in this act is intended to limit, preclude*
38 *or otherwise interfere with the practices of other health care pro-*
39 *viders formally trained and licensed, registered, credentialed or*
40 *certified by appropriate agencies of the state of Kansas from per-*
41 *forming duties considered appropriate to their recognized scope of*
42 *practice.*
- 43 (b) *The following shall be exempt from the requirement of a*

1 *license pursuant to this act:*

2 (1) *A person licensed by another health professional licensing*
3 *board if:*

4 (A) *The person does not represent to the public, directly or in-*
5 *directly, that the person is licensed under this act, and does not use*
6 *any name, title, or designation indicating that the person is licensed*
7 *under this act;*

8 (B) *the person confines the person's acts or practice to the scope*
9 *of practice authorized by the other health professional licensing*
10 *laws; or*

11 (C) *the person is trained according to the extracorporeal*
12 *membrane oxygenation specialist (ECMO) guidelines of the extra-*
13 *corporeal life support organization (ELSO) and operates an extra-*
14 *corporeal membrane oxygenation circuit under the supervision of*
15 *a licensed physician;*

16 (2) *A person performing autotransfusion or blood conservation*
17 *techniques under the supervision of a licensed physician.*

18 (3) *A student enrolled in an accredited perfusion education pro-*
19 *gram if perfusion services performed by the student:*

20 (A) *are an integral part of the student's course of study; and*

21 (B) *are performed under the direct supervision of a licensed*
22 *perfusionist assigned to supervise the student and who is on duty*
23 *and immediately available in the assigned patient care area;*

24 (4) *health care providers in the United States armed forces, pub-*
25 *lic health services, federal facilities and other military service when*
26 *acting in the line of duty in this state; or*

27 (5) *persons rendering assistance in the case of an emergency.*

28 (c) *This section shall take effect on and after July 1, 2011.*

29 *New Sec. 5. (a) An applicant for licensure as a perfusionist*
30 *shall file an application, on forms provided by the board, showing*
31 *to the satisfaction of the board that the applicant meets the follow-*
32 *ing requirements:*

33 (1) *At the time of the application is at least 18 years of age;*

34 (2) *has successfully completed a perfusion education program*
35 *set forth in rules and regulations adopted by the board and which*
36 *contains a curriculum no less stringent than the standards of exist-*
37 *ing organizations which approve perfusion programs;*

38 (3) *except as otherwise provided in this act, has successfully*
39 *passed a license examination approved by the board; and*

40 (4) *has paid all fees required for licensure prescribed in this act,*
41 *which shall not be refundable.*

42 (b) *The board may issue a temporary license to an applicant*
43 *seeking licensure as a perfusionist when such applicant meets the*

1 *requirements for licensure or meets all the requirements for licen-*
2 *sure except examination and pays to the board the temporary li-*
3 *cence fee as required under section 8, and amendments thereto.*
4 *Such temporary license is valid (1) for one year from the date of*
5 *issuance or (2) until the board makes a final determination on the*
6 *applicant's request for licensure. The board may extend a tempo-*
7 *rary license, upon a majority vote of the members of the board, for*
8 *a period not to exceed one year.*

9 (c) *The board, without examination, may issue a license to a*
10 *person who has been in the active practice of perfusion in some*
11 *other state, territory, the District of Columbia or other country*
12 *upon certificate of the proper licensing authority of that state, ter-*
13 *ritory, District of Columbia or other country certifying that the*
14 *applicant is duly licensed, that the applicant's license has never*
15 *been limited, suspended or revoked, that the licensee has never been*
16 *censured or had other disciplinary action taken and that, so far as*
17 *the records of such authority are concerned, the applicant is enti-*
18 *tled to its endorsement. The applicant shall also present proof sat-*
19 *isfactory to the board:*

20 (1) (A) *That the state, territory, District of Columbia or coun-*
21 *try in which the applicant last practiced maintains standards at*
22 *least equal to those maintained by Kansas.*

23 (B) *That the applicant's original license was based upon an ex-*
24 *amination at least equal in quality to the examination required in*
25 *this state and that the passing grade required to obtain such original*
26 *license was comparable to that required in this state.*

27 (C) *Of the date of the applicant's original and any and all en-*
28 *dorsed licenses and the date and place from which any license was*
29 *attained.*

30 (D) *That the applicant has been actively engaged in perfusion*
31 *under such license or licenses since issued, and if not, fix the time*
32 *when and reason why the applicant was out of practice; and*

33 (E) *that the applicant holds a current certificate as a certified*
34 *clinical perfusionist initially issued by the American board of car-*
35 *diovascular perfusion (ABCP), or its successor, prior to July 1,*
36 *2011; or*

37 (2) *that the applicant has been practicing perfusion as de-*
38 *scribed in this act in a full-time capacity for a period of more than*
39 *24 months prior to July 1, 2001.*

40 (d) *An applicant for license by endorsement shall not be granted*
41 *a license unless such applicant's individual qualifications meet the*
42 *Kansas requirements.*

43 (e) *A person whose license has been revoked may make written*

1 *application to the board requesting reinstatement of the license in*
2 *a manner prescribed by the board, which application shall be ac-*
3 *companied by the fee provided for in section 8, and amendments*
4 *thereto.*

5 *New Sec. 6. (a) There is hereby created the designation of in-*
6 *active license. The board is authorized to issue an inactive license*
7 *to any licensee who makes written application for such license on*
8 *a form provided by the board and remits the fee for an inactive*
9 *license established pursuant to section 8, and amendments thereto.*
10 *The board may issue an inactive license only to a person who meets*
11 *all the requirements for a license to practice as a perfusionist and*
12 *who does not engage in active practice as a perfusionist in the state*
13 *of Kansas. An inactive license shall not entitle the holder to engage*
14 *in active practice. The provisions of section 7, and amendments*
15 *thereto, relating to expiration, renewal and reinstatement of a li-*
16 *cence shall be applicable to an inactive license issued under this*
17 *subsection. Each inactive licensee may apply to engage in active*
18 *practice by presenting a request required by section 5, and amend-*
19 *ments thereto. The request shall be accompanied by the fee estab-*
20 *lished pursuant to section 8, and amendments thereto.*

21 *(b) There is hereby created a designation of federally active li-*
22 *cence. The board is authorized to issue a federally active license to*
23 *any licensee who makes a written application for such license on a*
24 *form provided by the board and remits the same fee required for a*
25 *license established under section 8, and amendments thereto. The*
26 *board may issue a federally active license only to a person who*
27 *meets all the requirements for a license to practice as a perfusionist*
28 *and who practices as a perfusionist solely in the course of employ-*
29 *ment or active duty in the United States government or any of its*
30 *departments, bureaus or agencies. The provisions of section 7, and*
31 *amendments thereto, relating to expiration, renewal and reinstate-*
32 *ment of a license shall be applicable to a federally active license*
33 *issued under this subsection. Each federally active licensee may*
34 *apply to engage in active practice by presenting a request required*
35 *by section 5, and amendments thereto.*

36 *New Sec. 7. (a) Licenses issued under this act shall expire on*
37 *the date of expiration established by rules and regulations of the*
38 *board unless renewed in the manner prescribed by the board. The*
39 *request for renewal shall be accompanied by the license renewal*
40 *fee established pursuant to section 8, and amendments thereto.*

41 *(b) At least 30 days before the expiration of a licensee's license,*
42 *the board shall notify the licensee of the expiration by mail ad-*
43 *dressed to the licensee's last mailing address as noted upon the office*

1 *records. If the licensee fails to submit an application for renewal on*
 2 *a form provided by the board, or fails to pay the renewal fee by the*
 3 *date of expiration, the board shall give a second notice to the li-*
 4 *cencee that the license has expired and the license may be renewed*
 5 *only if the application for renewal, the renewal fee, and the late*
 6 *renewal fee are received by the board within the thirty-day period*
 7 *following the date of expiration and that, if both fees are not re-*
 8 *ceived within the thirty-day period, the license shall be deemed can-*
 9 *cceled by operation of law and without further proceedings.*

10 (c) *The board may require any licensee to submit to a contin-*
 11 *uing education audit and provide to the board evidence of satisfac-*
 12 *tory completion of a program of continuing education required by*
 13 *rules and regulations of the board.*

14 (d) *Any license canceled for failure to renew may be reinstated*
 15 *upon recommendation of the board. An application for reinstate-*
 16 *ment shall be on a form provided by the board, and shall be accom-*
 17 *panied by payment of the reinstatement fee and evidence of com-*
 18 *pletion of any applicable continuing education requirements. The*
 19 *board may adopt rules and regulations establishing appropriate ed-*
 20 *ucation requirements for reinstatement of a license that has been*
 21 *canceled for failure to renew.*

22 (e) *The board, prior to renewal of a license, shall require the*
 23 *licensee, if in the active practice of perfusion within the state, to*
 24 *submit to the board evidence satisfactory to the board that the li-*
 25 *cencee is maintaining a policy of professional liability insurance.*
 26 *The board may require any licensee to provide to the board evi-*
 27 *dence of malpractice insurance as required by rules and regulations*
 28 *of the board during an audit. The board shall fix by rules and reg-*
 29 *ulations the minimum level of coverage for such professional lia-*
 30 *bility insurance.*

31 (f) *This section shall take effect on and after July 1, 2011.*

32 *New Sec. 8. (a) The board shall charge and collect in advance*
 33 *fees for perfusionists as established by the board by rules and reg-*
 34 *ulations, not to exceed:*

35	(a) <i>Application for licensure.....</i>	<i>\$300</i>
36	(b) <i>Annual renewal of license:</i>	
37	(1) <i>Paper renewal.....</i>	<i>\$150</i>
38	(2) <i>On-line renewal.....</i>	<i>\$150</i>
39	(c) <i>Late renewal of licensure:</i>	
40	(1) <i>Late paper renewal.....</i>	<i>\$100</i>
41	(2) <i>Late on-line renewal.....</i>	<i>\$100</i>
42	(d) <i>Licensure reinstatement (due to late renewal).....</i>	<i>\$250</i>
43	(e) <i>Revoked licensure reinstatement.....</i>	<i>\$325</i>

1	(f) Application for inactive license.....	\$300
2	(1) Renewal of inactive license	\$75
3	(2) Conversion of inactive license to active.....	\$150
4	(g) Certified copy of license	\$25
5	(h) Written verification of license.....	\$25
6	(i) Temporary license.....	\$75
7	<i>(b) If the examination is not administered by the board, the</i>	
8	<i>board may require that fees paid for any examination under the</i>	
9	<i>perfusion practice act be paid directly to the examination service</i>	
10	<i>by the person taking the examination.</i>	
11	<i>(c) This section shall take effect on and after July 1, 2011.</i>	
12	<i>New Sec. 9. (a) The board shall remit all moneys received by</i>	
13	<i>or for the board from fees, charges or penalties to the state treasurer</i>	
14	<i>in accordance with the provisions of K.S.A. 75-4215, and amend-</i>	
15	<i>ments thereto. Upon receipt of each such remittance, the state trea-</i>	
16	<i>surer shall deposit the entire amount in the state treasury. Twenty</i>	
17	<i>percent of such amount shall be credited to the state general fund</i>	
18	<i>and the balance shall be credited to the healing arts fee fund. All</i>	
19	<i>expenditures from the healing arts fee fund shall be made in ac-</i>	
20	<i>cordance with appropriation acts upon warrants of the director of</i>	
21	<i>accounts and reports issued pursuant to vouchers approved by the</i>	
22	<i>president of the board or by a person or persons designated by the</i>	
23	<i>president.</i>	
24	<i>(b) This section shall take effect on and after July 1, 2011.</i>	
25	<i>New Sec. 10. (a) There is established the perfusion council to</i>	
26	<i>assist the state board of healing arts in carrying out the provisions</i>	
27	<i>of this act. The council shall consist of five members, all citizens</i>	
28	<i>and residents of the state of Kansas appointed as follows: The board</i>	
29	<i>shall appoint one member who is a physician licensed to practice</i>	
30	<i>medicine and surgery and one member who is a member of the state</i>	
31	<i>board of healing arts. Members appointed by the board shall serve</i>	
32	<i>at the pleasure of the board. The governor shall appoint three per-</i>	
33	<i>fusionists who have at least three years experience in perfusion pre-</i>	
34	<i>ceding the appointment and are actively engaged, in this state, in</i>	
35	<i>the practice of perfusion or the teaching of perfusion. At least two</i>	
36	<i>of the governor's appointments shall be made from a list of four</i>	
37	<i>nominees submitted by the Kansas practicing perfusionist society.</i>	
38	<i>(b) The members appointed by the governor shall be appointed</i>	
39	<i>for terms of four years except that of the members first appointed,</i>	
40	<i>one shall be appointed for a term of two years, one for a term of</i>	
41	<i>three years, and one for a term of four years, with successor mem-</i>	
42	<i>bers appointed for four years and to serve until a successor member</i>	
43	<i>is appointed. If a vacancy occurs on the council, the appointing</i>	

1 *authority of the position which has become vacant shall appoint a*
2 *person of like qualifications to fill the vacant position for the unex-*
3 *pired term.*

4 (c) *Perfusionists initially appointed to the council must be eli-*
5 *gible for licensure under section 5, and amendments thereto. On*
6 *and after October 1, 2011, new appointees shall be licensed under*
7 *the provisions of this act.*

8 (d) *The council shall meet at least once each year at a time and*
9 *place of its choosing and at such other times as may be necessary*
10 *on the chairperson's call or on the request of a majority of the coun-*
11 *cil's members.*

12 (e) *A majority of the council constitutes a quorum. No action*
13 *may be taken by the council except by affirmative vote of the ma-*
14 *jority of the members present and voting.*

15 (f) *Members of the council attending meetings of the council, or*
16 *a subcommittee of the council, shall be paid mileage provided in*
17 *subsection (c) of K.S.A. 75-3223, and amendments thereto, from the*
18 *healing arts fee fund.*

19 *New Sec. 11. The perfusion council shall advise the board re-*
20 *garding:*

21 (a) *Examination, licensing and other fees;*

22 (b) *rules and regulations to be adopted to carry out the provi-*
23 *sions of this act;*

24 (c) *subject areas to be covered during the educational program*
25 *and on the licensure examination;*

26 (d) *the number of yearly continuing education hours required*
27 *to maintain active licensure;*

28 (e) *changes and new requirements taking place in the area of*
29 *perfusion; and*

30 (f) *such other duties and responsibilities as the board may as-*
31 *sign.*

32 *New Sec. 12. The board, with the advice and assistance of the*
33 *perfusion council, shall:*

34 (a) *Pass upon the qualifications of all applicants for examina-*
35 *tion and licensing, contract for examinations, determine the appli-*
36 *cants who successfully pass the examination, duly license and reg-*
37 *ulate such applicants and keep a roster of all individuals licensed;*

38 (b) *adopt rules and regulations as may be necessary to admin-*
39 *ister the provisions of this act and prescribe forms which shall be*
40 *issued in the administration of this act;*

41 (c) *establish standards for approval of an educational course of*
42 *study and clinical experience, criteria for continuing education,*
43 *procedures for the examination of applicants; and*

1 (d) *establish standards of professional conduct; procedure for*
2 *the discipline of licensees and keep a record of all proceedings.*

3 New Sec. 13. (a) *The license of a perfusionist may be limited,*
4 *suspended or revoked, or the licensee may be censured, reprimanded,*
5 *placed on probation, fined pursuant to K.S.A. 65-2863a,*
6 *and amendments thereto, or otherwise sanctioned by the board or*
7 *an application for licensure or reinstatement of licensure may be*
8 *denied if it is found that the licensee or applicant:*

9 (1) *Has committed an act of fraud or deceit in the procurement*
10 *or holding of a license;*

11 (2) *has been convicted of a felony in a court of competent ju-*
12 *risdiction, either within or outside of this state, unless the convic-*
13 *tion has been reversed and the holder of the license discharged or*
14 *acquitted or if the holder has been pardoned with full restoration*
15 *of civil rights in which case the license shall be restored;*

16 (3) *is addicted to or has distributed intoxicating liquors or*
17 *drugs for other than lawful purposes;*

18 (4) *is found to be mentally or physically incapacitated to such*
19 *a degree that in the opinion of the board continued practice by the*
20 *licensee would constitute a danger to the public's health and safety;*

21 (5) *has aided and abetted a person who is not a licensee under*
22 *this act or is not otherwise authorized to perform the duties of a*
23 *license holder;*

24 (6) *has violated any provision of this act or rules and regula-*
25 *tions;*

26 (7) *has committed an act of unprofessional conduct under cri-*
27 *teria which the board may establish by rules and regulations; or*

28 (8) *is, or has been, found guilty of incompetence or negligence*
29 *while performing as a license holder.*

30 (b) *The denial, refusal to renew, suspension, limitation, proba-*
31 *tion or revocation of a license or other sanction may be ordered by*
32 *the board upon a finding of a violation of this act. All administrative*
33 *proceedings conducted pursuant to this act shall be in accordance*
34 *with the provisions of the Kansas administrative procedure act and*
35 *shall be reviewable in accordance with the Kansas judicial review*
36 *act.*

37 (c) *A person whose license is suspended shall not engage in any*
38 *conduct or activity in violation of the order by which the license*
39 *was suspended.*

40 (d) *This section shall take effect on and after July 1, 2011.*

41 New Sec. 14. (a) *The board shall have jurisdiction of proceed-*
42 *ings to take disciplinary action against any licensee practicing un-*
43 *der this act. Any such action shall be taken in accordance with the*

1 *provisions of the Kansas administrative procedure act.*

2 *(b) Either before or after formal charges have been filed, the*
3 *board and the licensee may enter into a stipulation which shall be*
4 *binding upon the board and the licensee entering into such stipu-*
5 *lation, and the board may enter its findings of fact and enforcement*
6 *order based upon such stipulation without the necessity of filing*
7 *any formal charges or holding hearings in the case. An enforcement*
8 *order based upon a stipulation may order any disciplinary action*
9 *against the licensee entering into such stipulation.*

10 *(c) The board may temporarily suspend or temporarily limit the*
11 *license of any licensee in accordance with the emergency adju-*
12 *dicative proceedings under the Kansas administrative procedure act*
13 *if the board determines that there is cause to believe that grounds*
14 *exist for disciplinary action against the licensee and that the li-*
15 *censee's continuation in practice would constitute an imminent dan-*
16 *ger to the public health and safety.*

17 *New Sec. 15. Nothing in the perfusion practice act or in the*
18 *provisions of K.S.A. 40-2,100 through 40-2,105, and amendments*
19 *thereto, or K.S.A. 2009 Supp. 40-2,105a through 40-2,105d, and*
20 *amendments thereto, shall be construed to require that any individ-*
21 *ual, group or blanket policy of accident and sickness, medical or*
22 *surgical expense insurance coverage or any provision of a policy,*
23 *contract, plan or agreement for medical service issued on or after*
24 *the effective date of this act, reimburse or indemnify a person li-*
25 *censed under the perfusion practice act for services provided as a*
26 *perfusionist.*

27 *New Sec. 16. (a) When it appears that any person is violating*
28 *any provision of this act, the board may bring an action in the name*
29 *of the state in a court of competent jurisdiction for an injunction*
30 *against such violation without regard as to whether proceedings*
31 *have been or may be instituted before the board or whether criminal*
32 *proceedings have been or may be instituted.*

33 *(b) This section shall take effect on and after July 1, 2011.*

34 *New Sec. 17. On and after July 1, 2011, any violation of this*
35 *act shall constitute a class B misdemeanor.*

36 *New Sec. 18. If the provisions of sections 1 through 18, or any*
37 *part thereof, is adjudged by any court of competent jurisdiction to*
38 *be invalid, such judgment shall not affect, impair or invalidate the*
39 *remainder or any other section or part thereof.*

40 *Section ~~18~~ 19. On and after January 1, 2011, K.S.A. 65-7201 is*
41 *hereby amended to read as follows: 65-7201. ~~(a)~~ K.S.A. 65-7201 to 65-*
42 *7218, inclusive, and amendments thereto shall be known and may be cited*
43 *as the naturopathic doctor registration licensure act.*

1 ~~(b)~~ The provisions of this section shall take effect on and after January
2 ~~1, 2003.~~

3 Sec. ~~2~~ **20.** *On and after January 1, 2011*, K.S.A. 65-7202 is hereby
4 amended to read as follows: 65-7202. ~~(a)~~ As used in K.S.A. 65-7201 to
5 65-7218, inclusive, and amendments thereto:

6 ~~(1)~~ (a) “Naturopathic doctor” means a doctor of naturopathic medi-
7 cine who is authorized and ~~registered~~ *licensed* pursuant to this act.

8 ~~(2)~~ (b) “Naturopathic medicine,” or “naturopathy” means a system of
9 health care practiced by naturopathic doctors for the prevention, diag-
10 nosis and treatment of human health conditions, injuries and diseases,
11 that uses education, natural medicines and therapies to support and stim-
12 ulate the individual’s intrinsic self-healing processes, and includes pre-
13 scribing, recommending or administering: ~~(A)~~ (1) Food, food extracts,
14 vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeo-
15 pathic preparations, nonprescription drugs, plant substances that are not
16 designated as prescription drugs or controlled substances, topical drugs
17 as defined in subsection ~~(a)(9)~~ (i) of this section, and amendments thereto;
18 ~~(B)~~ (2) health care counseling, nutritional counseling and dietary therapy,
19 naturopathic physical applications, barrier contraceptive devices; ~~(C)~~ (3)
20 substances on the naturopathic formulary which are authorized for intra-
21 muscular or intravenous administration pursuant to a written protocol
22 entered into with a physician who has entered into a written protocol with
23 a naturopathic doctor ~~registered~~ *licensed* under this act; ~~(D)~~ (4) nonin-
24 vasive physical examinations, venipuncture to obtain blood for clinical
25 laboratory tests and oroficial examinations, excluding endoscopies; ~~(E)~~ (5)
26 minor office procedures; and ~~(F)~~ (6) naturopathic acupuncture. A natur-
27 opathic doctor may not perform surgery, obstetrics, administer ionizing
28 radiation, or prescribe, dispense or administer any controlled substances
29 as defined in K.S.A. 65-4101, and amendments thereto, or any prescrip-
30 tion-only drugs except those listed on the naturopathic formulary adopted
31 by the board pursuant to this act.

32 ~~(3)~~ (c) “Board” means the state board of healing arts.

33 ~~(4)~~ (d) “Approved naturopathic medical college” means a college and
34 program granting the degree of doctor of naturopathy or naturopathic
35 medicine that has been approved by the board under this act and which
36 college and program requires at a minimum a four-year, full-time resident
37 program of academic and clinical study.

38 ~~(5)~~ (e) “Homeopathic preparations” means substances and drugs pre-
39 pared according to the official homeopathic pharmacopoeia recognized
40 by the United States food and drug administration.

41 ~~(6)~~ (f) “Naturopathic acupuncture” means the insertion of fine metal
42 needles through the skin at specific points on or near the surface of the
43 body with or without the palpation of specific points on the body and

1 with or without the application of electric current or heat to the needles
2 or skin or both to treat human disease and impairment and to relieve
3 pain.

4 ~~(7)~~ (g) “Minor office procedures” means care incidental to superficial
5 lacerations and abrasions, superficial lesions and the removal of foreign
6 bodies located in the superficial tissues, except eyes, and not involving
7 blood vessels, tendons, ligaments or nerves. “Minor office procedures”
8 includes use of antiseptics, but shall not include the suturing, repairing,
9 alteration or removal of tissue or the use of general or spinal anesthesia.
10 Minor office procedures does not include anesthetics or surgery.

11 ~~(8)~~ (h) “Naturopathic physical applications” means the therapeutic
12 use by naturopathic doctors of the actions or devices of electrical muscle
13 stimulation, galvanic, diathermy, ultrasound, ultraviolet light, constitu-
14 tional hydrotherapy, naturopathic musculoskeletal technique and ther-
15 apeutic exercise.

16 ~~(9)~~ (i) “Topical drugs” means topical analgesics, antiseptics, scabici-
17 des, antifungals and antibacterials but does not include prescription only
18 drugs.

19 ~~(10)~~ (j) “Physician” means a person licensed to practice medicine and
20 surgery.

21 ~~(11)~~ (k) “Written protocol” means a formal written agreement be-
22 tween a naturopathic doctor ~~registered~~ *licensed* under this act and a per-
23 son licensed to practice medicine and surgery. Any licensee of the board
24 entering into a written protocol with a ~~registered~~ *licensed* naturopathic
25 doctor shall notify the board in writing of such relationship by providing
26 such information as the board may require.

27 ~~(b) The provisions of this section shall take effect on and after January~~
28 ~~1, 2003.~~

29 **Sec. ~~3-~~ 21. *On and after January 1, 2011*, K.S.A. 65-7203 is hereby**
30 **amended to read as follows: 65-7203. (a) The board, as hereinafter pro-**
31 **vided, shall administer the provisions of this act.**

32 (b) The board shall judge the qualifications of all applicants for ex-
33 amination and ~~registration~~ *licensure*, determine the applicants who suc-
34 cessfully pass the examination, duly ~~register~~ *license* such applicants and
35 adopt rules and regulations as may be necessary to administer the pro-
36 visions of this act.

37 (c) The board shall issue a ~~registration~~ *license* as a naturopathic doctor
38 to an individual who prior to the effective date of this act (1) graduated
39 from a school of naturopathy that required four years of attendance and
40 was at the time of such individual’s graduation accredited or a candidate
41 for accreditation by the board approved accrediting body, (2) passed an
42 examination approved by the board covering appropriate naturopathic
43 subjects including basic and clinical sciences and (3) has not committed

1 an act which would subject such person to having a ~~registration~~ *license*
2 suspended or revoked under K.S.A. 65-7208, and amendments thereto.

3 (d) The board shall keep a record of all proceedings under this act
4 and a roster of all individuals ~~registered~~ *licensed* under this act. Only an
5 individual may be ~~registered~~ *licensed* under this act.

6 ~~(e) The provisions of this section shall take effect on and after January~~
7 ~~1, 2003.~~

8 **Sec. 4-22. On and after January 1, 2011,** K.S.A. 65-7204 is hereby
9 amended to read as follows: 65-7204. (a) An applicant applying for ~~reg-~~
10 ~~istration~~ *licensure* as a naturopathic doctor shall file a written application
11 on forms provided by the board, showing to the satisfaction of the board
12 that the applicant meets the following requirements:

13 (1) Education: The applicant shall present evidence satisfactory to the
14 board of having successfully completed an educational program in natur-
15 opathy from an approved naturopathic medical college.

16 (2) Examination: The applicant shall pass an examination as provided
17 for in K.S.A. 65-7205 and amendments thereto.

18 (3) Fees: The applicants shall pay to the board all applicable fees
19 established under K.S.A. 65-7207 and amendments thereto.

20 (b) The board shall adopt rules and regulations establishing the cri-
21 teria for an educational program in naturopathy to obtain successful rec-
22 ognition by the board under paragraph (1) of subsection (a). The board
23 may send a questionnaire developed by the board to any school or other
24 entity conducting an educational program in naturopathy for which the
25 board does not have sufficient information to determine whether the
26 program should be recognized by the board and whether the program
27 meets the rules and regulations adopted under this section. The ques-
28 tionnaire providing the necessary information shall be completed and
29 returned to the board in order for the program to be considered for
30 recognition. The board may contract with investigative agencies, com-
31 missions or consultants to assist the board in obtaining information about
32 an educational program in naturopathy. In entering such contracts the
33 authority to recognize an educational program in naturopathy shall remain
34 solely with the board.

35 ~~(c) The provisions of this section shall take effect on and after January~~
36 ~~1, 2003~~ *An individual holding a valid registration as a naturopathic doctor*
37 *under the naturopathic doctor registration act on December 31, 2010,*
38 *shall be deemed to be licensed as a naturopathic doctor under the natur-*
39 *opathic doctor license act, and such individual shall not be required to*
40 *file an original application for licensure under the naturopathic doctor*
41 *license act.*

42 **Sec. 5-23. On and after January 1, 2011,** K.S.A. 65-7205 is hereby
43 amended to read as follows: 65-7205. ~~(a)~~ Each applicant for ~~registration~~

1 *licensure* under this act shall be examined by a written examination or
2 examinations chosen by the board to test the applicant’s knowledge of the
3 basic and clinical sciences relating to naturopathy, and naturopathy theory
4 and practice, including the applicant’s professional skills and judgment in
5 the utilization of naturopathic techniques and methods, and such other
6 subjects as the board may deem useful to determine the applicant’s fitness
7 to practice naturopathy.

8 ~~(b) The provisions of this section shall take effect on and after January~~
9 ~~1, 2003.~~

10 **Sec. ~~6.~~ 24. *On and after January 1, 2011*, K.S.A. 65-7206 is hereby**
11 **amended to read as follows: 65-7206. (a) The board may waive the ex-**
12 **amination or education requirements, or both, and grant ~~registration li-~~**
13 ***icensure* (1) to any applicant who presents proof of current authorization**
14 **to practice naturopathy in another state, the District of Columbia or ter-**
15 **ritory of the United States which requires standards for authorization to**
16 **practice determined by the board to be equivalent to the requirements**
17 **for ~~registration licensure~~ under this act and (2) to any applicant who pres-**
18 **ents proof that on the day preceding the effective date of this act that the**
19 **applicant was practicing under K.S.A. 65-2872a and amendments thereto.**

20 (b) At the time of making an application under this section, the ap-
21 plicant shall pay to the board the application fee as required under K.S.A.
22 65-7207 and amendments thereto.

23 (c) The board may issue a temporary ~~registration~~ *license* to an appli-
24 cant for ~~registration licensure~~ as a naturopathic doctor who applies for
25 temporary ~~registration licensure~~ on a form provided by the board, who
26 meets the requirements for ~~registration licensure~~ or who meets all the
27 requirements for ~~registration licensure~~ except examination and who pays
28 to the board the temporary ~~registration~~ *license* fee as required under
29 K.S.A. 65-7207 and amendments thereto. The person who holds a tem-
30 porary ~~registration~~ *license* shall practice only under the supervision of a
31 ~~registered licensed~~ naturopathic doctor. Such temporary ~~registration~~ *li-*
32 *cence* shall expire one year from the date of issue or on the date that the
33 board approves the application for ~~registration licensure~~, whichever oc-
34 curs first. No more than one such temporary ~~registration~~ *license* shall be
35 permitted to any one person.

36 ~~(d) The provisions of this section shall take effect on and after January~~
37 ~~1, 2003.~~

38 **Sec. ~~7.~~ 25. *On and after January 1, 2011*, K.S.A. 65-7207 is hereby**
39 **amended to read as follows: 65-7207. (a) The board shall charge and**
40 **collect in advance fees provided for in this act as fixed by the board by**
41 **rules and regulations, subject to the following limitations:**

42 Application fee, not more than	\$200
43 Temporary registration <i>license</i> fee, not more than	\$30

1	Registration License renewal fee, not more than.....	\$150
2	Registration License late renewal additional fee, not more than	\$250
3	Registration License reinstatement fee, not more than	\$250
4	Certified copy of registration license, not more than.....	\$30
5	Written verification of registration license, not more than.....	\$25

6 (b) The board shall charge and collect in advance fees for any ex-
7 amination administered by the board under the naturopathic doctor ~~reg-~~
8 ~~istration~~ licensure act as fixed by the board by rules and regulations in an
9 amount equal to the cost to the board of the examination. If the exami-
10 nation is not administered by the board, the board may require that fees
11 paid for any examination under the naturopathic doctor ~~registration~~ li-
12 ~~cence~~ act be paid directly to the examination service by the person
13 taking the examination.

14 ~~(c) The provisions of this section shall take effect on and after January~~
15 ~~1, 2003.~~

16 **Sec. ~~8~~. 26. On and after January 1, 2011,** K.S.A. 2009 Supp. 65-
17 7208 is hereby amended to read as follows: 65-7208. (a) The board may
18 deny, refuse to renew, suspend, revoke or limit a ~~registration~~ license or
19 the ~~registrant~~ licensee may be publicly or privately censured where the
20 ~~registrant~~ licensee or applicant for ~~registration~~ licensure has been guilty
21 of unprofessional conduct which has endangered or is likely to endanger
22 the health, welfare or safety of the public. Unprofessional conduct in-
23 cludes:

- 24 (1) Obtaining a ~~registration~~ license by means of fraud, misrepresen-
25 tation or concealment of material facts;
- 26 (2) being guilty of unprofessional conduct as defined by rules and
27 regulations adopted by the board;
- 28 (3) being convicted of a felony if the acts for which such person was
29 convicted are found by the board to have a direct bearing on whether
30 such person should be entrusted to serve the public in the capacity of a
31 naturopathic doctor;
- 32 (4) violating any lawful order or rule and regulation of the board; and
- 33 (5) violating any provision of this act.

34 (b) Such denial, refusal to renew, suspension, revocation or limitation
35 of a ~~registration~~ license or public or private censure of a ~~registrant~~ licensee
36 may be ordered by the board after notice and hearing on the matter in
37 accordance with the provisions of the Kansas administrative procedure
38 act. Upon the end of the period of time established by the board for the
39 revocation of a ~~registration~~ license, application may be made to the board
40 for reinstatement. The board shall have discretion to accept or reject an
41 application for reinstatement and may hold a hearing to consider such
42 reinstatement. An application for reinstatement of a revoked ~~registration~~
43 ~~license~~ shall be accompanied by the ~~registration~~ license renewal fee and

1 the ~~registration~~ *license* reinstatement fee established under K.S.A. 65-
2 7207 and amendments thereto.

3 (c) The board, in addition to any other penalty prescribed in subsec-
4 tion (a), may assess a civil fine, after proper notice and an opportunity to
5 be heard, against a ~~registrant~~ *licensee* for unprofessional conduct in an
6 amount not to exceed \$5,000 for the first violation, \$10,000 for the second
7 violation and \$15,000 for the third violation and for each subsequent
8 violation. All fines assessed and collected under this section shall be re-
9 mitted to the state treasurer in accordance with the provisions of K.S.A.
10 75-4215, and amendments thereto. Upon receipt of each such remittance,
11 the state treasurer shall deposit the entire amount in the state treasury
12 to the credit of the state general fund.

13 **Sec. 9-27. On and after January 1, 2011,** K.S.A. 2009 Supp. 65-
14 7209 is hereby amended to read as follows: 65-7209. (a) ~~Registrations~~
15 *Licenses* issued under this act shall expire on the date of expiration es-
16 tablished by rules and regulations of the board unless renewed in the
17 manner prescribed by the board. The request for renewal shall be accom-
18 panied by the ~~registration~~ *license* renewal fee established pursuant to
19 K.S.A. 65-7207, and amendments thereto. The board may establish ad-
20 ditional requirements for ~~registration~~ *license* renewal which provide evi-
21 dence of continued competency. The board ~~for registration renewal~~ shall
22 require *as a condition for renewal of a license* completion of at least 25
23 hours annually of continuing education approved by the board.

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

37 (c) Any ~~registration~~ *license* canceled for failure to renew as herein
38 provided may be reinstated upon recommendation of the board and upon
39 payment of the ~~registration~~ *license* reinstatement fee and upon submitting
40 evidence of satisfactory completion of any applicable continuing educa-
41 tion requirements established by the board. The board shall adopt rules
42 and regulations establishing appropriate continuing education require-
43 ments for reinstatement of ~~registrations~~ *licenses* canceled for failure to

1 renew.

2 (d) A person whose ~~registration~~ *license* is suspended shall not engage
3 in any conduct or activity in violation of the order or judgment by which
4 the ~~registration~~ *license* was suspended.

5 ~~Sec. 10.~~ **28. *On and after January 1, 2011***, K.S.A. 65-7211 is
6 hereby amended to read as follows: 65-7211. (a) ~~On and after January 1,~~
7 ~~2003, and prior to July 1, 2004, it shall be unlawful for any person who~~
8 ~~is not registered under this act as a naturopathic doctor or whose regis-~~
9 ~~tration has been suspended or revoked to hold oneself out to the public~~
10 ~~as a registered naturopathic doctor, or use the abbreviation of “N.D.” or~~
11 ~~the words “naturopathic doctor,” “doctor of naturopathy,” “doctor of na-~~
12 ~~turopathic medicine,” “naturopathic medical doctor” or any other words,~~
13 ~~letters, abbreviations or insignia indicating or implying that such person~~
14 ~~is a naturopathic doctor. A violation of this subsection (a) shall constitute~~
15 ~~a class B person misdemeanor. A person licensed under this act as a~~
16 ~~naturopathic doctor shall: (1) Use the letters “N.D.”, when using the let-~~
17 ~~ters or term “Dr.” or “Doctor” to identify themselves to patients or the~~
18 ~~public; and (2) be authorized to use the words “naturopathic doctor”,~~
19 ~~“doctor of naturopathy”, “doctor of naturopathic medicine”, or “naturo-~~
20 ~~path”, to indicate that such person is a naturopathic doctor licensed under~~
21 ~~this act. A person licensed under this act may not advertise, hold them-~~
22 ~~selves out to the public, refer to themselves or use the terms “naturopathic~~
23 ~~physician”, “physician” or “naturopathic medical doctor” in conjunction~~
24 ~~with such licensee’s name. A violation of this subsection (a) shall constitute~~
25 ~~a class B misdemeanor.~~

26 (b) ~~On and after July 1, 2004,~~ It shall be unlawful for any person who
27 is not ~~registered~~ *licensed* under this act as a naturopathic doctor or whose
28 ~~registration~~ *license* has been suspended or revoked to hold oneself out to
29 the public *in any manner* as a ~~registered~~ *licensed* naturopathic doctor, or
30 use the abbreviation of “N.D.” or the words “naturopathic doctor,” “doc-
31 tor of naturopathy,” “doctor of naturopathic medicine,” “naturopath,”
32 “naturopathic medical doctor” or any other words, letters, abbreviations
33 or insignia indicating or implying that such person is a naturopathic doc-
34 tor. A violation of this subsection (b) shall constitute a class B person
35 misdemeanor.

36 (c) No statute granting authority to persons licensed or registered by
37 the state board of healing arts shall be construed to confer authority upon
38 naturopathic doctors to engage in any activity not conferred by this act.

39 ~~(d) The provisions of this section shall take effect on and after January~~
40 ~~1, 2003.~~

41 ~~Sec. 11.~~ **29. *On and after January 1, 2011*** K.S.A. 65-7212 is
42 hereby amended to read as follows: 65-7212. ~~(a)~~ The board shall adopt a
43 naturopathic formulary which lists the drugs and substances which are

1 approved for intramuscular or intravenous administration by a naturo-
2 pathic doctor pursuant to the order of a physician. The board shall appoint
3 a naturopathic formulary advisory committee which shall advise the board
4 and make recommendations on the list of substances which may be in-
5 cluded in the naturopathic formulary. The naturopathic formulary advi-
6 sory committee shall consist of a licensed pharmacist, a person knowl-
7 edgeable in medicinal plant chemistry, two persons licensed to practice
8 medicine and surgery, and two naturopathic doctors ~~registered~~ *licensed*
9 under this act.

10 ~~(b) The provisions of this section shall take effect on and after January~~
11 ~~1, 2003.~~

12 ~~Sec. 12.~~ **30. *On and after January 1, 2011,*** K.S.A. 65-7216 is
13 hereby amended to read as follows: 65-7216. ~~(a)~~ All state agency adjudi-
14 cative proceedings under the naturopathic doctor ~~registration~~ *licensure*
15 act shall be conducted in accordance with the provisions of the Kansas
16 administrative procedure act and shall be reviewable in accordance with
17 the act for judicial review and civil enforcement of agency actions.

18 ~~(b) The provisions of this section shall take effect on and after January~~
19 ~~1, 2003.~~

20 New Sec. ~~13.~~ **31. *Nothing*** ***On and after January 1, 2011, nothing***
21 in the naturopathic doctor licensure act or in the provisions of K.S.A. 40-
22 2,100 through 40-2,105, and amendments thereto, or K.S.A. 2009 Supp.
23 40-2,105a through 40-2,105d, and amendments thereto, shall be con-
24 strued to ~~required~~ **require** that any individual, group or blanket policy of
25 accident and sickness, medical or surgical expense insurance coverage or
26 any provision of a policy, contract, plan or agreement for medical service
27 issued on or after the effective date of this act, reimburse or indemnify a
28 person licensed under the naturopathic doctor licensure act for services
29 provided as a naturopathic doctor.

30 Section ~~14.~~ **32. *On and after January 1, 2011,*** K.S.A. 17-2707 is
31 hereby amended to read as follows: 17-2707. As used in this act, unless
32 the context clearly indicates that a different meaning is intended:

33 (a) “Professional corporation” means a corporation organized under
34 this act.

35 (b) “Professional service” means the type of personal service ren-
36 dered by a person duly licensed, registered or certified by this state as a
37 member of any of the following professions, each paragraph constituting
38 one type:

- 39 (1) A certified public accountant;
- 40 (2) an architect;
- 41 (3) an attorney-at-law;
- 42 (4) a chiropractor;
- 43 (5) a dentist;

- 1 (6) an engineer;
- 2 (7) an optometrist;
- 3 (8) an osteopathic physician or surgeon;
- 4 (9) a physician, surgeon or doctor of medicine;
- 5 (10) a veterinarian;
- 6 (11) a podiatrist;
- 7 (12) a pharmacist;
- 8 (13) a land surveyor;
- 9 (14) a licensed psychologist;
- 10 (15) a specialist in clinical social work;
- 11 (16) a licensed physical therapist;
- 12 (17) a landscape architect;
- 13 (18) a registered professional nurse;
- 14 (19) a real estate broker or salesperson;
- 15 (20) a clinical professional counselor;
- 16 (21) a geologist;
- 17 (22) a clinical psychotherapist;
- 18 (23) a clinical marriage and family therapist;
- 19 (24) a licensed physician assistant;
- 20 (25) a licensed occupational therapist;
- 21 (26) a licensed audiologist; ~~and~~
- 22 (27) a licensed speech-pathologist; *and*
- 23 (28) *a licensed naturopathic doctor.*
- 24 (c) “Regulating board” means the court, board or state agency which
- 25 is charged with the licensing, registering or certifying and regulation of
- 26 the practice of the profession which the professional corporation is or-
- 27 ganized to render.
- 28 (d) “Qualified person” means:
- 29 (1) Any natural person licensed, registered or certified to practice the
- 30 same type of profession which any professional corporation is authorized
- 31 to practice;
- 32 (2) the trustee of a trust which is a qualified trust under subsection
- 33 (a) of section 401 of the federal internal revenue code, as in effect on
- 34 January 1, 2004, or of a contribution plan which is a qualified employee
- 35 stock ownership plan under subsection (a) of section 409A of the federal
- 36 internal revenue code, as in effect on January 1, 2004; or
- 37 (3) the trustee of a revocable living trust established by a natural
- 38 person who is licensed, registered or certified to practice the type of
- 39 profession which any professional corporation is authorized to practice,
- 40 if the terms of such trust provide that such natural person is the principal
- 41 beneficiary and sole trustee of such trust and such trust does not continue
- 42 to hold title to professional corporation stock following such natural per-
- 43 son’s death for more than a reasonable period of time necessary to dispose

1 of such stock.

2 Sec. ~~15~~ **33. *On and after January 1, 2011***, K.S.A. 2009 Supp. 65-
3 2913 is hereby amended to read as follows: 65-2913. (a) It shall be un-
4 lawful for any person who is not licensed under this act as a physical
5 therapist or whose license has been suspended or revoked in any manner
6 to represent oneself as a physical therapist or to use in connection with
7 such person's name the words physical therapist, physiotherapist or li-
8 censed physical therapist or use the abbreviations P.T., Ph. T., M.P.T.,
9 D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia,
10 indicating or implying that such person is a physical therapist. A violation
11 of this subsection shall constitute a class B nonperson misdemeanor.

12 (b) Any person who, in any manner, represents oneself as a physical
13 therapist assistant, or who uses in connection with such person's name
14 the words or letters physical therapist assistant, certified physical therapist
15 assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, ab-
16 breviations or insignia, indicating or implying that such person is a phys-
17 ical therapist assistant, without a valid existing certificate as a physical
18 therapist assistant issued to such person pursuant to the provisions of this
19 act, shall be guilty of a class B nonperson misdemeanor.

20 (c) Nothing in this act is intended to limit, preclude or otherwise
21 interfere with the practices of other health care providers formally trained
22 and practicing their profession. The provisions of article 29 of chapter 65
23 of the Kansas Statutes Annotated and acts amendatory thereof or supple-
24 mental thereto shall not apply to the following individuals so long as they
25 do not hold themselves out in a manner prohibited under subsection (a)
26 or (b) of this section:

- 27 (1) Persons rendering assistance in the case of an emergency;
- 28 (2) members of any church practicing their religious tenets;
- 29 (3) persons whose services are performed pursuant to the delegation
30 of and under the supervision of a physical therapist who is licensed under
31 this act;
- 32 (4) health care providers in the United States armed forces, public
33 health services, federal facilities and coast guard or other military service
34 when acting in the line of duty in this state;
- 35 (5) licensees under the healing arts act, and practicing their profes-
36 sions, when licensed and practicing in accordance with the provisions of
37 law or persons performing services pursuant to the delegation of a li-
38 censee under subsection (g) of K.S.A. 65-2872 and amendments thereto;
- 39 (6) dentists practicing their professions, when licensed and practicing
40 in accordance with the provisions of law;
- 41 (7) nurses practicing their professions, when licensed and practicing
42 in accordance with the provisions of law or persons performing services
43 pursuant to the delegation of a licensed nurse under subsection (m) of

- 1 K.S.A. 65-1124 and amendments thereto;
- 2 (8) health care providers who have been formally trained and are
3 practicing in accordance with their training or have received specific train-
4 ing in one or more functions included in this act pursuant to established
5 educational protocols or both;
- 6 (9) students while in actual attendance in an accredited health care
7 educational program and under the supervision of a qualified instructor;
- 8 (10) self-care by a patient or gratuitous care by a friend or family
9 member;
- 10 (11) optometrists practicing their profession when licensed and prac-
11 ticing in accordance with the provisions of article 15 of chapter 65 of the
12 Kansas Statutes Annotated and amendments thereto;
- 13 (12) podiatrists practicing their profession when licensed and prac-
14 ticing in accordance with the provisions of article 20 of chapter 65 of the
15 Kansas Statutes Annotated and amendments thereto;
- 16 (13) occupational therapists practicing their profession when licensed
17 and practicing in accordance with the occupational therapy practice act
18 and occupational therapy assistants practicing their profession when li-
19 censed and practicing in accordance with the occupational therapy prac-
20 tice act;
- 21 (14) respiratory therapists practicing their profession when licensed
22 and practicing in accordance with the respiratory therapy practice act;
- 23 (15) physician assistants practicing their profession when licensed and
24 practicing in accordance with the physician assistant licensure act;
- 25 (16) persons practicing corrective therapy in accordance with their
26 training in corrective therapy;
- 27 (17) athletic trainers practicing their profession when licensed and
28 practicing in accordance with the athletic trainers licensure act;
- 29 (18) persons who massage for the purpose of relaxation, muscle con-
30 ditioning or figure improvement, so long as no drugs are used and such
31 persons do not hold themselves out to be physicians or healers;
- 32 (19) barbers practicing their profession when licensed and practicing
33 in accordance with the provisions of article 18 of chapter 65 of the Kansas
34 Statutes Annotated and amendments thereto;
- 35 (20) cosmetologists practicing their profession when licensed and
36 practicing in accordance with the provisions of article 19 of chapter 65 of
37 the Kansas Statutes Annotated and amendments thereto;
- 38 (21) attendants practicing their profession when certified and prac-
39 ticing in accordance with the provisions of article 61 of chapter 65 of the
40 Kansas Statutes Annotated and amendments thereto;
- 41 (22) naturopathic doctors practicing their profession when ~~registered~~
42 *licensed* and practicing in accordance with the naturopathic doctor ~~reg-~~
43 ~~istration~~ *licensure* act.

1 (d) Any patient monitoring, assessment or other procedures designed
2 to evaluate the effectiveness of prescribed physical therapy must be per-
3 formed by or pursuant to the delegation of a licensed physical therapist
4 or other health care provider.

5 (e) Nothing in this act shall be construed to permit the practice of
6 medicine and surgery. No statute granting authority to licensees of the
7 state board of healing arts shall be construed to confer authority upon
8 physical therapists to engage in any activity not conferred by this act.

9 Sec. ~~16~~ **34.** *On and after January 1, 2011*, K.S.A. 17-2707, 65-
10 7201, 65-7202, 65-7203, 65-7204, 65-7205, 65-7206, 65-7207, 65-7211,
11 65-7212 and 65-7216 and K.S.A. 2009 Supp. 65-2913, 65-7208 and 65-
12 7209 are hereby repealed.

13 Sec. ~~17~~ **35.** This act shall take effect and be in force from and after
14 January 1, 2011, and its publication in the statute book.