

As Amended by House Committee

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 490

By Committee on Public Health and Welfare

1-29

12 AN ACT concerning physical therapists licensure; amending K.S.A. 2009
13 Supp. 65-2910 **and 65-2911** and repealing the existing section
14 **sections.**

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 2009 Supp. 65-2910 is hereby amended to read as
18 follows: 65-2910. (a) The license of every licensed physical therapist and
19 the certification of every certified physical therapist assistant shall expire
20 on the date established by rules and regulations of the board which may
21 provide renewal throughout the year on a continuing basis. In each case
22 in which a license or certificate is renewed for a period of time of less
23 than one year, the board may prorate the amount of the fee established
24 under K.S.A. 65-2911 and amendments thereto. The request for renewal
25 shall be on a form provided by the board and shall be accompanied by
26 the renewal fee established under K.S.A. 65-2911 and amendments
27 thereto which shall be paid not later than the expiration date of the license
28 or certificate.

29 (b) The board shall require every licensed physical therapist or cer-
30 tified physical therapist assistant as a condition of renewal to submit with
31 the application for a renewal evidence of satisfactory completion of a
32 program of continuing education required by the board. The board shall
33 establish the requirements for each such program of continuing education
34 by rules and regulations. In establishing such requirements the board
35 shall consider any existing programs of continuing education currently
36 being offered to licensed physical therapists or certified physical therapist
37 assistants.

38 (c) At least 30 days before the expiration of the license of a physical
39 therapist or the certificate of a physical therapist assistant, the board shall
40 notify the licensee or certificate holder of the expiration by mail addressed
41 to the licensee's last mailing address as noted upon the office records. If
42 the licensee or certificate holder fails to pay the renewal fee by the date
43 of expiration, the licensee or certificate holder shall be given a second

1 notice that the license or certificate has expired and the license or certifi-
2 cate may be renewed only if the renewal fee and the late renewal fee are
3 received by the board within the thirty-day period following the date of
4 expiration and that, if both fees are not received within the thirty-day
5 period, the license or certificate shall be canceled for failure to renew
6 and shall be reissued only after the physical therapist or physical therapist
7 assistant has been reinstated under subsection (d).

8 (d) Any licensee or certificate holder who allows the license or cer-
9 tificate to be canceled by failing to renew may be reinstated upon rec-
10 ommendation of the board, upon payment of the reinstatement fee and
11 upon submitting evidence of satisfactory completion of any applicable
12 reeducation and continuing education requirements established by the
13 board. The board shall adopt rules and regulations establishing appro-
14 priate reeducation and continuing education requirements for reinstate-
15 ment of persons whose licenses or certificates have been canceled for
16 failure to renew.

17 (e) (1) There is hereby created the designation of inactive license.
18 The board is authorized to issue an inactive license to any physical ther-
19 apist who makes written application for a license as a physical therapist
20 on a form provided by the board and remits the fee established pursuant
21 to K.S.A. 65-2911, and amendments thereto. The board may issue an
22 inactive license only to a person who meets all the requirements for a
23 license to practice as a physical therapist and who does not actively prac-
24 tice as a physical therapist in this state. An inactive license shall not entitle
25 the holder to render professional services as a physical therapist. The
26 provisions of subsections (c) and (d) relating to expiration, renewal and
27 reinstatement of a license shall be applicable to an inactive license issued
28 under this subsection. Each inactive licensee may apply to engage in ac-
29 tive practice by providing to the board proof that a policy of professional
30 liability insurance will be maintained in compliance with K.S.A. 2009
31 Supp. 65-2920, and amendments thereto, and rules and regulations
32 adopted by the board.

33 (2) *For the licensee whose license has been inactive for less than two*
34 *years, the board shall adopt rules and regulations establishing appropriate*
35 *continuing education requirements for exempt licensees to become li-*
36 *censed to regularly practice physical therapy within Kansas. Any licensee*
37 *whose license has been inactive for more than two years may be required*
38 *to complete such additional testing, training or education as the board*
39 *may deem necessary to establish the licensee's present ability to practice*
40 *with reasonable skill and safety.*

41 (f) (1) *There is hereby created a designation of exempt license. The*
42 *board is authorized to issue an exempt license to any licensee who makes*
43 *written application for such license on a form provided by the board and*

1 *remits the fee for an exempt license established pursuant to K.S.A. 65-*
2 *2911, and amendments thereto. The board may issue an exempt license*
3 *to a person who is not regularly engaged in the practice of physical ther-*
4 *apy in Kansas and who does not hold oneself out to the public as being*
5 *professionally engaged in such practice. An exempt license shall entitle*
6 *the holder to all privileges attendant to the practice of physical therapy*
7 *for which such license is issued. Each exempt license may be renewed*
8 *subject to the provisions of this section. Each exempt licensee shall be*
9 *subject to all provisions of the physical therapy act, except as otherwise*
10 *provided in this subsection. The holder of an exempt license shall be re-*
11 *quired to submit evidence of satisfactory completion of a program of con-*
12 *tinuing education required by this section. Each exempt licensee may ap-*
13 *ply for a license to regularly engage in the practice of physical therapy*
14 *upon filing a written application with the board. The request shall be on*
15 *a form provided by the board and shall be accompanied by the license fee*
16 *established pursuant to K.S.A. 65-2911, and amendments thereto.*

17 (2) *For the licensee whose license has been exempt for less than two*
18 *years, the board shall adopt rules and regulations establishing appropriate*
19 *continuing education requirements for exempt licensees to become li-*
20 *icensed to regularly practice physical therapy within Kansas. Any licensee*
21 *whose license has been exempt for more than two years and who has not*
22 *been in the active practice of physical therapy or engaged in a formal*
23 *educational program since the license has been exempt may be required*
24 *to complete such additional testing, training or education as the board*
25 *may deem necessary to establish the licensee's present ability to practice*
26 *with reasonable skill and safety.*

27 (3) *Nothing in this subsection shall be construed to prohibit a person*
28 *holding an exempt license from serving as a paid employee or unpaid*
29 **volunteer** of: (A) *A local health department as defined by K.S.A. 65-241,*
30 *and amendments thereto, or (B) an indigent health care clinic as defined*
31 *by K.S.A. 75-6102, and amendments thereto.*

32 (4) **A person who practices under an exempt license shall not**
33 **be deemed to be rendering professional service as a physical ther-**
34 **apist in this state for the purposes of K.S.A. 2009 Supp. 65-2920,**
35 **and amendments thereto.**

36 (g) (1) *There is hereby created a designation of federally active li-*
37 *cence. The board is authorized to issue a federally active license to any*
38 *licensee who makes written application for such license on a form pro-*
39 *vided by the board and remits the same fee required for a license estab-*
40 *lished under K.S.A. 65-2911, and amendments thereto. The board may*
41 *issue a federally active license only to a person who meets all the require-*
42 *ments for a license to practice physical therapy in Kansas and who prac-*
43 *tices that branch of physical therapy solely in the course of employment*

1 or active duty in the United States government or any of its departments,
 2 bureaus or agencies. A person issued a federally active license may engage
 3 in limited practice outside of the course of federal employment consistent
 4 with the scope of practice of exempt licenses under subsection (f), except
 5 that the scope of practice of a federally active licensee shall be limited to
 6 providing direct patient care services gratuitously or providing supervi-
 7 sion, direction or consultation for no compensation except that nothing in
 8 this subsection (g)(1) shall prohibit a person licensed to practice physical
 9 therapy issued a federally active license from receiving payment for sub-
 10 sistence allowances or actual and necessary expenses incurred in provid-
 11 ing such services; and rendering professional services as a charitable
 12 health care provider as defined in K.S.A. 75-6102, and amendments
 13 thereto.

14 (2) The provisions of subsections (a), (b), and (d) of this section re-
 15 lating to continuing education, expiration and renewal of a license shall
 16 be applicable to a federally active license issued under this subsection.

17 (3) A person who practices under a federally active license shall not
 18 be deemed to be rendering professional service as a ~~health care provider~~
 19 **physical therapist** in this state for the purposes of ~~K.S.A. 40-3402 or~~
 20 **K.S.A. 2009 Supp. 65-2920**, and amendments thereto.

21 **Sec. 2. K.S.A. 2009 Supp. 65-2911 is hereby amended to read**
 22 **as follows: 65-2911. (a) The board may adopt such rules and reg-**
 23 **ulations as necessary to carry out the purposes of this act. The**
 24 **executive director of the board shall keep a record of all proceed-**
 25 **ings under this act and a roster of all persons licensed or certified**
 26 **under the act. The roster shall show the name, address, date and**
 27 **number of the original license or certificate, and the renewal**
 28 **thereof.**

29 (b) (1) The board shall charge and collect in advance fees pro-
 30 vided for in this act as fixed by the board by rules and regulations,
 31 subject to the following limitations:

32 Application based upon certificate of prior examina-	
33 tion, not more than.....	\$80
34 Application based on examination, not more than	100
35 <i>Exempt license fee, not more than.....</i>	<i>80</i>
36 Annual renewal fee, not more than.....	70
37 <i>Exempt license renewal fee, not more than</i>	<i>70</i>
38 Late renewal fee, not more than.....	75
39 Reinstatement fee, not more than.....	80
40 Certified copy of license or certificate, not more	
41 than	15
42 Duplicate certificate.....	15
43 Temporary permit.....	25

1 *Written verification of license*..... 25

2 **(2) The board shall charge and collect in advance fees for any**
3 **examination administered by the board under article 29 of chapter**
4 **65 of the Kansas Statutes Annotated and acts amendatory of the**
5 **provisions thereof or supplemental thereto as fixed by the board**
6 **by rules and regulations in an amount equal to the cost to the board**
7 **of the examination. If the examination is not administered by the**
8 **board, the board may require that fees paid for any examination**
9 **under article 29 of chapter 65 of the Kansas Statutes Annotated**
10 **and acts amendatory of the provisions thereof or supplemental**
11 **thereto be paid directly to the examination service by the person**
12 **taking the examination.**

13 **(3) The fees fixed by the board by rules and regulations under**
14 **article 29 of chapter 65 of the Kansas Statutes Annotated and acts**
15 **amendatory of the provisions thereof or supplemental thereto and**
16 **in effect immediately prior to the effective date of this act shall**
17 **continue in effect until different fees are fixed by the board by**
18 **rules and regulations as provided under this section.**

19 **(c) The board shall remit all moneys received by or for it from**
20 **fees, charges or penalties to the state treasurer in accordance with**
21 **the provisions of K.S.A. 75-4215, and amendments thereto. Upon**
22 **receipt of each such remittance, the state treasurer shall deposit**
23 **the entire amount in the state treasury. Twenty percent of such**
24 **amount shall be credited to the state general fund and the balance**
25 **shall be credited to the healing arts fee fund. All expenditures from**
26 **such fund shall be made in accordance with appropriation acts**
27 **upon warrants of the director of accounts and reports issued pur-**
28 **suant to vouchers approved by the president of the board or by a**
29 **person or persons designated by the president of the board.**

30 **Sec. ~~2~~ 3. K.S.A. 2009 Supp. 65-2910 ~~is~~ and 65-2911 are hereby**
31 **repealed.**

32 **Sec. ~~3~~ 4. This act shall take effect and be in force from and after its**
33 **publication in the statute book.**