

HOUSE BILL NO. _____

AN ACT concerning the state board of healing arts; relating to actions taken by the board for unprofessional conduct, the expiration date of licenses and registrations issued by the board, and creating designations for certain licenses; amending K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 2003 Supp. 65-2910 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas.

Section 1. K.S.A. 65-2005 is hereby amended to read as follows: 65-2005. (a) A licensee shall be designated a licensed podiatrist and shall not use any title or abbreviations without the designation licensed podiatrist, practice limited to the foot, and shall not mislead the public as to such licensee's limited professional qualifications to treat human ailments. Whenever a registered podiatrist, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to refer to or designate a licensed podiatrist.

(b) The license of each licensed podiatrist shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license is renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-2012 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under K.S.A. 65-2012 and amendments thereto which shall be paid not later than the expiration date of the license. At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If a licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the licensee's license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, such licensee's license shall be canceled ***by operation of law and without further proceedings*** for failure to renew and shall be reissued only after the licensee has been reinstated under subsection (c).

(c) Any licensee who allows the licensee's license to be canceled by failing to renew may be reinstated upon recommendation of the board and upon payment of the renewal fee and the reinstatement fee established pursuant to K.S.A. 65-2012 and amendments thereto and upon submitting evidence of satisfactory completion of the applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses have been canceled for failure to renew.

(d) The board, prior to renewal of a license, shall require the licensee, if in the active practice of podiatry within Kansas, to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402 and amendments thereto and has paid the annual premium surcharge as required by K.S.A. 40-3404 and amendments thereto.

(e) The board may issue a temporary permit to practice podiatry in this state to any person making application for ~~such temporary permit upon a form provided by the board~~ **a license to**

practice podiatry who meets the ~~requirements prescribed by the board~~ *required qualifications for a license* and who pays to the board the temporary permit fee established pursuant to K.S.A. 65-2012 and amendments thereto. A temporary permit shall authorize the permittee to practice within the limits of the permit until the license is issued or denied to the permittee by the board; ~~except that where a graduate podiatrist is working under the supervision of a licensed podiatrist in a training program approved by the board, the temporary permit issued to such graduate podiatrist shall be valid for the period of such training program.~~

(f) The board may issue a postgraduate permit to practice podiatry in this state to any person who is engaged in a full time, approved postgraduate study program; has made application for such postgraduate permit upon a form provided by the board; meets all the qualifications for a license, except the examination required under K.S.A. 65-2004 and amendments thereto; and has paid the fee established pursuant to K.S.A. 65-2012 and amendments thereto. The postgraduate permit shall authorize the person receiving the permit to practice podiatry in the postgraduate study program, but shall not authorize practice outside of the postgraduate study program. The postgraduate permit shall be canceled if the permittee ceases to be engaged in the postgraduate study program.

(g) The board may issue, upon payment to the board of the temporary license fee established pursuant to K.S.A. 65-2012 and amendments thereto, a temporary license to a practitioner of another state or country who is appearing as a clinician at meetings, seminars or training programs approved by the board, if the practitioner holds a current license, registration or certificate as a podiatrist from another state or country and the sole purpose of such appearance is for promoting professional education.

(h) There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an exempt license established under K.S.A. 65-2012 and amendments thereto. The board may issue an exempt license only to a person who has previously been issued a license to practice podiatry within Kansas, who is no longer regularly engaged in such practice and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of podiatry. Each exempt license may be renewed annually subject to the other provisions of this section and other sections of the podiatry act. Each exempt licensee shall be subject to all provisions of the podiatry act, except as otherwise provided. The holder of an exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education required under the podiatry act. Each exempt licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board and submitting evidence of satisfactory completion of the applicable and continuing education requirements established by the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established under K.S.A. 65-2012 and amendments thereto. The board shall adopt rules and regulations establishing appropriate and continuing education requirements for exempt licensees to become licensed to regularly practice podiatry within Kansas.

(i) There is hereby created a designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to K.S.A. 65-2012 and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice podiatry in Kansas, who is not regularly engaged in the practice of podiatry in Kansas, who does not hold oneself out to the public as being

professionally engaged in such practice and who meets the definition of inactive health care provider as defined in K.S.A. 40-3401 and amendments thereto. An inactive license shall not entitle the holder to practice podiatry in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the podiatry act, except as otherwise provided in this subsection (i). The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-2010 and amendments thereto. Each inactive licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2012 and amendments thereto. For those licensees whose license has been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice podiatry within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of podiatry or engaged in a formal education program since the licensee has been inactive may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(j) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes written application for such license on a form provided by the board and remits the same fee required for a license established under K.S.A. 65-2012 and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice podiatry in Kansas and who practices podiatry solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who, in addition to such employment or assignment, provides professional services as a charitable health care provider as defined under K.S.A. 75-6102 and amendments thereto. The provisions of subsections (b) and (c) of this section relating to expiration, renewal and reinstatement of a license and K.S.A. 65-2010 and amendments thereto relating to continuing education shall be applicable to a federally active license issued under this subsection. A person who practices under a federally active license shall not be deemed to be rendering professional service as a health care provider in this state for purposes of K.S.A. 40-3402 and amendments thereto.

(h) (k) Each license or permit granted under this act shall be conspicuously displayed at the office or other place of practice of the licensee or permittee.

(l) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by a reinstatement of a revoked license fee established by the board under K.S.A. 65-2012 and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license. If the board determines a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

Section 2. K.S.A. 65-2012 is hereby amended to read as follows:

The following fees shall be established by rules and regulations adopted by the board and shall be collected by the board:

(a) For a license to practice podiatry *or an inactive license or federally active license*, issued on the basis of an examination, an amount of not more than \$300;

(b) for a license to practice podiatry *or an inactive license or federally active license*, issued without examination and by endorsement, an amount of not more than \$300;

~~(c) for a license to practice podiatry, issued upon request of an exempt licensee, an amount of not more than \$300;~~

~~(d) for an exempt license or renewal of an exempt license, an amount of not more than \$300;~~

~~(e)~~(c) for the ~~annual~~ renewal of a license to practice podiatry *or a federally active license*, an amount of not more than ~~\$300~~ \$500;

~~(d)~~ for the renewal of an exempt license, an amount of not more than \$150;

~~(e)~~ for the renewal of an inactive license, an amount of not more than \$150;

(f) for late renewal of any license, an amount of not more than ~~\$200~~ \$500;

(g) for reinstatement of a ~~licensee whose~~ license ~~lapsed canceled~~ for failure to renew, an amount of not more than ~~\$200~~ \$300;

(h) for a temporary permit *or postgraduate permit*, an amount of not more than \$60;

(i) for a temporary license, an amount of not more than \$50;

(j) for any examination given by the board, an amount equal to the cost to the board of the examination and its administration;

(k) for a certified statement from the board that a licensee is licensed to practice podiatry in this state, an amount of not more than \$30;

(l) for any copy of any license issued by the board, an amount of not more than \$30; ~~and~~

(m) for written verification of any license issued by the board, ~~in~~ an amount of not more than \$25; ;

~~(n) for conversion of an exempt or inactive license to a license to practice podiatry, an amount of not more than \$300; and~~

~~(o) for reinstatement of a revoked license, an amount of not more than \$1000.~~

Section 3. K.S.A. 65-28a03 is hereby amended to read as follows:

K.S.A. 65-28a03. (a) ~~The state board of healing arts shall maintain a registry of the names of physician assistants who may engage in active practice. No person's name shall be entered on the registry of physician assistants unless such person has:~~

~~(1) Presented to the state board of healing arts proof of current licensure;~~

~~(2) presented to the board a request signed by the applicant's proposed responsible physician on a form provided by the board which shall contain such information as required by rules and regulations adopted by the board:~~

~~(b) A person's name may be removed from the registry of physician assistants who may engage in private practice if:~~

~~(1) The person whose name is entered on the registry as a licensed physician assistant requests or consents to the removal thereof;~~

~~(2) the state board of healing arts determines that the person whose name is entered on the registry as a licensed physician assistant has not been employed as a physician assistant or as a teacher or instructor of persons being educated and trained to become a physician assistant in a course of education and training approved by the state board of healing arts under this act and amendments thereto at sometime during the five years immediately~~

preceding the date of such determination.

~~(3) the board determines, after notice and opportunity to be heard, in accordance with the provisions of the Kansas administrative procedure act, that a physician assistant has violated any provision of this act and amendments thereto, or any rules and regulations adopted pursuant thereto; or~~

~~(4) the board determines, after notice and opportunity to be heard, in accordance with the provisions of the Kansas administrative procedure act, that the request by the proposed responsible physician pursuant to this act and amendments thereto should not be approved.~~

~~(c) The state board of healing arts may remove a person's name from the registry as a licensed physician assistant or may refuse to place a person's name on the registry as a licensed physician assistant if the board determines, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a physician assistant has exceeded or has acted outside the scope of authority given the physician assistant by the responsible physician or by this act. As a condition of engaging in active practice as a physician assistant in this state, each licensed physician assistant shall file a request to engage in active practice signed by the physician assistant and the physician who will be the responsible physician for the physician assistant. The request shall contain such information as required by rules and regulations adopted by the board. The board shall maintain a list of the names of physician assistants who may engage in active practice in this state.~~

~~(d) (b) All licenses, except temporary licenses, shall expire on the date of expiration established by rules and regulations of the state board of healing arts and may be renewed as required by the board. The request for renewal shall be on a form provided by the state board of healing arts and shall be accompanied by the renewal fee established pursuant to this section, which shall be paid not later than the expiration date of the license.~~

~~(e) (c) At least 30 days before the expiration of the license of a physician assistant, except a temporary license, the state board of healing arts shall notify the licensee of the expiration by mail addressed to the licensee's last **place of residence mailing address** as noted upon the office records of the board. If the licensee fails to pay the renewal fee by the date of expiration of the license, the licensee shall be given a second notice that the licensee's license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the state board of healing arts within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, the license shall be **considered to have lapsed** *deemed canceled by operation of law without further proceedings* for failure to renew and shall be reissued only after the **physician assistant license** has been reinstated under subsection ~~(f)~~(d).~~

~~(f) (d) Any **licensee who allows the licensee's** license **to lapse by failing** *canceled for failure* to renew as herein provided may be reinstated upon recommendation of the state board of healing arts and upon payment of **the renewal fee and** the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of **persons whose** licenses **have lapsed** *canceled* for failure to renew.~~

~~(e) *There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to subsection (g) of this section. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physician assistant and who does not engage in active*~~

practice as a physician assistant in the state of Kansas. An inactive license shall not entitle the holder to engage in active practice. The provisions of subsections (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by presenting a request required by subsection (a) of this section. The request shall be accompanied by the fee established pursuant to subsection (g) of this section.

(f) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes a written application for such license on a form provided by the board and remits the same fee required for a license established under subsection (g) of this section. The board may issue a federally active license only to a person who meets all the requirements for a license to practice as a physician assistant and who practices as a physician assistant solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. The provisions of subsection (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to a federally active license issued under this subsection. Each federally active licensee may apply to engage in active practice by presenting a request required by subsection (a) of this section.

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

- (1) For ~~any licensure~~ **license** as a physician assistant, the sum of not more than \$200;
- (2) for temporary licensure as a physician assistant, the sum of not more than \$30;
- (3) for the renewal of a license **to practice** as a physician assistant **or a federally active license**, the sum of not more than \$150;
- (4) **for renewal of an inactive license, the sum of not more than \$150;**
- ~~(4)~~ (5) for the late renewal of ~~a~~ **any** license as a physician assistant, the sum of not more than \$250;
- ~~(5)~~ (6) for reinstatement of a ~~physician assistant whose~~ license ~~has been~~ canceled **for failure to renew**, the sum of not more than \$250;
- ~~(6)~~ (7) for a certified statement from the board that a physician assistant is licensed in this state, the sum of not more than \$30; **and**
- ~~(7)~~ (8) for a copy of the licensure certificate of a physician assistant, the sum of not more than \$25; **; and**
- (9) **for conversion of an inactive license to a license to actively practice as a physician assistant or a federally active license, the sum of not more than \$150.**

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

~~(i)~~ (k) The board may promulgate all necessary rules and regulations for carrying out the provisions of this act.

Section. 4. K.S.A. 65-2910 as amended by L. 2003 Ch. 128, Sec. 7 is hereby further amended to read as follows:

K.S.A. 65-2910. (a) The license of every licensed physical therapist and the certification of every certified physical therapist assistant shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license or certificate is renewed for a period of time of less than one year, the

board may prorate the amount of the fee established under K.S.A. 65-2911 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under to K.S.A. 65-2911 and amendments thereto which shall be paid not later than the expiration date of the registration license or certificate.

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

(c) At least 30 days before the expiration of the license of a physical therapist or the certificate of a physical therapist assistant, the board shall notify the licensee or certificate holder of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee or certificate holder fails to pay the renewal fee by the date of expiration, the licensee or certificate holder shall be given a second notice that the license or certificate has expired and the license or certificate may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license or certificate shall be canceled for failure to renew and shall be reissued only after the physical therapist or physical therapist assistant has been reinstated under subsection (d).

(d) Any licensee or certificate holder who allows the license or certificate to be canceled by failing to renew may be reinstated upon recommendation of the board and, upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses or certificates have been canceled for failure to renew.

(e) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any physical therapist who makes written application for a license as a physical therapist on a form provided by the board and remits the fee established pursuant to K.S.A. 2003 Supp. 65-2911. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physical therapist and who does not actively practice as a physical therapist in this state. An inactive license shall not entitle the holder to render professional services as a physical therapist in this state. The provisions of subsections (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by providing to the board proof that a policy of professional liability insurance will be maintained in compliance with L. 2003, Chapter 128, New Section 29, and rules and regulations adopted by the board.

Section 5. K.S.A. 65-5410 is hereby amended to read as follows:

K.S.A. 65-5410. (a) The board may deny, refuse to renew, suspend, **or** revoke, **or limit** a license **or the licensee may be publicly or privately censured** where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;

(3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant;

(4) violating any lawful order or rule and regulation of the board; and

(5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation *or limitation* of a license *or public or private censure of a licensee* may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. *An application for reinstatement of a revoked license shall be accompanied by the license renewal fee and the license reinstatement fee established under K.S.A. 65-5409 and amendments thereto.*

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

Section 6. K.S.A. 65-5412 is hereby amended to read as follows:

K.S.A. 65-5412. (a) Licenses issued under this act shall ~~be effective for a period of one year and shall~~ expire *on the date of expiration established by rules and regulations of the board at the end of such period of time* unless renewed in the manner prescribed by the board; ~~upon the payment of the license renewal fee established under K.S.A. 65-5409 and amendments thereto. The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-5409 and amendments thereto.~~ The board may establish additional requirements for licensure ~~or registration~~ renewal which provide evidence of continued competency. ~~The board may provide for the late licensure or renewal of a license or registration upon the payment of a late fee established under K.S.A. 65-5409 and amendments thereto, but no such late renewal of a license or registration may be granted more than five years after its expiration.~~

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

(c) Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the renewal fee and the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education

requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirement for reinstatement of licenses canceled for failure to renew.

~~(b) (d)~~ A person whose license ~~or registration~~ is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the license ~~or registration~~ was suspended. ~~If a license or registration revoked on disciplinary grounds is reinstated, the licensee or registrant, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.~~

Section 7. K.S.A. 65-5510 is hereby amended to read as follows:

K.S.A. 65-5510. (a) The board may deny, refuse to renew, suspend, ~~or~~ revoke *or limit* a license *or the licensee may be publicly or privately censured* where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

- (1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;
- (2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;
- (3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a respiratory therapist;
- (4) violating any lawful order or rule and regulation of the board; and
- (5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation *or limitation* of a license *or public or private censure of a licensee* may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement *of a revoked licensee* shall be accompanied by the ~~licensing license renewal fee and the license~~ reinstatement fee established under K.S.A. 65-5509 and amendments thereto.

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

Section 8. K.S.A. 65-5512 is hereby amended to read as follows:

K.S.A. 65-5512. (a) Licenses issued under this act shall ~~be effective for a period of one year and shall~~ expire *on the date of expiration established by rules and regulations of the board at the end of such period of time* unless renewed in the manner prescribed by the board, ~~upon the payment of the license renewal fee established under K.S.A. 65-5509 and amendments thereto.~~ *The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-5509 and amendments thereto.* The board may establish additional requirements for license renewal which provide evidence of continued competency. ~~The board may provide for the~~

~~late renewal of a license upon the payment of a late fee established under K.S.A. 65-5509 and amendments thereto, but no such late renewal of a license may be granted more than five years after its expiration:~~

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

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

~~**(b) (d)** A person whose license is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the license was suspended. **If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the license renewal fee and any late fee that may be applicable.**~~

Section 9. K.S.A. 65-7208 is hereby amended to read as follows:

K.S.A. 65-7208. (a) The board may deny, refuse to renew, suspend, ~~or~~ revoke *or limit* a registration *or the registrant may be publicly or privately censured* where the registrant or applicant for registration has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

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

(b) Such denial, refusal to renew, suspension, ~~or~~ revocation *or limitation* of a registration *or public or private censure of a registrant* may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a registration, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement *of a revoked registration* shall be accompanied by the registration *renewal fee and the registration* reinstatement fee established under K.S.A. 65-7207 and amendments thereto.

~~(c) **The provisions of this section shall take effect on and after January 1, 2003. The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a registrant for unprofessional conduct in**~~

an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Section 10. K.S.A. 65-7209 is hereby amended to read as follows:

K.S.A. 65-7209. (a) Registrations issued under this act shall ~~be effective for a period of one year and shall~~ expire *on the date of expiration established by rules and regulations of the board at the end of such period of time* unless renewed in the manner prescribed by the board, ~~upon the payment of the registration renewal fee established under K.S.A. 65-7207 and amendments thereto. The request for renewal shall be accompanied by the registration renewal fee established pursuant to K.S.A. 65-7207 and amendments thereto.~~ The board may establish additional requirements for registration renewal which provide evidence of continued competency. The board for registration renewal shall require completion of at least 25 hours annually of continuing education approved by the board. ~~The board may provide for the late renewal of a registration upon the payment of a late fee established under K.S.A. 65-7207 and amendments thereto, but no such late renewal of a registration may be granted more than five years after its expiration.~~

(b) At least 30 days before the expiration of a registrant's registration, the board shall notify the registrant of the expiration by mail addressed to the registrant's last mailing address as noted upon the office records. If the registrant fails to pay the renewal fee by the date of expiration, the registrant shall be given a second notice that the registration has expired and the registration may be renewed only if the registration renewal fee and the registration late renewal additional fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the registration shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the registration has been reinstated under subsection (c).

(c) Any registration canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the registration reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirement for reinstatement of registrations canceled for failure to renew.

~~(b) (d)~~ A person whose registration is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the registration was suspended. ~~If a registration revoked on disciplinary grounds is reinstated, the registrant, as a condition of reinstatement, shall pay the registration renewal fee and any late fee that may be applicable.~~

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

New Section 11. K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 2003 Supp. 65-2910 are hereby repealed.

New Section 12. This act shall take effect and be in force from and after its publication in the statute book.