

Summary of Healing Arts Act Amendments Effective July 1, 2015

Disclaimer: This summary is for informational purposes only. It does not include every statute amendment and does not constitute legal authority or legal advice. [Chapter 131 of the 2014 Session Laws of Kansas](#) (starts at p. 687) and the enrolled version of 2015 [Senate Substitute for House Bill 2225](#) should be relied upon for a definitive statement of the current law.

K.S.A. 65-2802- Definitions

The Healing Arts now includes “alteration or enhancement of a condition or appearance.” (Note: cosmetology exception also added to 65-2872)

K.S.A. 65-2803- License prerequisite to practice

Unlicensed practice prohibition is applicable to all professions under Board’s jurisdiction. Adds a \$1,000/per day civil penalty and violation is raised to a level 10 non-personfelony.

K.S.A. 65-2809- Expiration of licenses; continuing education, etc.

(b) and (c) active license designation instead of “in the active practice” triggers renewal requirements.

(d) removes 30-day “expiration” period and cancels license 30 days after renewal deadline.

(f) Board may adopt regulations for exempt license continuing education.

(j) New re-entry active license designation for those needing to establish present ability to practice with reasonable skill and safety. New regulations will establish requirements and scope of practice.

K.S.A. 65-2833- Endorsement license requirements

Board may adopt regulations to define “active practice” required for license by endorsement.

K.S.A. 65-2836- Disciplinary grounds

Removes private censure as a type of Board action which may be taken.

(c) adds language about offenses in other jurisdictions and court martials

(i) changes impairment threshold to impaired ability to practice from “inability” to practice and removes procedure for determining impairment (moved to 65-2842)

(j) removes requirement for certified copy of other state’s disciplinary action against a licensee as conclusive proof thereof.

(dd) new violation provision for giving a worthless check or stopping payment to Board.

(ee) new violation for knowingly or negligently abandoning medical records.

K.S.A. 65-2837- Definitions of “professional incompetency” and “unprofessional conduct”

(b)(19) professional LLCs are added as a permissible business structure

(b)(34) new violation for obstructing a Board investigation

K.S.A. 65-2838- Disciplinary action procedures

Clarifies Board authority for disciplinary procedures for all professions/practice acts under its jurisdiction, including settlements and emergency proceedings.

K.S.A. 65-2838a- Non-disciplinary resolution

Allows for non-disciplinary and confidential professional development plans (PDP) and letters of concern (LOC) in lieu of discipline for all professions under Board jurisdiction. Removes Board review committees as an entity authorized to enter into PDPs and LOCs with licensees.

K.S.A. 65-2839a- Investigative proceedings

Clarifies Board authority to issue subpoenas for all professions/practice acts under its jurisdiction and changes procedure for compelling subpoena compliance/challenging a subpoena to require that the matter first be brought to the Board before appealing to district court.

K.S.A. 65-2840a- Disciplinary Counsel

Clarifies that Board Disciplinary Counsel authority is applicable to all professions/practice acts.

K.S.A. 65-2842- Impairment determination procedure

Makes procedure for determining licensee impairment applicable to all professions/practice acts. Clarifies procedure previously found in 65-2836.

K.S.A. 65-2844- Reinstatement of revoked licenses

Makes timeframe, procedure and burden of proof for reinstatement of a revoked license applicable to all professions/practice acts.

K.S.A. 65-2846- Costs of proceedings; assessment of costs

Makes assessment of costs in disciplinary actions applicable to all professions/practice acts; adds investigative costs; and makes costs more difficult to discharge in bankruptcy.

K.S.A. 65-2850- Appeal bonds

Requires cash or professional surety bond be posted by licensee appealing Board action.

K.S.A. 65-2851a- Administrative proceedings

Clarifies that Kansas administrative procedure act is applicable to all Board actions for all professions/practice acts under Board jurisdiction.

K.S.A. 65-2852- Fees

- (o) \$500 fee cap for reinstatement of canceled license
- (t) \$500 fee cap for reentry active license
- (u) \$500 fee cap for resident active license

K.S.A. 65-2857- Injunction and quo warranto for unlawful practice

Clarifies that Board authority to obtain injunctive/quo warranto remedy in district court for unlawful practice is available for all professions/practice acts.

K.S.A. 65-2858- Criminal prosecution

Makes criminal prosecution for unlawful practice applicable to all professions/practice acts.

K.S.A. 65-2860- False impersonation

Makes criminal penalty for false impersonation of a licensed person applicable to all professions/practice acts. Increases crime to a nonperson felony; and provides for civil penalty and costs.

K.S.A. 65-2863a- Administrative fines

Makes all Board fines “administrative fines” to reduce the ability to discharge in bankruptcy.

K.S.A. 65-2864- Investigations

Makes cooperation with Board investigation and required reporting of those practicing without a license applicable to all professions/practice acts.

K.S.A. 65-2865- Rules and regulations

Clarifies that rule and regulation authority of the Board is applicable to all practice acts

K.S.A. 65-2866- Authority to prosecute

Clarifies that AG or local prosecutor has authority to prosecute for all professions/practice acts and can recover investigative fees and civil penalties.

K.S.A. 65-2867- Prohibited acts; unlicensed practice

Removes 6-month lapsed license exception to unlicensed healing arts practice. Makes unlicensed healing arts practice a level 10 nonperson felony. Allows for civil fines and costs.

K.S.A. 65-2872- Persons not engaged in practice of healing arts

(s) New exception from what is considered the practice of the healing arts for Cosmetology licensees practicing their professions.

K.S.A. 65-2873- License by examination requirements

Removes requirement that an unaccredited medical school be in operation for at least 15 years for an applicant to be licensed by examination.

K.S.A. 65-2874- Accredited School of Medicine

Removes KU School of Medicine as the standard for an accredited school of medicine and replaces it with the LCME standards. Also updates some of the areas for which the Board shall establish medical school standards.

K.S.A. 65-2875- Accredited school of osteopathic medicine

Removes Kirksville College of Osteopathy and Surgery as the standard for an accredited school of osteopathic medicine and replaces it with the AOA standards.

K.S.A. 65-2885- Use of title by licensee

Removes masculine references in statute.

K.S.A. 65-2893- Autopsies

Corrected statutory reference for when notification of a coroner regarding a death is required (*K.S.A. 22a-231*).

K.S.A. 65-2895- Institutional licenses

(a)(1) Removes requirement for institutional licensure that an applicant's medical school be in operation at least 15 years

(c)(1) Amends institutional license practice privileges to allow practice if employed in a KDADS institution or employed by a contractor with KDADS

(c)(2) Amends institutional license practice privileges (after 3 years KDADS employment) to only allow an institutional license to provide mental health services *in Kansas*.

~~(c)(3)~~ Removes institutional license practice privileges to provide mental health services by protocol.

(d) New institutional license renewal requirements. Removes “expiration” period.

K.S.A. 65-2898- Immunity from liability

Clarifies immunity of those who report alleged violations to the Board is applicable to all professions under Board’s jurisdiction.

K.S.A. 65-28,122- Requirement to report violations to Board

(a) Makes requirement to report knowledge of violation applicable to all professions under Board’s jurisdiction.

(b) Defines “knowledge”

(c) Creates an exception for individual expert/peer review consultants.

K.S.A. 65-28,126- Change of address

Adds requirement to notify the Board of changes in a licensee’s practice address within 30 days of any change.

K.S.A. 65-28,131- Agency website information

Amends required information on searchable website to only post information allowed by law and which has been reported to the Board.

~~(a)(6)~~ Removes plea arrangements from information required to be posted.

K.S.A. 65-28,132- Medical record maintenance trust fund

Requires all funds in the medical record maintenance fund to be used for storage, maintenance and transfer of medical records.

New Sec 16- Resident active license

(Senate Sub for HB 2225)

Creates new resident active license for residents to moonlight after 1 year of residency; passage of USMLE; and while they are still in their residency program. Requires the Board to adopt regulations to implement. *(This form of license is not available until the agency adopts regulations to implement it)*

New Sec 20- Furnishing copies of medical records

(Senate Sub for HB 2225)

Reinstates previously repealed statutory language regarding requirements for furnishing copies of patient records.