

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING AGENDA
February 17, 2022**

Due to the COVID-19 pandemic, the Board office is practicing social distancing. The office space does not allow for a meeting while practicing social distancing, therefore, the meeting will be conducted virtually on the Zoom platform.

You may view the meeting here:

<https://youtu.be/II3AdrGU8E4>

To join the meeting by conference call: 877-278-8686

The pin: 327072

If there are any technical issues during the meeting, you may call the Board office at, 785-296-3240.

The Behavioral Sciences Regulatory Board may take items out of order as necessary to accommodate the time restrictions of Board members and visitors. All times and items are subject to change

Thursday, February 17, 2022

8:00 a.m. Call to order and Roll Call

I. Opening Remarks, Board Chair

II. Agenda Approval

III. Review of Legislation Relating to the BSRB

A. HB 2672, Creating the Open Borders for Kansas Jobs Act

B. SB 497, Concerning Human Trafficking

C. Sub. for SB 34, Concerning Administrative Regulations

D. HB 2552, Concerning Telemedicine and in-state and Interstate Practitioners under the Kansas Telemedicine Act; Establishing the Kansas Telehealth Advisory Committee

IV. Adjournment

HOUSE BILL No. 2552

By Committee on Health and Human Services

1-25

1 AN ACT concerning health and healthcare; relating to telemedicine;
2 defining in-state and interstate practitioners under the Kansas
3 telemedicine act; requiring certain insurance coverage of in-state
4 telemedicine services; providing for certain standards of care;
5 establishing the Kansas telehealth advisory committee; amending
6 K.S.A. 40-2,211, 40-2,212 and 40-2,213 and repealing the existing
7 sections.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) There is hereby established the Kansas telehealth
11 advisory committee.

12 (b) The committee shall advise and make recommendations regarding
13 telemedicine quality care practices. Such recommendations and any
14 resource materials developed by the committee shall recommend
15 evidence-based practices for the use and future of telemedicine in Kansas.
16 On or before the first day of each regular session of the legislature, the
17 committee shall provide information to the Kansas legislature on
18 telemedicine usage data in Kansas.

19 (c) The committee shall consist of the following 22 voting members
20 and three non-voting members:

21 (1) Two members of the senate appointed by the president of the
22 senate, including one member from the senate standing committee on
23 public health and welfare, or any successor committee, and one member
24 from the senate standing committee on financial institutions and insurance,
25 or any successor committee;

26 (2) two members of the house of representatives appointed by the
27 speaker of the house of representatives, including one member from the
28 house of representatives standing committee on health and human
29 services, or any successor committee, and one member from the house of
30 representatives standing committee on insurance and pensions, or any
31 successor committee;

32 (3) one member of the senate appointed by the minority leader of the
33 senate;

34 (4) one member of the house of representatives appointed by the
35 minority leader of the house of representatives;

36 (5) two members who are physicians, including one member

1 appointed by the Kansas academy of family physicians and one member
2 appointed by the Kansas medical society. The two members appointed
3 under this paragraph shall include one member from an urban area and one
4 member from a rural area;

5 (6) one member who is a physician appointed by the Kansas chapter
6 of the American academy of pediatrics;

7 (7) two members who are hospital administrators appointed by the
8 Kansas hospital association. The two members appointed under this
9 paragraph shall include one member from an urban area and one member
10 from a rural area;

11 (8) two members who are behavioral health professionals, including
12 one member appointed by the association of community mental health
13 centers of Kansas and one member appointed by the Kansas association of
14 addiction support professionals. The two members appointed under this
15 paragraph shall include one member from an urban area and one member
16 from a rural area;

17 (9) one member who is a healthcare professional whose primary area
18 of focus is nursing appointed by the Kansas state nurses association;

19 (10) one member who is a healthcare professional whose primary
20 area of focus is treating individuals with developmental disabilities
21 appointed by interhab;

22 (11) one member appointed by leading age Kansas;

23 (12) one member who is a business community representative
24 appointed by the Kansas chamber of commerce;

25 (13) one member who is a community representative appointed by
26 Kansas farm bureau;

27 (14) one member who is an insurance industry representative
28 appointed by blue cross blue shield of Kansas;

29 (15) one member who is a physician representing an interstate
30 telemedicine practitioner appointed by aetna;

31 (16) one member appointed by the heartland telehealth resource
32 center;

33 (17) one member appointed by the Kansas bankers association; and

34 (18) one non-voting member appointed by the state medicaid
35 director;

36 (19) one non-voting member appointed by the insurance
37 commissioner; and

38 (20) one non-voting member appointed by the state board of healing
39 arts.

40 (d) Initial members of the committee shall be appointed within 90
41 days after the effective date of this section. Any member appointed to fill a
42 vacancy in the membership of the committee shall be appointed in the
43 manner provided for the original appointment of the member who vacated.

1 (e) The president of the senate shall select one member of the
2 committee who is a member of the senate, and the speaker of the house of
3 representatives shall select one member of the committee who is a member
4 of the house of representatives, both to serve as co-chairpersons of the
5 committee.

6 (f) The committee shall meet not fewer than four times per year upon
7 the call of either co-chairperson. The co-chairpersons shall call the first
8 meeting of the committee on or before October 1, 2022. A majority of the
9 voting members of the committee constitutes a quorum. Any action by the
10 committee shall be by motion adopted by a majority of the voting
11 members present when there is a quorum.

12 (g) Staff of the office of revisor of statutes, the legislative research
13 department and the division of legislative administrative services shall
14 provide assistance to the committee as may be requested by the co-
15 chairpersons.

16 (h) Subject to approval by the legislative coordinating council,
17 legislative members of the committee attending meetings of the committee
18 shall be paid amounts for expenses, mileage and subsistence as provided in
19 K.S.A. 75-3223(e), and amendments thereto.

20 Sec. 2. K.S.A. 40-2,211 is hereby amended to read as follows: 40-
21 2,211. ~~(a)~~ For purposes of Kansas telemedicine act:

22 ~~(1)~~(a) "Distant site" means a site ~~at which~~, *including an unlicensed or*
23 *private location, where a healthcare provider is located while providing*
24 *healthcare services by means of telemedicine.*

25 ~~(2)~~(b) "Healthcare provider" means a physician, licensed physician
26 assistant, licensed advanced practice registered nurse or person licensed,
27 registered, certified or otherwise authorized to practice by the behavioral
28 sciences regulatory board.

29 ~~(3)~~(c) "*In-state practitioner*" means any healthcare provider who has
30 a physical location of practice in the state of Kansas as authorized by the
31 applicable Kansas licensing and regulatory agency.

32 (d) "*Interstate telehealth practitioner*" means a healthcare provider
33 who does not have a physical location of practice in the state of Kansas
34 and provides only telemedicine services to patients in the state of Kansas
35 pursuant to a telemedicine waiver issued by the state board of healing
36 arts.

37 (e) "Originating site" means a site at which a patient is located at
38 the time healthcare services are provided by means of telemedicine.

39 ~~(4)~~(f) "Physician" means a person licensed to practice medicine and
40 surgery by the state board of healing arts.

41 ~~(5)~~(g) "Telemedicine," including "telehealth," means the delivery of
42 healthcare services or consultations while the patient is at an originating
43 site and the healthcare provider is at a distant site. Telemedicine shall be

1 provided by means of real-time two-way interactive audio, visual, or
2 audio-visual communications, including the application of secure video
3 conferencing, *remote patient monitoring* or store-and-forward technology
4 to provide or support healthcare delivery, that facilitate the assessment,
5 diagnosis, consultation, treatment, education and care management of a
6 patient's healthcare. "Telemedicine" does not include communication
7 between:

8 ~~(A)(1) Healthcare providers that consist solely of a telephone voice-~~
9 ~~only conversation, an email or facsimile transmission; or~~

10 ~~(B)(2) a physician healthcare provider and a patient that consists~~
11 ~~solely of an email, voicemail, instant message or facsimile transmission.~~

12 ~~(b) This section shall take effect on and after January 1, 2019.~~

13 Sec. 3. K.S.A. 40-2,212 is hereby amended to read as follows: 40-
14 2,212. (a) The same requirements for patient privacy and confidentiality
15 under the health insurance portability and accountability act of 1996 and
16 42 C.F.R. § 2.13, as applicable, that apply to healthcare services delivered
17 via in-person contact shall also apply to healthcare services delivered via
18 telemedicine. Nothing in this section shall supersede the provisions of any
19 state law relating to the confidentiality, privacy, security or privileged
20 status of protected health information.

21 (b) Telemedicine may be used to establish a valid provider-patient
22 relationship.

23 (c) *Telemedicine may be used by an in-state practitioner to refer a*
24 *patient to a specialty service healthcare provider to the extent that such*
25 *services are consistent with the standard of care for an in-state*
26 *practitioner.*

27 (d) The same standards of practice and conduct that apply to
28 healthcare services delivered via in-person contact *with a patient* shall also
29 apply to healthcare services delivered via telemedicine.

30 ~~(d)(e) (1) A person healthcare provider~~ authorized by law to provide
31 and who provides telemedicine services to a patient shall provide the
32 patient with guidance on appropriate follow-up care.

33 (2) (A) Except when otherwise prohibited by any other provision of
34 law, when the patient consents to *treatment via telemedicine* and the
35 patient has a primary care *physician* or other treating physician, the ~~person~~
36 *in-state practitioner or interstate telemedicine practitioner* providing
37 telemedicine services shall send within three business days a report to such
38 primary care *physician* or other treating physician of the treatment and
39 services rendered to the patient in the telemedicine encounter.

40 (B) A person licensed, registered, certified or otherwise authorized to
41 practice by the behavioral sciences regulatory board shall not be required
42 to comply with the provisions of subparagraph (A).

43 ~~(e) This section shall take effect on and after January 1, 2019.~~

1 (f) *An in-state practitioner may use audio-only communication with a*
2 *patient who has an existing relationship with an in-state practitioner if:*

3 (1) *An audio-visual telemedicine encounter is not reasonably*
4 *available due to the patient's functional status or lack of technological*
5 *access or telecommunications infrastructure limits, as determined by the*
6 *in-state practitioner; and*

7 (2) *the telemedicine encounter is initiated at the request of the patient*
8 *or authorized by the patient before the telemedicine encounter.*

9 (g) (1) *If the actions described in subparagraphs (A) through (E)*
10 *would be required for the provision of the same healthcare services*
11 *delivered in a manner other than telemedicine, a healthcare provider who*
12 *uses telemedicine shall:*

13 (A) *Establish a healthcare provider-patient relationship prior to*
14 *providing care and treatment to a patient;*

15 (B) *obtain the patient's name and contact information and, to the*
16 *extent reasonably possible, confirmation of the identity of the patient and*
17 *a verbal statement or other data from the patient identifying the patient's*
18 *location;*

19 (C) *disclose the provider's name and licensure, certification or*
20 *registration;*

21 (D) *create and maintain a medical record for the patient consistent*
22 *with the standard of care for maintaining medical records for patients*
23 *treated in an in-person setting; and*

24 (E) *if a prescription order is issued for the patient and subject to the*
25 *consent of the patient, notify the patient's primary care physician, if any, of*
26 *any prescription orders issued for the patient.*

27 (2) *The requirements of paragraph (1) shall not apply if the*
28 *healthcare provider:*

29 (A) *Is using an electronic health record system that the patient's*
30 *primary care physician is authorized to access; and*

31 (B) *has established an ongoing provider-patient relationship with the*
32 *patient by providing care and treatment to the patient at least two*
33 *consecutive times via telemedicine services.*

34 (3) *Any medical records required to be created and maintained under*
35 *this subsection shall be created and maintained under the same standards*
36 *of appropriate practice as such standards apply for medical records for*
37 *patients in an in-person setting.*

38 (h) *A healthcare provider may refuse at any time to provide*
39 *healthcare services using telemedicine if, in the healthcare provider's sole*
40 *discretion, the provider believes:*

41 (1) *The health quality may be negatively impacted by providing*
42 *services or items via telemedicine; or*

43 (2) *the healthcare provider would be unable to provide the same*

1 *clinical standards of care as provided in an in-person setting.*

2 *(i) Nothing in the Kansas telemedicine act shall be construed to*
3 *require any individual to use telemedicine or any healthcare provider to*
4 *provide services via telemedicine.*

5 Sec. 4. K.S.A. 40-2,213 is hereby amended to read as follows: 40-
6 2,213. (a) The provisions of this section shall apply to any individual or
7 group health insurance policy, medical service plan, contract, hospital
8 service corporation contract, hospital and medical service corporation
9 contract, fraternal benefit society or health maintenance organization that
10 provides coverage for accident and health services and that is delivered,
11 issued for delivery, amended or renewed on or after ~~January 1, 2019~~ *July*
12 *1, 2022*. The provisions of this section shall also apply to the Kansas
13 medical assistance program.

14 (b) No individual or group health insurance policy, medical service
15 plan, contract, hospital service corporation contract, hospital and medical
16 service corporation contract, fraternal benefit society, health maintenance
17 organization or the Kansas medical assistance program shall:

18 (1) Exclude an otherwise covered healthcare service from coverage
19 solely because such service is provided through telemedicine, rather than
20 in-person contact, or based upon the lack of a commercial office for the
21 practice of medicine, when such service is delivered by a healthcare
22 provider; or

23 (2) *require the use of any specific information technology application*
24 *by any in-state practitioner.*

25 (c) ~~The insured's covered individual's~~ *covered individual's* medical record shall serve to
26 satisfy all documentation for the reimbursement of all telemedicine
27 healthcare services, and no additional documentation outside of the
28 medical record shall be required.

29 (d) Payment or reimbursement of covered healthcare services
30 delivered through telemedicine ~~may~~ *by an in-state practitioner shall* be
31 established by an insurance company, nonprofit health service corporation,
32 nonprofit medical and hospital service corporation or health maintenance
33 organization in the same manner as payment or reimbursement for covered
34 services that are delivered via in-person contact ~~are~~ *is* established.

35 (e) *An individual or group health insurance policy, medical service*
36 *plan, contract, hospital service corporation contract, hospital and medical*
37 *service corporation contract, fraternal benefit society or health*
38 *maintenance organization that provides coverage for accident and health*
39 *services and the Kansas medical assistance program shall provide*
40 *payment and reimbursement for telemedicine services provided by an in-*
41 *state practitioner under the same criteria that the policy provides for*
42 *payment and reimbursement for the same or similar healthcare services*
43 *delivered in person by an in-state practitioner.*

1 (f) Coverage and payment for telemedicine services provided by an
2 in-state practitioner shall not be subject to any dollar limit, deductible or
3 coinsurance requirement that is less favorable to a covered individual than
4 the dollar limit, deductible or coinsurance requirement that applies to the
5 same healthcare services delivered to a covered individual in person by an
6 in-state practitioner.

7 (g) Any coverage limit or annual or lifetime aggregate dollar limit
8 that applies to telemedicine services provided by an in-state practitioner
9 shall be the same such limit that applies to all items and services provided
10 by an in-state practitioner covered under the policy.

11 (h) An interstate telehealth practitioner shall not be affected by in-
12 state practitioner reimbursement rates established under Kansas law. The
13 provisions of subsections (d) through (g) shall not apply to items or
14 services provided by an interstate telemedicine practitioner.

15 (i) Nothing in this section shall be construed to:

16 (1) Prohibit an individual or group health insurance policy, medical
17 service plan, contract, hospital service corporation contract, hospital and
18 medical service corporation contract, fraternal benefit society or health
19 maintenance organization that provides coverage for telemedicine or the
20 Kansas medical assistance program from providing coverage for only
21 those services that are medically necessary, subject to the terms and
22 conditions of the covered individual's health benefits plan;

23 (2) mandate coverage for a healthcare service delivered via
24 telemedicine if such healthcare service is not already a covered healthcare
25 service, when delivered by a healthcare provider subject to the terms and
26 conditions of the covered individual's health benefits plan; or

27 (3) allow an individual or group health insurance policy, medical
28 service plan, contract, hospital service corporation contract, hospital and
29 medical service corporation contract, fraternal benefit society or health
30 maintenance organization that provides coverage for telemedicine or the
31 Kansas medical assistance program to require a covered individual to use
32 telemedicine or in lieu of receiving an in-person healthcare service or
33 consultation from an in-network provider.

34 ~~(f)~~(j) The provisions of K.S.A. 40-2248 and 40-2249a, and
35 amendments thereto, shall not apply to this section.

36 ~~(g)~~ This section shall take effect on and after January 1, 2019.

37 Sec. 5. K.S.A. 40-2,211, 40-2,212 and 40-2,213 are hereby repealed.

38 Sec. 6. This act shall take effect and be in force from and after its
39 publication in the Kansas register.

HOUSE BILL No. 2672

By Representative Rhiley

2-9

1 AN ACT concerning labor; relating to licensing of professional
2 occupations; creating the open borders for Kansas jobs act; providing
3 for issuance of Kansas licenses or certifications to practice certain
4 professions to persons holding credentials from other states that have
5 substantially equivalent requirements for such licenses or certifications
6 as Kansas; amending K.S.A. 1-302, 65-1152, 65-1505, 65-1663, 65-
7 2833, 65-28a04, 65-28b03, 65-2906, 65-4203, 65-5406, 65-5506, 65-
8 5910, 65-7203, 65-7503, 72-2157 and 75-7b04 and K.S.A. 2021 Supp.
9 65-6129 and 65-6322 and repealing the existing sections.

10
11 WHEREAS, The provisions of K.S.A. 1-302, 65-1152, 65-1505, 65-
12 1663, 65-2833, 65-28a04, 65-28b03, 65-2906, 65-4203, 65-5406, 65-5506,
13 65-5910, 65-7203, 65-7503, 72-2157 and 75-7b04 and K.S.A. 2021 Supp.
14 65-6129 and 65-6322, as amended by this act, shall be known as the open
15 borders for Kansas jobs act.

16 Now, therefore:

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

18 Section 1. K.S.A. 1-302 is hereby amended to read as follows: 1-302.

19 (a) The certificate of certified public accountant shall be known as the
20 Kansas certificate and shall be granted by the board to any person of good
21 moral character who: (1) Is a resident of this state or has a place of
22 business or is employed therein; (2) meets the educational requirements
23 prescribed by K.S.A. 1-302a, and amendments thereto; and (3) has passed
24 an examination in accounting and auditing and in such other related
25 subjects as the board may determine to be appropriate.

26 (b) *The board may grant a Kansas certificate to any person who*
27 *holds a current, valid certificate or license as a certified public accountant*
28 *issued by the appropriate regulatory agency of another state that has*
29 *substantially equivalent requirements for such certification or licensure as*
30 *the board. An applicant for a license issued pursuant to this section shall*
31 *submit any information required by the board and pay any fees required*
32 *for a Kansas certificate.*

33 (c) The board may refuse to grant a certificate on the ground of
34 failure to satisfy the good moral character requirement subject to notice
35 and an opportunity for the person to be heard pursuant to the Kansas
36 administrative ~~procedures~~ *procedure act.*

1 Sec. 2. K.S.A. 65-1152 is hereby amended to read as follows: 65-
2 1152. (a) In order to obtain authorization from the board of nursing to
3 practice as a registered nurse anesthetist an individual shall meet the
4 following requirements:

5 (1) Be licensed to practice professional nursing under the Kansas
6 nurse practice act;

7 (2) has successfully completed a course of study in nurse anesthesia
8 in a school of nurse anesthesia approved by the board;

9 (3) has successfully completed an examination approved by the board
10 or has been certified by a national organization whose certifying standards
11 are approved by the board as equal to or greater than the corresponding
12 standards established under this act for obtaining authorization to practice
13 as a registered nurse anesthetist; and

14 (4) be required to successfully complete a refresher course as defined
15 in rules and regulations of the board if the individual has not been in active
16 anesthesia practice for five years preceding the application.

17 (b) *The board may authorize an individual to practice as a registered*
18 *nurse anesthetist if such individual has been duly licensed, certified or*
19 *otherwise authorized to practice as a registered nurse anesthetist under*
20 *the laws of another state if, in the opinion of the board, the applicant*
21 *meets the same qualifications required of a registered nurse anesthetist in*
22 *this state. Verification of the applicant's licensure, certification or*
23 *authorization status shall be required from the other state.*

24 (c) Approval of schools of nurse anesthesia shall be based on
25 approval standards specified in K.S.A. 65-1133, and amendments thereto.

26 ~~(e)~~(d) Schools of nurse anesthesia approved by the board under this
27 section shall offer; a masters level degree program in nurse anesthesia.

28 ~~(d)~~(e) For the purposes of determining whether an individual meets
29 the requirements of ~~item (2)~~ of subsection (a)(2), the board by rules and
30 regulations shall establish criteria for determining whether a particular
31 school of nurse anesthesia maintains standards ~~which~~ that are at least equal
32 to schools of nurse anesthesia ~~which~~ that are approved by the board.

33 Sec. 3. K.S.A. 65-1505 is hereby amended to read as follows: 65-

34 1505. (a) Persons entitled to practice optometry in Kansas shall be those
35 persons licensed in accordance with the provisions of the optometry law. A
36 person shall be qualified to be licensed and to receive a license as an
37 optometrist: (1) Who is of good moral character; and in determining the
38 moral character of any such person, the board may take into consideration
39 any felony conviction of such person, but such conviction shall not
40 automatically operate as a bar to licensure; (2) who has graduated from a
41 school or college of optometry approved by the board; and (3) who
42 successfully meets and completes the requirements set by the board and
43 passes an examination given by the board.

1 (b) *The board may grant a license to any person who holds a current,*
2 *valid license to practice optometry issued by the appropriate regulatory*
3 *agency of another state that has substantially equivalent requirements for*
4 *such licensure as the board. An applicant for a license issued pursuant to*
5 *this section shall submit any information required by the board and pay*
6 *any fees required for such licensure.*

7 (c) All applicants for licensure, in addition to successfully completing
8 all other requirements for licensure, shall submit evidence satisfactory to
9 the board of professional liability insurance in an amount acceptable to the
10 board.

11 ~~(e)~~(d) Any person applying for examination by the board shall fill out
12 and swear to an application furnished by the board, accompanied by a fee
13 fixed by the board by rules and regulations in an amount of not to exceed
14 \$450, and file the same with the secretary of the board at least 30 days
15 prior to the holding of the examination. At such examinations the board
16 shall examine each applicant in subjects taught in schools or colleges of
17 optometry approved by the board, as may be required by the board. If such
18 person complies with the other qualifications for licensing and passes such
19 examination, such person shall receive from the board, upon the payment
20 of a fee fixed by the board by rules and regulations in an amount of not to
21 exceed \$150, a license entitling such person to practice optometry. In the
22 event of the failure on the part of the applicant to pass the first
23 examination, such person may, with the consent of the board, within 18
24 months, by filing an application accompanied by a fee fixed by the board
25 by rules and regulations in an amount of not to exceed \$150, take a second
26 examination; for the third and each subsequent examination a fee fixed by
27 the board by rules and regulations in an amount of not to exceed \$150.
28 Any examination fee and license fee fixed by the board under this
29 subsection which is in effect on the day preceding the effective date of this
30 act shall continue in effect until the board adopts rules and regulations
31 under this subsection fixing a different fee therefor.

32 ~~(d)~~(e) Any applicant for reciprocal licensure may in the board's
33 discretion be licensed and issued a license without examination if the
34 applicant has been in the active practice of optometry in another state for
35 at least the three-year period immediately preceding the application for
36 reciprocal licensure and the applicant:

37 (1) Presents a certified copy of a certificate of registration or license
38 ~~which~~ *that* has been issued to the applicant by another state where the
39 requirements for licensure are deemed by the board to be equivalent to the
40 requirements for licensure under this act, if such state accords a like
41 privilege to holders of a license issued by the board;

42 (2) submits a sworn statement of the licensing authority of such other
43 state that the applicant's license has never been limited, suspended or

1 revoked and that the applicant has never been censured or had other
 2 disciplinary action taken;

3 (3) successfully passes an examination of Kansas law administered
 4 by the board and such clinical practice examination as the board deems
 5 necessary; and

6 (4) pays the reciprocal license fixed by the board by rules and
 7 regulations in an amount of not to exceed \$450. The reciprocal license fee
 8 fixed by the board under this subsection ~~which~~ that is in effect on the day
 9 preceding the effective date of this act shall continue in effect until the
 10 board adopts rules and regulations under this subsection fixing a different
 11 fee therefor.

12 ~~(e)~~(f) The board shall adopt rules and regulations establishing the
 13 criteria ~~which~~ that a school or college of optometry shall satisfy in meeting
 14 the requirement of approval by the board established under subsection (a).
 15 The board may send a questionnaire developed by the board to any school
 16 or college of optometry for which the board does not have sufficient
 17 information to determine whether the school or college meets the
 18 requirements for approval and rules and regulations adopted under this act.
 19 The questionnaire providing the necessary information shall be completed
 20 and returned to the board in order for the school or college to be
 21 considered for approval. The board may contract with investigative
 22 agencies, commissions or consultants to assist the board in obtaining
 23 information about schools or colleges. In entering such contracts the
 24 authority to approve schools or colleges shall remain solely with the board.

25 ~~(f)~~(g) (1) The board may require an applicant for licensure or a
 26 licensee in connection with an investigation of the licensee to be
 27 fingerprinted and submit to a state and national criminal history record
 28 check. The fingerprints shall be used to identify the licensee or applicant
 29 for licensure and to determine whether the licensee or applicant for
 30 licensure has a record of criminal arrests and convictions in this state or
 31 other jurisdictions. The board is authorized to submit the fingerprints to the
 32 Kansas bureau of investigation, the federal bureau of investigation or any
 33 other law enforcement or criminal justice agency for a state and national
 34 criminal history record check. The board may use the information obtained
 35 through the criminal history record check for the purposes of verifying the
 36 identification of the licensee or applicant for licensure and in the official
 37 character and fitness determination of the licensee or applicant for
 38 licensure to practice optometry in this state.

39 (2) Local and state law enforcement officers and agencies shall assist
 40 the board in taking and processing fingerprints of licensees and applicants
 41 for licensure and shall release to the board all records of adult convictions,
 42 arrests and nonconvictions in this state and all records of adult convictions,
 43 arrests and nonconvictions of any other state or country. The board may

1 enter into agreements with the Kansas bureau of investigation, the federal
2 bureau of investigation or any other law enforcement or criminal justice
3 agency as necessary to carry out the duties of the board under this act.

4 (3) The fingerprints and all information obtained from the criminal
5 history record check shall be confidential and shall not be disclosed except
6 to members of the board and agents and employees of the board as
7 necessary to verify the identification of any licensee or applicant for
8 licensure and in the official character and fitness determination of the
9 licensee or applicant for licensure to practice optometry in this state. Any
10 other disclosure of such confidential information shall constitute a class A
11 misdemeanor and shall constitute grounds for removal from office,
12 termination of employment or denial, revocation or suspension of any
13 license issued under this act.

14 (4) (A) The board shall fix a fee for fingerprinting applicants or
15 licensees in an amount necessary to reimburse the board for the cost of the
16 fingerprinting. Fees collected under this subsection shall be deposited in
17 the criminal history and fingerprinting fund.

18 (B) There is hereby created in the state treasury the criminal history
19 and fingerprinting fund. All moneys credited to the fund shall be used to
20 pay all costs and fees associated with processing of fingerprints and
21 criminal history checks for the board of examiners in optometry. The fund
22 shall be administered by the board. All expenditures from the fund shall be
23 made in accordance with appropriation acts upon warrants of the director
24 of accounts and reports issued pursuant to vouchers approved by the
25 president of the board or a person designated by the president.

26 Sec. 4. K.S.A. 65-1663 is hereby amended to read as follows: 65-
27 1663. (a) It shall be unlawful for any person to function as a pharmacy
28 technician in this state unless such person is registered with the board as a
29 pharmacy technician. Every person registered as a pharmacy technician
30 shall have graduated from an accredited high school or its equivalent,
31 obtained a graduate equivalent diploma (GED) or be enrolled and in good
32 standing in a high school education program. Every person registered as a
33 pharmacy technician shall pass one or more examinations identified and
34 approved by the board within the period or periods of time specified by the
35 board after becoming registered. The board shall adopt rules and
36 regulations identifying the required examinations, when they must be
37 passed and establishing the criteria for the required examinations and
38 passing scores. The board may include as a required examination any
39 national pharmacy technician certification examination. The board shall
40 adopt rules and regulations restricting the tasks a pharmacy technician may
41 perform prior to passing any required examinations.

42 (b) *Any person who holds a current, valid license or registration as a*
43 *pharmacy technician issued by the appropriate regulatory agency of*

1 *another state that has substantially equivalent requirements for such*
2 *licensure or registration as the board may be registered as a pharmacy*
3 *technician in this state. An applicant for registration pursuant to this*
4 *section shall submit any information required by the board and pay any*
5 *fees required for such registration.*

6 (c) All applications for registration shall be made on a form to be
7 prescribed and furnished by the board. Each application for registration
8 shall be accompanied by a registration fee fixed by the board by rule and
9 regulation not to exceed \$50.

10 ~~(e)~~(d) The board shall take into consideration any felony conviction
11 of an applicant, but such conviction shall not automatically operate as a
12 bar to registration.

13 ~~(d)~~(e) Except as otherwise provided in this subsection, each pharmacy
14 technician registration issued by the board shall expire every two years.
15 The expiration date shall be established by rules and regulations adopted
16 by the board. To provide for a system of biennial renewal of pharmacy
17 technician registrations, the board may provide by rules and regulations
18 that registrations issued or renewed may expire less than two years from
19 the date of issuance or renewal. Each applicant for renewal of a pharmacy
20 technician registration shall be made on a form prescribed and furnished
21 by the board and shall be accompanied by a renewal fee fixed by the board
22 by rule and regulation not to exceed \$25. Pharmacy technician registration
23 renewal fees may be prorated for registration periods which are less than
24 biennial in accordance with rules and regulations of the board. Except as
25 otherwise provided in this subsection, the application for registration
26 renewal, when accompanied by the renewal fee and evidence satisfactory
27 to the board that the person has successfully complied with the rules and
28 regulations of the board establishing the requirements for a program of
29 continuing pharmacy technician education and received by the secretary
30 on or before the date of expiration of the registration, shall have the effect
31 of temporarily renewing the applicant's registration until actual issuance or
32 denial of the renewal registration. If at the time of filing a proceeding is
33 pending before the board which may result in the suspension, probation,
34 revocation or denial of the applicant's registration, the board may by
35 emergency order declare that the application for renewal shall not have the
36 effect of temporarily renewing such applicant's registration. If the renewal
37 fee is not paid prior to the expiration date of the renewal year, the
38 registration is void.

39 ~~(e)~~(f) Continuing pharmacy technician education requirements shall
40 be fixed by the board at not more than 20 clock hours biennially of a
41 program of continuing education approved by the board. Continuing
42 education hours may be prorated for licensure periods that are less than
43 biennial in accordance with rules and regulations of the board.

1 ~~(f)~~(g) (1) The board may limit, suspend or revoke a registration or
2 deny an application for issuance or renewal of any registration as a
3 pharmacy technician on any ground, ~~which~~ *that* would authorize the board
4 to take action against the license of a pharmacist under K.S.A. 65-1627,
5 and amendments thereto.

6 (2) The board may require a physical or mental examination, or both,
7 of a person applying for or registered as a pharmacy technician.

8 (3) The board may temporarily suspend or temporarily limit the
9 registration of any pharmacy technician in accordance with the emergency
10 adjudicative proceedings under the Kansas administrative procedure act if
11 the board determines that there is cause to believe that grounds exist for
12 disciplinary action under this section against the registrant and that the
13 registrant's continuation of pharmacy technician functions would constitute
14 an imminent danger to the public health and safety.

15 (4) Proceedings under this section shall be subject to the Kansas
16 administrative procedure act.

17 ~~(g)~~(h) Every registered pharmacy technician, within 30 days of
18 obtaining new employment or ceasing employment as a pharmacy
19 technician, shall notify the secretary of the name and address of the new
20 employer or cessation of employment.

21 ~~(h)~~(i) Every pharmacy technician who changes their residential
22 address, email address or legal name shall, within 30 days thereof, notify
23 the secretary of such change on a form prescribed and furnished by the
24 board.

25 ~~(i)~~(j) Each pharmacy shall at all times maintain a list of the names of
26 pharmacy technicians employed by the pharmacy. A pharmacy technician
27 shall work under the direct supervision and control of a pharmacist, and
28 while on duty, shall wear a name badge or similar identification with the
29 pharmacy technician's name and designation as a pharmacy technician. It
30 shall be the responsibility of the supervising pharmacist to determine that
31 the pharmacy technician is in compliance with the applicable rules and
32 regulations of the board, and the supervising pharmacist shall be
33 responsible for the acts and omissions of the pharmacy technician in the
34 performance of the pharmacy technician's duties. The ratio of pharmacy
35 technicians to pharmacists in the prescription area of a pharmacy shall be
36 prescribed by the board by rule and regulation. Any change in the ratio of
37 pharmacy technicians to pharmacists in the prescription area of the
38 pharmacy must be adopted by a vote of no less than six members of the
39 board.

40 ~~(j)~~(k) Every registered pharmacy technician shall display the current
41 registration in that part of the place of business in which such person is
42 engaged in pharmacy technician activities.

43 ~~(k)~~(l) Every pharmacy technician registered after July 1, 2017, shall

1 be required to pass a certified pharmacy technician examination approved
2 by the board.

3 ~~(m)~~(m) The board shall adopt such rules and regulations as are
4 necessary to ensure that pharmacy technicians are adequately trained as to
5 the nature and scope of their lawful duties.

6 ~~(n)~~(n) The board may adopt rules and regulations as may be
7 necessary to carry out the purposes and enforce the provisions of this act.

8 ~~(o)~~(o) This section shall be a part of and supplemental to the
9 pharmacy act of the state of Kansas.

10 Sec. 5. K.S.A. 65-2833 is hereby amended to read as follows: 65-
11 2833. (a) *Except as provided in subsection (d) for persons who hold a*
12 *current, valid license to practice medicine and surgery issued by another*
13 *state, the board, without examination, may issue a license to a person who*
14 *has been in the active practice of a branch of the healing arts in some other*
15 *state, territory, the District of Columbia or other country upon certificate of*
16 *the proper licensing authority of that state, territory, District of Columbia*
17 *or other country certifying that the applicant is duly licensed, that the*
18 *applicant's license has never been limited, suspended or revoked, that the*
19 *licensee has never been censured or had other disciplinary action taken and*
20 *that, so far as the records of such authority are concerned, the applicant is*
21 *entitled to its endorsement. The applicant shall also present proof*
22 *satisfactory to the board:*

23 ~~(1)~~(1) That the state, territory, District of Columbia or country in
24 which the applicant last practiced has and maintains standards at least
25 equal to those maintained by Kansas.

26 ~~(2)~~(2) That the applicant's original license was based upon an
27 examination at least equal in quality to the examination required in this
28 state and that the passing grade required to obtain such original license
29 was comparable to that required in this state.

30 ~~(3)~~(3) Of the date of the applicant's original and any and all endorsed
31 licenses and the date and place from which any license was attained.

32 ~~(4)~~(4) That the applicant has been actively engaged in practice under
33 such license or licenses since issued. The board may adopt rules and
34 regulations establishing qualitative and quantitative practice activities
35 which qualify as active practice.

36 ~~(5)~~(5) That the applicant has a reasonable ability to communicate in
37 English.

38 (b) An applicant for a license by endorsement shall not be licensed
39 unless, as determined by the board, the applicant's individual qualifications
40 are substantially equivalent to the Kansas legal requirements.

41 (c) In lieu of any other requirement prescribed by law for satisfactory
42 passage of any examination in any branch of the healing arts the board
43 may accept evidence satisfactory to it that the applicant or licensee has

1 satisfactorily passed an equivalent examination given by a national board
2 of examiners in chiropractic, osteopathic medicine and surgery or
3 medicine and surgery as now required by Kansas statutes for endorsement
4 from other states.

5 *(d) (1) The state board of healing arts may grant a license to practice*
6 *medicine and surgery and renew such license as provided in K.S.A. 65-*
7 *2809, and amendments thereto, to any person who holds a current, valid*
8 *license to practice medicine and surgery issued by the appropriate*
9 *regulatory agency of another state that has substantially equivalent*
10 *requirements for such licensure as the state board of healing arts.*

11 *(2) An applicant for a license pursuant to this subsection shall submit*
12 *any information required by the state board of healing arts and pay any*
13 *fees required for licensure in this state.*

14 Sec. 6. K.S.A. 65-28a04 is hereby amended to read as follows: 65-
15 28a04. (a) No person shall be licensed as a physician assistant by the state
16 board of healing arts unless such person has:

17 (1) Presented to the state board of healing arts proof that the applicant
18 has successfully completed a course of education and training approved by
19 the state board of healing arts for the education and training of a physician
20 assistant or presented to the state board of healing arts proof that the
21 applicant has acquired experience while serving in the armed forces of the
22 United States ~~which experience~~ *that is equivalent to the minimum*
23 *experience requirements established by the state board of healing arts;*

24 (2) passed an examination approved by the state board of healing arts
25 covering subjects incident to the education and training of a physician
26 assistant; and

27 (3) submitted to the state board of healing arts any other information
28 the state board of healing arts deems necessary to evaluate the applicant's
29 qualifications.

30 (b) *The board may grant a license to any person who holds a current,*
31 *valid license as a physician assistant issued by the appropriate regulatory*
32 *agency of another state that has substantially equivalent requirements for*
33 *such licensure as the board. An applicant for a license issued pursuant to*
34 *this section shall submit any information required by the board and pay*
35 *any fees required for such licensure.*

36 (c) The board may refuse to license a person as a physician assistant
37 upon any of the grounds for which the board may revoke such license.

38 ~~(e)~~(d) The state board of healing arts shall require every physician
39 assistant to submit with the renewal application evidence of satisfactory
40 completion of a program of continuing education required by the state
41 board of healing arts. The state board of healing arts by duly adopted rules
42 and regulations shall establish the requirements for such program of
43 continuing education as soon as possible after the effective date of this act.

1 In establishing such requirements the state board of healing arts shall
2 consider any existing programs of continuing education currently being
3 offered to physician assistants.

4 ~~(d)~~(e) A person registered to practice as a physician assistant
5 immediately prior to the effective date of this act shall be deemed to be
6 licensed to practice as a physician assistant under this act, and such person
7 shall not be required to file an original application for licensure under this
8 act. ~~Any application for registration filed which has not been granted prior~~
9 ~~to February 1, 2001, shall be processed as an application for licensure~~
10 ~~under this act.~~

11 Sec. 7. K.S.A. 65-28b03 is hereby amended to read as follows: 65-
12 28b03. (a) In order to obtain authorization to engage in the independent
13 practice of midwifery, a certified nurse-midwife must meet the following
14 requirements:

15 (1) Be licensed to practice professional nursing under the Kansas
16 nurse practice act;

17 (2) have successfully completed a course of study in nurse-midwifery
18 in a school of nurse-midwifery approved by the board;

19 (3) have successfully completed a national certification approved by
20 the board;

21 (4) have successfully completed a refresher course as defined by rules
22 and regulations of the board, if the individual has not been in active
23 midwifery practice for five years immediately preceding the application;

24 (5) be authorized to perform the duties of a certified nurse-midwife
25 by the state board of nursing;

26 (6) be licensed as an advanced practice registered nurse by the state
27 board of nursing; and

28 (7) have paid all fees for licensure prescribed in K.S.A. 65-28b05,
29 and amendments thereto.

30 (b) Upon application to the board by any certified nurse-midwife and
31 upon satisfaction of the standards and requirements established under this
32 act, the board shall grant an authorization to the applicant to engage in the
33 independent practice of midwifery. *The board may authorize any person to*
34 *engage in the independent practice of midwifery if such person is*
35 *authorized to engage in such practice by the appropriate regulatory*
36 *agency of another state that has substantially equivalent requirements for*
37 *such authorization as the board. An applicant for authorization to practice*
38 *midwifery pursuant to this section shall submit any information required*
39 *by the board and pay any fees required for licensure under K.S.A. 65-*
40 *28b05, and amendments thereto.*

41 (c) A person whose licensure has been revoked may make written
42 application to the board requesting reinstatement of the license in a manner
43 prescribed by the board, which application shall be accompanied by the

1 fee prescribed in K.S.A. 65-28b05, and amendments thereto.

2 ~~(d) The provisions of this section shall become effective on January~~
3 ~~1, 2017.~~

4 Sec. 8. K.S.A. 65-2906 is hereby amended to read as follows: 65-
5 2906. (a) The board, with the advice and assistance of the council, shall
6 pass upon the qualifications of all applicants for licensure or certification
7 and duly license or certify those applicants who meet the qualifications
8 established by this act.

9 (b) An applicant applying for licensure as a physical therapist or for a
10 certificate as a physical therapist assistant 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) The applicant is of legal age;

14 (2) the applicant has successfully completed the academic
15 requirements of an educational program in physical therapy approved by
16 the board which is appropriate for the certification or licensure of the
17 applicant or, if the applicant attended a program not approved by the
18 board, the applicant shall present an evaluation by an entity approved by
19 the board showing that applicant's educational program met the criteria a
20 school must satisfy to be approved by the board;

21 (3) the applicant has passed an examination required by the board
22 which is appropriate for the certification or licensure of the applicant to
23 test the applicant's knowledge of the basic and clinical sciences relating to
24 physical therapy theory and practice; and

25 (4) the applicant has paid to the board all applicable fees established
26 under K.S.A. 65-2911, and amendments thereto.

27 (c) *The board may grant a license or certification to any person who*
28 *holds a current, valid license or certification as a physical therapist or*
29 *physical therapist assistant issued by the appropriate regulatory agency of*
30 *another state that has substantially equivalent requirements for such*
31 *licensure or certification as the board. An applicant for a license or*
32 *certification issued pursuant to this section shall submit any information*
33 *required by the board and pay any fees required for such licensure or*
34 *certification.*

35 (d) The board shall adopt rules and regulations establishing the
36 criteria which a school shall satisfy in order to be approved by the board
37 for purposes of subsection (b). The board may send a questionnaire
38 developed by the board to any school for which the board does not have
39 sufficient information to determine whether the school meets the
40 requirements of the board for approval and rules and regulations adopted
41 under this section. The questionnaire providing the necessary information
42 shall be completed and returned to the board in order for the school to be
43 considered for approval. The board may contract with investigative

1 agencies, commissions or consultants to assist the board in obtaining
2 information about schools. In entering such contracts the authority to
3 approve schools shall remain solely with the board.

4 Sec. 9. K.S.A. 65-4203 is hereby amended to read as follows: 65-
5 4203. (a) *Qualification*. An applicant for a license to practice as a mental
6 health technician shall:

7 (1) Have graduated from a high school accredited by the appropriate
8 legal accrediting agency or have obtained the equivalent of a high school
9 education, as determined by the state department of education;

10 (2) have satisfactorily completed an approved course of mental health
11 technology; and

12 (3) file with the board a written application for a license.

13 (b) The board may issue a license to an applicant to practice as a
14 mental health technician who has:

15 (1) Met the qualifications set forth in subsection (a);

16 (2) passed a written examination in mental health technology as
17 prescribed by the board; and

18 (3) no disqualifying factors under K.S.A. 65-4209, and amendments
19 thereto.

20 (c) *Licensure examination within 24 months of graduation*. (1)
21 Persons who do not take the licensure examination within 24 months after
22 graduation shall petition the board for permission prior to taking the
23 licensure examination. The board may require the applicant to submit and
24 complete a plan of study prior to taking the licensure examination.

25 (2) Persons who are unsuccessful in passing the licensure
26 examination within 24 months after graduation shall petition the board for
27 permission prior to subsequent attempts. The board may require the
28 applicant to submit and complete a plan of study prior to taking the
29 licensure examination a subsequent time. The study plan shall contain
30 subjects related to deficiencies identified on the failed examination
31 profiles.

32 (d) *Licensure recognition*. *The board may grant a license to any*
33 *person who holds a current, valid license to practice as a mental health*
34 *technician issued by the appropriate regulatory agency of another state*
35 *that has substantially equivalent requirements for such licensure as the*
36 *board. An applicant for a license issued pursuant to this section shall*
37 *submit any information required by the board and pay any fees required*
38 *for such licensure.*

39 (e) An application for initial licensure will be held awaiting
40 completion of meeting qualifications for a time period specified in rules
41 and regulations.

42 ~~(e)~~(f) *Refresher course*. Notwithstanding the provisions of subsection
43 (a), an applicant for a license to practice as a mental health technician who

1 has not been licensed to practice as a mental health technician for five
2 years preceding application shall be required to successfully complete a
3 refresher course as defined by the board in rules and regulations.

4 ~~(f)~~(g) The board may issue a one-time temporary permit to practice as
5 a mental health technician for a period not to exceed 120 days when a
6 reinstatement application has been made.

7 ~~(g)~~(h) *Exempt license.* The board may issue an exempt license to any
8 licensee as defined in rules and regulations who makes written application
9 for such license on a form provided by the board, who remits a fee as
10 established pursuant to K.S.A. 65-4208, and amendments thereto, and who
11 is not regularly engaged in mental health technician practice in Kansas but
12 volunteers mental health technician service or is a charitable health care
13 provider as defined by K.S.A. 75-6102, and amendments thereto. Each
14 exempt licensee shall be subject to all provisions of the mental health
15 technician act, except as otherwise provided in this subsection (e). Each
16 exempt license may be renewed biennially subject to the provisions of this
17 section. The holder of the exempt license shall not be required to submit
18 evidence of satisfactory completion of a program of continuing education
19 for renewal. To convert an exempt license to an active license, the exempt
20 licensee shall meet all the requirements of subsection (b) or K.S.A. 65-
21 4205, and amendments thereto. The board shall have authority to write
22 rules and regulations to carry out the provisions of this section.

23 ~~(h)~~(i) The board may adopt rules and regulations as necessary to
24 administer the mental health technician's licensure act.

25 Sec. 10. K.S.A. 65-5406 is hereby amended to read as follows: 65-
26 5406. (a) An applicant applying for licensure as an occupational therapist
27 or as an occupational therapy assistant shall file a written application on
28 forms provided by the board, showing to the satisfaction of the board that
29 the applicant meets the following requirements:

30 (1) Education: The applicant shall present evidence satisfactory to the
31 board of having successfully completed the academic requirements of an
32 educational program in occupational therapy recognized by the board.

33 (2) Experience: The applicant shall submit to the board evidence of
34 having successfully completed a period of supervised field work at a
35 minimum recognized by the board.

36 (3) Examination: The applicant shall pass an examination as provided
37 for in K.S.A. 65-5407, and amendments thereto.

38 (4) Fees: The applicants shall pay to the board all applicable fees
39 established under K.S.A. 65-5409, and amendments thereto.

40 (b) *The board may grant a license to any person who holds a current,*
41 *valid license as an occupational therapist or as an occupational therapy*
42 *assistant issued by the appropriate regulatory agency of another state that*
43 *has substantially equivalent requirements for such licensure as the board.*

1 *An applicant for a license issued pursuant to this section shall submit any*
2 *information required by the board and pay any fees required for such*
3 *licensure.*

4 (c) The board shall adopt rules and regulations establishing the
5 criteria which an educational program in occupational therapy shall satisfy
6 to be recognized by the board under ~~paragraph (1)~~ of subsection (a)(1).
7 The board may send a questionnaire developed by the board to any school
8 or other entity conducting an educational program in occupational therapy
9 for which the board does not have sufficient information to determine
10 whether the program should be recognized by the board and whether the
11 program meets the rules and regulations adopted under this section. The
12 questionnaire providing the necessary information shall be completed and
13 returned to the board in order for the program to be considered for
14 recognition. The board may contract with investigative agencies,
15 commissions or consultants to assist the board in obtaining information
16 about an educational program in occupational therapy. In entering such
17 contracts the authority to recognize an educational program in
18 occupational therapy shall remain solely with the board.

19 Sec. 11. K.S.A. 65-5506 is hereby amended to read as follows: 65-
20 5506. (a) An applicant applying for licensure as a respiratory therapist
21 shall file a written application on forms provided by the board, showing to
22 the satisfaction of the board that the applicant meets the following
23 requirements:

24 (1) Education: The applicant shall present evidence satisfactory to the
25 board of having successfully completed an educational program in
26 respiratory therapy approved by the board.

27 (2) Examination: The applicant shall pass an examination as provided
28 for in K.S.A. 65-5507, and amendments thereto.

29 (3) Fees: The applicants shall pay to the board all applicable fees
30 established under K.S.A. 65-5509, and amendments thereto.

31 (b) *The board may grant a license to any person who holds a current,*
32 *valid license as a respiratory therapist issued by the appropriate*
33 *regulatory agency of another state that has substantially equivalent*
34 *requirements for such licensure as the board. An applicant for a license*
35 *issued pursuant to this section shall submit any information required by*
36 *the board and pay any fees required for such licensure.*

37 (c) The board shall adopt rules and regulations establishing the
38 criteria for an educational program in respiratory therapy to obtain
39 successful recognition by the board under ~~paragraph (1)~~ of subsection (a)
40 (1). The board may send a questionnaire developed by the board to any
41 school or other entity conducting an educational program in respiratory
42 therapy for which the board does not have sufficient information to
43 determine whether the program should be recognized by the board and

1 whether the program meets the rules and regulations adopted under this
2 section. The questionnaire providing the necessary information shall be
3 completed and returned to the board in order for the program to be
4 considered for recognition. The board may contract with investigative
5 agencies, commissions or consultants to assist the board in obtaining
6 information about an educational program in respiratory therapy. In
7 entering such contracts the authority to recognize an educational program
8 in respiratory therapy shall remain solely with the board.

9 Sec. 12. K.S.A. 65-5910 is hereby amended to read as follows: 65-
10 5910. The secretary may *grant a license*, without examination, *to any*
11 *person who is duly licensed in holds a current, valid license as a dietitian*
12 *issued by the appropriate regulatory agency of another state if the*
13 ~~*standards that has substantially equivalent requirements for such licensure*~~
14 ~~*in such other state are not less than the standards as the secretary. An*~~
15 *applicant for a license issued pursuant to this section shall submit any*
16 *information required by the secretary and pay any fees required for such*
17 *licensure under this act.*

18 Sec. 13. K.S.A. 2021 Supp. 65-6129 is hereby amended to read as
19 follows: 65-6129. (a) (1) Application for an emergency medical service
20 provider certificate shall be made to the board. The board shall not grant
21 an emergency medical service provider certificate unless the applicant
22 meets the following requirements:

23 (A) (i) Has successfully completed coursework required by the rules
24 and regulations adopted by the board;

25 (ii) has successfully completed coursework in another jurisdiction
26 that is substantially equivalent to that required by the rules and regulations
27 adopted by the board; or

28 (iii) has provided evidence that such applicant holds a current and
29 active certification with the national registry of emergency medical
30 technicians, completed emergency medical technician training as a
31 member of the army, navy, marine corps, air force, air or army national
32 guard, coast guard or any branch of the military reserves of the United
33 States that is substantially equivalent to that required by the rules and
34 regulations adopted by the board, and such applicant separated from such
35 military service with an honorable discharge;

36 (B) (i) has passed the examination required by the rules and
37 regulations adopted by the board; or

38 (ii) has passed the certification or licensing examination in another
39 jurisdiction that has been approved by the board; and

40 (C) has paid an application fee required by the rules and regulations
41 adopted by the board.

42 (2) The board may grant an emergency medical service provider
43 certificate to any applicant who meets the requirements under subsection

1 (a)(1)(A)(iii) but was separated from such military service with a general
2 discharge under honorable conditions.

3 (b) (1) The emergency medical services board may require an original
4 applicant for certification as an emergency medical services provider to be
5 fingerprinted and submit to a state and national criminal history record
6 check. The fingerprints shall be used to identify the applicant and to
7 determine whether the applicant has a record of criminal history in this
8 state or another jurisdiction. The emergency medical services board is
9 authorized to submit the fingerprints to the Kansas bureau of investigation
10 and the federal bureau of investigation for a state and national criminal
11 history record check. The emergency medical services board may use the
12 information obtained from fingerprinting and the applicant's criminal
13 history for purposes of verifying the identification of the applicant and
14 making the official determination of the qualifications and fitness of the
15 applicant to be issued or to maintain a certificate.

16 (2) Local and state law enforcement officers and agencies shall assist
17 the emergency medical services board in taking the fingerprints of
18 applicants for license, registration, permit or certificate. The Kansas
19 bureau of investigation shall release all records of adult convictions,
20 nonconvictions or adjudications in this state and any other state or country
21 to the emergency medical services board.

22 (3) The emergency medical services board may fix and collect a fee
23 as may be required by the board in an amount equal to the cost of
24 fingerprinting and the criminal history record check. The emergency
25 medical services board shall remit all moneys received from the fees
26 established by this section to the state treasurer in accordance with the
27 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
28 each such remittance, the state treasurer shall deposit the entire amount in
29 the state treasury to the credit of the emergency medical services criminal
30 history and fingerprinting fund.

31 (4) There is hereby created in the state treasury the emergency
32 medical services criminal history and fingerprinting fund. All moneys
33 credited to the fund shall be used to pay the Kansas bureau of investigation
34 for the processing of fingerprints and criminal history record checks for
35 the emergency medical services board. The fund shall be administered by
36 the emergency medical services board. All expenditures from the fund
37 shall be made in accordance with appropriation acts upon warrants of the
38 director of accounts and reports issued pursuant to vouchers approved by
39 the chairperson of the emergency medical services board or the
40 chairperson's designee.

41 (c) *The board may grant a certificate to any person who holds a*
42 *current, valid emergency medical service provider, advanced emergency*
43 *medical technician or paramedic certificate issued by the appropriate*

1 *regulatory agency of another state that has substantially equivalent*
2 *requirements for such certification as the board. An applicant for a*
3 *certificate issued pursuant to this section shall submit any information*
4 *required by the board and pay any fees required for such certification.*

5 (d) The board shall not grant an initial advanced emergency medical
6 technician certificate or paramedic certificate as a result of successful
7 course completion in the state of Kansas, unless the applicant for such an
8 initial certificate is certified as an emergency medical technician.

9 ~~(d)~~(e) An emergency medical service provider certificate shall expire
10 on the date prescribed by the board. An emergency medical service
11 provider certificate may be renewed for a period of two years upon
12 payment of a fee as prescribed by rule and regulation of the board and
13 upon presentation of satisfactory proof that the emergency medical service
14 provider has successfully completed continuing education as prescribed by
15 the board.

16 ~~(e)~~(f) All fees received pursuant to the provisions of this section shall
17 be remitted to the state treasurer in accordance with the provisions of
18 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
19 remittance, the state treasurer shall deposit the entire amount in the state
20 treasury to the credit of the emergency medical services operating fund
21 established by K.S.A. 65-6151, and amendments thereto.

22 ~~(f)~~(g) If a person who was previously certified as an emergency
23 medical service provider applies for an emergency medical service
24 provider's certificate after the certificate's expiration, the board may grant
25 a certificate without the person completing an initial course of instruction
26 or passing a certification examination if the person has completed
27 education requirements and has paid a fee as specified in rules and
28 regulations adopted by the board.

29 ~~(g)~~(h) The board shall adopt, through rules and regulations, a formal
30 list of graduated sanctions for violations of article 61 of chapter 65 of the
31 Kansas Statutes Annotated, and amendments thereto, that shall specify the
32 number and severity of violations for the imposition of each level of
33 sanction.

34 Sec. 14. K.S.A. 2021 Supp. 65-6322 is hereby amended to read as
35 follows: 65-6322. (a) The board ~~may~~ *shall* issue a license *as a*
36 *baccalaureate social worker* to an individual who is currently registered,
37 certified or licensed to practice social work in another jurisdiction, if ~~the~~
38 ~~board determines that:~~

39 ~~(1)~~—the standards for registration, certification or licensure to practice
40 social work at the baccalaureate level in another jurisdiction are
41 substantially the equivalent of the requirements in the social workers
42 licensure act and rules and regulations of the board for licensure as a
43 baccalaureate social worker; ~~or~~

1 (2) ~~the applicant demonstrates compliance on forms set by the board,~~
2 ~~with the following standards as adopted by the board:~~

3 (A) ~~Registration, certification or licensure to practice social work at~~
4 ~~the baccalaureate level for at least 48 of the last 54 months immediately~~
5 ~~preceding the application, with at least the minimum professional~~
6 ~~experience as established by rules and regulations of the board;~~

7 (B) ~~the absence of disciplinary actions of a serious nature brought by~~
8 ~~a registration, certification or licensing board or agency; and~~

9 (C) ~~completion of a baccalaureate degree in social work from a~~
10 ~~regionally accredited university.~~

11 (b) ~~The board may~~ *shall* issue a license *as a master social worker*
12 ~~an individual who is currently registered, certified or licensed to practice~~
13 ~~social work in another jurisdiction, if the board determines that:~~

14 (1) ~~the standards for registration, certification or licensure to practice~~
15 ~~social work at the master's level in another jurisdiction are substantially the~~
16 ~~equivalent of the requirements in the social workers licensure act and rules~~
17 ~~and regulations of the board for licensure as a master social worker; or~~

18 (2) ~~the applicant demonstrates compliance on forms set by the board,~~
19 ~~with the following standards as adopted by the board:~~

20 (A) ~~Registration, certification or licensure to practice social work at~~
21 ~~the master level for at least 48 of the last 54 months immediately~~
22 ~~preceding the application with at least the minimum professional~~
23 ~~experience as established by rules and regulations of the board;~~

24 (B) ~~the absence of disciplinary actions of a serious nature brought by~~
25 ~~a registration, certification or licensing board or agency; and~~

26 (C) ~~completion of a master's degree in social work from a regionally~~
27 ~~accredited university.~~

28 (c) ~~Applicants for licensure~~ *The board shall issue a license as a*
29 ~~specialist clinical social worker shall demonstrate:~~

30 (1) ~~That the applicant meets the requirements of subsection (b);~~

31 (2) ~~that the applicant is to an individual who is currently licensed to~~
32 ~~practice social work at the clinical level in another state; and~~

33 (3) ~~competence to diagnose and treat mental disorders by meeting at~~
34 ~~least two of the following areas acceptable to the board:~~

35 (A) ~~Passing a national clinical examination approved by the board;~~

36 (B) ~~three years of clinical practice with demonstrated experience in~~
37 ~~diagnosing or treating mental disorders; or~~

38 (C) ~~attestation from a professional licensed to diagnose and treat~~
39 ~~mental disorders in independent practice or licensed to practice medicine~~
40 ~~and surgery, stating that the applicant is competent to diagnose and treat~~
41 ~~mental disorders~~ *if the standards for licensure to practice social work at*
42 *the clinical level in the other state are substantially the equivalent of the*
43 *requirements in the social workers licensure act and rules and regulations*

1 *of the board for licensure as a specialist clinical social worker.*

2 (d) An applicant for a license under this section shall *submit any*
 3 *information required by the board and* pay an application fee established
 4 by the board under K.S.A. 65-6411, and amendments thereto, if required
 5 by the board.

6 Sec. 15. K.S.A. 65-7203 is hereby amended to read as follows: 65-
 7 7203. (a) The board, ~~as hereinafter provided,~~ shall administer the
 8 provisions of this act.

9 (b) The board shall judge the qualifications of all applicants for
 10 examination and licensure, determine the applicants who successfully pass
 11 the examination, duly license such applicants and adopt rules and
 12 regulations as may be necessary to administer the provisions of this act.

13 (c) The board shall issue a license as a naturopathic doctor to an
 14 individual who prior to the effective date of this act: (1) Graduated from a
 15 school of naturopathy that required four years of attendance and was at the
 16 time of such individual's graduation accredited or a candidate for
 17 accreditation by the board approved accrediting body~~s~~; (2) passed an
 18 examination approved by the board covering appropriate naturopathic
 19 subjects including basic and clinical sciences; and (3) has not committed
 20 an act which would subject such person to having a license suspended or
 21 revoked under K.S.A. 65-7208, and amendments thereto.

22 (d) *The board shall grant a license to any person who holds a*
 23 *current, valid license as a naturopathic doctor issued by the appropriate*
 24 *regulatory agency of another state that has substantially equivalent*
 25 *requirements for such licensure as the board. An applicant for a license*
 26 *issued pursuant to this section shall submit any information required by*
 27 *the board and pay any fees required for such licensure.*

28 (e) The board shall keep a record of all proceedings under this act and
 29 a roster of all individuals licensed under this act. Only an individual may
 30 be licensed under this act.

31 Sec. 16. K.S.A. 65-7503 is hereby amended to read as follows: 65-
 32 7503. (a) ~~On or after July 1, 2016,~~ No person shall practice applied
 33 behavior analysis in this state unless ~~they are~~ *such person is a:*

34 (1) Licensed behavior ~~analysts~~ *analyst*;

35 (2) licensed assistant behavior ~~analysts~~ *analyst* working under the
 36 supervision of a licensed behavior analyst;

37 (3) ~~an individual~~ *person* who has a bachelor's or graduate degree and
 38 completed course work for licensure as a behavior analyst and is obtaining
 39 supervised field experience under a licensed behavior analyst pursuant to
 40 required supervised work experience for licensure at the behavior analyst
 41 or assistant behavior analyst level; or

42 (4) licensed ~~psychologists~~ *psychologist* practicing within the rules
 43 and standards of practice for psychologists in the state of Kansas and

1 whose practice is commensurate with ~~their~~ *such person's* level of training
2 and experience.

3 (b) *The board shall grant a license to any person who holds a*
4 *current, valid license to practice applied behavior analysis issued by the*
5 *appropriate regulatory agency of another state that has substantially*
6 *equivalent requirements for such licensure as the board. An applicant for a*
7 *license issued pursuant to this section shall submit any information*
8 *required by the board and pay any fees required for such licensure.*

9 (c) The licensing requirements of subsection (a) shall not apply to any
10 person:

11 (1) Licensed by the board who practices any component of applied
12 behavior analysis within the scope of such person's license and scope of
13 practice as required by law;

14 (2) who provides services under the individuals with disabilities
15 education act (IDEA), 20 U.S.C. § 1400 et seq.;

16 (3) who provides services under § 504 of the federal rehabilitation act
17 of 1973, 20 U.S.C. § 794;

18 (4) is enrolled in a course of study at a recognized educational
19 institution through which such person provides applied behavior analysis
20 as part of supervised clinical experience;

21 (5) who is an autism specialist, an intensive individual service
22 provider or any other individual qualified to provide services under the
23 home and community based services autism waiver administered by the
24 Kansas department for aging and disability services;

25 (6) who is an occupational therapist licensed by the state board of
26 healing arts, acting within the scope of such person's license and scope of
27 practice as required by law; or

28 (7) who is a speech-language pathologist or audiologist licensed by
29 the Kansas department for aging and disability services, acting within the
30 scope of such person's license and scope of practice as required by law.

31 ~~(e)~~(d) The board shall not issue a license under this act until the
32 license applicant provides proof that such applicant has met the
33 certification requirements of a certifying entity.

34 Sec. 17. K.S.A. 72-2157 is hereby amended to read as follows: 72-
35 2157. (a) The state board of education, in accordance with law, is
36 authorized to adopt rules and regulations providing for the issuance,
37 renewal, reinstatement and registration of licenses for teachers and other
38 personnel in the state department of education and in schools and
39 institutions under the general supervision of the state board of education.

40 (b) In addition to other requirements and subject to the provisions of
41 K.S.A. 72-2164, and amendments thereto, the rules and regulations of the
42 state board of education shall include after May 1, 1986, the requirement
43 that applicants for initial issuance of licenses to teach shall take and

1 satisfactorily pass an examination prescribed by the state board.

2 (c) *The rules and regulations adopted by the state board pursuant to*
3 *this section shall include provisions for the issuance of licenses for*
4 *teachers and other personnel to persons who hold a current, valid license*
5 *issued by the appropriate regulatory agency of another state that has*
6 *substantially equivalent requirements for such licensure as the state board*
7 *of education.*

8 (d) The privilege to teach at any level or in any field or subject, if
9 such privilege is or has been granted when a license is issued, may not be
10 withheld during the term for which the license is issued except as provided
11 in K.S.A. 72-2155 or 72-2216, and amendments to such sections *thereto.*

12 Sec. 18. K.S.A. 75-7b04 is hereby amended to read as follows: 75-
13 7b04. (a) Every person desiring to be licensed in Kansas as a private
14 detective or private detective agency shall make application therefor to the
15 attorney general. An application for a license under this act shall be on a
16 form prescribed by the attorney general and accompanied by the required
17 application fee. An application shall be verified and shall include:

- 18 (1) The full name and business address of the applicant;
- 19 (2) the name under which the applicant intends to do business;
- 20 (3) a statement as to the general nature of the business in which the
21 applicant intends to engage;
- 22 (4) a statement as to the classification or classifications under which
23 the applicant desires to be qualified;
- 24 (5) if the applicant is an organization, the full name and residence
25 address of each of its partners, officers, directors or associates;
- 26 (6) two photographs of the applicant taken within 30 days before the
27 date of application, of a type prescribed by the attorney general, and two
28 classifiable sets of the applicant's fingerprints one of which shall be
29 submitted to the federal bureau of investigation for a fingerprint check for
30 any criminal history of the applicant;
- 31 (7) a statement of the applicant's employment history; and
- 32 (8) such other information, evidence, statements or documents as may
33 be required by the attorney general.

34 (b) The application shall be accompanied by a certificate of reference
35 signed by five or more reputable persons who have known the applicant
36 for a period of at least 5 years. The certificate of reference shall be verified
37 and acknowledged by such persons before an officer authorized to take
38 oaths and acknowledgment of deeds.

39 Each person signing the certificate of reference shall subscribe and
40 affirm as true, under the penalties of perjury, that:

- 41 (1) The person has known the applicant personally for a period of at
42 least five years prior to the filing of the application. The attorney general
43 may lessen such period if the applicant has been discharged honorably

1 from the military service of the United States within the six-year period
2 immediately preceding the date the application is submitted;

3 (2) the person has read such application and believes each of the
4 statements made therein to be true;

5 (3) the applicant is honest, of good character and competent and not
6 related or connected by blood or marriage to such person.

7 (c) Before an application for a license may be granted, the applicant
8 or, if the applicant is an organization, all of the officers, directors, partners
9 or associates shall:

10 (1) Be at least 21 years of age;

11 (2) be a citizen of the United States;

12 (3) be of good moral character; and

13 (4) comply with such other qualifications as the attorney general
14 adopts by rules and regulations.

15 (d) In accordance with the summary proceedings provisions of the
16 Kansas administrative procedure act, the attorney general may deny a
17 license if the applicant has:

18 (1) Committed any act which, if committed by a licensee, would be
19 grounds for the suspension or revocation of a license under this act;

20 (2) committed any act constituting dishonesty or fraud;

21 (3) a bad moral character or a bad reputation for truth, honesty, and
22 integrity;

23 (4) been convicted of a felony or, within 10 years immediately prior
24 to the date of application, been convicted of any crime involving moral
25 turpitude, dishonesty, vehicular homicide, assault, battery, assault of a law
26 enforcement officer, misdemeanor battery against a law enforcement
27 officer, criminal restraint, sexual battery, endangering a child, intimidation
28 of a witness or victim or illegally using, carrying, or possessing a
29 dangerous weapon;

30 (5) been refused a license under this act or had a license suspended or
31 revoked in this state or in any other jurisdiction or had a license censured,
32 limited or conditioned two or more times in this state or in any other
33 jurisdiction;

34 (6) been an officer, director, partner or associate of any person who
35 has been refused a license under this act or whose license has been
36 suspended or revoked in this state or in any other jurisdiction or had a
37 license censured, limited or conditioned two or more times in this state or
38 in any other jurisdiction;

39 (7) while unlicensed, committed or aided and abetted the commission
40 of any act for which a license is required by this act; or

41 (8) knowingly made any false statement in the application.

42 (e) The attorney general may charge a fee for initial application forms
43 and materials in an amount fixed by the attorney general pursuant to

1 K.S.A. 75-7b22, and amendments thereto. Such fee shall be credited
2 against the application fee of any person who subsequently submits an
3 application.

4 *(f) The attorney general shall grant a license to any person who*
5 *holds a current, valid license as a private detective issued by the*
6 *appropriate regulatory agency of another state that has substantially*
7 *equivalent requirements for such licensure as this state. An applicant for a*
8 *license issued pursuant to this section shall submit any information*
9 *required by the attorney general and pay any fees required for such*
10 *licensure.*

11 Sec. 19. K.S.A. 1-302, 65-1152, 65-1505, 65-1663, 65-2833, 65-
12 28a04, 65-28b03, 65-2906, 65-4203, 65-5406, 65-5506, 65-5910, 65-7203,
13 65-7503, 72-2157 and 75-7b04 and K.S.A. 2021 Supp. 65-6129 and 65-
14 6322 are hereby repealed.

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

SENATE BILL No. 497

By Committee on Judiciary

2-11

1 AN ACT concerning human trafficking; relating to the attorney general;
2 authorizing the attorney general to coordinate training regarding a
3 multidisciplinary team approach to intervention for law enforcement
4 agencies; requiring training on human trafficking awareness and
5 identification for certain child welfare agencies, juvenile justice
6 agencies, mental health professionals and school personnel; amending
7 K.S.A. 75-756 and repealing the existing section.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 75-756 is hereby amended to read as follows: 75-
11 756. (a) *It is hereby declared to be the public policy of this state that law*
12 *enforcement agencies shall implement a coordinated multidisciplinary*
13 *team approach to intervention in reports involving alleged human*
14 *trafficking, aggravated human trafficking or commercial sexual*
15 *exploitation of a child.*

16 (b) The attorney general, in consultation with other appropriate state
17 agencies, is authorized to coordinate training regarding a *coordinated*
18 *multidisciplinary team approach to intervention in reports involving*
19 *alleged human trafficking, aggravated human trafficking or commercial*
20 *sexual exploitation of a child* for law enforcement agencies throughout
21 Kansas.

22 (c) *Each fiscal year, the following persons shall be required to*
23 *complete one hour of training on human trafficking awareness and*
24 *identification that has been developed or approved by the attorney*
25 *general:*

26 (1) *All employees or contractors of the Kansas department for*
27 *children and families, the Kansas department for aging and disability*
28 *services or the juvenile services division of the department of corrections*
29 *who, in the course of employment, have regular contact with members of*
30 *the general public;*

31 (2) *all licensed psychologists, masters level psychologists, clinical*
32 *psychotherapists, social workers, marriage and family therapists, clinical*
33 *marriage and family therapists, behavioral analysts, assistant behavioral*
34 *analysts, professional counselors and clinical professional counselors and*
35 *all registered alcohol and drug abuse counselors;*

36 (3) *all teachers, school administrators and employees of educational*

1 *institutions; and*

2 *(4) all persons licensed by the secretary of health and environment to*
3 *provide child care services and the employees of such licensees.*

4 Sec. 2. K.S.A. 75-756 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.

Substitute for SENATE BILL No. 34

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning administrative rules and regulations; requiring the
2 review of rules and regulations every five years; requirements for
3 adoption of rules and regulations; providing an alternative procedure
4 for revocation of certain rules and regulations; amending K.S.A. 77-
5 426 and 77-436 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) All rules and regulations adopted by state agencies
9 under the provisions of K.S.A. 77-415 et seq., and amendments thereto,
10 shall be reviewed every five years in accordance with this section.

11 (b) (1) Each state agency that has adopted rules and regulations shall
12 submit a report to the joint committee on administrative rules and
13 regulations on or before July 15 of the year that corresponds to such state
14 agency under paragraph (2). Such report shall contain a summary of such
15 state agency's review and evaluation of rules and regulations adopted by
16 such state agency, including a statement for each rule and regulation as to
17 whether such rule and regulation is necessary for the implementation and
18 administration of state law or may be revoked pursuant to K.S.A. 77-
19 426(d), and amendments thereto.

20 (2) Each state agency that has adopted rules and regulations shall
21 submit a report as required under paragraph (1) in the years that
22 correspond to such state agency as follows:

23 (A) For 2023 and every fifth year thereafter, the following state
24 agencies:

- 25 (i) Department of administration;
- 26 (ii) municipal accounting board;
- 27 (iii) state treasurer;
- 28 (iv) Kansas department of agriculture;
- 29 (v) Kansas department of agriculture—division of water resources;
- 30 (vi) state election board;
- 31 (vii) secretary of state;
- 32 (viii) livestock brand commissioner;
- 33 (ix) Kansas department of agriculture—division of animal health;
- 34 (x) Kansas bureau of investigation;
- 35 (xi) Kansas department of agriculture—division of conservation;
- 36 (xii) agricultural labor relations board;

- 1 (xiii) alcoholic beverage control board of review;
- 2 (xiv) Kansas department of revenue—division of alcoholic beverage
- 3 control;
- 4 (xv) athletic commission;
- 5 (xvi) attorney general;
- 6 (xvii) office of the state bank commissioner;
- 7 (xviii) employee award board;
- 8 (xix) governmental ethics commission;
- 9 (xx) crime victims compensation board;
- 10 (xxi) Kansas human rights commission;
- 11 (xxii) state fire marshal; and
- 12 (xxiii) Kansas department of wildlife and parks;
- 13 (B) for 2024 and every fifth year thereafter, the following state
- 14 agencies:
- 15 (i) Kansas wheat commission;
- 16 (ii) Kansas state grain inspection department;
- 17 (iii) Kansas department for aging and disability services;
- 18 (iv) Kansas energy office;
- 19 (v) department of health and environment;
- 20 (vi) Kansas department for children and families;
- 21 (vii) park and resources authority;
- 22 (viii) state salvage board;
- 23 (ix) Kansas department of transportation;
- 24 (x) Kansas highway patrol;
- 25 (xi) savings and loan department;
- 26 (xii) Kansas turnpike authority;
- 27 (xiii) insurance department;
- 28 (xiv) food service and lodging board;
- 29 (xv) commission on alcoholism;
- 30 (xvi) corrections ombudsman board;
- 31 (xvii) department of corrections;
- 32 (xviii) Kansas prisoner review board;
- 33 (xix) executive council;
- 34 (xx) mined-land conservation and reclamation (KDHE);
- 35 (xxi) department of labor—employment security board of review;
- 36 (xxii) department of labor;
- 37 (xxiii) department of labor—division of employment; and
- 38 (xxiv) department of labor—division of workers compensation;
- 39 (C) for 2025 and every fifth year thereafter, the following state
- 40 agencies:
- 41 (i) State records board;
- 42 (ii) state library;
- 43 (iii) board for the registration and examination of landscape

- 1 architects;
- 2 (iv) adjutant general's department;
- 3 (v) state board of nursing;
- 4 (vi) Kansas board of barbering;
- 5 (vii) state board of mortuary arts;
- 6 (viii) board of engineering examiners;
- 7 (ix) board of examiners in optometry;
- 8 (x) state board of technical professions;
- 9 (xi) Kansas board of examiners in fitting and dispensing of hearing
- 10 instruments;
- 11 (xii) state board of pharmacy;
- 12 (xiii) Kansas state board of cosmetology;
- 13 (xiv) state board of veterinary examiners;
- 14 (xv) Kansas dental board;
- 15 (xvi) board of examiners of psychologists;
- 16 (xvii) registration and examining board for architects;
- 17 (xviii) board of accountancy;
- 18 (xix) state bank commissioner—consumer and mortgage lending
- 19 division;
- 20 (xx) board of basic science examiners;
- 21 (xxi) Kansas public employees retirement system;
- 22 (xxii) office of the securities commissioner; and
- 23 (xxiii) Kansas corporation commission;
- 24 (D) for 2026 and every fifth year thereafter, the following state
- 25 agencies:
- 26 (i) Public employee relations board;
- 27 (ii) abstracters' board of examiners;
- 28 (iii) Kansas real estate commission;
- 29 (iv) education commission;
- 30 (v) state board of regents;
- 31 (vi) school budget review board;
- 32 (vii) school retirement board;
- 33 (viii) state department of education;
- 34 (ix) Kansas department of revenue;
- 35 (x) Kansas department of revenue—division of property valuation;
- 36 (xi) state board of tax appeals;
- 37 (xii) crop improvement association;
- 38 (xiii) Kansas commission on veterans' affairs office;
- 39 (xiv) Kansas water office;
- 40 (xv) Kansas department of agriculture—division of weights and
- 41 measures;
- 42 (xvi) state board of healing arts;
- 43 (xvii) podiatry board;

- 1 (xviii) behavioral sciences regulatory board;
- 2 (xix) state bank commissioner and savings and loan commissioner—
- 3 joint regulations;
- 4 (xx) consumer credit commissioner, credit union administrator,
- 5 savings and loan commissioner and bank commissioner—joint regulations;
- 6 (xxi) state board of indigents' defense services;
- 7 (xxii) Kansas commission on peace officers' standards and training;
- 8 and
- 9 (xxiii) law enforcement training center; and
- 10 (E) for 2027 and every fifth year thereafter, the following state
- 11 agencies:
- 12 (i) Kansas state employees health care commission;
- 13 (ii) emergency medical services board;
- 14 (iii) department of commerce;
- 15 (iv) Kansas lottery;
- 16 (v) Kansas racing and gaming commission;
- 17 (vi) Kansas department of wildlife and parks;
- 18 (vii) Kansas state fair board;
- 19 (viii) real estate appraisal board;
- 20 (ix) state historical society;
- 21 (x) health care data governing board;
- 22 (xi) state department of credit unions;
- 23 (xii) pooled money investment board;
- 24 (xiii) department of corrections—division of juvenile services;
- 25 (xiv) state child death review board;
- 26 (xv) Kansas agricultural remediation board;
- 27 (xvi) unmarked burial sites preservation board;
- 28 (xvii) Kansas housing resources corporation;
- 29 (xviii) department of commerce— Kansas athletic commission;
- 30 (xix) department of health and environment—division of health care
- 31 finance;
- 32 (xx) home inspectors registration board;
- 33 (xxi) committee on surety bonds and insurance;
- 34 (xxii) 911 coordinating council; and
- 35 (xxiii) office of administrative hearings.
- 36 (c) For any state agency not listed in subsection (b)(2) that adopts
- 37 rules and regulations that become effective on or after July 1, 2022, such
- 38 state agency shall submit a report to the joint committee on administrative
- 39 rules and regulations in accordance with subsection (b)(1) on or before
- 40 July 15 of the fifth year after such rules and regulations become effective
- 41 and every fifth year thereafter.
- 42 (d) Notwithstanding any other provision of law, a rule and regulation
- 43 may be adopted or maintained by a state agency only if such rule and

1 regulation serves an identifiable public purpose to support state law and
2 may not be broader than is necessary to meet such public purpose.

3 (e) This section shall be a part of and supplemental to the rules and
4 regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.

5 Sec. 2. K.S.A. 77-426 is hereby amended to read as follows: 77-426.

6 (a) All rules and regulations ~~which~~ *that* are in force and effect at the time
7 this act takes effect shall continue in full force and effect and may be
8 amended, revived or revoked as provided by law. All new rules and
9 regulations and all amendments, revivals or revocations of rules and
10 regulations, other than temporary regulations, adopted in any year shall be
11 filed with the secretary of state and shall become effective 15 days
12 following its publication in the Kansas register or such later date as clearly
13 expressed in the body of such rule and regulation.

14 (b) *Except for rules and regulations revoked pursuant to subsection*
15 *(d), as soon as possible after the filing of any rules and regulations by a*
16 *state agency, the secretary of state shall submit to the joint committee on*
17 *administrative rules and regulations such number of copies as may be*
18 *requested by the joint committee on administrative rules and regulations.*

19 (c) At any time prior to adjournment sine die of the regular session of
20 the legislature, the legislature may adopt a concurrent resolution
21 expressing the concern of the legislature with any permanent or temporary
22 rule and regulation ~~which~~ *that* is in force and effect and on file in the
23 office of the secretary of state and any permanent rule and regulation filed
24 in the office of the secretary of state during the preceding year and
25 requesting the revocation of any such rule and regulation or the
26 amendment of any such rule and regulation in the manner specified in such
27 resolution.

28 (d) (1) *Notwithstanding any other provision of the rules and*
29 *regulations filing act, any rule and regulation may be revoked pursuant to*
30 *this subsection if such rule and regulation is identified by a state agency in*
31 *the report submitted to the joint committee on administrative rules and*
32 *regulations pursuant to section 1, and amendments thereto, as one that*
33 *may be revoked pursuant to this subsection. A state agency may revoke a*
34 *rule and regulation by filing a notice of such revocation with the secretary*
35 *of state and causing such notice to be published in the Kansas register.*
36 *Such notice of revocation shall not contain any new rules and regulations*
37 *or any amendments to any rules and regulations.*

38 (2) *Prior to filing the notice of revocation with the secretary, the state*
39 *agency shall:*

40 (A) *Upon the written request of a member of the public, hold a public*
41 *hearing on the proposed notice of revocation;*

42 (B) *submit the notice of revocation to the attorney general for review*
43 *and approval in accordance with K.S.A. 77-420(d), and amendments*

1 *thereto; and*

2 *(C) submit the notice of revocation to the joint committee on*
3 *administrative rules and regulations and, upon request by the chairperson*
4 *of such committee, appear before such committee at a hearing on such*
5 *notice.*

6 *(3) The revocation of a rule and regulation under this subsection*
7 *shall be effective 15 days following the date that the notice of such*
8 *revocation is published in the Kansas register.*

9 Sec. 3. K.S.A. 77-436 is hereby amended to read as follows: 77-436.

10 (a) There is hereby established a joint committee on administrative rules
11 and regulations consisting of five senators and seven members of the
12 house of representatives. The five senator members shall be appointed as
13 follows: Three by the committee on organization, calendar and rules and
14 two by the minority leader of the senate. The seven representative
15 members shall be appointed as follows: Four by the speaker of the house
16 of representatives and three by the minority leader of the house of
17 representatives. The committee on organization, calendar and rules shall
18 designate a senator member to be chairperson or vice-chairperson of the
19 joint committee as provided in this section. The speaker of the house of
20 representatives shall designate a representative member to be chairperson
21 or vice-chairperson of the joint committee as provided in this section. The
22 minority leader of the senate shall designate a senator member to be the
23 ranking minority member of the joint committee as provided in this
24 section. The minority leader of the house of representatives shall designate
25 a representative member to be the ranking minority member of the joint
26 committee as provided in this section.

27 (b) A quorum of the joint committee on administrative rules and
28 regulations shall be seven. All actions of the committee may be taken by a
29 majority of those present when there is a quorum. In odd-numbered years
30 the chairperson and the ranking minority member of the joint committee
31 shall be the designated members of the house of representatives from the
32 convening of the regular session in that year until the convening of the
33 regular session in the next ensuing year. In even-numbered years the
34 chairperson and the ranking minority member of the joint committee shall
35 be the designated members of the senate from the convening of the regular
36 session of that year until the convening of the regular session of the next
37 ensuing year. The vice-chairperson shall exercise all of the powers of the
38 chairperson in the absence of the chairperson.

39 (c) *Except for rules and regulations revoked pursuant to K.S.A. 77-*
40 *426(d), and amendments thereto, all proposed rules and regulations shall*
41 *be reviewed by the joint committee on administrative rules and regulations*
42 *during the public comment period required by K.S.A. 77-421, and*
43 *amendments thereto. The committee may introduce such legislation as it*

1 deems necessary in performing its functions of reviewing administrative
2 rules and regulations.

3 (d) The committee shall issue a report to the legislature following
4 each meeting making comments and recommendations and indicating
5 concerns about any proposed rule and regulation. Such report shall be
6 made available to each agency that had proposed rules and regulations
7 reviewed at such meeting during the agency's public comment period for
8 such proposed rules and regulations required by K.S.A. 77-421, and
9 amendments thereto. If having a final report completed by the public
10 hearing required by K.S.A. 77-421, and amendments thereto, is
11 impractical, a preliminary report shall be made available to the agency
12 containing the committee's comments. The preliminary report shall be
13 incorporated into the final report and made available to each agency.

14 (e) *Except for rules and regulations revoked pursuant to K.S.A. 77-*
15 *426(d), and amendments thereto*, all rules and regulations filed each year
16 in the office of secretary of state shall be subject to review by the joint
17 committee. The committee may introduce such legislation as it deems
18 necessary in performing its functions of reviewing administrative rules and
19 regulations.

20 (f) The joint committee shall meet on call of the chairperson as
21 authorized by the legislative coordinating council. All such meetings shall
22 be held in Topeka, unless authorized to be held in a different place by the
23 legislative coordinating council. Members of the joint committee shall
24 receive compensation, travel expenses and subsistence expenses or
25 allowances as provided in K.S.A. 75-3212, and amendments thereto, when
26 attending meetings of such committee authorized by the legislative
27 coordinating council.

28 (g) Amounts paid under authority of this section shall be paid from
29 appropriations for legislative expense and vouchers therefor shall be
30 prepared by the director of legislative administrative services and
31 approved by the chairperson or vice-chairperson of the legislative
32 coordinating council.

33 Sec. 4. K.S.A. 77-426 and 77-436 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its
35 publication in the statute book.