

HOUSE BILL No. 2066

By Representatives Croft, Owens, Proctor, Tarwater, Thomas and Wasinger

1-14

1 AN ACT concerning occupational regulation; relating to occupational
2 licenses for certain applicants; telemedicine; temporary emergency
3 licenses; electronic credentials; amending K.S.A. 2020 Supp. 48-3406
4 and repealing the existing section.

5

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

7 Section 1. K.S.A. 2020 Supp. 48-3406 is hereby amended to read as
8 follows: 48-3406. (a) For the purposes of this section:

9 (1) *"Applicant" means an individual who is a military spouse,*
10 *military servicemember or an individual who has established or intends to*
11 *establish residency in this state. "Applicant" with respect to law*
12 *enforcement certification by the Kansas commission on peace officers'*
13 *standards and training means an applicant who has met the employment*
14 *requirement pursuant to K.S.A. 74-5605(a), and amendments thereto.*

15 (2) *"Complete application" means the licensing body has received all*
16 *forms, fees, documentation and any other information required or*
17 *requested by the licensing body for the purpose of evaluating the*
18 *application, consistent with this section and the rules and regulations*
19 *adopted by the licensing body pursuant to this section. If the licensing*
20 *body has received all such forms, fees, documentation and any other*
21 *information required or requested by the licensing body, an application*
22 *shall be deemed to be a complete application even if the licensing body*
23 *has not yet received a criminal background report from the Kansas bureau*
24 *of investigation.*

25 (3) *"Licensing body" means an official, agency, board or other entity*
26 *of the state which authorizes individuals to practice a profession in this*
27 *state and issues a license, registration, certificate, permit or other*
28 *authorization to an individual so authorized.*

29 ~~(2)~~(4) *"Military servicemember" means a current member of the*
30 *army, navy, marine corps, air force, air or army national guard of any state,*
31 *coast guard or any branch of the military reserves of the United States; and*
32 *or a former member with an honorable discharge.*

33 ~~(3)~~(5) *"Military spouse" means the spouse of an individual who is*
34 *currently in active service in any branch of the armed forces of the United*
35 *States.*

36 (6) *"Private certification" means a voluntary program in which a*

1 *private organization grants nontransferable recognition to an individual*
2 *who meets personal qualifications and standards relevant to performing*
3 *the occupation as determined by the private organization.*

4 (b) Notwithstanding any other provision of law, any licensing body
5 shall:

6 ~~(1) —, upon submission of a completed complete application, issue a~~
7 ~~license, registration or certification to a nonresident military spouse an~~
8 ~~applicant, so that the nonresident military spouse applicant may lawfully~~
9 ~~practice the person's occupation; and~~

10 ~~(2) — upon submission of a completed application within six months~~
11 ~~following release from military service, issue a license, registration or~~
12 ~~certification to a military servicemember with an honorable discharge so~~
13 ~~that the military servicemember may lawfully practice the military~~
14 ~~servicemember's occupation.~~

15 ~~(c) A military servicemember with an honorable discharge or~~
16 ~~nonresident military spouse An applicant who holds a valid current~~
17 ~~license, registration or certification in another state, district or territory of~~
18 ~~the United States shall receive a license, registration or certification under~~
19 ~~subsection (b) of this section:~~

20 (1) *If the applicant qualifies under the applicable Kansas licensure,*
21 *registration or certification by endorsement, reinstatement or reciprocity*
22 *statutes, then pursuant to applicable licensure, registration or certification*
23 *by endorsement, reinstatement or reciprocity statutes of the licensing body*
24 *of this state for the profession license, registration or certification within*
25 *60 15 days from the date a complete application was submitted if the*
26 *applicant is a military servicemember or military spouse or within 45 days*
27 *from the date a complete application was submitted for all other*
28 *applicants; or*

29 (2) *if the applicant does not qualify under the applicable licensure,*
30 *registration or certification by endorsement, reinstatement or reciprocity*
31 *statutes of the licensing body of this state, or if the Kansas professional*
32 *practice act does not have licensure, registration or certification by*
33 *endorsement, reinstatement or reciprocity statutes, then the applicant shall*
34 *receive a license, registration or certification as provided herein if, at the*
35 *time of application, the military servicemember or nonresident military*
36 *spouse applicant:*

37 (A) *Holds a valid current license, registration or certification in*
38 *another state, district or territory of the United States with licensure,*
39 *registration or certification requirements that the licensing body*
40 *determines are equivalent to authorize a similar scope of practice as those*
41 *established by the licensing body of this state, or holds a certification*
42 *issued by another state for practicing the occupation but this state*
43 *requires an occupational license, and the licensing body determines that*

1 *the certification requirements certify a similar scope of practice as the*
2 *licensing requirements established by the licensing body of this state;*

3 (B) has not committed an act in any jurisdiction that would have
4 constituted grounds for the limitation, suspension or revocation *of the*
5 *license, certificate or registration*, or that the applicant has never been
6 censured or had other disciplinary action taken or had an application for
7 licensure, registration or certification denied or refused to practice an
8 occupation for which the ~~military servicemember or nonresident military~~
9 ~~spouse applicant~~ seeks licensure, registration or certification;

10 (C) has not been disciplined by a licensing, registering, certifying or
11 other credentialing entity in another jurisdiction and is not the subject of
12 an unresolved complaint, review procedure or disciplinary proceeding
13 conducted by a licensing, registering, certifying or other credentialing
14 entity in another jurisdiction nor has surrendered their membership on any
15 professional staff in any professional association or society or faculty for
16 another state or jurisdiction while under investigation or to avoid adverse
17 action for acts or conduct similar to acts or conduct ~~which that~~ would
18 constitute grounds for disciplinary action in a Kansas practice act;

19 (D) *does not have a disqualifying criminal record as determined by*
20 *the licensing body of this state under Kansas law;*

21 (E) *provides proof of solvency, financial standing, bonding or*
22 *insurance if required by the licensing body of this state, but only to the*
23 *same extent as required of any applicant with similar credentials or*
24 *experience;*

25 (F) pays any fees required by the licensing body of this state; and

26 ~~(E)~~(G) submits with the application a signed affidavit stating that the
27 application information, including necessary prior employment history, is
28 true and accurate.

29 Upon receiving ~~such affidavit~~ *a complete application*, the licensing
30 body shall issue the license, registration or certification within ~~60~~ 15 days
31 from the date a complete application was submitted *by a military*
32 *servicemember or military spouse, or within 45 days from the date a*
33 *complete application was submitted by an applicant who is not a military*
34 *servicemember or military spouse, to the ~~military servicemember or~~*
35 *nonresident military spouse applicant* on a probationary basis, but may
36 revoke the license, registration or certification at any time if the
37 information provided in the application is found to be false. ~~Any The~~
38 ~~probationary license issued under this subsection to a military~~
39 ~~servicemember or nonresident military spouse period~~ shall not exceed six
40 months. *Upon completion of the probationary period, the license,*
41 *certification or registration shall become a non-probationary license,*
42 *certification or registration.*

43 (d) Any ~~person~~ *applicant* who has not been in the active practice of

1 the occupation during the two years preceding the application for which
2 the applicant seeks a license, registration or certification *under subsections*
3 *(b) and (c)* may be required to complete such additional testing, training,
4 ~~mentoring~~, monitoring or *continuing* education as the Kansas licensing
5 body may deem necessary to establish the applicant's present ability to
6 practice ~~with reasonable skill and safety~~ *in a manner that protects the*
7 *health and safety of the public, as provided by subsection (k).*

8 ~~(e) A nonresident military spouse~~ Upon submission of a complete
9 application, an applicant shall receive an occupational license,
10 registration or certification under subsection (b) based on the applicant's
11 work experience in another state, if the applicant:

12 (1) Worked in a state that does not use an occupational license,
13 registration or certification to regulate an occupation, but this state uses
14 an occupational license, registration or certification to regulate the
15 occupation;

16 (2) worked for at least three years in the occupation during the four
17 years immediately preceding the application; and

18 (3) satisfies the requirements of subsection (c)(2)(B) through (G).

19 (f) Upon submission of a complete application, an applicant shall
20 receive an occupational license, registration or certification under
21 subsection (b) based on the applicant's holding of a private certification
22 and work experience in another state, if the applicant:

23 (1) Holds a private certification and worked in a state that does not
24 use an occupational license or government certification to regulate an
25 occupation, but this state uses an occupational license or government
26 certification to regulate the occupation;

27 (2) worked for at least two years in the occupation;

28 (3) holds a current and valid private certification in the occupation;

29 (4) is held in good standing by the organization that issued the
30 private certification; and

31 (5) satisfies the requirements of subsection (c)(2)(B) through (G).

32 (g) An applicant licensed, registered or certified under this section
33 shall be entitled to the same rights and subject to the same obligations as
34 are provided by the licensing body for Kansas residents, except that
35 revocation or suspension of ~~a nonresident military spouse's~~ *an applicant's*
36 license, registration or certificate in the ~~nonresident military spouse's~~
37 *applicant's* state of residence or any jurisdiction in which the ~~nonresident~~
38 ~~military spouse applicant~~ held a license, registration or certificate shall
39 automatically cause the same revocation or suspension of such ~~nonresident~~
40 ~~military spouse's applicant's~~ license, registration or certificate in Kansas.
41 No hearing shall be granted to ~~a nonresident military spouse~~ *an applicant*
42 where such ~~nonresident military spouse's applicant's~~ license, registration
43 or certificate is subject to such automatic revocation or suspension, except

1 for the purpose of establishing the fact of revocation or suspension of the
2 ~~nonresident military spouse's applicant's~~ license, registration or certificate
3 by the ~~nonresident military spouse's applicant's~~ state of residence.

4 ~~(f)~~(h) In the event the licensing body determines that the license,
5 registration or certificate currently held by ~~the military servicemember or~~
6 ~~nonresident military spouse an applicant~~ under subsection (c)(2)(A) ~~is~~
7 ~~who is a nonresident military spouse or nonresident military~~
8 ~~servicemember does not equivalent to those~~ authorize a similar scope of
9 ~~practice as that~~ issued by the licensing body of this state, the licensing
10 body ~~may~~ shall issue a temporary permit for a limited period of time to
11 allow the ~~military servicemember or nonresident military spouse applicant~~
12 to lawfully practice the ~~military servicemember's or nonresident military~~
13 ~~spouse's applicant's~~ occupation while completing any specific
14 requirements that are required in this state for licensure, registration or
15 certification that ~~was~~ were not required in the state, district or territory of
16 the United States in which the ~~military servicemember or nonresident~~
17 ~~military spouse applicant~~ was licensed, registered, certified or otherwise
18 credentialed.

19 (i) In the event the licensing body determines that the license,
20 registration or certification currently held by an applicant under
21 subsection (c)(2)(A), who is not a nonresident military spouse or
22 nonresident military servicemember, does not authorize a similar scope of
23 practice as that issued by the licensing body of this state, the licensing
24 body may issue a temporary permit for a limited period of time to allow
25 the applicant to lawfully practice the applicant's occupation while
26 completing any specific requirements that are required in this state for
27 licensure, registration or certification that was not required in the state,
28 district or territory of the United States in which the applicant was
29 licensed, registered, certified or otherwise credentialed.

30 (j) In the event that the licensing body determines that the private
31 certification or work experience currently held by the applicant under
32 subsection (e) or (f) is not sufficient to establish the applicant's present
33 ability to practice in a manner that protects the health and safety of the
34 public, the applicant may be required to complete such additional testing,
35 training, monitoring or continuing education as the licensing body deems
36 necessary. The applicant shall be issued a temporary permit for a limited
37 period of time to allow the applicant to lawfully practice the occupation
38 while completing any specific requirements unless the licensing body
39 finds, based on specific grounds, that issuing a temporary permit would
40 jeopardize the health and safety of the public.

41 (k) Any testing, continuing education or training requirements
42 administered under subsection (d), (h), (i) or (j) shall be limited to Kansas
43 law that regulates the occupation and that are materially different from or

1 *additional to the law of another state, or shall be limited to any materially*
2 *different or additional body of knowledge or skill required for the*
3 *occupational license, registration or certification in Kansas.*

4 ~~(g)~~(l) *A licensing body may grant licensure, registration, certification*
5 *or a temporary permit to any person who meets the requirements under*
6 *this section but was separated from such military service under less than*
7 *honorable conditions or with a general discharge under honorable*
8 *conditions.*

9 *(m) (1) Notwithstanding any other provision of law, a physician*
10 *holding a license issued by the applicable licensing agency of another*
11 *state may practice telemedicine to treat patients located in the state of*
12 *Kansas, if such out-of-state physician receives a telemedicine waiver*
13 *issued by the state board of healing arts. The state board of healing arts*
14 *shall issue such a waiver within 15 days from receipt of a complete*
15 *application, if the physician:*

16 *(A) Submits a complete application in a manner determined by the*
17 *state board of healing arts and pays a fee not to exceed \$100; and*

18 *(B) holds an unrestricted license to practice medicine and surgery in*
19 *the other state and is not the subject of any investigation or disciplinary*
20 *action by the applicable licensing agency.*

21 *(2) An applicable licensing body of this state may extend the*
22 *provisions of this subsection to allow other healthcare professionals*
23 *licensed and regulated by the licensing body to practice telehealth within*
24 *the scope of practice defined by Kansas law for such healthcare profession*
25 *as deemed by the licensing body consistent with ensuring patient safety.*

26 *(3) A physician practicing telemedicine in accordance with this*
27 *subsection shall conduct an appropriate assessment and evaluation of the*
28 *patient's current condition and document the appropriate medical*
29 *indication for any prescription issued.*

30 *(4) Nothing in this subsection shall supersede or otherwise affect the*
31 *provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020*
32 *Supp. 40-2,215, and amendments thereto.*

33 *(5) Any person who receives a telemedicine waiver under the*
34 *provisions of this subsection shall be subject to all rules and regulations*
35 *pertaining to the practice of the licensed profession in this state and shall*
36 *be considered a licensee for the purposes of the professional practice acts*
37 *administered by the state board of healing arts.*

38 *(6) As used in this subsection, "telemedicine" means the delivery of*
39 *healthcare services by a healthcare provider while the patient is at a*
40 *different physical location.*

41 *(n) Nothing in this section shall be construed to apply in conflict with*
42 *or in a manner inconsistent with federal law or a multistate compact, or a*
43 *rule or regulation or a reciprocal or other applicable statutory provision*

1 *that would allow an applicant to receive a license. Nothing in this section*
2 *shall be construed as prohibiting a licensing body from denying any*
3 *application for licensure, registration or certification, or declining to*
4 *grant a temporary or probationary license, if the licensing body*
5 *determines that granting the application may endanger the health and*
6 *safety of the public.*

7 *(o) Notwithstanding any other provision of law, during a state of*
8 *emergency declared by the legislature, a licensing body may grant a*
9 *temporary emergency license to practice any profession licensed, certified,*
10 *registered or regulated by the licensing body to an applicant whose*
11 *qualifications the licensing body determines to be sufficient to protect*
12 *health and safety of the public and may prohibit any unlicensed person*
13 *from practicing any profession licensed, certified, registered or regulated*
14 *by the licensing body.*

15 *(p) Licensing bodies may provide electronic credentials to persons*
16 *regulated by the licensing body. For purposes of this subsection,*
17 *"electronic credential" means an electronic method by which a person*
18 *may display or transmit to another person information that verifies a*
19 *person's certification, licensure, registration or permit. A licensing body*
20 *may prescribe the format or requirements of the electronic credential that*
21 *they wish to use" with "to be used by the licensing body. Any statutory or*
22 *regulatory requirement to display, post or produce a credential issued by a*
23 *licensing body may be satisfied by the proffer of an electronic credential*
24 *authorized by the licensing body. A licensing body may use a third-party*
25 *electronic credential system that is not maintained by the licensing body.*
26 *Such electronic credential system shall include a verification system that is*
27 *operated by the licensing body or its agent on behalf of the licensing body*
28 *for the purpose of verifying the authenticity and validity of electronic*
29 *credentials issued by the licensing body.*

30 ~~(h)~~*(q) Each licensing body may shall adopt rules and regulations*
31 *necessary to implement and carry out the provisions of this section.*

32 ~~(i)~~*(r) This section shall not apply to the practice of law or the*
33 *regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.*

34 *(s) The state board of healing arts shall not be exempt from the*
35 *provisions of this section, except that the board may deny any application*
36 *for licensure, registration or certification, or decline to grant a temporary*
37 *or probationary license, if the board determines the applicant's*
38 *qualifications are not substantially equivalent to those established by the*
39 *board.*

40 *(t) This section shall apply to all licensing bodies not excluded under*
41 *subsection (r), including, but not limited to:*

42 *(1) The abstracters' board of examiners;*

43 *(2) the board of accountancy;*

- 1 (3) *the board of adult care home administrators;*
- 2 (4) *the secretary for aging and disability services, with respect to*
- 3 *K.S.A. 65-5901 et seq. and K.S.A. 65-6503 et seq., and amendments*
- 4 *thereto;*
- 5 (5) *the Kansas board of barbering;*
- 6 (6) *the behavioral sciences regulatory board;*
- 7 (7) *the Kansas state board of cosmetology;*
- 8 (8) *the Kansas dental board;*
- 9 (9) *the state board of education;*
- 10 (10) *the Kansas board of examiners in fitting and dispensing of*
- 11 *hearing instruments;*
- 12 (11) *the board of examiners in optometry;*
- 13 (12) *the state board of healing arts, as provided by subsection (s);*
- 14 (13) *the secretary of health and environment, with respect to K.S.A.*
- 15 *82a-1201 et seq., and amendments thereto;*
- 16 (14) *the commissioner of insurance, with respect to K.S.A. 40-241*
- 17 *and 40-4901 et seq., and amendments thereto;*
- 18 (15) *the state board of mortuary arts;*
- 19 (16) *the board of nursing;*
- 20 (17) *the state board of pharmacy;*
- 21 (18) *the Kansas real estate commission;*
- 22 (19) *the real estate appraisal board;*
- 23 (20) *the state board of technical professions; and*
- 24 (21) *the state board of veterinary examiners.*
- 25 (u) *All proceedings pursuant to this section shall be conducted in*
- 26 *accordance with the provisions of the Kansas administrative procedure act*
- 27 *and shall be reviewable in accordance with the Kansas judicial review act.*
- 28 (v) *Commencing on July 1, 2021, and each year thereafter, each*
- 29 *licensing body listed in subsection (t)(1) through (21) shall provide a*
- 30 *report for the period of July 1 through June 30 to the director of legislative*
- 31 *research by August 31 of each year, providing information requested by*
- 32 *the director of legislative research to fulfill the requirements of this*
- 33 *subsection. The director of legislative research shall develop the report*
- 34 *format, prepare an analysis of the reports and submit and present the*
- 35 *analysis to the office of the governor, the committee on commerce, labor*
- 36 *and economic development of the house of representatives, the committee*
- 37 *on commerce of the senate, the committee on appropriations of the house*
- 38 *of representatives and the committee on ways and means of the senate by*
- 39 *January 15 of the succeeding year. The director's report may provide any*
- 40 *analysis the director deems useful and shall provide the following items,*
- 41 *detailed by applicant type, including military servicemember, military*
- 42 *spouse and non-military individual:*
- 43 (1) *The number of applications received under the provisions of this*

1 *section;*

2 *(2) the number of applications granted under this section;*

3 *(3) the number of applications denied under this section;*

4 *(4) the average time between receipt of the application and*
5 *completion of the application;*

6 *(5) the average time between receipt of a complete application and*
7 *issuance of a license, certification or registration; and*

8 *(6) identification of applications submitted under this section where*
9 *the issuance of credentials or another determination by the licensing body*
10 *was not made within the time limitations pursuant to this section and the*
11 *reasons for the failure to meet such time limitations.*

12 *All information shall be provided by the licensing body to the director*
13 *of legislative research in a manner that maintains the confidentiality of all*
14 *applicants and in aggregate form that does not permit identification of*
15 *individual applicants.*

16 *Sec. 2. K.S.A. 2020 Supp. 48-3406 is hereby repealed.*

17 *Sec. 3. This act shall take effect and be in force from and after its*
18 *publication in the statute book.*