

# 28-60



Kansas Administrative Regulations  
Kansas Department of Health and Environment

## Notice to Reader

The following regulations represent an electronic facsimile of Kansas Administrative Regulations, promulgated by the Kansas Department of Health and Environment and published by the Kansas Secretary of State. While every effort has been made to assure the accuracy, these electronic copies do not represent the official regulations of the state. The official regulations are the bound copies printed by the Secretary of State.

Where possible KDHE will append changed regulations to the appropriate article. Once again, the lack of any attachments should not be construed as meaning there are no revisions.

Nothing contained herein should be construed as legal advice by KDHE. If you are not an attorney, you should secure competent counsel to interpret the regulations and advise you.

Office of Public Information  
Kansas Department of Health & Environment

## *Notes*

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The *Kansas Register* notes the following changes:

(16) failing to provide prospective clients with information, including obligation for fee payment and financial arrangements, which might affect the client's decision to enter into the relationship;

(17) misrepresenting professional competency by performing or offering to perform services that are clearly unwarranted on the basis of education, training, or experience; or

(18) failing to conform to generally accepted principles and standards of dietetic practice which are those generally recognized by the profession as appropriate for the situation presented, including those promulgated or interpreted by professional or governmental bodies. (Authorized by and implementing K.S.A. 1989 Supp. 65-5911(a)(2); effective Feb. 18, 1991.)

**28-59-7. Fees.** (a) The license application fee shall be \$140.00.

(b) The license renewal fee shall be \$135.00.

(c) The license renewal late fee shall be \$50.00.

(d) The temporary license application fee shall be \$70.00.

(e) The temporary license renewal fee shall be \$70.00.

(f) The application fee for reinstatement of a lapsed or revoked license shall be \$100.00 in addition to the license renewal fee established above in subsection (b) of this regulation. (Authorized by and implementing K.S.A. 65-5913, as amended by 1994 S.B. 555, sec. 4; effective Feb. 18, 1991; amended Dec. 7, 1992; amended Sept. 26, 1994.)

**28-59-8. Change of name or address.** (a) Each licensee shall notify the department of any changes in name or mailing address within 15 days of such changes.

(b) Notification of address changes shall be made in writing, including the name, mailing address, and zip code, and mailed to the department.

(c) Before replacement of a renewal identification card can be issued by the department, notification of name changes must be received by the department along with a notarized copy of a marriage certificate, court decree evidencing such change, or a social security card reflecting the new name. In addition, the previously issued identification card shall be returned to the department. (Authorized by and implementing K.S.A. 1989 Supp. 65-5904; effective Feb. 18, 1991.)

## **Article 60.—CREDENTIALING PROGRAM**

**28-60-1. Definitions.** (a) "Applicant" means the organization or organizations who submit to the department of health and environment a notice of intent and a credentialing application requesting that a specific profession or occupation be credentialed. The organization or organizations need not be comprised of members of the specific profession or occupation that is the subject of the credentialing application.

(b) "Manual for applicant" means the "Kansas credentialing review program: manual for applicants," which is produced by the department of health and environment and includes descriptions of the process, policies, procedures, and standards of the credentialing review program as established by K.S.A. 1987 Supp. 65-5001, as amended by L. 1988, Ch. 246, Sec. 22, *et seq.* and amendments thereto and K.A.R. 28-60-1, *et seq.*

(c) "Profession or occupation" means the specific vocation that is the subject of the credentialing application.

(d) "Record" means the evidence and testimony gathered during the technical committee meetings and the secretary's review of the credentialing application. The record shall include but not be limited to the following:

(1) The application;

(2) the minutes of the technical committee meetings;

(3) the written materials, written testimony, and oral testimony presented in accordance with K.A.R. 28-60-6(c) at the technical committee meetings;

(4) the preliminary and final report of the findings and recommendations of the technical committee; and

(5) the secretary's final report to the legislature.

(e) "Standards" means the conditions set by the secretary, as listed in the May 1987 manual for applicants, that the technical committee and secretary may use to aid in determining whether certain portions of the criteria have been met. (Authorized by and implementing K.S.A. 1987 Supp. 65-5009; effective May 1, 1987; amended, T-88-36, Sept. 17, 1987; amended May 1, 1988; amended Dec. 5, 1988.)

**28-60-2. Notice of intent.** (a) Each applicant seeking to have a credentialing application reviewed, according to the provisions of K.S.A. 1987 Supp. 65-5001, *et seq.*, as amended by L.

1988, Ch. 246, Sec. 22, and amendments thereto, shall first submit to the secretary a notice of intent.

(b) Each notice of intent shall contain the following information regarding the applicant:

(1) The names of the organizations and the number of members in each organization;

(2) the names of the national organizations, if the organizations are state affiliates of national organizations; and

(3) the names, addresses, organization affiliations, and telephone numbers of the persons designated to represent the applicant.

(c) Each notice of intent shall contain the following information regarding the profession or occupation that the applicant is seeking to have credentialed:

(1) Each name and title of the profession or occupation;

(2) the approximate number of members of the profession or occupation practicing in Kansas;

(3) the titles, addresses, and telephone numbers of all other organizations in Kansas consisting of members of the profession or occupation;

(4) a list and description of each function typically performed by members of the profession or occupation that pertain to services rendered directly or indirectly for the purpose of:

(A) Preventing physical, mental, or emotional illness;

(B) detecting, diagnosing, and treating illness;

(C) facilitating recovery from illness; and

(D) providing rehabilitative or continuing care following illness;

(5) the approximate percentage of time spent in each function listed in paragraphs (4), (A), (B), (C) and (D) of this subsection;

(6) the training, education, or experience required to perform the functions of the profession or occupation;

(7) the titles of all other health professions or occupations that:

(A) Perform the same type of functions as the profession or occupation, but at a different level of skill or training;

(B) perform different, but related, functions in association with the profession or occupation; and

(C) perform the same functions as the profession or occupation, but in a different setting or employment situation;

(8) a description of the relationship between the other health professions or occupations iden-

tified in paragraphs (7)(A), (B), and (C) of this subsection and the profession or occupation; and

(9) an approximate date on which a credentialing application will be submitted.

(d) Any additional information needed to make a determination as to whether the profession or occupation is properly classified as health care personnel may be requested by the secretary.

(e) A determination as to whether the profession or occupation meets the definition of health care personnel shall be made by the secretary on the basis of the contents of the notice of intent and any additional information requested by the secretary.

(f) Each notice of intent shall be approved or denied by the secretary within 60 days after receiving the notice of intent and any additional information requested, and the applicant shall be given written notice of the decision.

(1) If the secretary approves any notice of intent, the applicant may submit a credentialing application; and

(2) if the secretary denies any notice of intent, the applicant may appeal the secretary's decision.

(g) Any applicant may appeal to the secretary in writing within 60 days after receiving the written denial notification by the secretary.

(h) Each appeal to the secretary shall specify in detail the reasons the applicant disagrees with the decision.

(i) If, after examining the applicant's written appeal, the secretary finds the profession or occupation meets the definition of health care personnel, the applicant may submit a credentialing application to the secretary.

(j) If the secretary finds the profession or occupation does not meet the definition of health care personnel and after exhausting the review procedures outlined in the Kansas judicial review act, the applicant shall not submit a credentialing application to the secretary.

(k) Each applicant shall be given written notice of the final decision by the secretary. (Authorized by K.S.A. 1987 Supp. 65-5009(b); implementing K.S.A. 1987 Supp. 65-5001, as amended by L. 1988, Ch. 246, Sec. 22, effective May 1, 1987; amended, T-88-36, Sept. 17, 1987; amended May 1, 1988; amended Dec. 5, 1988.)

**28-60-3. Filing of the credentialing application.** (a) Each applicant shall complete the forms of the credentialing application that are printed in the manual for applicants.

(b) "Kansas resident" means any person 18 years old or older who resides in Kansas.

(c) Each credentialing application received from an applicant whose notice of intent has been approved shall be reviewed by the department of health and environment to determine if the credentialing application is fully answered and complete.

(1) If the credentialing application is not complete, the applicant shall be requested by the department of health and environment to submit additional information.

(2) If the credentialing application is complete, an approximate date for the technical committee to begin the review of the credentialing application shall be selected by the secretary and the applicant shall be notified of the approximate date. (Authorized by K.S.A. 1987 Supp. 65-5009(b); implementing K.S.A. 1987 Supp. 65-5002; effective May 1, 1987; amended, T-88-36, Sept. 17, 1987; amended May 1, 1988; amended Dec. 5, 1988.)

**28-60-4. Withdrawing a credentialing application.** (a) Each applicant that has withdrawn a credentialing application shall not submit a new notice of intent, application, and application fee for one year after the date the final report of the technical committee has been issued.

(b) The technical committee shall prepare a final report within 120 days after completing the technical committee meetings in accordance with K.A.R. 28-60-6.

(c) Each credentialing application already on file shall be reviewed by the technical committee before a new credentialing application submitted by an applicant group that has previously withdrawn a credentialing application will be reviewed. (Authorized by 1987 Supp. 65-5009(b); implementing K.S.A. 1987 Supp. 65-5003; effective May 1, 1987; amended, T-88-36, Sept. 17, 1987; amended May 1, 1988; amended Dec. 5, 1988.)

**28-60-5. Selection of a technical committee.** (a) A written memorandum requesting nominations for individuals to serve on each technical committee shall be distributed by the secretary to:

(1) Persons who have asked the department of health and environment to keep them informed of credentialing activities; and

(2) various professional associations and state regulatory boards.

(b) The memorandum shall contain:

(1) A request for nominations;

(2) the names of the professions or occupations of the applications the technical committee will review;

(3) the review schedules;

(4) a description of the review process and responsibilities of the technical committee members; and

(5) instructions and a closure date for submission of nominations.

(c) Additional information shall be requested by the secretary from each nominee to determine whether the nominee has any direct, economic or personal interest in the credentialing or noncredentialing of the professions or occupations whose credentialing applications will be reviewed by the technical committee.

(d) Each nominee shall remain on the list of nominees for one year.

(e) Additional technical committees may be established if approved by the secretary.

(f) Each technical committee shall review only one credentialing application at a time. Each technical committee shall review a maximum of two applications. (Authorized by K.S.A. 1987 Supp. 65-5009(b); implementing K.S.A. 1987 Supp. 65-5003; effective May 1, 1987; amended, T-88-36, Sept. 17, 1987; amended May 1, 1988; amended Dec. 5, 1988.)

**28-60-6. Technical committee meetings.** (a) Each credentialing application shall be reviewed by a technical committee under the following sequential proceedings:

(1) Applicant review. A copy of each application shall be mailed by the department of health and environment to the technical committee members at least 30 days before the applicant review meeting. Each applicant shall present, in person, an overview and description of the profession or occupation and shall summarize the contents of the credentialing application. The applicant's response to each question in the credentialing application shall be discussed by the technical committee at this meeting. The committee may ask for clarification or additional information from the applicant.

(2) Analysis. Any information requested at the applicant review meeting by the technical committee that has not been previously accepted may be submitted by the applicant. The information gathered from the application and applicant review meeting shall be compared with the criteria

and standards, and then prepared as a report by the department of health and environment. At the analysis meeting, the technical committee shall discuss the report and shall develop preliminary findings and recommendations as to whether the criteria have been met.

(3) Public hearing. At the public hearing meeting, both supporting and opposing comments and information about the application and the preliminary findings and recommendations of the technical committee may be presented by the public. Any information requested at the applicant review meeting and analysis meeting by the technical committee that has not been previously accepted may be submitted by the public and the applicant. No new information shall be accepted or considered by the technical committee after the public hearing meeting.

(4) Final findings and recommendations. At the final findings and recommendations meeting, information presented at the public hearing and the information contained in the record to date shall be discussed by the technical committee. The final findings and recommendations as to whether the criteria have been met shall then be developed by the technical committee.

(b) Additional technical committee meetings may be held if approved by the technical committee chairperson.

(c) The rules of conduct for public hearings shall include the following:

(1) Information presented at the technical committee meetings shall be in the record and shall not be presented again at public hearing meeting.

(2) Materials already entered into the record from the technical committee meetings shall be available for inspection at the public hearing meeting.

(3) Each person interested in presenting oral testimony shall contact the department of health and environment to be placed on the appropriate public hearing meeting agenda.

(4) The technical committee chairperson shall determine the amount of time allotted for each oral presentation based on the number of speakers and the anticipated length of time of the public hearing.

(5) At the conclusion of the agenda, the technical committee chairperson may allow time for:

(A) Persons to testify who were not previously on the agenda; and

(B) the applicant to provide any additional comments.

(6) Each person who presents oral testimony shall provide a written copy of the testimony for insertion into the record at or within seven days after the public hearing.

(7) Any technical committee member may ask questions and request further information or documentation of anyone testifying or providing information during the technical committee meetings.

(8) Written testimony may be submitted in lieu of oral testimony.

(9) Written testimony shall be submitted to the department of health and environment prior to the public hearing or at the public hearing and shall be entered into the record of the public hearing.

(d) "Criteria" means the conditions established by K.S.A. 1987 Supp. 65-5006, and amendments thereto, and K.S.A. 1987 Supp. 65-5007, and amendments thereto. Each application shall meet the conditions in K.S.A. 1987 Supp. 65-5006, and amendments thereto, before credentialing may be recommended by the technical committee and secretary. (Authorized by K.S.A. 1987 Supp. 65-5009(b); implementing K.S.A. 1987 Supp. 65-5003; effective May 1, 1987; amended, T-88-36, Sept. 17, 1987; amended May 1, 1988; amended Dec. 5, 1988.)

28-60-7. (Authorized by 1987 Supp. 65-5009(b); implementing K.S.A. 1987 Supp. 65-5003; effective May 1, 1987; amended T-88-36, Sept. 17, 1987; amended May 1, 1988; revoked Dec. 5, 1988.)

28-60-8. (Authorized by K.S.A. 65-5009(b), as amended by L. 1986, Ch. 246, Sec. 8; implementing K.S.A. 65-5004, as amended by L. 1986, Ch. 246, Sec. 4; effective May 1, 1987; revoked, T-88-36, Sept. 17, 1987; revoked May 1, 1988.)

28-60-9. The standards listed in the "Kansas credentialing review program manual for applicants," May 1987, pages 9-12, as jointly developed by the secretary and the statewide health coordinating council, and as in effect May 1, 1987, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1987 Supp. 65-5009(b); effective T-88-36, Sept. 17, 1987; amended May 1, 1988; amended Dec. 5, 1988.)