

**SENATE BILL No. 40**

By Committee on Public Health and Welfare

1-20

1 AN ACT enacting the massage therapist licensure act; providing for  
2 powers, duties and functions of the state board of nursing; amending  
3 K.S.A. 2014 Supp. 74-1112 and repealing the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. As used in this act:

7 (a) "Board" means the state board of nursing.

8 (b) "Massage school" means a massage therapy educational program  
9 which meets the standards for training and curriculum as set forth by the  
10 state board of regents under the Kansas private and out-of-state  
11 postsecondary educational institution act, or comparable legal authority in  
12 another state.

13 (c) "Compensation" means the payment, loan, advance, donation,  
14 contribution, barter, deposit or gift of money or anything of value.

15 (d) "Licensed massage therapist" means a person who meets the  
16 requirements of this act and who engages in the practice of massage  
17 therapy.

18 (e) "Professional massage therapy association or bodywork  
19 association" means a state or nationally chartered professional membership  
20 organization that has been recognized by the board as offering services to  
21 massage therapists. The organization requires that its members must  
22 adhere to the organization's established code of ethics and standards of  
23 practice.

24 (f) "Practice of massage therapy" means the care and services  
25 provided by a licensed massage therapist in a system of therapeutic,  
26 structured touch, palpation or movement of the skin, muscle, tendons,  
27 fascia and the lymphatic system of another person's body in order to  
28 enhance or restore the general health and well-being of the recipient.

29 (1) Such system includes, but is not limited to:

30 (A) Techniques such as effleurage, commonly called stroking or  
31 gliding; petrissage, commonly called kneading; tapotement or percussion;  
32 friction, vibration, compression;

33 (B) stretching within the normal anatomical range of movement;

34 (C) hydrotherapy; or

35 (D) such techniques which may be applied with or without the aid of  
36 lubricants, salt or herbal preparations, water, hot and cold applications or a

1 massage device that mimics or enhances the actions possible by human  
2 hands.

3 (2) "Massage" or "massage therapy" does not include:

4 (A) Medical or nursing diagnosis of injury, illness or disease;

5 (B) therapeutic exercise;

6 (C) chiropractic joint adjustment;

7 (D) physical therapy joint mobilization or manipulation;

8 (E) electrical stimulation or application of ultrasound; or

9 (F) dispensing or issuing prescriptions or pharmaceutical agents.

10 (g) "Massage therapy services" include, but are not limited to:

11 (1) Development, implementation and modification of a massage  
12 therapy treatment plan that addresses client soft tissue manifestations,  
13 needs and concerns, including identifying indications, contraindications  
14 and precautions of massage therapy within the scope of the act;

15 (2) obtaining informed consent regarding the risks and benefits of the  
16 massage therapy treatment plan and application and modification of the  
17 massage therapy treatment plan as needed;

18 (3) using effective interpersonal communication in the professional  
19 relationship;

20 (4) utilizing an ethical decision-making process that conforms to the  
21 ethical standards of the profession, as set forth in this act and in rules and  
22 regulations;

23 (5) establishing and maintaining a practice environment that provides  
24 for the client's health, safety and comfort; or

25 (6) establishing and maintaining client records, professional records  
26 and business records in compliance with standards of professional conduct  
27 as required by rules and regulations.

28 New Sec. 2. (a) Upon application to the board and the payment of the  
29 required fees, an applicant for a license as a massage therapist may be  
30 licensed as a massage therapist if the applicant meets all the requirements  
31 of this act and provides documentation acceptable to the board that the  
32 applicant:

33 (1) Has obtained a high school diploma or equivalent;

34 (2) is 18 years of age or older;

35 (3) has no other disqualifying conduct as defined by the board;

36 (4) has successfully completed a course of instruction approved by  
37 the board consisting of at least 500 in-classroom hours of supervised  
38 instruction, including massage therapy technique and theory,  
39 contraindications, ethics, sanitation, hygiene, business training, anatomy,  
40 physiology and pathology; and

41 (5) has successfully passed a nationally recognized competency  
42 examination in massage that meets acceptable psychometric principles, is  
43 statistically validated through a job-task analysis under current standards

1 for educational and professional testing and has been approved by the  
2 board. The passage of this exam may have occurred prior to the effective  
3 date of this act.

4 New Sec. 3. Prior to July 1, 2017, the board may issue a license as a  
5 massage therapist to any individual who meets the requirements of section  
6 2(a)(1), (2) and (3), and amendments thereto, and one of the following  
7 requirements verified to the board by affidavit:

8 (a) The individual has completed a minimum of 500 hours of  
9 instruction relating to massage therapy at a massage school or comparable  
10 legal authority in another state verified to the board by affidavit;

11 (b) the individual has completed at least 300 hours of training in  
12 massage therapy during the three years;

13 (c) the individual has practiced for at least three years;

14 (d) the individual has been an active member in good standing of a  
15 professional massage or bodywork therapy association. as a massage or  
16 bodywork therapist for a period of at least 12 months; or

17 (e) the individual has successfully passed an examination meeting the  
18 requirements of section 2(a)(5), and amendments thereto, or passed a  
19 nationally recognized certification examination.

20 New Sec. 4. (a) The board may issue a license to practice massage  
21 therapy as a licensed massage therapist to an applicant who has been duly  
22 licensed as a massage therapist by examination under the laws of another  
23 state or territory if, in the opinion of the board, the applicant meets the  
24 qualifications required of a licensed professional in this state. Verification  
25 of the applicant's licensure status shall be required from the original state  
26 of licensure.

27 (b) The board may issue a temporary permit to practice massage  
28 therapy as a licensed massage therapist for a period not to exceed 120  
29 days. A temporary permit for 120 days may be issued to an applicant for  
30 licensure as a licensed massage therapist who is a graduate of a massage  
31 school in a foreign country after verification of licensure in that foreign  
32 country and approval of educational credentials.

33 New Sec. 5. (a) Nothing in this act shall be construed to restrict any  
34 person licensed or regulated by the state of Kansas from engaging in the  
35 profession or practice for which they are licensed or regulated including,  
36 but not limited to, acupuncture, athletic training, barbering, chiropractic,  
37 cosmetology, dentistry, electrology, esthetics, manicuring, medicine,  
38 naturopathic medicine, nursing, occupational therapy, osteopathy, physical  
39 therapy, podiatry, professional counseling, psychology, social work or  
40 veterinary medicine or any other licensed or regulated profession by the  
41 state of Kansas.

42 (b) Nothing in this act shall prohibit:

43 (1) The practice of massage therapy by a person employed by the

1 government of the United States while the person is engaged in the  
2 performance of duties prescribed by the laws and regulations of the United  
3 States;

4 (2) the practice of massage therapy by persons duly licensed,  
5 registered, or certified in another state, territory, the District of Columbia,  
6 or a foreign country when incidentally called into this state to teach a  
7 course related to massage therapy or to consult with a person licensed  
8 under this act;

9 (3) students currently enrolled in a massage school while completing  
10 a clinical requirement or supervised massage therapy fieldwork experience  
11 for graduation performed under the supervision of a person licensed under  
12 this act, provided the student does not hold oneself out as a licensed  
13 massage therapist and does not receive compensation for services  
14 performed;

15 (4) any person performing massage therapy services in the state, if  
16 those services are performed without compensation and are performed in  
17 cooperation with a charitable organization or as part of an emergency  
18 response team working in conjunction with disaster relief officials;

19 (5) the practice, conduct and activities or services of a person who is  
20 employed by a non-resident performance team, entertainer, or an athletic  
21 team to the extent that such services or activities are provided solely to the  
22 team or entertainer in the state for not more than 30 days;

23 (6) persons giving massage to members of such person's immediate or  
24 extended family without compensation;

25 (7) persons who restrict their manipulation of the soft tissues of the  
26 human body to the hands, feet or ears and do not hold themselves out to be  
27 massage therapists;

28 (8) members of any church practicing their religious tenets;

29 (9) the practice of any person in this state who uses touch, words and  
30 directed movement to deepen awareness of existing patterns of movement  
31 in the body as well as to suggest new possibilities of movement while  
32 engaged within the scope of practice of a profession, provided that they do  
33 not hold themselves out to be massage therapists. Such practices include,  
34 but are not limited to, the Feldenkrais method of somatic education, the  
35 Trager approach to movement education, and body-mind centering;

36 (10) the practice of any person in this state who uses touch to affect  
37 the energy systems, acupoints or qi meridians (channels of energy) of the  
38 human body while engaged within the scope of practice of a profession,  
39 provided that they do not hold themselves out to be massage therapists.  
40 Such practices include, but are not limited to, polarity, polarity therapy,  
41 polarity bodywork therapy, Asian bodywork therapy, acupressure, jin shin  
42 do, qi gong, reiki, shiatsu and ortho bionomy; or

43 (11) persons engaged in the profession of structural integration,

1 restoring postural balance and functional ease by integrating the body in  
2 gravity based on a system of fascial manipulation and awareness, provided  
3 that they do not hold themselves out to be massage therapists. Such  
4 practices include, but are not limited to, rolfing structural integration, the  
5 guild for structural integration and Hellerwork.

6 New Sec. 6. (a) A person licensed under this act as a massage  
7 therapist shall:

8 (1) Use the letters "LMT" to identify themselves to patients or the  
9 public; and

10 (2) be authorized to use words, including "massage therapist,"  
11 "massagist," "massotherapist," "myotherapist," "body therapist," "massage  
12 technician," "massage practitioner," "masseur," "masseuse" or any  
13 derivation of those terms that implies this practice to indicate that such  
14 person is a massage therapist licensed under the act.

15 (b) On and after September 1, 2017, it shall be unlawful for any  
16 person who is not licensed under this act as a massage therapist or whose  
17 license has been suspended, revoked or lapsed to promote oneself to the  
18 public in any manner as a licensed massage therapist or to engage in the  
19 practice of massage therapy. An intentional violation of this subsection  
20 shall constitute a class B person misdemeanor.

21 (c) No statute granting authority to persons licensed or registered by  
22 the state board of nursing shall be construed to confer authority upon a  
23 massage therapist to engage in any activity not conferred by this act.

24 New Sec. 7. (a) An advisory committee of six members, two board  
25 members and four non-board members, shall be established by the board  
26 to advise and assist the board in implementing this act as determined by  
27 the board. The advisory committee shall meet at least annually. Members  
28 of the advisory committee shall receive amounts provided for in K.S.A.  
29 75-3223(e), and amendments thereto, for each day of actual attendance at  
30 any meeting of the advisory committee or any subcommittee meeting of  
31 the advisory committee authorized by the board.

32 (b) The two board members shall be appointed by the state board of  
33 nursing. The three non-board members of the massage therapy advisory  
34 committee shall be appointed by the state board of nursing, shall be  
35 massage therapists and shall be citizens and residents of the state. No more  
36 than one member may be an owner of a massage school. The fourth non-  
37 board member shall be the designee of the Kansas attorney general. The  
38 members of the committee shall be appointed for terms of two years and  
39 shall serve at the pleasure of the state board of nursing.

40 New Sec. 8. (a) The board shall biennially charge and collect in  
41 advance fees provided for in this act as fixed by the board by rules and  
42 regulations, subject to the following limitations:

43 Application fee, not more than.....\$80

1 Temporary permit fee, not more than.....\$25  
 2 License renewal fee, not more than.....\$75  
 3 License reinstatement fee, not more than.....\$80  
 4 Certified copy of license, not more than.....\$25  
 5 Written verification of license, not more than.....\$30  
 6 *Inactive license fee, not more than.....\$20*

7 (b) The board may require that fees paid for any examination under  
 8 the massage therapist licensure act be paid directly to the examination  
 9 service by the person taking the examination.

10 (c) The board shall accept for payment of fees under this section  
 11 personal checks, certified checks, cashier's checks, money orders or credit  
 12 cards. The board may designate other methods of payment, but shall not  
 13 refuse payment in the form of a personal check. The board may impose  
 14 additional fees and recover any costs incurred by reason of payments made  
 15 by personal checks with insufficient funds and payments made by credit  
 16 cards.

17 New Sec. 9. (a) All licenses issued under the provisions of this act,  
 18 whether initial or renewal, shall expire every two years. The expiration  
 19 date shall be established by the rules and regulations of the board. The  
 20 board shall send a notice for renewal of license to every massage therapist  
 21 at least 60 days prior to the expiration date of such person's license. Every  
 22 person so licensed who desires to renew such license shall file with the  
 23 board, on or before the date of expiration of such license, a renewal  
 24 application together with the prescribed biennial renewal fee. Every  
 25 licensee who is no longer engaged in the active practice of massage  
 26 therapy may so state by affidavit and submit such affidavit with the  
 27 renewal application. An inactive license may be requested along with  
 28 payment of a fee which shall be fixed by rules and regulations of the  
 29 board. Except for the first renewal for a license that expires within 30  
 30 months following licensure examination or for renewal of a license that  
 31 expires within the first nine months following licensure by reinstatement  
 32 or endorsement, every licensee with an active massage therapy license  
 33 shall submit with the renewal application evidence of satisfactory  
 34 completion of a program of continuing massage therapy education  
 35 required by the board. The board, by duly adopted rules and regulations,  
 36 shall establish the requirements for such program of continuing massage  
 37 therapy education. The board shall require as a condition for renewal of a  
 38 license completion of no more than 12 hours biennially of continuing  
 39 education approved by the board in rules and regulations. Upon receipt of  
 40 such application, payment of fee, upon receipt of the evidence of  
 41 satisfactory completion of the required program of continuing massage  
 42 therapy education and upon being satisfied that the applicant meets the  
 43 requirements set forth by law in effect at the time of initial licensure of the

1 applicant, the board shall verify the accuracy of the application and grant a  
2 renewal license.

3 (b) Any person who fails to secure a renewal license within the time  
4 specified herein may secure a reinstatement of such lapsed license by  
5 making verified application therefor on a form provided by the board, by  
6 rules and regulations, and upon furnishing proof that the applicant is  
7 competent and qualified to act as a massage therapist and by satisfying all  
8 of the requirements for reinstatement, including payment to the board of a  
9 reinstatement fee as established by the board. A reinstatement application  
10 for licensure will be held awaiting completion of such documentation as  
11 may be required, but such application shall not be held for a period of time  
12 in excess of that specified in rules and regulations.

13 (c) (1) Each licensee shall notify the board in writing of:

14 (A) A change in name or address within 30 days of the change; or

15 (B) a conviction of any felony or misdemeanor, that is specified in  
16 rules and regulations adopted by the board, within 30 days from the date  
17 the conviction becomes final.

18 (2) As used in this subsection, "conviction" means a final conviction  
19 without regard to whether the sentence was suspended or probation  
20 granted after such conviction. Also, for the purposes of this subsection, a  
21 forfeiture of bail, bond or collateral deposited to secure a defendant's  
22 appearance in court, which forfeiture has not been vacated, shall be  
23 equivalent to a conviction. Failure to so notify the board shall not  
24 constitute a defense in an action relating to failure to renew a license, nor  
25 shall it constitute a defense in any other proceeding.

26 (d) (1) The board of nursing shall require an original applicant for  
27 licensure as a massage therapist to be fingerprinted and submit to a state  
28 and national criminal history record check. The fingerprints shall be used  
29 to identify the applicant and to determine whether the applicant has a  
30 record of criminal history in this state or other jurisdictions. The board of  
31 nursing is authorized to submit the fingerprints to the Kansas bureau of  
32 investigation and the federal bureau of investigation for a state and  
33 national criminal history record check, and request subsequent arrest  
34 notification services from both agencies. The board of nursing may use the  
35 information obtained from fingerprinting and the applicant's criminal  
36 history for purposes of verifying the identification of any applicant and in  
37 the official determination of character and fitness of the applicant for any  
38 licensure to practice massage therapy in this state.

39 (2) Local and state law enforcement officers and agencies shall assist  
40 the board of nursing in the taking and processing of fingerprints of  
41 applicants to practice massage therapy in this state and shall release all  
42 records of adult convictions and non-convictions and adult convictions or  
43 adjudications of another state or country to the board of nursing.

1 (3) The board shall fix a fee for fingerprinting of applicants or  
2 licensees, or both, as may be required by the board in an amount necessary  
3 to reimburse the board for the cost of the fingerprinting. Fees collected  
4 under this subsection shall be deposited in the criminal background and  
5 fingerprinting fund.

6 New Sec. 10. (a) The board may refuse to grant licensure to, or may  
7 suspend, revoke, condition, limit, qualify or restrict the licensure issued  
8 under this act of any individual who the board, after the opportunity for a  
9 hearing, determines:

10 (1) Is incompetent to practice massage therapy, or is found to engage  
11 in the practice of massage therapy in a manner harmful or dangerous to a  
12 client or to the public;

13 (2) is convicted by a court of competent jurisdiction of a felony,  
14 misdemeanor crimes against persons or substantiation of abuse against a  
15 child, adult or resident of a care facility, even if not practice related;

16 (3) has violated a provision of the massage therapist licensure act or  
17 one or more of the rules and regulations of the board;

18 (4) has obtained or attempted to obtain a license or license renewal by  
19 bribery or fraudulent representation;

20 (5) has knowingly made a false statement on a form required by the  
21 board for license or license renewal;

22 (6) has failed to obtain continuing education credits required by rules  
23 and regulations of the board;

24 (7) has been found guilty of unprofessional conduct as defined by  
25 rules and regulations established by the board; or

26 (8) has had a registration, license or certificate as an massage  
27 therapist revoked, suspended or limited, or has had other disciplinary  
28 action taken, or an application for registration, license or certificate denied,  
29 by the proper regulatory authority of another state, territory, District of  
30 Columbia or another country, a certified copy of the record of the action of  
31 the other jurisdiction being conclusive evidence thereof.

32 (b) Upon filing of a sworn complaint with the board charging a  
33 person with having been guilty of any of the unlawful practices specified  
34 in subsection (a), two or more members of the board shall investigate the  
35 charges, or the board may designate and authorize an employee or  
36 employees of the board to conduct an investigation. After investigation,  
37 the board may institute charges. If an investigation, in the opinion of the  
38 board, reveals reasonable grounds for believing the applicant or licensee is  
39 guilty of the charges, the board shall fix a time and place for proceedings,  
40 which shall be conducted in accordance with the provisions of the Kansas  
41 administrative procedure act.

42 (c) No person shall be excused from testifying in any proceedings  
43 before the board under this act or in any civil proceedings under this act

1 before a court of competent jurisdiction on the ground that such testimony  
2 may incriminate the person testifying, but such testimony shall not be used  
3 against the person for the prosecution of any crime under the laws of this  
4 state except the crime of perjury as defined in K.S.A. 2014 Supp. 21-5903,  
5 and amendments thereto.

6 (d) If final agency action of the board in a proceeding under this  
7 section is adverse to the applicant or licensee, the costs of the board's  
8 proceedings shall be charged to the applicant or licensee as in ordinary  
9 civil actions in the district court, but if the board is the unsuccessful party,  
10 the costs shall be paid by the board. Witness fees and costs may be taxed  
11 by the board according to the statutes relating to procedure in the district  
12 court. All costs accrued by the board, when it is the successful party, and  
13 which the attorney general certifies cannot be collected from the applicant  
14 or licensee shall be paid from the board of nursing fee fund. All moneys  
15 collected following board proceedings shall be credited in full to the board  
16 of nursing fee fund.

17 (e) The denial, suspension, revocation or limitation of a license or  
18 public or private censure of a licensee may be ordered by the board after  
19 notice and hearing on the matter in accordance with the provisions of the  
20 Kansas administrative procedure act. The board shall also notify the local  
21 law enforcement agency upon disciplinary action. Upon the end of the  
22 period no less than two years for the revocation of a license, application  
23 may be made to the board for reinstatement. The board shall have  
24 discretion to accept or reject an application for reinstatement and may hold  
25 a hearing to consider such reinstatement. An application for reinstatement  
26 of a revoked license shall be accompanied by the license reinstatement fee  
27 established under section 8, and amendments thereto.

28 (f) The board, in addition to any other penalty prescribed in  
29 subsection (a), may assess a civil fine, after proper notice and an  
30 opportunity to be heard, against a licensee for unprofessional conduct in an  
31 amount not to exceed \$1,000 for the first violation, \$2,000 for the second  
32 violation and \$3,000 for the third violation and for each subsequent  
33 violation. All fines assessed and collected under this section shall be  
34 remitted to the state treasurer in accordance with the provisions of K.S.A.  
35 75-4215, and amendments thereto. Upon receipt of each such remittance,  
36 the state treasurer shall deposit the entire amount in the state treasury to  
37 the credit of the state general fund.

38 (g) The board, upon request, shall receive from the Kansas bureau of  
39 investigation such criminal history record information relating to arrests  
40 and criminal convictions as necessary for the purpose of determining  
41 initial and continuing qualifications of licensees of and applicants for  
42 licensure by the board.

43 New Sec. 11. The board shall remit all moneys received from fees,

1 charges or penalties to the state treasurer in accordance with the provisions  
2 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
3 remittance, the state treasurer shall deposit the entire amount in the state  
4 treasury. Ten percent of each such deposit shall be credited to the state  
5 general fund and the balance shall be credited to the nursing fee fund. All  
6 expenditures from such fund shall be made in accordance with  
7 appropriation acts upon warrants of the director of accounts and reports  
8 issued pursuant to vouchers approved by the president of the board or by a  
9 person designated by the president of the board.

10 New Sec. 12. A local unit of government shall not establish or  
11 maintain professional licensing requirements for a massage therapist  
12 licensed under this act. Nothing in this act shall affect local zoning  
13 requirements. Local government law enforcement agencies may inspect  
14 massage therapy registrations and the business premises where massage  
15 therapy is practiced for compliance with applicable laws. Nothing in this  
16 section shall be construed to preclude criminal prosecution for a violation  
17 of any criminal law. If such inspection reveals the practice of massage  
18 therapy by a person without a valid license, the person may be charged  
19 with a violation of section 6 (b), and amendments thereto.

20 New Sec. 13. (a) When it appears to the board that any person is  
21 violating any of the provisions of this act, the board may bring an action in  
22 the name of the state of Kansas in a court of competent jurisdiction for an  
23 injunction against such violation without regard to whether proceedings  
24 have been or may be instituted before the board or whether criminal  
25 proceedings have been or may be instituted.

26 (b) The provisions of this section shall take effect on and after  
27 September 1, 2017.

28 New Sec. 14. All state agency adjudicative proceedings under the  
29 licensed massage therapist act shall be conducted in accordance with the  
30 provisions of the Kansas administrative procedure act and shall be  
31 reviewable in accordance with the Kansas judicial review act.

32 New Sec. 15. Professional liability insurance coverage shall be  
33 maintained in effect by each massage therapist as a condition to rendering  
34 professional service as a massage therapist in this state. The board shall fix  
35 by rules and regulations the minimum level of coverage for such  
36 professional liability insurance.

37 New Sec. 16. On the effective date of this act, nothing in the massage  
38 therapist licensure act or in the provisions of K.S.A. 40-2,100 through 40-  
39 2,105, and amendments thereto, or K.S.A. 2014 Supp. 40-2,105a through  
40 40-2,105d, and amendments thereto, shall be construed to require that any  
41 individual, group or blanket policy of accident and sickness, medical or  
42 surgical expense insurance coverage or any provision of a policy, contract,  
43 plan or agreement for medical service issued on or after the effective date

1 of this act, reimburse or indemnify a person licensed under the massage  
2 therapist licensure act for services provided as a massage therapist.

3 New Sec. 17. Sections 1 through 17, and amendments thereto, shall  
4 be known and may be cited as the massage therapist licensure act.

5 Sec. 18. K.S.A. 2014 Supp. 74-1112 is hereby amended to read as  
6 follows: 74-1112. (a) The board of nursing may require an original  
7 applicant for licensure as a professional nurse, practical nurse ~~or~~, mental  
8 health technician *or massage therapist* to be fingerprinted and submit to a  
9 state and national criminal history record check. The fingerprints shall be  
10 used to identify the applicant and to determine whether the applicant has a  
11 record of criminal history in this state or other jurisdictions. The board of  
12 nursing is authorized to submit the fingerprints to the Kansas bureau of  
13 investigation and the federal bureau of investigation for a state and  
14 national criminal history record check. The board of nursing may use the  
15 information obtained from fingerprinting and the applicant's criminal  
16 history for purposes of verifying the identification of any applicant and in  
17 the official determination of character and fitness of the applicant for any  
18 licensure to practice professional or practical nursing ~~or~~, mental health  
19 technology *or massage therapy* in this state.

20 (b) Local and state law enforcement officers and agencies shall assist  
21 the board of nursing in taking and processing of fingerprints of applicants  
22 to practice professional or practical nursing ~~or~~, mental health technology  
23 *or massage therapy* in this state and shall release all records of adult  
24 convictions and nonconvictions and adult convictions or adjudications of  
25 another state or country to the board of nursing.

26 (c) The board shall fix a fee for fingerprinting of applicants or  
27 licensees, or both, as may be required by the board in an amount necessary  
28 to reimburse the board for the cost of the fingerprinting. Fees collected  
29 under this subsection shall be deposited in the criminal background and  
30 fingerprinting fund.

31 (d) There is hereby created in the state treasury the criminal  
32 background and fingerprinting fund. All moneys credited to the fund shall  
33 be used to pay the Kansas bureau of investigation for the processing of  
34 fingerprints and criminal history background checks for the board of  
35 nursing. The fund shall be administered by the board of nursing. All  
36 expenditures from the fund shall be made in accordance with appropriation  
37 acts upon warrants of the director of accounts and reports issued pursuant  
38 to vouchers approved by the president of the board or a person designated  
39 by the president.

40 Sec. 19. K.S.A. 2014 Supp. 74-1112 is hereby repealed.

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