

**KANSAS STATE BOARD OF HEALING ARTS**  
**POLICY STATEMENT No. 04-01; Revised 6/8/07 and 4/25/08**

**Subject: Guidelines for imposing discipline relating to practice on a cancelled license**  
**Date: April 25, 2008**

K.S.A. 65-2836 allows the Board to issue a public censure against a license for violations of the Healing Arts Act. K.S.A. 65-2863a authorizes the Board to impose administrative fines for violations of the Healing Arts Act. When considering the disciplinary action against a licensee for continued practice following expiration and cancellation of a license, the Board desires in most cases, to follow a predictable pattern of imposing fines that is based upon the length of time that the licensee practices following cancellation of the license. The Board adopts this policy in an effort to treat all licensees fairly, imposing disciplinary orders that are in proportion to the scope of the violation.

This policy does not have the force and effect of law, and it does not suggest any intent to create binding precedent in any case. By adopting this policy statement, the Board does not limit itself to any form of disciplinary order, and may depart from this policy statement as it desires and without giving notice. The discipline suggested in this policy statement is in addition to, and not in lieu of, any other disciplinary order that the Board may impose in its discretion. Fines are limited to \$5,000 for the first violation, \$10,000 for the second violation, and \$15,000 for subsequent violations.

A violation occurs when a licensee practices the healing arts after the license has expired and has been cancelled. Renewal following the expiration date requires payment of a late fee. The fine for practicing after the cancellation date is in addition to the late fee. If the licensee does not practice after the cancellation date, there is no violation.

Upon detection of a violation to which this policy applies, Board staff may issue a summary order imposing the following discipline in accordance with the Kansas Administrative Procedures Act:

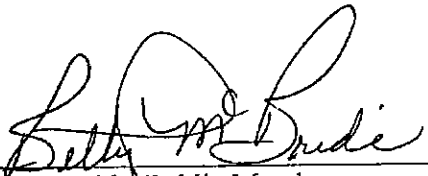
**A. All Healing Arts Professions and Doctors of Podiatry:**

<u>Days practiced with cancelled license</u>	<u>Discipline</u>
1 - 60.....	Public Censure and \$300 Fine
61 - 150.....	Public Censure and \$400 Fine
151 - 365.....	Public Censure and \$500 Fine

**B. All other Non-Healing Arts Professions:**

<u>Days practiced with cancelled license</u>	<u>Fine</u>
1 - 60.....	\$150
61 - 150.....	\$250
151 - 365.....	\$350

**ADOPTED** by the Kansas Board of Healing Arts this 26<sup>th</sup> day of April 2008.

  
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Betty McBride, Public Member  
President