

HOUSE BILL No. 2841

By Representative Benlon

2-12

AN ACT concerning nursing; related to volunteer services with a limited permit; amending K.S.A. 2001 Supp. 65-4921 and 75-6102 and repealing the existing sections.

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

New Section 1. There is hereby created a designation of limited permit to practice professional nursing which may be issued by the Kansas state board of nursing to a person who holds a degree from an approved school of professional nursing in the United States and who is in good standing as an advanced registered nurse practitioner, a registered professional nurse or licensed practical nurse in another state, territory or the District of Columbia; has made proper application to the board upon forms provided by the board; has paid the prescribed fee established under K.S.A. 65-1118, and amendments thereto; has not previously been licensed in this state; and will provide professional services in this state only as a charitable health care provider as defined under K.S.A. 75-6102, and amendments thereto.

(b) The limited permit issued under subsection (a), when issued, shall authorize the person receiving the permit to practice the appropriate level of professional nursing as a charitable health care provider but shall not authorize the person receiving the permit to otherwise engage in the practice of professional nursing in this state.

(c) The provisions of K.S.A. 65-1117, and amendments thereto, relating to expiration, renewal and reinstatement of a license shall be applicable to a limited permit issued under this section.

(d) This section shall be a part of and supplemental to the Kansas regulation of nursing act.

Sec. 2. K.S.A. 2001 Supp. 65-4921 is hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921 through 65-4930, and amendments thereto:

(a) "Appropriate licensing agency" means the agency that issued the license to the individual or health care provider who is the subject of a report under this act.

(b) "Department" means the department of health and environment.

(c) "Health care provider" means: (1) Those persons and entities de-

1 fined as a health care provider under K.S.A. 40-3401 and amendments
2 thereto; and (2) a dentist licensed by the Kansas dental board, a dental
3 hygienist licensed by the Kansas dental board, ~~a~~ *an advanced registered*
4 *nurse practitioner certified by the board of nursing*, a registered profes-
5 sional nurse licensed by the board of nursing, a practical nurse licensed
6 by the board of nursing, a mental health technician licensed by the board
7 of nursing, a physical therapist assistant certified by the state board of
8 healing arts, an occupational therapist registered by the state board of
9 healing arts, an occupational therapy assistant registered by the state
10 board of healing arts and a respiratory therapist licensed by the state
11 board of healing arts.

12 (d) “License,” “licensee” and “licensing” include comparable terms
13 which relate to regulation similar to licensure, such as registration.

14 (e) “Medical care facility” means: (1) A medical care facility licensed
15 under K.S.A. 65-425 et seq. and amendments thereto; (2) a private psy-
16 chiatric hospital licensed under K.S.A. 75-3307b and amendments
17 thereto; and (3) state psychiatric hospitals and state institutions for the
18 mentally retarded, as follows: Larned state hospital, Osawatomie state
19 hospital, Rainbow mental health facility, Kansas neurological institute and
20 Parsons state hospital and training center.

21 (f) “Reportable incident” means an act by a health care provider
22 which: (1) Is or may be below the applicable standard of care and has a
23 reasonable probability of causing injury to a patient; or (2) may be grounds
24 for disciplinary action by the appropriate licensing agency.

25 (g) “Risk manager” means the individual designated by a medical care
26 facility to administer its internal risk management program and to receive
27 reports of reportable incidents within the facility.

28 (h) “Secretary” means the secretary of health and environment.

29 Sec. 3. K.S.A. 2001 Supp. 75-6102 is hereby amended to read as
30 follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amend-
31 ments thereto, unless the context clearly requires otherwise:

32 (a) “State” means the state of Kansas and any department or branch
33 of state government, or any agency, authority, institution or other instru-
34 mentality thereof.

35 (b) “Municipality” means any county, township, city, school district
36 or other political or taxing subdivision of the state, or any agency, au-
37 thority, institution or other instrumentality thereof.

38 (c) “Governmental entity” means state or municipality.

39 (d) “Employee” means any officer, employee, servant or member of
40 a board, commission, committee, division, department, branch or council
41 of a governmental entity, including elected or appointed officials and
42 persons acting on behalf or in service of a governmental entity in any
43 official capacity, whether with or without compensation and a charitable

1 health care provider. Employee includes any steward or racing judge ap-
2 pointed pursuant to K.S.A. 74-8818, and amendments thereto, regardless
3 of whether the services of such steward or racing judge are rendered
4 pursuant to contract as an independent contractor, but does not otherwise
5 include any independent contractor under contract with a governmental
6 entity except (1) employees of the United States marshal's service en-
7 gaged in the transportation of inmates on behalf of the secretary of cor-
8 rections, (2) a person who is an employee of a nonprofit independent
9 contractor, other than a municipality, under contract to provide educa-
10 tional or vocational training to inmates in the custody of the secretary of
11 corrections and who is engaged in providing such service in an institution
12 under the control of the secretary of corrections provided that such em-
13 ployee does not otherwise have coverage for such acts and omissions
14 within the scope of their employment through a liability insurance con-
15 tract of such independent contractor; and (3) a person who is an employee
16 or volunteer of a nonprofit program, other than a municipality, who has
17 contracted with the commissioner of juvenile justice or with another non-
18 profit program that has contracted with the commissioner of juvenile
19 justice to provide a juvenile justice program for juvenile offenders in a
20 judicial district provided that such employee or volunteer does not oth-
21 erwise have coverage for such acts and omissions within the scope of their
22 employment or volunteer activities through a liability insurance contract
23 of such nonprofit program. "Employee" also includes an employee of an
24 indigent health care clinic. "Employee" also includes former employees
25 for acts and omissions within the scope of their employment during their
26 former employment with the governmental entity.

27 (e) "Community service work" means public or community service
28 performed by a person (1) as a result of a contract of diversion entered
29 into by such person as authorized by law, (2) pursuant to the assignment
30 of such person by a court to a community corrections program, (3) as a
31 result of suspension of sentence or as a condition of probation pursuant
32 to court order, (4) in lieu of a fine imposed by court order or (5) as a
33 condition of placement ordered by a court pursuant to K.S.A. 38-1663,
34 and amendments thereto.

35 (f) "Charitable health care provider" means a person licensed by the
36 state board of healing arts *or state board of nursing* as an exempt licensee
37 or a federally active licensee, a person issued a limited permit by the state
38 board of healing arts *or state board of nursing*, a physician's assistant
39 registered by the state board of healing arts or a health care provider as
40 the term "health care provider" is defined under K.S.A. 65-4921, and
41 amendments thereto, who has entered into an agreement with:

42 (1) The secretary of health and environment under K.S.A. 75-6120,
43 and amendments thereto, who, pursuant to such agreement, gratuitously

1 renders professional services to a person who has provided information
2 which would reasonably lead the health care provider to make the good
3 faith assumption that such person meets the definition of medically in-
4 digent person as defined by this section or to a person receiving medical
5 assistance from the programs operated by the department of social and
6 rehabilitation services, and who is considered an employee of the state of
7 Kansas under K.S.A. 75-6120, and amendments thereto;

8 (2) the secretary of health and environment and who, pursuant to
9 such agreement, gratuitously renders professional services in conducting
10 children's immunization programs administered by the secretary; or

11 (3) a local health department or indigent health care clinic, which
12 renders professional services to medically indigent persons or persons
13 receiving medical assistance from the programs operated by the depart-
14 ment of social and rehabilitation services gratuitously or for a fee paid by
15 the local health department or indigent health care clinic to such provider
16 and who is considered an employee of the state of Kansas under K.S.A.
17 75-6120 and amendments thereto. Professional services rendered by a
18 provider under this paragraph (3) shall be considered gratuitous notwith-
19 standing fees based on income eligibility guidelines charged by a local
20 health department or indigent health care clinic and notwithstanding any
21 fee paid by the local health department or indigent health care clinic to
22 a provider in accordance with this paragraph (3).

23 (g) "Medically indigent person" means a person who lacks resources
24 to pay for medically necessary health care services and who meets the
25 eligibility criteria for qualification as a medically indigent person estab-
26 lished by the secretary of health and environment under K.S.A. 75-6120,
27 and amendments thereto.

28 (h) "Indigent health care clinic" means an outpatient medical care
29 clinic operated on a not-for-profit basis which has a contractual agreement
30 in effect with the secretary of health and environment to provide health
31 care services to medically indigent persons.

32 (i) "Local health department" shall have the meaning ascribed to such
33 term under K.S.A. 65-241 and amendments thereto.

34 Sec. 4. K.S.A. 2001 Supp. 65-4921 and 75-6102 are hereby repealed.

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

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