

Approved

Stephen R. Cloud 3-2-83
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Rep. Stephen R. Cloud at
Chairperson

9:09 a.m. on February 28, 1983 in room 522-S of the Capitol.

All members were present except:

Rep. Louis - Excused

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Research Dept.
Russ Mills - Research Dept.
Jackie Breymeyer - Secretary

Conferees appearing before the committee:

Dr. Lois Scibetta - Executive Administrator, Board of Nursing

The House Governmental Organization Committee meeting was called to order at 9:09 a.m. by Rep. Cloud, Chairman.

HB 2501 - An Act concerning nursing; affecting the qualifications of applicants for licenses to practice

Dr. Lois Scibetta, Executive Administrator, Board of Nursing, stated that she was generally supportive of HB 2501 but had some concern about deleting "good moral character" from the bill. This prompted discussion and input from several committee members as well as the Chairman and staff. K.S.A. 65-1120 was read to the Committee by the Chairman. Avis Swartzman, Revisor stated that the present statutes are adequate for handling any problems that might arise. The Committee turned its attention to HB 2503.

HB 2503 - An Act concerning mental health technicians; relating to reports of actions thereof which are grounds for disciplinary action

Dr. Scibetta said that she could see no objection to this bill and had heard no objection voiced by anyone else in this field. The Chairman told the Committee that the licensed mental health technicians had been contacted and had voiced no objections to the bill. The Committee turned its attention to HB 2526.

HB 2526 - An Act concerning nurses as therein defined; relating to reports of malpractice and unlawful acts thereof

Dr. Scibetta stated that from 1-2% of nurses have problems with substance abuse. This percentage would amount to approximately 429 nurses in Kansas. The largest number reported to the Board in recent years was 55. Dr. Scibetta urged that HB 2526 be reported favorable for passage.

Chairman Cloud asked for comments from the Committee on these bills. It was the consensus of the Committee that final action could be taken.

Rep. Smith moved that HB 2501 be reported favorable for passage. Rep. Fuller gave a second to the motion. The motion carried.

Rep. Fuller moved that HB 2503 be reported favorable for passage. Rep. Cobb gave a second to the motion. The motion carried.

Rep. Fuller moved that HB 2526 be reported favorable for passage. Rep. Sughrue gave a second to the motion. The motion carried.

The February 24 minutes were passed out.

The meeting was adjourned at 9:50 a.m.



KANSAS STATE BOARD OF NURSING

BOX 1098, 503 KANSAS AVENUE, SUITE 330
TOPEKA, KANSAS 66601

Telephone 913/296-4929

TO: The Honorable Stephen Cloud, Chairman, and Members of the
House Governmental Organization Committee

FROM: Dr. Lois Rich Scibetta, ^{PRS}R.N., Executive Administrator

RE: House Bill 2501

DATE: February 25, 1983

My name is Dr. Lois Rich Scibetta and I am the Executive Administrator of the Kansas State Board of Nursing, and I am speaking today regarding House Bill 2501. Generally the Board is supportive of the Bill, however I would like to recommend some changes, which follow;

On line 0025-0026 "(1)Is of good moral character;" should be left in.

On line 0038 "In determining the qualifications under this section the Board shall take into consideration any felony conviction of such person, but such a conviction shall not automatically operate as a bar to licensure."

These changes as suggested would allow the Board the leverage necessary to refuse a license to a person deemed unsuitable. For example, a known current alcoholic, who has never been convicted of a felony, would not be suitable. It should also be noted that while individuals may be charged with drug possession, etc., and other possible felonies, the accused will go into diversionary programs to avoid prosecution. The individual will not be formally charged.

The Board would request that these changes be made in order to protect the health and safety of the citizens of Kansas.

Thank you. I will be happy to answer any questions which the Committee may have.



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Telephone 913/296-4929

TO: The Honorable Stephen Cloud, Chairman, and Members of the
House Governmental Organization Committee

FROM: Dr. Lois Rich Scibetta, R.N., Executive Administrator

RE: House Bill 2526

DATE: February 25, 1983

My name is Dr. Lois Rich Scibetta and I am the Executive Administrator of the Kansas State Board of Nursing. On behalf of the Board, I would like to thank this Committee for introducing this legislation. I am speaking today in strong support for House Bill 2526.

For some years unprofessional conduct, as defined in K.S.A. 65-1120, has not been reported to the Board, and impaired practitioners have moved from hospital to hospital or nursing home to nursing home taking their problem with them and jeopardizing patients. Often the nurse was given the option to resign. These cases were not reported to the Board as noted in our low reporting rate. It is conservatively estimated by authorities that from 1-2% of nurses have problems with substance abuse. In Kansas, that would be approximately 429 nurses. The largest number reported to the Board in recent years was 55.

Unprofessional conduct as defined in 60-3-110 is the grounds for revocation, suspension and limitation of a license, and should be reported to the Board.

The Board would urge that H.B. 2526 be reported out favorably for passage by this Committee.

Thank you for your attention. I will be happy to answer any questions.

60-3-106. License by endorsement. A. Individuals applying for licensure in Kansas by endorsement will be granted a license, if in the opinion of the Board, their work record indicates current practice during the five (5) years preceding application provided that they meet all of the other requirements in effect at the time of application.

B. Individuals applying for licensure in Kansas by endorsement who have not been engaged in current practice during the five (5) years preceding application will be required to complete an approved refresher course in addition to meeting all of the other requirements in effect at the time of application. (Authorized by 1976 House Bill No. 2723; effective February 15, 1977.)

60-3-107. Expiration Dates of Licenses. The expiration date of licenses for registered nurses and licensed practical nurses shall be on the last day of the month in which the licentiate's birthday occurs. The renewal date for licentiates whose year of birth is an odd numbered year will be in the odd numbered year, and for licentiates whose year of birth is an even numbered year will be in the even numbered year. (Authorized by K.S.A. 65-1113 *et seq.*, 74-1106 *et seq.*; effective, 3-77-8, March 19, 1976; effective Feb. 15, 1977.)

60-3-108. Expiration date of initial or reinstated license. Upon qualifying for a license by endorsement, examination, or reinstatement, the applicant will be issued a license which shall expire as described in K.A.R. 60-3-107; however, when a licensee would be required to renew the license within six (6) months from the date on which he or she qualified for the license, the expiration date shall be the last day of the month following his or her third birthday from the date of licensure or reinstatement. (Authorized by K.S.A. 65-1113 *et seq.*, 74-1106 *et seq.*; effective, E-77-8, March 19, 1976; effective Feb. 15, 1977; amended, E-79-8, March 16, 1978; amended May 1, 1979.)

60-3-109. (Authorized by K.S.A. 65-1113 *et seq.*, 74-1106 *et seq.*; proposed regulation modified and approved by legislature (1975 HB 2597); effective May 1, 1975; effective February 15, 1977; revoked May 1, 1982.)

60-3-110. Standards for revocation, suspension, or limitation of nursing licensure. (a) Unprofessional conduct, as provided by K.S.A. 65-1120(a)(6) shall include the following:

- (1) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;
- (2) Assuming duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained;
- (3) Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient;
- (4) Inaccurately recording, falsifying, or altering a patient's or agency's record;
- (5) Committing any act of verbally or physically abusing patients;
- (6) Assigning or delegating unqualified persons to perform functions of licensed nurses contrary to the Kansas Nurse Practice Act or to the detriment of patient safety;

(7) Violating the confidentiality of information or knowledge concerning the patient;

(8) Willfully or negligently failing to take appropriate action in safeguarding a patient or the public from incompetent practice performed by a registered professional nurse or a licensed practical nurse. "Appropriate action" may include reporting to the Board; and

(9) Diverting drugs, supplies, or property of patients or agency.

(b) A violation of any one or more of the above provisions shall be sufficient cause to suspend, revoke, or refuse to renew a license. (Authorized by K.S.A. 74-1106(c)(2) and K.S.A. 65-1129; implementing K.S.A. 65-1120; effective May 1, 1982.)

Article 4.—FEES

60-4-101. Payment of fees. (a) *Fees for professional nurses.*

(1) Application for license by endorsement to Kansas	\$50.00
(2) Verification of Kansas license	5.00
(3) Application for license by examination	50.00
(4) Reapplication for license by examination—each area	10.00
(5) Biennial renewal of license	20.00
(6) Application for reinstatement of lapsed license	30.00
(7) Duplicate license	5.00

(b) *Fees for practical nurses.*

(1) Application for license by endorsement to Kansas	30.00
(2) Verification of Kansas license	5.00
(3) Application for license by examination	30.00
(4) Reapplication for license by examination	30.00
(5) Biennial renewal of license	20.00
(6) Application for reinstatement of lapsed license	30.00
(7) Duplicate license	5.00

(Authorized by K.S.A. 65-1113 *et seq.*, 74-1106 *et seq.*; effective Jan. 1, 1966; amended Jan. 1, 1972; amended, E-74-29, July 1, 1974; modified, L. 1975, ch. 302, May 1, 1975; amended, E-77-8, March 19, 1976; amended Feb. 15, 1977; amended, E-79-8, March 16, 1978; amended May 1, 1979; amended May 1, 1980.)

Article 9.—CONTINUING EDUCATION FOR NURSES

60-9-101. Definitions. A. *Continuing education* in nursing is an organized, systematic and evaluative educational experience beyond the basic preparation. These experiences are designed to promote the enrichment of knowledge, improvement of skills, and the development of attitudes for the enhancement of nursing practice, thus