

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at
Chairperson

1:45 ~~am~~/p.m. on February 22, 1983 in room 313S of the Capitol.

All members were present except:

Senator Gaar

Committee staff present:

Norm Furse - Revisor
Julian Efird - Legislative Research

Conferees appearing before the committee:

Dr. Lois Sabetta - Executive Administrator, State Board of Nursing
Lynelle King - Kansas State Nurses Association
Naomi Nibbelink - Chairperson of Kansas State Nurses' Association's Task
Force on Sunset of the Board of Nursing
Kay Hale - Registered Nurse - Kansas Hospital Association

Senator Vidricksen welcomed the Kansas State Nurses' Association, the Board of Nursing, members of the Kansas Hospital Association and other members of the nursing profession to the Senate Governmental Organization Committee.

The Research Department gave a brief review of the conditions and requirements of the Kansas Sunset Law as it relates to the Board of Nursing.

Dr. Lois Sabetta then addressed the committee on behalf of Senate Bill 44 and stated that the absence of the Board of Nursing would result in serious harm to the public and she felt this bill should be reinstated as is.

Lynelle King introduced some of the officers of the Kansas State Nurses Association and made brief remarks to the committee stating that she felt the Board has carried out its mandates and regulations and would like to see it continued.

The committee then heard testimony from Naomi Nibbelink who stated that the KSNA believes strongly that the Board of Nursing should be re-established in law with the same functions and powers that it has now. It was felt that the State Board of Nursing has done a very creditable job in relation to complaints that have been filed with them considering the frequent turnover of Assistant Attorney Generals that have been assigned to advise the Board of Nursing. KSNA was concerned about the possibility of combining the Nursing Board with other Boards and urged that the Board of Nursing continue to be the agency regulating nursing licensure and practice as well as accrediting schools of nursing. It was recommended that the Nursing Board be continued as now constituted with its current powers, responsibilities and composition.
(Exhibit A)

The three conferees then answered questions from the committee.

Kay Hale spoke to the committee on behalf of the Kansas Hospital Association expressing their support for Senate Bill 44 stating that they felt the state's regulatory function over nurses and mental health technicians should be continued as elimination of the regulations of these occupations would place an added burden on employers to protect the public from improper health care. (Exhibit B)

Senator Hein made the motion for a substitute amendment to delete the Board of Nursing from the Sunset Act. Senator Meyers seconded this. The Chairman then explained what this would do. After considerable discussion the motion carried.

A motion was then made by Senator Johnson and seconded by Senator Francisco to pass Senate Bill 44 favorably out of committee. Motion carried.

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Senator Meyers then made a motion to take the Board of Healing Arts from under the sunset law. Senator Hein seconded this and motion carried.

A motion was made by Senator Francisco to report Senate Bill 41 favorable for passage. It was seconded by Senator Mulich and motion carried.

The meeting was adjourned at 2:25 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization DATE: Feb. 22, 1983

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY/ORGANIZATION</u>
Kathleen Kerrins	59 3rd Inf Rd, Ft Leavenworth	Saint Mary College
Susan Hildebrand	Box 377 Bonner Springs, Ks	Saint Mary College
Julia Hagemaster	1522 Kansas Leavenworth, Ks	Saint Mary College
Evelyn Cook	2718 Golden Topeka, Ks	Self
Lurela Upat	5531 Lincolnshire Ln Topeka	Self
Karen Thomas	320 Olive St Leavenworth, Ks	KU Student Nurse
Honor Wiseman	RED 3. Box 518 Leavenworth, Ks.	KU Student Nurse
David Williamson	717 Kearney Manhattan, Ks	KSNA DNA #18
Phyllis M. Luffin	401 Research Manhattan, Ks	KSNA DNA #18
Elaine Yotall	Box 494 Concordia, Ks	Cloud Co. Comm. College
Linda C. Day	PO Box 396 Concordia, Ks.	Cloud Co. Comm. College
Clacke Kewelson	2078 Colby St Manhattan	District 18 - KSNA
Marilyn Chambers	1506 Wind Dr. Lawrence	KSNA Dist 17
Peggy Scaddy	707 Tompawase Lawrence	KSNA Dist 17
Terrestine Shaw	2023 Washburn Dr Topeka	Washburn Univ.
Jacqueline Dodson	2021 Washburn Dr. Topeka, Ks.	W.U.N.S.
Lee Ann Green	2040 Kansas Ave Topeka, Ks	Washburn U. NS
Dolores Hastings	1546 W. Miller Topeka, Ks	WUN'S
Brenda Hill	1618 Randolph Topeka, Ks	WUN'S
Mary E. Nelson	130 Pennsylvania Holton, Ks	Stromont Club
Ellen M. Darity	5418 Avalon Ln Topeka, Ks.	S.V. S.O.N
Carolyn Cox	R.R. 1 Lawrence, Ks	Stromont Club
Synda Spilman	5307 W. 27 th Terr Topeka	SUSN
Cloise Hansen	404 Roosevelt Topeka	SUSN
Chris Smith	R.R. 1 Overbrook, Ks	SUSN

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NAME	ADDRESS	COMPANY/ORGANIZATION
Watha Aker	2501 Hawthorn Topoka Mo	SUSN
Jan Riordan	3600 ELMWOOD WICHITA	Wichita State Univ. Nursing
Judy Baker	2641 N. Bluff Wichita	Wichita Sedgwick Health Dept.
Jenny Daughan	518 So Pineroy Wichita	NE. Nursing Home, Wichita
Vivian Wynn	3336 Girard Topeka	R.N. - St. Francis Hosp Med Center
Steven Wynn	" " "	SUSN
Carol Perry	4849 SE. 89th Berryton, Ks	Washburn University S.N. 66409
John O'Shea	6947 S. W. Montara Pkwy Topeka, Ks 66619	SUSN
John G. Skuman	1900 Summit Lawrence Ks 66044	SUSN
Douglas Borden	416 W. 27th, TOPEKA, KANSAS	STORMONT VAIL SCHOOL OF NURSING
Paul Roper	1910 W 31 Lot L12 Lawrence Ks	Washburn Nursing School
Camille Bachne	1128 MacVicar Topeka, Ks	Washburn Univ. School of Nursing
Jan Mittle	1319 Elmwood Lawrence, Ks	Washburn Univ. school nursing
Michelle Dawson	Box 16-A, Winchester, Ks	Washburn Univ. school of Nsg
J. Baker	1618 Randolph Topeka, Ks.	Washburn U. School of Nsg.
Hilly Simonich	2701 Lackridge Dr. Lawrence	Washburn U. School of Nsg.
Stenni Charbonneau	RD 2 Clyde, Ks 66938	Nsg Student Cloud County College Concordia, Ks
Verna Rundell	Syracuse Kansas	KS-VA
Shannon Engler	6524 S. W 53rd St Topeka	Washburn Univ.
Kathryn Naithe	RR 6 Box 291 Lawrence, Ks 66044	Washburn Student Nurse
Harry Reeder	1151 Wayne Topeka Kan 66604	WASHBURN Sch of Nursing
Emilia Widing	1900 W 31 #0-15 Lawrence, Ks 66044	Lawrence Univ. Student
Ala McVay	907 So. 6th BSA YELLO, NEB	Cloud Co. Comm Coll
Karen Smith	645 E. 14th Concordia, Ks.	"
Mike Harbott	823 W 5th Concordia Ks	"

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<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY/ORGANIZATION</u>
Edna P. Berry	RN 1419 Andrew Winfield, KS	KSNA Dist X
Lida Jean Finney	RN R5 Box 68 Winfield Ks. 67156	KSNA Dist X
Carol Berger	R.N. 1412 Socony Augusta, KS 67010	K.SNA Dist X
Ferna Garigir	N.S. 3800 E. 16th, #112, Wichita, KS 67208	KANS past Pres.
Helenn Anderson	N.S. 2819 Edwards Ct Wichita, KS 67204	
Robert Fertner	N.S. 911 N. TERRACE WICHITA, KS 67208	
Diane Long	S.N./WSU 200 N. Rutland Wichita KS 67206	
Elizabeth Spicher	RN 9431 Craig Drive Overland Park, KS 66212	KSNA Dist 2
Cynthia Shepherd	^{NS} /WSU 5826 E. Harry, Wichita, KS 67218	
Evelyn Smith	544 Petersen Winthrop, KS	KINVA-416
Carl A. ...	1367 N. West, K. Wichita 67206	WSU
Margaret Russell	810 W. 53rd St. K.C. Mo. 64112	K.U. Med.
Hanna Schuur	3815 Springfield Apt 1A KC, KS 66103	Ku med Center
JoAnn Peavler	LPM 3228 E 6 th Topeka Ks 66607	KSBN
Jammy Lacey	NS Maeton	Storment Vale Nursing
Diane Jay	NS 238 Base #101 Topeka KS 66606	Storment-Vail School
Janel Wildermuth	Kov 544 Lyndon, Ks. 66451	Storment-Vail Sch. New.
Dorothy Rice	P.O. Box 1 Malvern, Ks 66510	SVNS
Sandra Howard	201 Lincoln Wamego, Ks 66547	SVNS
Rosemary Connors	8105 W. 63rd Lev. Merwin Ks 66202	Clemson
Iris Cohen	RI, Alta Vista Ks 66834	KSNA Dist #18
Judy Schrock	RR4 Box 24 Manhattan, KS	KSNA Dist 18
Mary Creason	RN 4216 Shura Dr Topeka, Ks 66614	KSNA #1
Catherine Bradley	RN 2412 Coalinga Topeka Ks 66614	KSNA #1
Jim Wharton	1109 Talone Liberal Ks 67901	Decc

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NAME	ADDRESS	COMPANY/ORGANIZATION
Joe Knapp	527 W 5th Salina,	
Jeri Northern	Rt. 1, Masco	Cloud Co. Comm College - Student
Doug Taylor	51315 S. 18th	Hypnone, Mo - C.C. Student
Karen L Cox	Republic, Ks	CCCC - Student
Elizabeth J. Emley	2230 Prairie #7C - Emporia	Newman Hosp.
Jim Morland	246 Indiana Wichita, Ks.	K.S.N.A. - Institute of Geopedics
Carolyn Lehmann	319 Quinton Topeka	K.S.N.A. -
George Blum	3400 N. Lincoln #164 Wichita	CSU/MS

KSNA

the voice of Nursing in Kansas

Statement of the Kansas State Nurses' Association
before the Senate Governmental Organization Committee
By Naomi Nibbelink, R.N., M.S., Chairperson, KSNA Task
Force on Sunset of SBN

February 22, 1983

In support of SB 44, Continuing the Board of Nursing
with the same powers

Mr. Chairman and members of the Committee, my name is Naomi Nibbelink and I am the Chairperson of Kansas State Nurses' Association's Task Force on Sunset of the Board of Nursing. As you know, KSNA is the professional organization for Registered Nurses in Kansas. I was privileged to have served as President of KSNA from 1979 - 1981 as well as serving on the Board of Directors of KSNA for several years and have been active at all levels of the organization. I am Instructor, Department of Nursing Staff Development of Stormont-Vail Regional Medical Center here in Topeka.

As no doubt each of you has heard from nurses in your districts, reinstatement of the Board of Nursing is top priority for KSNA. I will be brief because I believe you are well aware of the issue and it is easily summarized: KSNA believes strongly that the Board of Nursing should be re-established in law with the same functions and powers it has now. Professional nurses, as the largest group regulated by this Board, have had ample opportunity to experience and observe the work of the Board of Nursing. KSNA believes the Board of Nursing has conscientiously and competently carried out their legislative mandates.

The performance of the Board of Nursing is all the more remarkable when one recognizes the size of their task (approximately 30,000 licensees, approving the programs of 52 schools of nursing and mental health technique) and yet they must accomplish all this with a relatively small staff and budget.

Because the auditors have raised the issue, I would like to speak to the issue of complaints filed with the Board of Nursing and their handling of this. KSNA believes the SBN does a very creditable job in relation to this responsibility. Factors which have resulted in less-than-

(over)

Ex. A

expected reporting to the Board include advice given to hospitals by their attorneys. Often health care agencies, including nursing homes and hospitals, fire employees they discover to be incompetent or drug abusers but are advised by their attorneys against making a formal report to the Board of Nursing. KSNA has had concern about attorney's knowledge about current professional and legal roles of nurses and passed a resolution at our October, 1982 Convention proposing some solutions to providing improved education to attorneys regarding nursing practice. (The resolution is attached). Through our publications and meetings we frequently advise nurses about their legal and ethical responsibilities to report violations of the law to the SBN, and will continue to assist in this effort.

Another factor impeding complaint handling is the frequent turn-over of Assistant Attorney's General assigned to advise the Board of Nursing. There has been approximately 8 different Assist. A.G.s working with the SBN within the past 2½ years. Additionally, the case load for these Assistant A.G.s appears to be very heavy, resulting in a backlog of cases and a time lag of perhaps a year from the time the complaint is filed and the time of the first hearing about the matter. While that is a serious matter, it is one that the SBN can have only indirect effect on. The solution to the problems surrounding adequate legal advice to the SBN lies elsewhere.

A matter of great concern to us is the Legislative Post Audit's suggestion of possibly combining the Nursing Board with other Boards. We urge that the Board of Nursing continue to be the agency regulating nursing licensure and practice. Already it has an extremely large number of licensees (more than 30,000) to regulate. In the states where nursing has been placed under an "umbrella" or combination board there has been continual controversy and discontent. Our nursing colleagues in those states report such problems as having nursing regulated by a board which contains few if any nurses and where the board has very little understanding of nursing standards. Because of its large numbers, we doubt that economies would result from combining the Board of Nursing with other Boards.

Another matter of importance is that the Board continue to accredit schools of nursing. While other non-nursing boards do not have this function to the same degree that the Board of Nursing does, yet every other state nursing board across the country also accredits schools of nursing. Nursing education programs are diverse, some are hospital (diploma) programs, some are Associate Degree (in community colleges) and some are Baccalaureate (in universities). Yet some minimum standards must be upheld and presently the graduates of all 3 type programs must pass a nationally-

standardized examination. Therefore it is important that single agency - the Board of Nursing - accredit the schools nursing.

In summary, KSNA is most concerned that the Nursing Board be continued as now constituted with its current powers, responsibilities and composition. It is vital that professional nurses provide their expertise in regulating nursing practice in this state, both as members of the Board of Nursing and as staff of that Board.

Thank you for the opportunity to comment.

NN/lw

**#9 Attorney Education Regarding
Professional Nursing Roles
Submitted by Steering Committee
of Advisory Council**

WHEREAS, professional nurses function autonomously within the legal framework of the Nurse Practice Act which allows for nursing diagnosis and treatment, and

WHEREAS, professional nurses are experts in nursing, and

WHEREAS, professional nurses are responsible for patient advocacy, and

WHEREAS, the legal profession needs more knowledge of the scope of professional nursing practice and newer roles of nursing, therefore be it

RESOLVED, that nurses should present expert testimony in courts of law using present established standards of nursing care and interpret nursing roles and scope of practice, be it further

RESOLVED, that KSNA work with the Kansas Bar Association to offer information and/or education on professional and legal roles of Registered Nurses to the attorneys of Kansas.

Rationale for Resolution:

Many attorneys in Kansas, including those working with hospitals, are not informed about nurses' professional roles and scope of practice.

TESTIMONY OF THE KANSAS HOSPITAL ASSOCIATION ON SENATE BILL 44

My name is Kay Hale. I am a registered nurse currently employed by the Kansas Hospital Association. I want to thank you for this opportunity to testify on behalf of the Association.

We want to express our support for Senate Bill 44 which would re-establish and continue the Board of Nursing until July 1, 1991. The Association agrees with the basic conclusion as stated in the Sunset Audit Report. We feel that the state's regulatory function over nurses and mental health technicians should be continued. To eliminate the regulation of these occupations would place an added burden on employers to protect the public from improper health care. We support the Board of Nursing as the agency to carry out this regulatory function.

The Sunset Audit Report recommends that the Legislature consider several statutory changes in regard to the regulation of nurses and mental health technicians. We are concerned about the issue of mandating employers to report disciplinary action taken in regard to unprofessional conduct or resignations in lieu of disciplinary action.

The Association agrees that employers have the responsibility to report unprofessional conduct to the licensing agency. We would like to take this opportunity to suggest that the mechanism for reporting unprofessional conduct should be further studied and refined. We strongly suggest that the Board of Nursing and the Legislature seek input from the employers of nurses and mental health technicians in order to improve the reporting procedures.

Ex. B

The Association emphasizes the need for adequate resources and staff to enable the Board to investigate all complaints of unprofessional conduct in a timely manner.

In summary, we support passage of Senate Bill 44.