

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Roy M. Ehrlich at
Chairperson

10:00 a.m./~~pm~~ on March 5, 1985 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Conferees appearing before the committee:

Ann Rogers

Jerry Slaughter, Kansas Medical Society

Dr. John Robinson, Faculty of Anesthesiology, Kansas Medical Center and
Legislative Committee for the Kansas Medical Society

Dr. Lois Scibetta, Executive Administrator, Kansas State Board of Nursing

Others Attending: See attached list

The minutes were presented for approval. A correction to strike Senator Mulich's name from the attendance section on February 26 minutes was announced by Chairman Ehrlich. Senator Francisco moved that the minutes be adopted as amended and the motion was seconded by Senator Kerr. The motion carried.

SB-179 - providing for certification of registered nurse-anesthetists

Ann Rogers testified, presented written testimony and a balloon on bill 179. Ms. Rogers testified that this bill would ensure a minimum standard of education for the nurse anesthesia providers to ensure consumer protection. It was further stated that there are no standards to control who can administer anesthesia in the state of Kansas. Attachment I Attachment II

Jerry Slaughter, Kansas Medical Society introduced Dr. John Robinson, Legislative Committee, Kansas Medical Society.

Dr. John Robinson, Overland Park, testified that this bill is acceptable with the Kansas Medical Society as long as the balloon amendments are approved.

Senator Hayden conceptionally moved that for the purposes of discussion the language needed concerning line 133 be included. The motion was seconded by Senator Anderson.

Senator Francisco made a substitute motion that we consider all of the amendments involved with line 133. The second on the previous motion was withdrawn and Senator Hayden withdrew his motion. Dr. Walker proposed wording as follows: The following duties and functions medically delegated by the attending physician shall be considered as specific... Senator Hayden seconded the motion. Senator Hayden withdrew his second and the substitute motion was withdrawn.

Tom Bell, Kansas Hospital Association, testified that the Kansas Hospital Association met and looked at the bill and voted to support the bill as amended by the Medical Society and nurse anesthetists.

Dr. Lois Scibetta, Executive Administrator, Kansas State Board of Nursing testified and presented written testimony, also a balloon on SB-179. Dr. Scibetta stated that the board supported the concept of the bill and proceeded through the balloon her board had presented explaining changes that had been made. It was suggested by Staff that as the bill was originally proposed it prohibited anyone from practicing anesthesia unless they had complied with this act or unless they were licensed to practice medicine or surgery. The bill would no longer do that as the amendments are proposed - it simply prohibits people from practicing nurse anesthesia. Therefore it

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m.~~p.m.~~ on March 5, 1985

seems that somehow this could be handled under the existing statutes.
Attachment III Attachment IV

Staff was requested to present a printout with all the changes consolidated into one bill.

Meeting adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 5, 1985

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Lynelle King

Ks St Nurses' Assn

Nickie Stein, RN, M.Ed.

Ks St. Nurses' Assn

Dr Lois R. Scibeeta

Ks St BPN

HAROLD G. PITTS

TARTA

Tom Bell

Ks Hosp. Assn.

Gary Robbing

Ks Opt Assn

Jeranda Mitchell; atty

Health Care Stabilization Fund

John D. Robinson

Ks med Soc.

Eric Slaughter

Ks. MEDICAL SOCIETY

Belma Ott

Registered Nurse Anesthetists

Tom McKibbin CRNA

Ks Assoc Nurse Anes.

Katharine Clark CRNA

Ks Assoc of Ks Anesthetists

Ry Steven Preston, C.R.N.A.

Ks. Assoc. of Nurse Anesthetists

Gary Bichel

Ks ASSOC. OF NURSE ANESTHETIST

KEITH R LANDIS

CHRISTIAN SCIENCE COMMITTEE

ON PUBLICATION FOR KANSAS

STATEMENT OF KANSAS ASSOCIATION OF NURSE ANESTHETISTS' POSITION ON SB#179 (NURSE ANESTHESIA) TO THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

Thank you Senator Ehrlich, committee members, KMS, State Board of Nursing, and others who are present and interested in the nurse anesthesia Bill #179

This act will ensure a minimum standard of education for the nurse anesthesia provider to ensure consumer protection. At this time there are no standards to control who can administer anesthesia in the State of Kansas. There presently are 23 states with laws similar to SB#179 that mandate who can administer anesthesia. They are as follows: (27 AANA Recertification - no written law)
(23 State Certification)

Several other states are in the process of enacting such legislation.

SB#179 will help establish and monitor the quality of care provided by a profession which is included in the Health Care Stabilization Fund.

SB#179 will be an amendment to the Nurse Practice Act and will be administered by the Kansas State Board of Nursing. It will not be necessary to establish a new certifying body.

Section 1, Page 1, Line 0023-0041

This is a list of definitions necessary to this act and were obtained from nurse practice acts from several other states.

Section 2, Page 2-3, Lines 0041-0054

REQUIREMENTS OF CERTIFICATION

Establishes the minimum standards of education required to qualify as a Registered Nurse Anesthetist.

Line 50 - At the present time there is only one national nurse anesthesia organization and all 50 state organizations are a subsection. The Council of Accreditation of Schools of Nurse Anesthesia presently certifies all schools of nurse anesthesia and administers a national certifying exam for the graduates of certified schools only. This certification meets the standards of the U.S. Department of Education. An autonomous Council to the professional organization handles initial certification upon graduation and recertification requiring

40 hours of continuing education every 2 years. This standard exceeds those required to voluntarily be certified as an Advanced Registered Nurse Practitioner-CRNA in Kansas. The Kansas State Board of Nursing will establish their own certifying standards for Registered Nurse Anesthetists. It is not a requirement to be a member of the AANA to be certified or recertified by these Councils of Certification and Recertification.

Section 3, Page 2, Lines 0055-0062

TEMPORARY CERTIFICATION

Allows new graduates and CRNA's moving in state to practice for a period of one year before meeting Kansas Standards.

Section 4, Page 2, Lines 0063-0081

PROCEDURE, FORM AND FEES FOR APPLICATION OF CERTIFICATION

Written in conjunction with and the approval of the Kansas State Board of Nursing to be in line with present procedures and fees to cover the expenses of the KSBN in administering this bill.

Section 5, Page 2-3, Lines 0082-0105

Establishes length of time of certification, procedures and conditions of renewal.

Section 6, Page 3, Lines 0106-0114

Grandfather clause for CRNA's presently working in Kansas.

Section 7, Page 3-4, Lines 0115-0126

Grandfather clause for those nurses who are not CRNA's, but who have administered anesthesia for more than 3 years. These persons will be expected to prove their knowledge via a state accepted criteria.

Section 8, Page 4, Lines 0127-0148

Establishes the functions of the RNA in the expanded role and the conditions of practice.

Section 9, Page 4-5, Lines 0149-0165

Establishes minimum standards for renewal of certification as an RNA.

Section 10, Page 5-6, Lines 0166-0201

Establishes an Advisory Council to the KSBN and appointed by the KSBN on Nurse Anesthesia certification standards. The Council shall consist of 3 RNA's and 1 MD Anesthesiologist. Created to advise the board on these matters as there are no RNA's on the KSBN at present.

Section 11, Page 6, Lines 0202-0219

Disciplinary action when above conditions are violated.

Section 12, Page 6, Lines 0220-0229

EXCLUSION TO SB#179

Enabling those nurses already practicing to continue as in the past in a manner consistent with their education (i.e. reg. nurse practitioners, reg. nurse mid-wives, emergency room reg. nurses).

Bibliography of references for each section and rationale for inclusion. At this time we know of no RN's that are not RNA's to be administering anesthesia in the State of Kansas. However, there are some RNA's working who have not passed the certifying exam.

There are presently at least 9 and probably more CRNA's that are certified - non-recertified administering anesthesia in the State. Since it is not necessary to be a member of the AANA to be certified or recertified there are probably others we do not know of. The areas where non-recertified anesthetists are presently practicing are Leavenworth-3, Lane-1, Atchison-1, Belleville-1, Augusta-1, Fairway-1, Benton-1.

SENATE BILL No. 179

By Committee on Public Health and Welfare

2-7

0017 AN ACT concerning nurse anesthetists; providing for the cer-
0018 tification of registered nurse anesthetists; establishing an ad-
0019 visory council on nurse anesthetist certification standards;
0020 declaring certain acts to be unlawful and classifying the crime
0021 and the penalties therefor.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. As used in this act:

0024 (a) "Registered nurse anesthetist" means a licensed profes-
0025 sional nurse who holds a certificate as a registered nurse anec-
0026 thetist.

0027 (b) "Practice of anesthesia" means the performance of or the _____nurse
0028 assistance in any act involving the determination, administration _____nursing or medically delegated
0029 or monitoring of any drug used to render an individual insens-
0030 ible to pain for procedures requiring the presence of persons
0031 educated in the administration of anesthetics. This shall include
0032 the use of techniques which shall be deemed necessary for
0033 adequate performance of anesthesia administration, ~~when these~~
0034 ~~acts fall within the domain of professional nursing practices for~~
0035 ~~which such nurse bears independent responsibility, and those~~
0036 ~~medically delegated functions of an anesthesiological nature~~
0037 ~~further delineated within the scope of practice.~~

0038 (c) "Practitioner" means a person licensed to practice medi-
0039 cine and surgery, a person licensed to practice dentistry and a
0040 registered podiatrist.

0041 (d) "Board" means the board of nursing.

0042 Sec. 2. In order to obtain a certificate from the board of
0043 nursing as a registered nurse anesthetist an individual shall meet
0044 the following requirements:

0045 (a) Is licensed to practice professional nursing under the

0-513-179 - Ann Hager
2-5-85

Attachment II

Attch. II
3/5/85

0046 Kansas nurse practice act;
 0047 (b) has successfully completed a course of study in anesthe- nurse
 0048 sia in a school of nurse anesthesia accredited or approved by the
 0049 board; and

0050 (c) has successfully completed a certifying examination ap-
 0051 proved by the board or has been certified by a national organi-
 0052 zation whose certifying standards are approved by the board as
 0053 equal to or greater than the corresponding standards established
 0054 under this act for certification as a registered nurse anesthetist.

0055 Sec. 3. The board may grant a temporary certification in the
 0056 practice of anesthesia as a registered nurse anesthetist for a nurse
 0057 period of one year. The temporary certificate may be extended
 0058 for one additional period of one year at the discretion of the
 0059 board for (a) graduates of an accredited school of nurse anesthe-
 0060 sia pending results of the initial certifying examination, and (b)
 0061 registered nurse anesthetists currently licensed in another state
 0062 pending completion of the application for Kansas certification.

0063 Sec. 4. Upon application to the board by any licensed pro-
 0064 fessional nurse in this state and upon satisfaction of the standards
 0065 and requirements established under this act, the board shall
 0066 issue a certificate to such applicant authorizing the applicant to
 0067 perform the duties of a registered nurse anesthetist. The appli-
 0068 cation to the board shall be upon such form and contain such
 0069 information as the board may require and shall be accompanied
 0070 by a fee to assist in defraying the expenses in connection with
 0071 the issuance of certificates as registered nurse anesthetists. The
 0072 fee shall be established by rules and regulations adopted by the
 0073 board not to be less than ~~\$20~~ nor more than ~~\$50~~ for an original
 0074 application, and not more than ~~\$20~~ for the renewal of a certificate
 0075 as a registered nurse anesthetist. The original application fee for
 0076 a temporary certificate and the fee for any extension of a tempo-
 0077 rary certificate authorized under section 3 shall be fixed by the
 0078 board by rules and regulations and shall not be more than ~~\$20~~.
 0079 The executive administrator of the board shall remit all moneys
 0080 received pursuant to this section to the state treasurer as pro-
 0081 vided by K.S.A. 74-1108 and amendments thereto.

0082 Sec. 5. (a) All certificates issued under this act, whether

\$50

\$75

\$40

\$35

0083 initial or renewal, shall expire every two years. The expiration
0084 date shall be established by rules and regulations of the board.
0085 The board shall mail an application for renewal of the certificate
0086 to every registered nurse anesthetist at least 60 days prior to the
0087 expiration date of such person's license. To renew such certifi-
0088 cate the registered nurse anesthetist shall file with the board, on
0089 or before the date of expiration of such certificate, a renewal
0090 application together with the prescribed biennial renewal fee.
0091 Upon satisfaction of the following requirements the board shall
0092 grant a renewal certificate: (1) Receipt of such application; (2)
0093 payment of the designated fee; (3) compliance with the require-
0094 ments established under this act and in effect at the time of
0095 initial qualification of the applicant; and (4) verification of the
0096 accuracy of the application.

0097 (b) Any person who fails to secure a renewal certificate prior
0098 to the expiration of the certificate may secure a renewal of such
0099 lapsed certificate by making application on a form provided by
0100 the board. Such renewal shall be granted upon receipt of proof
0101 that the applicant is competent and qualified to act as a regis-
0102 tered nurse anesthetist, has satisfied all of the requirements for
0103 renewal set forth in subsection (a) and has paid the board a
0104 reinstatement fee as established by the board by rules and
0105 regulations.

0106 Sec. 6. Any person engaged in the practice of anesthesia in
0107 this state as a licensed professional nurse on July 1, 1984, and
0108 who has successfully passed a certifying examination approved
0109 by the board, or who holds a certification from a national organi-
0110 zation whose certifying standards are approved by the board as
0111 equal to or greater than the corresponding standards established
0112 under this act for certification as a registered nurse anesthetist
0113 shall be issued a certificate by the board as a registered nurse
0114 anesthetist.

0115 Sec. 7. (a) Any licensed professional nurse who is certified
0116 by the ~~American association of nurse anesthetists~~ prior to the
0117 effective date of this act shall be issued a certificate by the board
0118 to practice as a registered nurse anesthetist.

0119 (b) Any licensed professional nurse who has regularly ad-

nurse

Council on Certification of Nurse Anesthetists
or its predecessor

0120 ministered anesthesia in this state for a period of not less than
0121 three years immediately preceding July 1, 1984, and who by July
0122 1, 1985, is capable of demonstrating sufficient knowledge and
0123 competence in the science of anesthesia by means of an appro-
0124 priate evaluation mechanism, which is recommended by the
0125 advisory council and approved by the board, shall be issued a
0126 certificate by the board as a registered nurse anesthetist.

0127 Sec. 8. ~~(a) The determination and administration of anesthe-~~
0128 ~~sia care shall be performed by the registered nurse anesthetist in~~
0129 ~~consultation and collaboration with a licensed practitioner.~~

0130 (b) The following duties and functions shall be considered as medically delegated
0131 specific ~~expanded role~~ functions of the registered nurse anes-
0132 thetist:

0133 (1) Preanesthesia evaluation including physiological studies
0134 to determine anesthetic management;

0135 (2) selection of monitoring devices appropriate to anesthesia;

0136 (3) selection of anesthetic techniques;

0137 (4) administration of and maintenance of anesthesia;

0138 (5) evaluation and direction of immediate postanesthesia
0139 management and dismissal from postanesthesia care; and

0140 (6) evaluation of postanesthesia course of patients.

0141 (c) The determination of other ~~duties that are normally con-~~
0142 ~~sidered~~ medically delegated duties to the registered nurse anes-
0143 thetist shall be the joint responsibility of the governing board of
0144 the hospital, medical staff and registered nurse anesthetist per-
0145 sonnel of any duly licensed medical care facility or, if in an office
0146 or clinic, the responsibility of a duly licensed practitioner. All
0147 such duties, except in cases of emergency shall be in writing in
0148 the form prescribed by hospital or office policy.

0149 Sec. 9. (a) The applicant for renewal of a certificate as a
0150 registered nurse anesthetist:

0151 (1) Shall have met the continuing education requirements for
0152 registered nurse anesthetist as developed by the board or by a
0153 national organization whose certifying standards are approved
0154 by the board of nursing as equal to or greater than the corre-
0155 sponding standards established under this act;

0156 (2) shall be currently licensed as a professional nurse; and

0157 (3) shall have paid all applicable fees provided for in this act
0158 as fixed by rules and regulations of the board.

0159 (b) Continuing education credits approved by the board for
0160 purposes of this subsection may be applied to satisfy the contin-
0161 uing education requirements established by the board for li-
0162 censed professional nurses under K.S.A. 65-1117 and amend-
0163 ments thereto if the board finds such continuing education
0164 credits are equivalent to those required by the board under
0165 K.S.A. 65-1117 and amendments thereto.

0166 Sec. 10. (a) There is hereby established an advisory council
0167 on nurse anesthetists certification standards. The advisory coun-
0168 cil shall be attached to the board of nursing and shall be within
0169 the board of nursing as a part thereof. All budgeting, purchasing
0170 and related management functions of the advisory council shall
0171 be administered under the direction and supervision of the
0172 board of nursing. All vouchers for expenditures of the advisory
0173 council shall be approved by the chairperson of the board or a
0174 person designated by the chairperson.

0175 (b) The board shall appoint three registered nurse anesthe-
0176 tists who are actively engaged in the practice of anesthesia to the
0177 advisory council. Of the members first appointed to the advisory
0178 council, one shall be appointed for a term of one year, one shall
0179 be appointed for a term of two years and one shall be appointed
0180 for a term of three years. The board may make appointments of
0181 registered nurse anesthetists from a list of names submitted by
0182 the Kansas association of nurse anesthetists. Thereafter, one
0183 registered nurse anesthetist shall be appointed each year for a
0184 three-year term. The board shall also appoint for a term of two
0185 years one nonvoting member who is a board certified anesthesi-
0186 ologist in active practice. The board of nursing may make ap-
0187 pointments of the board certified anesthesiologist from a list of
0188 names submitted by the Kansas society of anesthesiologists.

0189 (c) The advisory council shall:

0190 (1) Act as consultant to the board of nursing in matters per-
0191 taining to nurse anesthesia education and the scope of nurse
0192 anesthesia practice;

0193 (2) function as a resource in matters pertaining to grievances

0194 or arbitration;

0195 (3) consult with and advise the board of nursing in matters
0196 pertaining to disciplinary action; and

0197 (4) review certification requirements.

0198 (d) Members of the advisory council attending meetings of
0199 such council, or attending a subcommittee thereof authorized by
0200 such council, shall be paid amounts provided in subsection (e) of
0201 K.S.A. 75-3223 and amendments thereto.

0202 Sec. 11. Any person, corporation, association or other entity
0203 who engages in any of the following activities shall be guilty of a
0204 class A misdemeanor:

0205 (a) Except as otherwise provided in sections 1 to 12, inclu-
0206 sive, engaging in the practice of anesthesia without being issued nurse
0207 a certificate as a registered nurse anesthetist by the board;

0208 (b) employing or offering to employ any person as a regis-
0209 tered nurse anesthetist with knowledge that such person is not
0210 certified as such by the board;

0211 (c) fraudulently seeking, obtaining or furnishing a certificate
0212 as a registered nurse anesthetist, or aiding and abetting such
0213 activities; or

0214 (d) using in connection with one's name the title registered
0215 nurse anesthetist, the abbreviation R.N.A., or any other designa-
0216 tion tending to imply that such person holds a certificate from the
0217 board as a registered nurse anesthetist when such person does
0218 not actually hold a certificate from the board as a registered nurse
0219 anesthetist.

0220 Sec. 12. (a) Nothing in this act shall prohibit administration
0221 of a drug by a duly licensed professional nurse, licensed practical
0222 nurse or other duly authorized person for the alleviation of pain,
0223 including administration of local anesthetics but not including
0224 regional techniques.

0225 (b) Nothing in this act shall apply to the practice of anesthe-
0226 sia by a person licensed to practice medicine and surgery, a
0227 licensed dentist or a registered podiatrist.

0228 Sec. 13. This act shall take effect and be in force from and
0229 after its publication in the statute book.

(c) (Insert language for student exclusion)



KANSAS STATE BOARD OF NURSING

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

Telephone 913/296-4929

TO: The Honorable Roy Ehrlich, Chairman, and Members of the Senate
Public Health and Welfare Committee

FROM: Lois Rich Scibetta, Ph.D., R.N.
Executive Administrator

DATE: March 5, 1985

RE: Senate Bill 179

Thank you Mr. Chairman. I appreciate this opportunity to speak on Senate Bill 179 on behalf of the Board.

The Board of Nursing supports in principle, the certification of nurse-anesthetists for the protection of the public. As the Committee is aware, the Board of Nursing, under K.S.A. 60-11-101 - 60-11-111, certifies advanced nursing practice. (60-11-106 attached.) To date, 34 nurse-anesthetist ARNP's have been certified.

The nurse-anesthetist group have met with the Board on two occasions for a general Board discussion, and once in a sub-committee. The discussions however, were not concluded and the Board members have advised me of their specific concerns regarding the Bill before you.

In the interest of time, and to expedite matters, I have prepared a "revised" Bill, including the rationale for suggested change.

One of the major concerns is the definition and function, the possible exclusion of the nurse mid-wife, the fee structure, and the advisory council, including the funding mechanism.

I have reviewed the concerns expressed by the Board. If the Nurse-Anesthetist Committee had reported back to the Board, some of the issues/concerns would have been taken care of, at that time.

As noted, the Board is supportive of the concept, but the Board believes the Bill requires extensive revision.

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

3/5/85
Attachment III

(c) Participate in well-woman gynecological procedures;

(d) Participate in periodic and joint evaluation of services rendered, including, but not limited to, chart reviews, case reviews, patient evaluations and outcome of case statistics; and

(e) Participate in the joint review and revision of adopted protocols or guidelines. (Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-106. Functions of the advanced registered nurse practitioner; nurse anesthetist. An advanced registered nurse practitioner functioning in the expanded role of certified registered nurse anesthetist shall perform in an interdependent role as a member of a physician or dentist-directed health care team. Each certified registered nurse anesthetist shall: (a) Conduct a pre- and post-anesthesia visit and assessment with appropriate documentation;

(b) Develop an anesthesia care plan with the physician or dentist which includes medications and anesthetic agents;

(c) Induce and maintain anesthesia at the required levels;

(d) Support life functions during the perioperative period;

(e) Recognize and take appropriate action for untoward patient responses during anesthesia;

(f) Provide professional observation and management of the patient's emergence from anesthesia;

(g) Participate in the life support of the patient;

(h) Participate in periodic and joint evaluation of services rendered, including, but not limited to, chart reviews, case reviews, patient evaluations and outcome of case statistics; and

(i) Participate in the joint review and revision of adopted protocols or guidelines. (Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-107. Functions of the advanced registered nurse practitioner; clinical nurse specialist. The primary responsibility of the advanced registered nurse practitioner performing in the expanded role of clinical nurse specialist shall be patient care delivery to a select population in a specialty area. Each clinical nurse specialist shall: (a) Provide direct nursing care utilizing a broad base of advanced scientific knowledge, nursing theory and skills in assessing, planning, implementing and evaluating those aspects of health and nursing care of individuals who require this specialized competence;

(b) provide indirect nursing care. Each clinical nurse specialist shall plan, guide, evaluate and direct the nursing care given by other personnel associated with the nursing functions;

(c) conduct nursing research. Each clinical nurse specialist shall create and test methods of nursing intervention and health care in the area of specialization;

(d) teach and counsel individuals or groups. Each clinical nurse specialist shall utilize theories and skills of communication and teaching learning process to increase

Kansas Nurse Practice Act

LAWS AND ADMINISTRATIVE REGULATIONS

REVISED EDITION 1984



KANSAS
STATE BOARD OF NURSING
Box 1098
503 Kansas Avenue, Suite 330
Topeka, Kansas 66601

Session of 1985

SENATE BILL No. 179

By Committee on Public Health and Welfare

2-7

0017 AN ACT concerning nurse anesthetists; providing for the cer-
0018 tification of registered nurse anesthetists; establishing an ad-
0019 visory council on nurse anesthetist certification standards;
0020 declaring certain acts to be unlawful and classifying the crime
0021 and the penalties therefor.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. As used in this act:

0024 (a) "~~Registered~~ nurse anesthetist" means a licensed profes-
0025 sional nurse who holds a certificate as a ~~registered~~ nurse anes-
0026 thetist.

0027 (b) "Practice of anesthesia" means the performance of or the
0028 assistance in any act involving the determination, administration
0029 or monitoring of any drug used to render an individual insens-
0030 ible to pain for procedures requiring the presence of persons
0031 educated in the administration of anesthetics. This shall include
0032 the use of techniques which shall be deemed necessary for
0033 adequate performance of anesthesia administration when those
0034 acts fall within the domain of professional nursing practices for
0035 which such nurse bears independent responsibility, and those
0036 medically delegated functions of an anesthesiological nature
0037 further delineated within the scope of practice.

0038 (c) "Practitioner" means a person licensed to practice medi-
0039 cine and surgery, a person licensed to practice dentistry and a
0040 registered podiatrist.

0041 (d) "Board" means the board of nursing.

0042 Sec. 2. In order to obtain a certificate from the board of
0043 nursing as a ~~registered~~ nurse anesthetist an individual shall meet
0044 the following requirements:

0045 (a) Is licensed to practice professional nursing under the

-----0024 (a) delete Registered (unnecessary and not in keeping with KSA 60-11-106)
-----1125 delete Registered Rationale: Only a registered nurse can be certified as a nurse-
anesthetist. Term registered used when certified would be more
appropriate.

-----0029 insensible not defined
-----0030 to pain

-----0043 delete registered, not needed, see above

Atch. IV
3/5/85

Attachment IV

Dr. Scibetta - 3-5-85

0046 Kansas nurse practice act;
0047 (b) has successfully completed a course of study in anesthe-
0048 sia in a school of nurse anesthesia accredited or approved by the
0049 board; and

0050 (c) has successfully completed a certifying examination ap-
0051 proved by the board or has been certified by a national organi-
0052 zation whose certifying standards are approved by the board as
0053 equal to or greater than the corresponding standards established
0054 under this act for certification as a ~~registered~~ nurse anesthetist.

-----0054 delete registered

0055 Sec. 3. The board may grant a temporary certification in the
0056 practice of anesthesia as a ~~registered~~ nurse anesthetist for a
0057 period of one year. The temporary certificate may be extended
0058 for one additional period of one year at the discretion of the
0059 board for (a) graduates of an accredited school of nurse anesthe-
0060 sia pending results of the initial certifying examination, and (b)
0061 ~~registered~~-nurse anesthetists currently licensed in another state
0062 pending completion of the application for Kansas certification.

-----0056 delete registered

-----0057 Temporary certificate - not clear; extended

-----0058 period of one year. Board objected to this, since exams given annually

0063 Sec. 4. Upon application to the board by any licensed pro-
0064 fessional nurse in this state and upon satisfaction of the standards
0065 and requirements established under this act, the board shall
0066 issue a certificate to such applicant authorizing the applicant to
0067 perform the duties of a ~~registered~~ nurse anesthetist. The appli-
0068 cation to the board shall be upon such form and contain such
0069 information as the board may require and shall be accompanied
0070 by a fee to assist in defraying the expenses in connection with
0071 the issuance of certificates as ~~registered~~ nurse anesthetists. The

-----0061 delete registered

-----0067 delete registered

0072 fee shall be established by rules and regulations adopted by the
0073 board not to be less than ~~\$20~~^{\$50} nor more than ~~\$50~~^{\$75} for an original
0074 application, and not more than ~~\$20~~^{\$40} for the renewal of a certificate
0075 as a ~~registered~~ nurse anesthetist. The original application fee for
0076 a temporary certificate and the fee for any extension of a tempo-
0077 rary certificate authorized under section 3 shall be fixed by the
0078 board by rules and regulations and shall not be more than ~~\$20~~^{\$35}.

-----0071 delete registered

-----0073 Board not be less than \$50, nor more than \$75

-----0074 application, and not more than \$40

-----0075 delete registered

-----0078shall not be more than \$35

0079 The executive administrator of the board shall remit all moneys
0080 received pursuant to this section to the state treasurer as pro-
0081 vided by K.S.A. 74-1108 and amendments thereto.

0082 Sec. 5. (a) All certificates issued under this act, whether

--Rationale: Fee changes based on fiscal
--impact on Board. Fees suggested origi-
nally two years ago, inadequate to fund
advisory council.

0083 initial or renewal, shall expire every two years. The expiration
 0084 date shall be established by rules and regulations of the board.
 0085 The board shall mail an application for renewal of the certificate
 0086 to every ~~registered~~ nurse anesthetist at least ~~60 days~~ prior to the
 0087 expiration date of such person's license. To renew such certifi-
 0088 cate the ~~registered~~ nurse anesthetist shall file with the board, ~~on~~
 0089 ~~or~~ before the date of expiration of such certificate, a renewal
 0090 application together with the prescribed biennial renewal fee.
 0091 Upon satisfaction of the following requirements the board shall
 0092 grant a renewal certificate: (1) Receipt of such application; (2)
 0093 payment of the designated fee; (3) compliance with the require-
 0094 ments established under this act and in effect at the time of
 0095 ~~initial~~ qualification of the applicant; and (4) verification of the
 0096 accuracy of the application.

0097 (b) Any person who fails to secure a renewal certificate prior
 0098 to the expiration of the certificate may secure a renewal of such
 0099 lapsed certificate by making application on a form provided by
 0100 the board. Such renewal shall be granted upon receipt of proof
 0101 that the applicant is competent and qualified to act as a regis-
 0102 tered nurse anesthetist, has satisfied all of the requirements for
 0103 renewal set forth in subsection (a) and has paid the board a
 0104 reinstatement fee as established by the board by rules and
 0105 regulations.

0106 Sec. 6. ~~Any person engaged in the practice of anesthesia in~~
 0107 ~~this state as a licensed professional nurse on July 1, 1984, and~~
 0108 who has successfully passed a certifying examination approved
 0109 by the board, or who holds a certification from a national organi-
 0110 zation whose certifying standards are approved by the board as
 0111 equal to or greater than the corresponding standards established
 0112 under this act for certification as a ~~registered~~ nurse anesthetist
 0113 shall be issued a certificate by the board as a ~~registered~~ nurse
 0114 anesthetist.

0115 Sec. 7. (a) Any licensed professional nurse who is certified
 0116 by the American association of nurse anesthetists prior to the
 0117 effective date of this act shall be issued a certificate by the board
 0118 to practice as a ~~registered~~ nurse anesthetist.

001 0119 (b) Any licensed professional nurse who has regularly ad-

-----0086 delete registered at least 90 days - to coincide with regular renewal
 period
 -----0088 delete registereddelete on - should be renewed
 -----0089delete or - before expiration
 -----0095 delete initial; renewal not initial
 -----0106 rework....A licensed professional nurse engaged in the practice of anesthesia
 -----0107 in Kansas on July 1, 1984.....who, etc.
 Current wording confusing.
 -----0112 delete registered
 -----0113 delete registered
 -----0118 delete registered
 -----0119 places a great deal of responsibility on the Board of Nursing

0120 ministered anesthesia in this state for a period of not less than
 0121 three years immediately preceding July 1, 1984, and who by July
 0122 1, 1985, is capable of demonstrating sufficient knowledge and
 0123 competence in the science of anesthesia by means of an appro-
 0124 priate evaluation mechanism, which is recommended by the
 0125 advisory council and approved by the board, shall be issued a
 0126 certificate by the board as a registered nurse anesthetist.

-----0120
 -----0121
 -----0125

considerable responsibility for the Board
 considerable responsibility for the Board
 permanent - should be subject to Administrative Procedure Act

0127 Sec. 8. (a) The determination and administration of anes-
 0128 sia care shall be performed by the registered nurse anesthetist in
 0129 consultation and collaboration with a licensed practitioner.

0130 (b) The following duties and functions shall be considered as
 0131 specific ~~expanded role~~ functions of the ~~registered~~ nurse anes-
 0132 thetist:

-----0131

delete expanded role-not necessary; delete registered

0133 (1) Preanesthesia evaluation including physiological studies
 0134 to determine anesthetic management;

-----0133

Functions as outlined in KSA 60-11-106 adequately describe the role of the certified nurse anesthetist. Suggest that KSA 60-11-106, (a), through (i) be substituted.

0135 (2) selection of monitoring devices appropriate to anesthesia;

0136 (3) selection of anesthetic techniques;

0137 (4) administration of and maintenance of anesthesia;

0138 (5) evaluation and direction of immediate postanesthesia
 0139 management and dismissal from postanesthesia care; and

0140 (6) evaluation of postanesthesia course of patients.

-----0140

0141 (c) The determination of other duties that are normally con-
 0142 sidered medically delegated duties to the registered nurse anes-
 0143 thetist shall be the joint responsibility of the governing board of
 0144 the hospital, medical staff and registered nurse anesthetist per-
 0145 sonnel of any duly licensed medical care facility or, if in an office
 0146 or clinic, the responsibility of a duly licensed practitioner. All
 0147 such duties, except in cases of emergency shall be in writing in
 0148 the form prescribed by hospital or office policy.

0149 Sec. 9. (a) The applicant for renewal of a certificate as a
 0150 registered nurse anesthetist:

0151 (1) Shall have met the continuing education requirements for
 0152 registered nurse anesthetist as developed by the board or by a
 0153 national organization whose certifying standards are approved
 0154 by the board of nursing as equal to or greater than the corre-
 0155 sponding standards established under this act;

0156 (2) shall be currently licensed as a professional nurse; and

0157 (3) shall have paid all applicable fees provided for in this act
0158 as fixed by rules and regulations of the board.

0159 (b) Continuing education credits approved by the board for
0160 purposes of this subsection may be applied to satisfy the contin-
0161 uing education requirements established by the board for li-
0162 censed professional nurses under K.S.A. 65-1117 and amend-
0163 ments thereto if the board finds such continuing education
0164 credits are equivalent to those required by the board under
0165 K.S.A. 65-1117 and amendments thereto.

0166 Sec. 10. (a) There is hereby established an advisory council
0167 on nurse anesthetists certification standards. The advisory coun-
0168 cil shall be attached to the board of nursing and shall be within
0169 the board of nursing as a part thereof. All budgeting, purchasing
0170 and related management functions of the advisory council shall
0171 be administered under the direction and supervision of the
0172 board of nursing. All vouchers for expenditures of the advisory
0173 council shall be approved by the chairperson of the board or a
0174 person designated by the chairperson.

0175 (b) The board shall appoint three registered nurse anesthe-
0176 tists who are actively engaged in the practice of anesthesia to the
0177 advisory council. Of the members first appointed to the advisory
0178 council, one shall be appointed for a term of one year, one shall
0179 be appointed for a term of two years and one shall be appointed
0180 for a term of three years. The board may make appointments of
0181 registered nurse anesthetists from a list of names submitted by
0182 the Kansas association of nurse anesthetists. Thereafter, one
0183 registered nurse anesthetist shall be appointed each year for a
0184 three-year term. The board shall also appoint for a term of two
0185 years one nonvoting member who is a board certified anesthesi-
0186 ologist in active practice. The board of nursing may make ap-
0187 pointments of the board certified anesthesiologist from a list of
0188 names submitted by the Kansas society of anesthesiologists.

0189 (c) The advisory council shall:

0190 (1) Act as consultant to the board of nursing in matters per-
0191 taining to nurse anesthesia education and the scope of nurse
0192 anesthesia practice;

0193 (2) function as a resource in matters pertaining to grievances

-----0168 Board membership shall consist of 1 educator, 1 practice

-----0180 delete may, add shall

-----0181 delete registered; add list of at least 6 names

-----0183 delete registered

0194 or arbitration;

0195 (3) consult with and advise the board of nursing in matters
0196 pertaining to disciplinary action; and

0197 (4) review certification requirements.

0198 (d) Members of the advisory council attending meetings of
0199 such council, or attending a subcommittee thereof authorized by
0200 such council, shall be paid amounts provided in subsection (e) of
0201 K.S.A. 75-3223 and amendments thereto.

0202 Sec. 11. Any person, corporation, association or other entity
0203 who engages in any of the following activities shall be guilty of a
0204 class A misdemeanor:

0205 (a) Except as otherwise provided in sections 1 to 12, inclu-
0206 sive, engaging in the practice of anesthesia without being issued
0207 a certificate as a ~~registered~~ nurse anesthetist by the board;

0208 (b) employing or offering to employ any person as a ~~regis-~~
0209 ~~tered~~ nurse anesthetist with knowledge that such person is not
0210 certified as such by the board;

0211 (c) fraudulently seeking, obtaining or furnishing a certificate
0212 as a ~~registered~~ nurse anesthetist, or aiding and abetting such
0213 activities; or

0214 (d) using in connection with one's name the title ~~registered~~
0215 nurse anesthetist, the abbreviation R.N.A., or any other designa-
0216 tion tending to imply that such person holds a certificate from the
0217 board as a ~~registered~~ nurse anesthetist when such person does
0218 not actually hold a certificate from the board as a ~~registered~~ nurse
0219 anesthetist.

0220 Sec. 12. (a) Nothing in this act shall prohibit administration
0221 of a drug by a duly licensed professional nurse, licensed practical
0222 nurse or other duly authorized person for the alleviation of pain,
0223 including administration of local anesthetics but not including
0224 regional techniques. -----

0225 (b) Nothing in this act shall apply to the practice of anesthe-
0226 sia by a person licensed to practice medicine and surgery, a
0227 licensed dentist or a registered podiatrist.

0228 Sec. 13. This act shall take effect and be in force from and
0229 after its publication in the statute book.

-----0196 Certified nurse anesthetist subject to Administrative Procedure Act.
Advisory is not appropriate - Board contituted to make these decisions.

-----0207 delete registered

-----0208 } delete registered

-----0209 } delete registered

-----0212 delete registered; add certified

-----0214 delete registered

-----0217 delete registered; add certified

-----0218 delete registered; add certified

-----0223 This section should include an exemption for the certified nurse midwives who
-----0224 use regional anesthesia techniques in the course of a delivery.

----- regional techniques, with the exception of certified nurse midwives.