

Approved _____ Date 1-30-86
rh

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at _____
Chairperson

1:30 A.M./p.m. on January 27, 1986 in room 423-S of the Capitol.

All members were present except:

Edwin Bideau, excused

Committee staff present:

Emalene Correll, Research
Norman Furse, Research
Sue Hill, Sec Revisor

Conferees appearing before the committee:

Mack Smith, Executive Secretary of State Board of Mortuary Arts
Don Strole, General Counsel for State Board of Healing Arts
Lois Scibetta, R.N. Ph. D., Ks. State Board of Nursing
Steven C. Vogelsang, American Red Cross, Wichita, Kansas

See Visitor's register, (Attachment NO. 1.)

Chairman called meeting to order, and recognized Mr. Mack Smith, Ks. State Bd. of Mortuary Arts for his bill request. (See Attachment No. 2.) Mr. Smith said basically their request is for changing of some technical language, i.e., changing their educational statute K.S.A. 65-1701a; by removing words "before entering", and adding "and attend", as shown in Attachment No. 1. In K.S.A. 65-1701B, to allow reciprocal applicants that individually meet Kansas requirements to apply for reciprocal licensing. Further, to change appropriate statutes to allow persons operating a funeral establishment to operate licensed branch establishments. He answered questions in regard to these requests.

Chair asked wishes of members in regard to bill requests of Bd. of Mortuary Arts. Rep. Friedeman moved to address the first 2 issues requested in a bill together, and the third request in a separate bill. Motion seconded by Rep. Runnels, short discussion ensued, vote taken, motion carried.

Chair introduced Don Strole, General Counsel for Bd. of Healing Arts and invited him to make his bill requests.

Mr. Strole had distributed hand-out to members, (see Attachment No. 3). There are 7 changes outlined in this hand-out. 1- changing language in K.S.A. 65-2896 et seq: from "Physicians' Assistants" to "Physician Assistants". 2- increase renewal fee in 65-2896 to "not more than \$50.00". 3-Delete language which requires applicants to submit proof of high school graduation. (This is now unnecessary he said.) 4- delete last clause from K.S.A. 65-2896a "or presented to the st. bd. of healing arts proof that the applicant has acquired experience while serving in the armed forces of the U.S. which experience meets the minimum requirements established by the st. bd. of healing arts. (This is no longer necessary he said because of other regulations). 5- In K.S.A. 65-2896a (b) to insert a requirement that Registered Physician Assistants notify the Board of termination of employment or change of employment. 6-K.S.A. 65-2896b (b) add at the end of the section, "or has committed an act which would constitute a violation of K.S.A. 65-2836 or 65-2837, if the act had been committed by a licensee of the board". Lastly, 7- add a subsection (c) to K.S.A. 65-2986h, "(c) a medical care facility employing physician assistants pursuant to this section shall adopt policies and protocol, establishing the scope of employment of the physician assistants and identifying those acts which can be performed by a physician assistant.

Mr. Strole answered numerous questions from committee, i.e., the Board of Healing Arts is trying to tighten down what a Physician Assistants can do in the hospital.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 a/m/p.m. on January 27, 1986.

Rep. Blumenthal moved to introduce bills to cover these requests, motion seconded by Rep. Williams. Motion carried.

Mr. Strole then introduced the new Executive Secretary of State Board of Healing Arts, Ms. Charlene Abbott, to committee members.

Dr. Lois Scibetta was recognized by Chair, and she presented her bill requests to members. She stated that primarily they are statutory changes, and also for the re-introduction of HB 2082.

Hand-out was given to members, (see Attachment No. 4). Dr. Scibetta noted statutory and editorial changes necessary, and answered some questions from members as she proceeded with her comments. There was discussion in regard to Nursing Board's attorney looking into changes along with the Revisor's office, so Chairman at this point recommended that Revisor Norman Furse take a look at all this and see if there is a lot more to be done. If so, it is best to wait and have all changes made at once. rather than to do it piece-meal.

Dr. Scibetta then asked committee to consider the re-introduction of HB 2082. The Senate had amended this bill putting SB 179 into it, and it would be a simpler process if HB 2082 was re-introduced, rather than go back through the conference committee process. Rep. Blumenthal moved to re-introduce HB 2082 as requested, motion seconded by Rep. Branson. Discussion ensued, vote taken, motion carried.

Chair then recognized Mr. Steve Vogelsang, American Red Cross, from Wichita, Kansas. Mr. Vogelsang stated that 2 bills are being introduced by Senate in regard to organ and tissue donors. He explained that transplants in Kansas are growing rapidly. They include bones, skin, tendons, ligaments, etc. The increase in demand for these organs will increase, so it is imperative that some manner of recognizing these donors is done. Needed are substantial education efforts, perhaps in the form of a Bill or Resolution to encourage Hospitals to participate in the transplant programs in the State. At this time a Resolution with strong language is probably the best solution, he said, and he encouraged committee to support such a Resolution. He further proposed that a Task Force be formed from the transplant organizations in the state that would include the eye bank in Kansas City and Wichita, Mid-West Organ bank, and the American Red Cross in Wichita. He stressed the necessity of having transplant surgeons on this Task Force, along with lay members as well. He then answered questions from members, i.e., the form on back of driver's license for organ donation information, and how that might be better utilized, the need for brochures at driver's license bureaus and transplant offices.

Chair noted a bill is going to be introduced in Senate Public Health and Welfare on this subject, and in order to insure that something is done, in case no action is taken in the Senate, we might wish to go with a Resolution on Mr. Vogelsang's requests in this committee, as it could be introduced at any time. More discussion ensued.

Chair then adjourned the meeting at 2:30 p.m.

GUEST REGISTER

DATE 1-27-86

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
Dr Lois R. Scibetta	Board of Nursing	503 Kansas Ave
Steven E. Curtis	Ks Respiratory Therapy Soc.	Kansas City, Ks
STEVEN C. VOGELSAUG	AMERICAN RED CROSS	WICHITA, KS
MACK Smith	Ks St Bd of Mortuary Arts	214 West 6th, Suite 203 Topeka, Kansas 66603
Marilyn Bradt	KINHI	913 Tennessee, #2 Lawrence, Ks 66044
BARB REINERT	PLANNED PARENTHOOD	TOPEKA
James Kestner	Ks Assn for Marriage + Family CHRISTIAN SCIENCES COMMITTEE	Therapists - Topeka
KEITH R LANDIS	ON PUBLICATION FOR KANSAS	TOPEKA
Dick Hummel	Ks Assn for Care Assn	TOPEKA
Marsha Hutchison	Ks Medical Society	Topeka
THERESA SHWEL	KANSAS NARA	Topeka
Don Strole	Ks State Bd of Healing Arts	Topeka
Charlene Abbott	Ks Board of Healing Arts	Silver Lake
Mary Hanger		Healy 67850
Andrew Terano	Ks Hosp Assoc	Topeka
Anne Moriarty	Natl. Org. for Women	Topeka
Larry KENN	Ks Assn OSTEOPATHIC MED	'
John GRACE	Ks Ass. Home For Aging	"
Kelley Hurst	Legislative Intern	1316 Ohio, Apt 21, Lawrence

Attn #1 -
1-27-86
Hs. PHW

1-27-86

M. S OF THE BOARD
MR VERNON L MICKEY
HOXIE
MR CRAIG A STANCLIFFE
LAWRENCE
MR ANDERSON E JACKSON
WICHITA
MRS FRANCES K THULL
CAWKER CITY
MR ROYL DERFELT
GALENA

The Kansas
State Board of Mortuary Arts

CREATED AUG. 1, 1907

214 WEST SIXTH (6TH) STREET
TOPEKA, KANSAS 66603-3797
(913) 296-3980



OFFICE STAFF
DOUGLAS "MACK" SMITH
EXECUTIVE SECRETARY
JOHN C JACK LAMB
INSPECTOR-INVESTIGATOR
TERRY A BLAND
OFFICE SECRETARY

January 27, 1986

Mr. Chairman and Members of the Committee:

I am here to request introduction of a bill concerning the Kansas State Board of Mortuary Arts that would make the following amendments to current statutes:

- 1) K.S.A. 65-1701a: ... (1) The applicant has successfully completed courses in an accredited academic community college or accredited academic colleges or universities accumulating at least 60 semester hours before entering and attend a school of mortuary science offering a twelve month course in mortuary science and graduating therefrom accumulating
- 2) K.S.A. 65-1701b. (embalmer) and K.S.A 65-1721 to also allow reciprocal applicants that individually meet Kansas requirements (even though the state they are licensed in, has lower requirements) to apply for reciprocal licensing.
- 3) To change the appropriate statutes to allow persons operating a funeral establishment to operate licensed branch establishments. Current statutes do not distinguish any difference between establishments and branch establishments.

Thank you in advance for your considerations.

Sincerely,

Douglas "Mack" Smith
Executive Secretary

DMS:tab

Attn # 2

1-27-86

Hs. PHW

Attn # 3
1-27

Proposed Amendments to Physical Assistants Act, K.S.A. 65-2896 et seq:

1. Change throughout the Act Physicians' Assistants to Physician Assistants, i.e. delete the "s'" from the title.
2. Increase renewal fee in 65-2896 to "not more than \$50.00."
3. Delete a(1) of K.S.A. 65-2896a, which requires applicants to submit proof of high school graduation.
4. Delete last clause from K.S.A. 65-2896a(2) "or presented to the state board of healing arts proof that the applicant has acquired experience while serving in the armed forces of the United States which experience meets the minimum requirements established by the state board of healing arts."
5. In K.S.A. 65-2896a(b) insert a requirement that the RPA notify the Board of termination of employment or change of employment.
6. In K.S.A. 65-2896b(b) add at the end of the section "or has committed an act which would constitute a violation of K.S.A. 65-2836 or 65-2837, if the act had been committed by a licensee of the board."
7. Add subsection (c) to K.S.A. 65-2896h
"(c) a medical care facility employing physician assistants pursuant to this section shall adopt policies and protocol establishing the scope of employment of the physician assistants and identifying those acts which can be performed by a physician assistant.

Attn. # 3
1-27-86
Hs. PHW

PHYSICIANS ASSISTANTS

65-2896. Physicians assistants; register of names; registration and renewal; fees; moneys credited to healing arts fee fund; rules and regulations. The state board of healing arts shall maintain a register of the names of physicians assistants registered in accordance with the provisions of K.S.A. 65-2896a. A fee of not more than seventy-five dollars (\$75) shall be charged for the initial registration. All registrations, except temporary registration, shall be renewed annually and the renewal fee shall not exceed ~~ten~~ dollars (~~\$10~~). The executive secretary of the state board of healing arts shall remit all moneys received by the executive secretary under the provisions of this act to the state treasurer and such money shall be deposited in the state treasury, credited to the state general fund and the healing arts fee fund and expended all in accordance with K.S.A. 65-2855. The state board of healing arts may adopt rules and regulations necessary to carry out the provisions of this act and the act of which this section is amendatory.

fifty (75)

65-2896a. Same; entry of name on register; qualifications; responsible physician, duties; notice of employment or termination of physician's assistant; continuing education; exceptions. (a) No person's name shall be entered on the register of physicians' assistants by the state board of healing arts unless such person shall have:

(1) ~~Presented to the state board of healing arts proof of graduation from an accredited high school or the equivalent thereof; and~~

(2) presented to the state board of healing arts proof that the applicant has successfully completed a course of education and training approved by the state board of healing arts for the education and training of physicians' assistants, which course of education and training shall be substantially in conformity with educational and training programs for physicians' assistants approved by the state board of regents, ~~or presented to the state board of healing arts proof that the applicant has acquired experience while serving in the armed forces of the United States which experience meets minimum requirements established by the state board of healing arts; and~~

(3) passed an examination approved by the state board of healing arts covering subjects incident to the education and training of physicians' assistants.

(b) A physician's assistant shall at the time of initial registration and any renewal thereof present to the state board of healing arts the name and address of his or her responsible physician. Whenever a physician's assistant shall cease to be employed by his or her responsible physician, such responsible physician shall notify the state board of healing arts of such termination. Whenever a physician's assistant shall be employed by a responsible physician prior to the renewal of the physician's assistant's annual registration, such responsible physician shall notify the state board of healing arts of such employment. All such notifica-

tions shall be given to the state board of healing arts as soon as practicable but not to exceed a period of ten (10) days after employment or termination.

(c) On and after July 1, 1979, the state board of healing arts shall require every physician's assistant to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the state board of healing arts. The state board of healing arts by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act. In establishing such requirements the state board of healing arts shall consider any existing programs of continuing education currently being offered to physicians' assistants.

(d) A person whose name has been entered on the register of physicians' assistants prior to the effective date of this act shall not be subject to the provisions of subsection (a) of this section, unless such person's name has been removed from the register of physicians' assistants pursuant to the provisions of K.S.A. 65-2896b.

History: L. 1975, ch. 327, § 2; L. 1978, ch. 254, § 4; July 1.

Law Review and Bar Journal References:

"Physician's Assistant and Nurse Practitioner Laws: A Study of Health Law Reform," Philip C. Kissam, 24 K.L.R. 12 (1975).

65-2896b. Same; removal of name from register or refusal to place name on register, when. (a) The board of healing arts may remove a person's name from the register of physicians' assistants for any of the following reasons:

(1) The person whose name is entered on the register of physicians' assistants requests or consents to the removal thereof; or

(2) the board of healing arts determines that the person whose name is entered on the register of physicians' assistants has not been employed as a physician's assistant or as a teacher or instructor of persons being educated and trained to become physicians' assistants in a course of education and training approved by the state board of healing arts under K.S.A. 65-2896a at some time during the five years immediately preceding the date of such determination.

(b) The board of healing arts may remove a person's name from the register of

physicians' assistants or may refuse to place a person's name on the register of physicians' assistants, if the board determines, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a physician's assistant has exceeded or has acted outside the scope of authority given the physician's assistant by the responsible physician or by this act,

History: L. 1975, ch. 327, § 3; L. 1978, ch. 254, § 5; L. 1984, ch. 313, § 122; July 1, 1985.

Law Review and Bar Journal References:

"Physician's Assistant and Nurse Practitioner Laws: A Study of Health Law Reform." Philip C. Kissam, 24 K.L.R. 12 (1975).

"or has committed an act which would constitute a violation of K.S.A. 65-2836 or 65-2837, if the act had been committed by a licensee of the board."

65-2896c. Same; use of title prohibited unless name entered on register; penalty. (a) No person shall use the title registered physician ~~or~~ assistant or words of like effect or the abbreviation "R.P.A." nor shall any person represent himself or herself to be a registered physician ~~or~~ assistant unless such person's name is entered on the register of the names of physicians ~~or~~ assistants in accordance with the provisions of this act.

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

History: L. 1975, ch. 327, § 4; L. 1978, ch. 254, § 6; July 1.

Law Review and Bar Journal References:

"Physician's Assistant and Nurse Practitioner Laws: A Study of Health Law Reform," Philip C. Kissam, 24 K.L.R. 12, 22, 27, 32, 40, 41 (1975).

65-2396d. Same; temporary registration. The secretary of the state board of healing arts shall provide for the temporary registration of any physician ~~or~~ assistant who shall have made proper application for registration, has the required qualifications for registration, except for examination, and has paid the prescribed registration fee. Such temporary registration shall authorize the person so registered to provide patient services within the limits of his or her temporary registration until the date the results of the examination become available, but no more than one such temporary registration shall be permitted to any one person without the majority approval of the members of the board.

History: L. 1978, ch. 254, § 3; July 1.

65-2896e. Same: performance under direction and supervision of physician; identification to patients and others; acts or procedures performed in practice of optometry. A person whose name has been entered on the register of physicians' assistants may perform, only under the direction and supervision of a physician, acts which constitute the practice of medicine and surgery to the extent and in the manner authorized by the physician responsible for the physician's assistant. Before a physician's assistant shall perform under the direction and supervision of a physician, such physician's assistant shall be identified to the patient and others involved in providing the patient services as a physician's assistant to the responsible physician. A physician's assistant may not perform any act or procedure performed in the practice of optometry except as provided in K.S.A. 65-1508 and 65-2887 and amendments thereto.

History: L. 1978, ch. 254, § 7; July 1.

Law Review and Bar Journal References:

"Agency Law—The Health Care Provider," Edward S. Brinton, Jr., M.D., 81 J.K.M.S. 525, 530 (1980).

65-2897.

History: L. 1973, ch. 315, § 2; Repealed, L. 1978, ch. 254, § 11; July 1.

65-2897a. Physicians' assistants; definitions. The following words and phrases when used in this act[*] shall for the purpose of this act have the meanings respectively ascribed to them in this section:

(a) "Direction and supervision" means the guidance, direction and coordination of activities of a physician's assistant by his or her responsible physician, whether written or verbal, whether immediate or by prior arrangement, and shall not be construed to mean that the immediate or physical presence of the responsible physician is required during the performance of the physician's assistant.

(b) "Physician" means any person licensed by the state board of healing arts to practice medicine and surgery.

(c) "Physician's assistant" means a skilled person who is registered in accordance with the provisions of K.S.A. 65-2896a and who is qualified by academic training to provide patient services under the direction and supervision of a physician who is responsible for the performance of that assistant.

(d) "Responsible physician" means a physician who has accepted continuous and ultimate responsibility for the actions of the physician's assistant while performing under the direction and supervision of the responsible physician.

History: L. 1978, ch. 254, § 1; July 1.

*"This act," see, also, 65-2896, 65-2896a to 65-2896h, 65-2897.

65-2896f. Same; direction and supervision when responsible physician temporarily absent. If a responsible physician temporarily leaves his or her customary area of practice, the responsible physician shall, by prior arrangement, designate a physician who shall provide direction and supervision to the physician's assistant of such responsible physician.

History: L. 1978, ch. 254, § 8; July 1.

65-2896g. Same; limitation on number of physicians' assistants. No responsible physician shall have under his or her direction and supervision more than two (2) physicians' assistants.

History: L. 1978, ch. 254, § 9; July 1.

65-2896h. Same; employment by medical care facility; rules of medical care facility relating to conduct and qualifications. (a) Nothing in this act shall prohibit a medical care facility from employing physicians' assistants, provided such physicians' assistants shall be under the direction and supervision of a responsible physician. The limitation on the number of physicians' assistants in K.S.A. 65-2896g shall not apply to services performed in a medical care facility.

(b) Nothing in this act shall be construed to limit the authority of the governing body of a medical care facility to establish rules governing the conduct and qualifications of physicians' assistants performing acts within the medical care facility.

History: L. 1978, ch. 254, § 10; July 1.

(c) a medical care facility employing physician assistants pursuant to this section shall adopt policies and protocol establishing the scope of employment of the physician assistants and identifying those acts which can be performed by a physician assistant.



KANSAS STATE BOARD OF NURSING

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

Telephone 913/296-4929

TO: The Honorable Marvin Littlejohn, Chairman, and Members of
the House Public Health and Welfare Committee

FROM: Dr. Lois Rich Scibetta, Executive Administrator

RE: 1) Statutory Revisions - Nurse Practice Act
2) Re-Introduction of House Bill 2082

DATE: January 27, 1986

Thank you Mr. Chairman for the opportunity to appear on behalf of the Board of Nursing, with these Bill requests, which we believe are necessary to accomplish the work of the Board.

The first request for statutory changes is made based on the findings of the Nursing Practice Committee, and the approval of the Board's attorney. Essentially the Bill involves clean-up type changes. (See attachment a.) It should be noted that additional changes will be suggested later on in the session. The attorneys for the Board are working on the statutes related to licensure and they are updating to incorporate the Administrative Procedures Act. Again, this section will be a "clean-up" type change.

The second reason for my appearance today is to request that the Public Health and Welfare Committee re-introduce HB 2082, as amended by the House Committee, January 23, 1985. Last year this Bill passed the House unanimously, was modified on the Senate side and referred to a conference committee. Chairman Littlejohn is well aware of the history of the Bill, and has advised the Board that the Bill should be re-introduced.

Thank you for this opportunity to meet with you on behalf of the Board. I will be happy to answer any questions which the Committee may have.

Attn #4
1-27-86
Hs. PHW



KANSAS STATE BOARD OF NURSING

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

Telephone 913/296-4929

SUGGESTED STATUTORY CHANGES

*65-1115 (d) (current) Temporary Permit. The board may issue a temporary permit to practice nursing as a registered professional nurse for a period of not to exceed 60 days.

Revision

65-1115 (d) Temporary permit. The board may issue a temporary permit to practice nursing as a registered professional nurse for a period of not to exceed 180 days which can be renewed for a period not to exceed 180 days.

Rationale: Nurses who are taking refresher courses, (a requirement if out of active practice 5 years or longer), are unable to complete the 180 hours of clinical experience required under the current temporary permit statute, and the Board does not have the authority to extend the temporary permit.

*65-1116 (b) (3) Any person who was licensed immediately prior to the effective date of this act as a licensed practical nurse shall be deemed to be licensed as a licensed practical nurse under the provisions of this act and shall be eligible for renewal licenses upon compliance with KSA 65-1117 and any amendments thereto.

Revision

65-1116 (b) (3) Any person who was licensed ~~immediately~~ prior to the effective date of this act as a licensed practical nurse shall be deemed to be licensed as a licensed practical nurse under the provisions of this act and shall be eligible for renewal licenses upon compliance with KSA 65-1117 and any amendments thereto.

Rationale: This word is not needed.

*74-1106 (b) Qualifications of members. Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five (5) years experience in nursing as such and shall be actively engaged in nursing at the time of appointment. The licensed practical nurse members shall be graduated from an accredited practical nurse program, hold a diploma from an accredited high school or have otherwise obtained the equivalent of a high school education and be licensed to practice practical nursing in the state with at least five (5) years experience in practical nursing and shall be actively

engaged in practical nursing at the time of appointment. Upon the expiration of the terms of the registered professional nurse members holding office on the effective date of this act, the governor shall appoint successors so that the registered professional nurse membership of the board shall consist of three members who are engaged in nursing service and two members who are engaged in nursing education. The registered professional nurse members of the board holding office on the effective date of this act shall continue as members until the expiration of their respective terms. The licensed mental health technician members shall be high school graduates or shall have obtained the equivalent of a high school education and shall be licensed to practice as licensed mental health technicians in the state at the time of appointment. The consumer members shall represent the interests of the general public. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

Revision

74-1106 (b) Qualifications of members. Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five (5) years experience in nursing as such and shall be actively engaged in nursing at the time of appointment and reappointment.¹ The licensed practical nurse members shall be graduated from an accredited practical nurse program, hold a diploma from an accredited high school or have otherwise obtained the equivalent of a high school education and be licensed to practice practical nursing in the state with at least five (5) years experience in practical nursing and shall be actively engaged in practical nursing at the time of appointment. Upon expiration of the terms of the registered professional nurse members holding office on the effective date of this act, the governor shall appoint successors so that the registered professional nurse membership of the board shall consist of three members who are engaged in nursing service and two members who are engaged in nursing education. The registered professional nurse members of the board holding office on the effective date of this act shall continue as members until the expiration of their respective terms. The licensed mental health technician members shall be high school graduates or shall have obtained the equivalent of a high school education and shall be licensed to practice as licensed mental health technicians in the state with at least five (5) years of experience² at the time of appointment. The consumer members shall represent the interest of the general public. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

Rationale: 1. Several nurses have complained to the Board that they believe only nurses in current active practice should serve on the Board. The nurses believe that those in active practice are current on patient care issues.

2. Only the experienced licensed mental health technicians should

serve on the Board because of the nature of the decisions made.

*74-1106 (c) Duties and Powers. (4) The board shall examine, license and re-new licenses of duly qualified applicants and conduct hearings upon charges for suspension or revocation of a license or accreditation of professional and practical nursing and mental health technician programs and may deny, suspend or revoke for proper legal cause, licenses or accreditation of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

Revision

74-1106 (c) Duties and Powers. (4) The board shall examine, license and re-new licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or accreditation of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or accreditation of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

Rationale: To bring statute into compliance with the authority of the Board.

*74-1106 (c) Duties and Powers. (5) The board shall have a seal of which the secretary shall be the custodian. The president and the secretary-treasurer shall have the power and authority to administer oaths in transacting business of the board, and the secretary-treasurer shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or license granted or revoked, which such register shall be open at all times to public inspection.

Revision

74-1106 (c) Duties and Powers. (5) The board shall have a seal of which the executive administrator shall be the custodian. the president and the secretary-treasurer shall have the power and authority to administer oaths in transacting business of the board, and the secretary-treasurer shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or license granted or revoked, which such register shall be open at all times to public inspection.

Rationale: Throughout the years, the Executive Administrator has had control of the seal of the board, and also was responsible for the handling of the Board's funds.

HOUSE BILL No. 2082

By Committee on Public Health and Welfare

0018 AN ACT concerning the board of nursing; relating to grounds for
0019 denial, revocation or suspension of licenses or certificates;
0020 concerning fees for examinations; amending K.S.A. 65-1118
0021 and K.S.A. 1983 Supp. 65-1120, as amended by section 98 of
0022 chapter 313 of the 1984 Session Laws of Kansas, and repealing
0023 the existing sections.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 Section 1. K.S.A. 65-1118 is hereby amended to read as fol-
0026 lows: 65-1118. (a) The board shall collect in advance fees pro-
0027 vided for in this act as fixed by the board, but not exceeding:

0028 Application for license — professional nurse.....	\$60.00 \$60	\$75
0030 Application for license — practical nurse	35.00 35	50
0032 Application for biennial renewal of license — professional nurse		
0033 and practical nurse	35.00 35	40
0035 Application for reinstatement of license.....	35.00 35	50
0037 Certified copy of license	6.00 6	25

0039 (b) *The board may require that fees paid for any examina-*
0040 *tion under the Kansas nurse practice act be paid directly to the*
0041 *examination service by the person taking the examination.*

0042 Sec. 2. On July 1, 1985, K.S.A. 1983 Supp. 65-1120, as
0043 amended by section 98 of chapter 313 of the 1984 Session Laws
0044 of Kansas, is hereby amended to read as follows: 65-1120. (a) The
0045 board shall have the power to deny, revoke, limit or suspend any
0046 license or certificate of qualification to practice nursing as a
0047 registered professional nurse, as a licensed practical nurse or as
0048 an advanced registered nurse practitioner that is issued by the
0049 board or applied for in accordance with the provisions of this act
0050 in the event that the applicant or licensee is found after hearing
0054 to have been:

0052 (1) *To be guilty of fraud or deceit in procuring or attempting*
3 *to procure a license to practice nursing;*

0054 (2) *to have been* guilty of a felony if the board determines,
0055 after investigation, that such person has not been sufficiently
0056 rehabilitated to warrant the public trust, or of any offense in-
0057 volving moral turpitude;

0058 (3) *to be* unfit or incompetent by reason of negligent habits or
0059 other causes;

0060 (4) *to be* habitually intemperate in the use of alcohol or
0061 addicted to the use of habit-forming drugs;

0062 (5) *to be* mentally incompetent;

0063 (6) *to be* guilty of unprofessional conduct; or

0064 (7) *has to have* willfully or repeatedly violated any of the
0065 provisions of the Kansas nurse practice act or any rule and
0066 regulation adopted pursuant to that act; or

0067 (8) *to have a license to practice nursing as a registered nurse*
0068 *or as a practical nurse* ~~revoked~~ *or suspended by a licensing* - denied, limited
0069 *authority of another state, territory of the United States or*
0070 *country or to have other disciplinary action taken against the*
0071 *applicant or licensee by a licensing authority of another state,*
0072 *territory of the United States or country. A certified copy of the*
0073 *record or order of suspension, revocation or other disciplinary*
0074 *action of the licensing authority of another state, territory of the*
0075 *United States or country shall constitute prima facie evidence of*
0076 *such a fact for purposes of this paragraph (8).*

0077 (b) All administrative proceedings pursuant to this section
0078 shall be conducted in accordance with the provisions of the
0079 Kansas administrative procedure act.

0080 (c) If the final agency action pursuant to this section is ad-
0081 verse to the applicant or licensee, the costs of the board's pro-
0082 ceedings shall be charged to such applicant or licensee. If the
0083 final action is not adverse to the applicant or licensee, then the
0084 costs shall be absorbed by the board.

0085 Sec. 3. K.S.A. 65-1118 is hereby repealed.

0086 Sec. 4. On July 1, 1985, K.S.A. 1983 Supp. 65-1120, as
0087 amended by section 98 of chapter 313 of the 1984 Session Laws
0088 of Kansas, is hereby repealed.

0089 Sec. 5. This act shall take effect and be in force from and
0090 after its publication in the Kansas register.

Article 11.—BOARD OF NURSING

74-1106. Board of nursing; appointment; terms; qualifications; duties and powers; rules and regulations; compensation and expenses; board subject to sunset law. (a) *Appointment, term of office.* (1) The governor shall appoint a board consisting of eleven (11) members of which five (5) shall be registered professional nurses, two (2) shall be licensed practical nurses, two (2) shall be licensed mental health technicians and two (2) shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act. The members of the board of nursing holding office on the effective date of this amendment shall continue as members until the expiration of their respective terms.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three (3) times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four (4) years and until a successor is appointed and qualified.

(3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three (3) times the number of persons to be appointed, and appointments shall be made after consideration of such list, with the first appointment being for a term of four (4) years and the second appointment being for a term of two (2) years. Upon the expiration of the term of any licensed practical nurse, a successor of like qualifications shall be appointed in the same manner as the original appointment for a term of four (4) years and until a successor is appointed and qualified.

(4) Upon the expiration of the term of any mental health technician, the Kansas association of human services technologies shall submit to the governor a list of persons licensed as mental health technicians containing names of not less than three (3) times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four (4) years and until a successor is appointed and qualified.

(5) Each member of the general public shall be appointed for a term of four (4) years and successors shall be appointed for a like term.

(6) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two (2) consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board.

(b) *Qualifications of members.* Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five (5) years' experience in nursing as such and shall be actively engaged in nursing at the time of appointment. The licensed practical nurse members shall be graduated from an accredited practical nurse program, hold a diploma from an

accredited high school or have otherwise obtained the equivalent of a high school education and be licensed to practice practical nursing in the state with at least five (5) years' experience in practical nursing and shall be actively engaged in practical nursing at the time of appointment. Upon the expiration of the terms of the registered professional nurse members holding office on the effective date of this act, the governor shall appoint successors so that the registered professional nurse membership of the board shall consist of three members who are engaged in nursing service and two members who are engaged in nursing education. The registered professional nurse members of the board holding office on the effective date of this act shall continue as members until the expiration of their respective terms. The licensed mental health technician members shall be high school graduates or shall have obtained the equivalent of a high school education and shall be licensed to practice as licensed mental health technicians in the state at the time of appointment. The consumer members shall represent the interests of the general public. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(c) *Duties and powers.* (1) The board shall meet annually at Topeka during the month of July and shall elect from its members a president, vice-president and secretary-treasurer, each of whom shall hold their respective offices for one (1) year, and also shall employ, in the classified service of the Kansas civil service act, an executive administrator, who shall be a registered professional nurse and who shall not be a member of the board, and such other employees as necessary to carry on the work of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

(2) The board may adopt rules and regulations not inconsistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

(3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and courses as meet the requirements of the appropriate act and rules and regulations of the board.

(4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for suspension or revocation of a license or accreditation of professional and practical nursing and mental health technician programs and may deny, suspend or revoke for proper legal cause, licenses or accreditation of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote im-

proved means of nursing education and standards of nursing care through institutes, conferences and other means.

(5) The board shall have a seal of which the secretary shall be the custodian. The president and the secretary-treasurer shall have the power and authority to administer oaths in transacting business of the board, and the secretary-treasurer shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or license granted or revoked, which such register shall be open at all times to public inspection.

(6) A majority of the board of nursing including two (2) professional nurse members shall constitute a quorum for the transaction of business.

(d) *Subpoenas.* In all matters pending before it, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so, may, upon application by the board to any district judge in the state, be ordered by such judge to comply therewith. Upon failure to comply with the order of said district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by said court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) *Compensation and expenses.* Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

(f) The provisions of the Kansas sunset law apply to the board of nursing appointed pursuant to this section and said board is subject to abolition thereunder. [L. 1949, ch. 331, § 2; L. 1956, ch. 52, § 15; L. 1957, ch. 431, § 11; L. 1963, ch. 314, § 10; L. 1965, ch. 506, § 38; L. 1967, ch. 434, § 26; L. 1973, ch. 309, § 25; L. 1973, ch. 310, § 1; L. 1974, ch. 348, § 49; L. 1975, ch. 316, § 12; L. 1978, ch. 308, § 54; L. 1980, ch. 235, § 1; July 1.]

65-1116. License of practical nurses; qualifications of applicants; license by examination and without examination; title and abbreviation; temporary permit. (a) *Qualification.* An applicant for a license to practice as a licensed practical nurse shall file with the board a written application for a license and submit to the board satisfactory proof that the applicant: (1) Has graduated from a high school accredited by the appropriate legal accrediting agency or has otherwise obtained the equivalent of a high school education, as determined by the Kansas state department of education; (2) has successfully completed the prescribed curriculum in an accredited school of practical nursing and holds evidence of graduation therefrom or has successfully completed the prescribed curriculum in an accredited school of practical nursing located outside this state which maintains standards at least equal to schools of practical nursing which are accredited by the board and holds evidence of graduation therefrom; and (3) has obtained such other qualifications not in conflict with this act as the board may prescribe.

(b) *License.* (1) *By examination.* The applicant shall be required to pass a written examination in such subjects as the board may prescribe. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examinations, the board shall issue to the applicant a license to practice as a licensed practical nurse. (2) *Without examination.* The board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered by examination as a licensed practical nurse or a person entitled to perform similar services under a different title under the laws of any other state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for licensed practical nurses in this state. (3) ~~Any~~ person who was licensed immediately prior to the effective date of this act as a licensed practical nurse shall be deemed to be licensed as a licensed practical nurse under the provisions of this act and shall be eligible for renewal licenses upon compliance with K.S.A. 65-1117 and any amendments thereto.

(c) *Title and abbreviation.* Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title, "licensed practical nurse," and the abbreviation, "L.P.N." No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using the same is a licensed practical nurse.

(d) *Temporary permit.* The board may issue a temporary permit to practice nursing as a licensed practical nurse for a period of not more than 60 days. [L. 1949, ch. 331, § 5; L. 1963, ch. 314, § 3; L. 1968, ch. 231, § 2; L. 1975, ch. 316, § 4; L. 1982, ch. 261, § 2; L. 1983, ch. 207, § 2; July 1.]

65-1115. License of professional nurses; qualifications of applicants; license by examination and without examination; title and abbreviation; temporary permit. (a) *Qualifications of applicants.* An applicant for a license to practice as a registered professional nurse shall file with the board written application for a license and submit satisfactory proof that the applicant: (1) Has graduated from a high school accredited by the appropriate legal accrediting agency or has otherwise obtained the equivalent of a high school education, as determined by the Kansas state department of education; (2) has successfully completed the basic professional curriculum in an accredited school of professional nursing and holds evidence of graduation therefrom or has successfully completed the basic professional curriculum in a school of professional nursing located outside this state which maintains standards at least equal to schools of professional nursing which are accredited by the board and holds evidence of graduation therefrom; and (3) has obtained such other qualifications not in conflict with this act as the board may prescribe.

(b) *License.* (1) *By examination.* An applicant shall be required to pass a written examination in such subjects as the board may prescribe. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall issue to the applicant a license to practice nursing as a registered professional nurse.

(2) *Without examination.* The board may issue a license to practice nursing as a registered professional nurse without examination to an applicant who has been duly licensed or registered as a registered professional nurse by examination under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the qualifications required of a licensed professional nurse in this state.

(3) *Persons licensed under previous law.* Any person who was licensed immediately prior to the effective date of this act as a registered professional nurse, shall be deemed to be licensed as a registered professional nurse under the provisions of this act and shall be eligible for renewal licenses upon compliance with K.S.A. 65-1117 and any amendments thereto.

(c) *Title and abbreviation.* Any person who holds a license to practice as a registered professional nurse in this state shall have the right to use the title, "registered nurse," and the abbreviation, "R.N." No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using the same is a registered professional nurse.

(d) *Temporary permit.* The board may issue a temporary permit to practice nursing as a registered professional nurse for a period of not to exceed 60 days. [L. 1949, ch. 331, § 4; L. 1963, ch. 314, § 2; L. 1968, ch. 231, § 1; L. 1972, ch. 231, § 9; L. 1975, ch. 316, § 3; L. 1982, ch. 261, § 1; L. 1983, ch. 207, § 1; July 1.]