

Approved 3/16/87  
Date

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 9, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research  
Norman Furse, Revisor of Statutes Office  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

J. Michael Hinds, Kansas Respiratory Therapy Society  
Elizabeth Taylor, Kansas Occupational Therapy Association  
Rita Wolf, Kansas Department of Health and Environment  
Dr. Lois Scibetta, Executive Administrator, Kansas State Board of Nursing  
Steven Garlow, Counsel to State Board of Nursing

Others attending: see attached list

The chairman called the meeting to order and stated that when the last meeting adjourned a motion by Senator Bond with a second by Senator Francisco for favorable passage of substitute SB-35 was on the floor.

After a brief discussion to ascertain all questions were answered the vote was called and the motion carried.

J. Mike Hinds spoke briefly in favor of SB-338. Written testimony was presented to the committee 3-6-87, attachment 4.

Elizabeth Taylor stated the Occupational Therapy Association was in favor of SB-338.

Senator Francisco moved favorable passage of SB-338. Senator Hayden seconded the motion. The motion carried.

Rita Wolf spoke concerning SB-339. Written testimony was presented to the committee 3-6-87, attachment 5. Ms. Wolf presented the position of the Kansas Department of Health and Environment.

Senator Hayden moved to include the technical amendments recommended for SB-339, and pass out favorable. Senator Anderson seconded the motion. After considerable discussion Senator Anderson requested permission to withdraw his second, and Senator Hayden requested permission to withdraw his motion. Permission was granted.

Senator Salisbury moved to strike Section 1. Senator Bond seconded the motion. The motion carried.

Senator Hayden moved conceptually that an appointment to the technical committee to fill a vacancy on the committee will be filled within 120 days. Senator Francisco seconded the motion. The motion carried.

Senator Salisbury moved to delete all of subsection (b)2, Section 2. Senator Hayden seconded the motion. The motion carried.

Senator Hayden moved to report SB-339 favorable as amended. Senator Salisbury seconded the motion. The motion carried.

Dr. Lois Scibetta spoke in support of SB-340. Written testimony was presented to the committee 3-5-87, attachment 12. Discussion followed.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 526-S, Statehouse, at 10:00 a.m.~~pm~~ on March 9, 1987

Steven Garlow, counsel for the State Board of Nursing advised the committee that the new sections of SB-340 applied to all nurses. He further stated the version of these new sections had been forthcoming after much consultation with Lawrence T. Buening, Jr., General Counsel, Kansas State Board of Healing Arts.

Written testimony concerning SB-340 was presented to the committee by Terri Rosselot, Executive Director, KSNA. (attachment 1)

The meeting adjourned at 11 a.m. The next meeting is not scheduled as of this date.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-9-87

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

*Jerry Schwartz*

*KS Medical Society*

*Elizabeth C. Taylor*

*KOTA, KFLPN, etc*

*Paul M. Klotz*

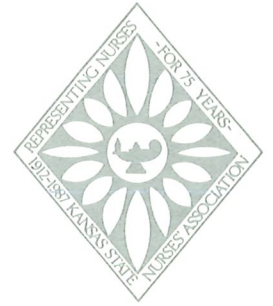
*Assoc. of CMHC's of KS*

*Rebecca Crenshaw*

*Org. of Prof. Psychs.*

*A. Levano*

*KS Hospital Assoc.*



FOR MORE INFORMATION CONTACT:

Terri Rosselot, J.D., R.N.  
Executive Director  
(913) 233-8638  
March 9, 1987

S.B. 340 NURSE PRACTICE ACT

Chairman Senator Ehrlick and members of the Senate Public Health and Welfare Committee, my name is Terri Rosselot and I am a registered nurse representing the Kansas State Nurses' Association.

The Kansas State Nurses' Association supports the efforts of the Kansas State Board of Nursing to strengthen the disciplinary power of the Board of Nursing. S.B. 340 incorporates the current regulatory definition of "Unprofessional Conduct" into the statutes, adding additional criteria to the list of unprofessional conduct.

S.B. 340 adds several criteria under New Section 1 (b) for which a licensee may have their license revoked, limited, or suspended. Language has also been added which would allow the Board to publicly and privately censure licensees as an alternative that was not previously in the statute.

The additional criteria include self-reporting requirements for disciplinary actions taken by other jurisdictions against the licensee, and action by peer review bodies for acts which are similar to acts or conduct which would constitute grounds for disciplinary action under the nurse practice act.

KSNA has two concerns about the proposed changes in the Nurse Practice Act.

The first is the method in which the Board of Nursing plans to disseminate the additional criteria for disciplining licensees to the current licensees. Nursing license renewals are sent biennially and this is generally the time the Board has sent information regarding new statutes and regulations regarding licensure. The 30,000 licensees affected by these proposed changes that will become effective upon publication in the statute book need notification of the changes.

SPHAW  
3-9-87  
attachment 1

S.B. 340  
Testimony  
March 9, 1987  
Terri Rosselot, R.N.

Secondly, KSNA would like to recommend a amendment to line 0051 on page 2.

The proposed number (6) reads:

0051 (6) The licensee has violated any rule and regulation promulgated by the board, any provision of the nurse practice act or nurse anestestist act or any order previously entered by the board.

The current language reads:

K.S.A. 65-1120 (7) has willfully or repeatedly violated any provisions of the Kansas nurse practice or any rule and regulation adopted pursuant to that act.

The use of the words "any" occurs three times in this provision and we believe that this language is overly broad and that the Board should discipline licensees according to regulations and statutes approved by the legislature. We are also unclear what would constitute an "order previously entered by the Board" .

KSNA would recommend retaining the current language with the addition of the "nurse anesthetist act."

It would then read:

(6) The licensee has willfully and repeatedly violated any provisions of the Kansas nurse practice act, nurse anesthetist act, or any rule and regulation adopted pursuant to those acts.

Thank you for listening.

0046 intoxicating liquors or drugs for any other than lawful purposes.  
 0047 (5) The licensee has been found to be mentally ill, mentally  
 0048 incompetent, mentally disabled, not guilty by reason of insanity  
 0049 or incompetent to stand trial, by a court of competent jurisdic-  
 0050 tion.

0051 ~~(6) The licensee has violated any rule and regulation~~  
 0052 ~~promulgated by the board, any provision of the nurse practice act~~  
 0053 ~~or nurse anesthetist act or any order previously entered by the~~  
 0054 ~~board.~~

0055 (7) The licensee has cheated on or attempted to subvert the  
 0056 validity of the examination for a license.

0057 (8) The licensee has violated a federal law or regulation  
 0058 relating to controlled substances.

0059 (9) The licensee has failed to furnish the board, or its inves-  
 0060 tigators or representatives, any information legally requested by  
 0061 the board.

0062 (10) The licensee has had a license to practice nursing or any  
 0063 level of advanced nursing denied, revoked, limited or sus-  
 0064 pended, or has been censured or has had other disciplinary  
 0065 action taken against the applicant or licensee by a licensing  
 0066 authority of another state, agency of the United States govern-  
 0067 ment, territory of the United States or country. A certified copy of  
 0068 the record or order of denial, suspension, limitation, revocation  
 0069 or other disciplinary action of the licensing authority of another  
 0070 state, agency of the United States government, territory of the  
 0071 United States or country shall constitute prima facie evidence of  
 0072 such a fact.

0073 (11) Sanctions or disciplinary actions have been taken against  
 0074 the licensee by a peer review committee, health care facility or a  
 0075 professional association or society for acts or conduct similar to  
 0076 acts or conduct which would constitute grounds for disciplinary  
 0077 action under this section.

0078 (12) The licensee has failed to report to the board any ad-  
 0079 verse action taken against the licensee by another state or li-  
 0080 censing jurisdiction, a peer review body, a health care facility, a  
 0081 professional association or society, a governmental agency, a law  
 0082 enforcement agency or a court for acts or conduct similar to acts

(6) The licensee has willfully and repeatedly violated any provisions of the Kansas nurse practice act, nurse anesthetist act, or any rule and regulation adopted pursuant to those acts.