

Approved: 2-20-97
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on February 13, 1997 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Pat Johnson, Executive Administrator, Kansas State Board of Nursing
Joan Sevy, President of the Kansas Organization of Nurse Leaders
Carolyn Middendorf, Kansas State Nurses Association
Patricia Bayles, Executive Director, Kansas League for Nursing
Martha Butler, President, Kansas Association of Colleges of Nursing
Caroline Helton, Kansas Council of Associate Degree Nurse Educators

Others attending: See attached list

Hearing on SB 165 - Board of Nursing licensees, continuing education and membership on the Board

Pat Johnson, Executive Administrator, KSBN, testified before the Committee in support of SB 165 which would address accreditation of nursing schools, curriculum requirements for baccalaureate nursing education programs, continuing nursing education and Board of Nursing appointments. Ms. Johnson also noted in her written testimony a balloon of the bill showing proposed amendments that would strike language relating to curriculum requirements for associate degree nursing programs. (Attachment 1) Committee discussion related to baccalaureate programs, school curriculum, and a 1993 Attorney General Memo regarding appointments to the State Board of Nursing. (See Attachment 1)

Joan Sevy, President of the Kansas Organization of Nurse Leaders, appeared before the Committee in support of changes proposed by the Kansas State Board of Nursing, but noted her organization has concerns in two areas of the bill relating to (1) statutory authority to establish rules and regulations for the curriculum requirements for both the associate degree and baccalaureate degrees in nursing, and (2) member composition of the Kansas State Board of Nursing. She suggested eliminating one mental health technician position and adding one registered nurse position. Ms. Sevy also supplied the Committee with a balloon of the bill showing other proposed amendments. (Attachment 2) Committee discussion related to educational requirements for a licensed nurse and representation of a psychiatric nurse on the Board.

Carolyn Middendorf, M.N., R.N., testified before the Committee on SB 165 and noted that the KSNA is very supportive of the changes in the bill, but they would also like to support the amendments proposed by the Kansas Organization of Nursing Leaders that provides a change in the composition of the Board of Nursing by adding a Registered Nurse position. (Attachment 3)

Patricia Bayles, Executive Director of the Kansas League for Nursing, testified in support of SB 165 but noted concern with proposed language relating to the board establish by rules and regulations curriculum requirements for baccalaureate degree in nursing programs accredited under the statute. Ms. Bayles also pointed out that a change of this magnitude should be done in a deliberate and scholarly manner, and that the omission of the requirements for the associate degree in nursing does not change the intent of this statute. Composition of the State Board of Nursing was also of concern, and it was suggested that a change be made to reflect a majority of registered nurses as noted in her written testimony. (Attachment 4)

Martha Butler, President, Kansas Association of Colleges of Nursing, spoke in support of one of the proposals in SB 165 that would include language to give the KSBN statutory authority to establish curriculum requirements for the two levels of professional nursing education -- the associate degree and baccalaureate levels. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S
Statehouse, at 10:00 a.m. on February 13, 1997.

Speaking in opposition to **SB 165** was Caroline Helton, Kansas Council of Associate Degree Nurse Educators. Ms. Helton noted her organization is opposed to language in the bill relating to the Board establishing by rules and regulations curriculum requirements for associate degree nursing programs accredited by the statute, and she suggested that language be stricken from the bill. An amendment was also offered that would add a larger representation of registered nurses on the Board as shown in her written testimony. (Attachment 6)

The Chair noted that an agreement needed to be reached by all entities involved with **SB 165**, and such agreement or compromise brought back to the Committee before further action can be taken on the bill.

Adjournment

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for February 14, 1997.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 2-13-97

NAME	REPRESENTING
Caroline A. Nelson	Kansas Council of Associate Degree Nurse Educators (KCADNE)
Pat Kessell	Kansas Association of Colleges of Nurses (KACN)
Dr. Janice Unruh Davidson	KS. Assoc. of Colleges of Nsg. (KACN)
Diana Keener	FHSU KS. Assoc. of Colleges of Nsg.
Mary Clark	Colby Community College / Nursing Dept.
Kathy Moore	Colby Community College
Dan Williams	Colby Community College
Torri Roberts	Kansas State Nurses Assn.
Dorey Jensen	Colby Community College
Nancy Scott	CCC
Janet Myers	Colby Community College
Pat McEllip	KSBN
Joan Felts	Ks. Assoc. of Colleges of Nsg. (KACN)
Janette Pucci	KSBN
Richard Papparo	Union 1469
Amy Campbell	R. Rice Law Office
Jill Patterson	Colby Comm. College
Ceresa Flora	Colby Comm. College / Nursing Dept.
Cindy Ellis	Colby Community College

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 2-13

NAME	REPRESENTING
Roger Kipp	LPN Washburn Social Work Student
Carolyn Muddendong	KSNPA
Helen Connors	UNW. of Kansas School of Nursing
Alice Young	Washburn University School of Nursing
Martha Fowler	KACN - Southwestern College
Frank Neff	Self
Judith Calhoun	KACN - Emporia State University
Kay Osinski	KACN - Baker University
Palma Smith	KACN - MidAmerica Nazarene College
Rich Guthrie	Health Midwest
Gwen M. Sevy	KONL
Kay Hale	KCHA
Patricia Boyles	KLW
Jose Ray	Larned State Hosp.
Tom Bell	KHA
Michelle Peterson	PPAG
Pat Johnson	KSN

Kansas State Board of Nursing

Landon State Office Building
900 S.W. Jackson, Rm. 551
Topeka, Kansas 66612-1230
913-296-4929
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Patsy L. Johnson, R.N., M.N.
Executive Administrator
913-296-5752

To: The Honorable Senator Sandy Praeger, Chairperson
and Members of the Public Health & Welfare Committee

From: Patsy L. Johnson, M.N., R.N., A.R.N.P.
Executive Administrator
Kansas State Board of Nursing

Date: February 13, 1997

Re: SB 165

Thank you for allowing me to testify on SB 165 for the Board of Nursing. Besides a revision of continuing nursing education, the Board has addressed several issues in SB 165 to clarify existing practices.

Section 1. K.S.A. 65-1117.

(a) After a comprehensive revision of the continuing nursing education (CNE) provisions, the Board has expanded the definition of continuing nursing education. The definition is almost the same as the American Nurses Credentialing Center's Commission on Accreditation, the approving body for the American Nurses Association (ANA). See Attachment A. The Board has adopted the position that CNE means learning experiences intended to build upon the educational and experiential base of the licensee. In the review of CNE offerings, the Board has maintained that the offering must contain content above the level of basic education of the licensee. The ANA supports this concept in the 1996 CNE Accreditation Manual by noting, "Contact hours should not be awarded for basic or generic nursing education content."

Janette Pucci, R.N., M.S.N.
Education Specialist
296-3782

Patricia McKillip, R.N., Ph.D.
Education Specialist
296-3782

Diane Glynn
Practice Specialist
29

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(b) The addition of this provision allows the Board to set a time limit on how long the agency will hold a reinstatement application awaiting required documentation.

Section 2. K.S.A. 65-1119.

(a) In 1993, the Board revised the fees to require an annual fee from the schools of nursing. When the schools of nursing were on a biennial fee structure, then the school was re-accredited every two years if all reports from the schools were satisfactory. The Board does an on-site survey of each school every five years. The schools turn in annual reports with the annual fee. Since nothing is on a two-year schedule any more, it was logical to change the accreditation period. The Board decided to change the time period to every five years following the survey. Language has been added to clarify that schools of nursing will continue to pay an annual fee to maintain accreditation.

(b) The Board is just completing education rules and regulations. At the last hearing which was in December, there was a request the curriculum in baccalaureate programs should be a minimum of 50 credit hours in the nursing major. The Board had also put in regulation that basic nursing research, community health, management and leadership would be included in baccalaureate nursing programs. Steve Phillips, Assistant Attorney General, advised that the Board did not have statutory authority to place in rules and regulations curriculum requirements specific to baccalaureate programs. Because of his advice, the Board proposes a change directed at establishing curriculum requirements for baccalaureate and associate degree nursing programs.

In K.A.R. 60-2-104 (b), (c), and (d), the minimum curriculum requirements are proposed for the professional and practical nursing education programs. See Attachment B. It does not include the difference for associate and baccalaureate education programs for professional nurses. Because of concerns from some nursing leaders, the Board proposes a modification in the language as originally written. In the following Balloon, the Board wishes to strike reference to the associate degree programs. The associate degree programs meet the general requirements in K.A.R. 60-2-104. Additional requirements would be added only for

baccalaureate programs. The baccalaureate nursing education programs are currently meeting the requirements which were discussed in the above paragraph.

(e) The Board has added "nursing" throughout the statute as part of the phrase "continuing nursing education" (CNE) to be consistent. Some changes and additions to this subsection have been made to give the Board authority to revise regulations to carry out its CNE functions.

(e)(2)(3) The Board has recognized two types of CNE providers for some time. To clarify the different types, the Board has added the definitions of long-term provider and single continuing nursing education provider. The single CNE providership is for only two years, but there is no annual fee or report.

(e)(4) The Board has been approving individual CNE offerings for licensees for many years. It was suggested by the Board's legal counsel to clarify the practice. Without the Board being authorized to approve individual offerings, licensees would only get credit for those offerings presented by Board approved CNE providers. This would be quite restrictive. Many nurses would be unable to complete CNE requirements for license renewal. If the Board can approve providers of CNE, then the Board should also have authority to approve individual offerings.

(e)(5) About 7,600 or 20 percent of all nurses licensed in Kansas live out-of-state. If a licensee lives in a state that does not require CNE hours for renewal, then the individual may have difficulty finding CNE courses. To facilitate those nurses in completing renewal or reinstatement requirements, the Board wants to accept CNE offerings approved by other nursing organizations. The Board has listed several organizations which include colleges, other boards of nursing, and national nursing organizations. A provision has been added to allow the Board by rules and regulations to add other appropriate CNE providers to this list in the future.

Section 3. K.S.A. 65-4205

The education and continuing education changes which were addressed in K.S.A. 65-1117 and 65-1119 have been added to this section of the bill for licensed mental health technicians.

Summary:

- (a) Adds definition of continuing education.
- (b) Allows Board to set a time limit on how long the agency will hold an application while awaiting required documentation for reinstatement.
- (c) Extends approval of mental health technician schools from two to five years. Clarification that schools of mental health technology have to pay an annual fee to maintain approval.
- (d) Adds provisions for approval of continuing education providers and offerings.

Section 5. K.S.A. 74-1106

(a)(2) The Board elected to add this new subsection because of numerous inquiries about how an individual may get appointed to the Board. In 1993 Camille Nohe, the Board's Assistant Attorney General at the time, noted in an informal opinion the governor did not have to appoint Board members solely from lists submitted by the Kansas State Nurses Association (KSNA), the Kansas Federation of Licensed Practical Nurses (KFLPN), or the Kansas Association of Human Services Technologies. See Attachment C. Many nurses perceive they cannot get appointed without belonging to either KSNA or KFLPN. The Kansas Association of Human Services Technologies does not exist.

The Board proposes the new language to clarify for the 39,500 Kansas licensees that any individual or group may submit a name or list of names for possible appointments. While less than 2,000 nurses belong to either KSNA or KFLPN, there are at least 35 chapters of several other nursing organizations with active membership in Kansas. Some of these other

groups might also be interested in submitting names of qualified applicants. Although the new language refers to any individual or organization submitting names, the Board did not delete the specific language as it relates to organizations named in subsection (a)(3), (4), or (5). The Board believes this addition will clarify the appointment process to all nurses and licensed mental health technicians. It will also extend the nominee pool.

(b) The Board added a requirement that a candidate be a practicing nurse in Kansas at the time of appointment. There has been one instance when a Board member was licensed in Kansas but was in active practice in Missouri. There have also been deletions which remove the high school education requirement. This is addressed in other statutes as part of the licensure process.

(c) Often new Board members are not appointed until after the July Board meeting. It is difficult for the Board to elect new officers in July since the members may not know who will be on the Board for the next year. Having the annual meeting in September would solve this problem.

→ In summary, SB 165 addresses accreditation of nursing schools, curriculum requirements for baccalaureate nursing education programs, continuing nursing education, and Board appointments. The Board hopes you will act favorably upon SB 165 with the one amendment proposed.

Thank you.

1 *and regulations to maintain the accreditation status.*

2 (b) *Schools for professional nurses.* To qualify as an accredited school
3 for professional nurses, the school must be conducted in the state of
4 Kansas, and shall apply to the board and submit evidence that: (1) It is
5 prepared to carry out the professional curriculum as prescribed in the
6 rules and regulations of the board; and (2) it is prepared to meet such
7 other standards as shall be established by this law and the rules and reg-
8 ulations of the board. ~~The board shall establish by rules and regulations~~
9 ~~curriculum requirements for associated degree nursing programs accred-~~
10 ~~ited under this statute. The board shall establish by rules and regulations~~
11 ~~curriculum requirements for baccalaureate degree nursing programs ac-~~
12 ~~credited under this statute.~~

may

13 (c) *Schools for practical nurses.* To qualify as an accredited school for
14 practical nurses, the school must be conducted in the state of Kansas, and
15 shall apply to the board and submit evidence that: (1) It is prepared to
16 carry out the curriculum as prescribed in the rules and regulations of the
17 board; and (2) it is prepared to meet such other standards as shall be
18 established by this law and the rules and regulations of the board.

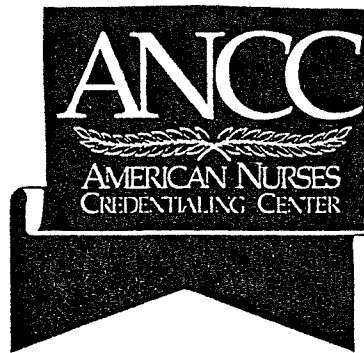
19 (d) *Survey.* The board shall prepare and maintain a list of accredited
20 schools for both professional and practical nurses whose graduates, if they
21 have the other necessary qualifications provided in this act, shall be eli-
22 gible to apply for a license as a registered professional nurse or as a
23 licensed practical nurse. A survey of the institution or institutions and of
24 the schools applying for accreditation shall be made by an authorized
25 employee of the board or members of the board, who shall submit a
26 written report of the survey to the board. If, in the opinion of the board,
27 the requirements as prescribed by the board in its rules and regulations
28 for an accredited school for professional nurses or for practical nurses are
29 met, it shall so approve and accredit the school as either a school for
30 professional nurses or practical nurses, as the case may be. From time to
31 time, as deemed necessary by the board, it shall cause to be made a
32 resurvey of accredited schools and written reports of such resurveys sub-
33 mitted to the board. If the board determines that any accredited school
34 of nursing is not maintaining the standards required by this act and by
35 rules and regulations prescribed by the board, notice thereof in writing,
36 specifying the failures of such school, shall be given immediately to the
37 school. A school which fails to correct such conditions to the satisfaction
38 of the board within a reasonable time shall be removed from the list of
39 accredited schools of nursing until such time as the school shall comply
40 with the standards. All accredited schools shall maintain accurate and
41 current records showing in full the theoretical and practical courses given
42 to each student.

43 (e) *Providers of continuing nursing education offerings.* (1) To qualify

AMERICAN NURSES CREDENTIALING CENTER'S
COMMISSION ON ACCREDITATION

Manual for Accreditation as a Provider of
Continuing Education in Nursing

1991



American Nurses Credentialing Center
A Subsidiary of the American Nurses Association

Behavioral Objective An intended outcome of instructions stated as a specific behavior of the learner that can be measured by performance.

Constituency For purposes of the accreditation system, providers that an accredited federal nursing service or specialty nursing organization identifies as being eligible to submit continuing education activities to its approval body. Constituency must be identified at the time of application for accreditation.

Contact Hour A unit of measurement that describes 50 minutes of an approved, organized learning experience, either didactic or clinical practice. For purposes of the accreditation system, contact hours also may be awarded for offerings organized as independent study.

Content Subject matter or definitive information about an educational activity which relates to the behavioral objectives.

→ **Continuing Education** Those learning activities intended to build upon the educational and experiential bases of the professional nurse for the enhancement of practice, education, administration, research, or theory development to the end of improving the health of the public.

Continuing Education Unit (CEU) Ten contact hours of participation in an organized continuing education experience that meets the criteria published by the national Council on the Continuing Education Unit, including responsible sponsorship, capable direction, and qualified instruction.

Coprovide For purposes of the accreditation system, the process for planning, developing, and implementing an educational activity by two or more providers.

Criteria Indicators by which standards may be measured and evaluated.

Curriculum Vitae For purposes of the accreditation system, a succinct resume which specifies education and professional qualifications.

Deferral For purposes of the accreditation system, a decision made to delay action on an application.

Denial For purposes of the accreditation system, a decision made by the appropriate body to disapprove the application.

Director Individual responsible for bringing together and managing elements needed for a continuing education provider unit or program; coordinator.

60-2-104. Curriculum requirements. (a) Faculty in each nursing education program shall fulfill these requirements:

- (1) identify the competencies of the graduate for the level of nursing practice;
- (2) determine the approach and content for learning experiences;
- (3) direct clinical instruction as an integral part of the program; and
- (4) provide for learning experiences of the depth and scope needed to fulfill the objectives or

outcomes of nursing courses.

(b) The curriculum in each nursing education program shall include the following:

(1) content in the biological, physical, social, and behavioral sciences that provides a foundation for safe and effective nursing practice;

(2) the art and science of nursing; and

(3) didactic content and clinical experience for the prevention of illness and the promotion, restoration, maintenance, and support of health in clients across the life span and in a variety of clinical situations in order to meet objectives or outcomes for the appropriate level of nursing practice.

(c) Minimum length of program.

(1) Each practical nursing education program shall have a minimum of 15 credit hours in nursing courses or equivalencies in clock hours.

(2) Each professional nursing education program shall have a minimum of 30 credit hours in the nursing major.

(d) Each nursing elective offered by a nursing education program shall fulfill the following requirements:

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- (1) be approved by the board education specialist before implementation;
 - (2) have content appropriate to the type of nursing education program and level of the student;
 - (3) support the knowledge base of the basic curriculum; and
 - (4) not substitute for a required course.
- (e) A syllabus for each course in the approved curriculum, including approved electives, shall

include the following:

- (1) course title and number;
 - (2) course description;
 - (3) course placement and prerequisites;
 - (4) hours of instruction and credit;
 - (5) names of instructors;
 - (6) course objectives or outcomes;
 - (7) content outline;
 - (8) methods of instruction;
 - (9) methods of evaluation;
 - (10) course requirements; and
 - (11) bibliography.
- (f) Work-study courses shall meet these requirements:
- (1) be considered elective nursing courses;

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- (2) have clinical instruction under the jurisdiction of the nursing education program;
- (3) be coordinated by a qualified member of the nursing faculty maintaining a ratio of 1:10, or less, clinical faculty to students;
- (4) be appropriate for the student's progression within the nursing education program; and
- (5) be open only to students who meet enrollment requirements.

(g) The curriculum in nursing education programs shall be structured in such a way that the students are not required to spend more than 32 contact hours per week in scheduled theoretical and clinical instruction. Accelerated courses requiring more than 32 contact hours per week shall be submitted for approval by the board before implementation.

(h) A written plan for program evaluation shall be developed and implemented.

(i) Major curriculum revisions shall be submitted for approval by the board at least 30 days before the board meetings. The following shall be considered major curriculum revisions:

- (1) a significant change in the plan of curriculum organization;
- (2) a change in content requiring a change of clock or credit hours in courses; and
- (3) a change in the number of students to be admitted to the nursing education program.

(j) Minor curriculum revisions of a course's content, title, objectives or outcomes shall be submitted to the education specialist for approval.

(k) Should an unexpected event cause a nursing education program to cancel classes or laboratories for a short period of time, the nursing education program shall provide students with

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alternative methods for meeting the learning goals of the curriculum. Documentation of achievement of the learning objectives or outcomes of the curriculum shall be retained by the nursing education program until the students have graduated.

(1) Each nursing education program shall have an articulation plan that meets the following requirements.

(1) There shall be a course to assist the student with the transition to the next nursing education level, including an orientation to the nursing education program.

(2) Licensed practical nurses may complete the required nursing courses in an associate degree program within 12 months of full-time study, or its equivalent, following articulation to the associate degree program.

(3) Registered professional nurses may complete the required nursing courses in a baccalaureate degree program within 12 months of full-time study, or its equivalent, following articulation to the baccalaureate degree program.

(4) Licensed practical nurses may complete the baccalaureate degree based on the articulation policies of each baccalaureate nursing program. (Authorized by and implementing K.S.A. 65-1119; effective P- _____).

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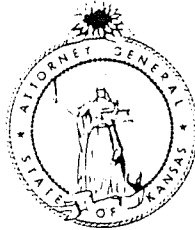
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STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERALMAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296MEMORANDUM

To: Patsy Johnson, Executive Administrator, KSBN

From: Camille Nohe, Assistant Attorney General

Date: February 4, 1993

Re: K.S.A. 1992 Supp. 74-1106 - Appointments to the board

In your letter of February 3, 1993 you asked me to address your concern that K.S.A. 1992 Supp. 74-1106 requires the governor to appoint board members from a list submitted by the Kansas state nurses association.

K.S.A. 1992 Supp. 74-1106 provides:

"(a) Appointment, term of office. (1) The governor shall appoint a board consisting of 11 members of which five shall be registered professional nurses, . . . "

(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 times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified."

The statute obligates the governor to appoint persons who are registered professional nurses. In making such appointment(s), the governor is obligated to consider the names submitted from the Kansas state nurses association; however, the governor is not obligated to make her appointment only from that list.

I recently ran across a synopsis of a Kentucky case which addressed this issue. Quoting from "The Law of Professional Licensing and Certification Quarterly":

"A licensed real estate agent in Kentucky (Musselman) brought a declaratory judgment action against various individuals and entities in that jurisdiction. He sought to have the portion of the Kentucky statute that provides the structure of the state's Real Estate Commission declared unconstitutional because the governor's power of appointment was limited to a list supplied by the Kentucky Association of Realtors.

"A trial court agreed with Musselman and declared the statute unconstitutional. The case was appealed to the Kentucky Supreme court. That court noted that there were approximately 24,000 real estate licensees in the state, and only one-third were members of the association. However, the court pointed out that the statute in question did not limit appointments to members of the association nor compel the governor to appoint someone on the list submitted by the association. The court also noted that the list could contain nominees who were not members of the association.

"Thereafter, the court held that the statute did not violate the separation of powers principle in the Kentucky Constitution or infringe on the governor's supreme executive power over the Commonwealth. Finally, the court held that designating an organization by statute to participate in such a nominating process raised constitution questions only if there was a substantial showing that the organization was unreasonable and inappropriate to obtain a valid legislative objective.
Kentucky Association of Realtors v. Musselman, 817 SW2d 213.



Kansas Organization of Nurse Leaders
P.O. Box 2308
Topeka, KS 66601-2308

Testimony Before the Senate Public Health and Welfare Committee

S. B. 165 Nurse Practice Act Changes

February 13, 1997

Senator Praeger and members of the Senate Public Health and Welfare Committee:

My name is Joan Sevy. I am Vice President of Patient Services at St. Francis Hospital and Medical Center in Topeka, and am currently the President of the Kansas Organization of Nurse Leaders, formerly known as the Kansas Organization of Nurse Executives. We are pleased to be here to comment on S.B. 165.

We are supportive of many of the changes proposed by the Kansas State Board of Nursing. The redefinition of continuing education and language which permits acceptance of continuing education offerings approved by other accrediting agencies are changes which we have long supported.

† We have concerns in two areas of the bill and wish to propose an amendment to Section 5. K.S.A. 1996 Supp. 74-1106.

In Section 2. of K.S.A. 65-1119, subsection (b), lines 8 through 12 provides the Board with the statutory authority to establish rules and regulations for the curriculum requirements for both the associate degree and baccalaureate degrees in nursing. This language differentiates graduates of these programs who currently are taking the same licensing examination. This means that they are all expected to practice nursing at the same level, regardless of healthcare setting.

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Creating a difference between these programs by giving the Board statutory authority to differentiate the preparation of these graduates leads to many other questions in the future, including the possibility of creating different licensing examinations and different practice expectations for nurses. It is our belief that movement in this direction is too premature at this time. There are many parties interested in this issue and we believe that all stakeholders should participate in discussions and arrive at consensus on this issue. We request that you remove this section from the bill.

X In Section 5 of K.S.A. 1996 Supp. 74-1106, subsection (a) Appointment, Term of Office, number (1), we would request that it be amended as follows:

"The Governor shall appoint a board of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses, one shall be a licensed mental health technician and two 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."

We are asking that the member composition of the Kansas State Board of Nursing be changed by eliminating one mental health technician position and adding one registered nurse position. Our reason for making this request is based on the fact the largest number of licensees in the state of Kansas are the over 24,000 registered nurses. In order to monitor these licensees to protect the citizens of Kansas, there is need to increase the registered nurse members of the Board to provide this oversight.

In 1995⁹ the representation on the Board of Nursing was

Registered Nurse	1 member to 5,939 ^{41,000} licensees
Licensed Practical Nurse	1 member to 4,348 ^{3,347} licensees
Licensed Mental Health Technician	1 member to 387 ^{or} licensees

In this changing health care environment, registered professional nurses must remain accountable for the care and management of patients. It is vital that the Board continue to be accountable for licensing and monitoring these practitioners and must have the resources for doing so. We firmly believe that this is best accomplished by better balance of Board membership.

In addition, we are also proposing language which requires that the licensed mental health technician shall have five years experience in his/her field of practice and be actively engaged in his/her practice in Kansas. These are essentially the same requirements for a licensed nurse to serve on the Board.

In order to make these changes, we are proposing to balloon this bill under new subsection (7) (b), lines 8 through 19. I have attached a copy of the balloon to my testimony.

Finally, in this same Section 5 of K.S.A. 1996 Supp. 74-1106, we wish to indicate our full support for the removal of the new subsection (2). The system which is currently in place for submission of the names of nominees to the governor includes individual nominations. We see no reason to add this section, and want to assure you that the current system is inclusive and well structured to bring forward only the very best candidates for positions on the Board.

Thank you for your consideration.

SENATE BILL No. 165

By Committee on Public Health and Welfare

1-31

9 AN ACT concerning the board of nursing; licensees thereof; continuing
10 education; membership on the board; amending K.S.A. 65-1119 and
11 65-4206 and K.S.A. 1996 Supp. 65-1117, 65-4205 and 74-1106 and
12 repealing the existing sections.
13

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

15 Section 1. K.S.A. 1996 Supp. 65-1117 is hereby amended to read as
16 follows: 65-1117. (a) All licenses issued under the provisions of this act,
17 whether initial or renewal, shall expire every two years. The expiration
18 date shall be established by the rules and regulations of the board. The
19 board shall mail an application for renewal of license to every registered
20 professional nurse and licensed practical nurse at least 60 days prior to
21 the expiration date of such person's license. Every person so licensed who
22 desires to renew such license shall file with the board, on or before the
23 date of expiration of such license, a renewal application together with the
24 prescribed biennial renewal fee. Every licensee who is no longer engaged
25 in the active practice of nursing may so state by affidavit and submit such
26 affidavit with the renewal application. An inactive license may be re-
27 quested along with payment of a fee which shall be fixed by rules and
28 regulations of the board. Except for the first renewal period following
29 licensure by examination or for the first nine months following licensure
30 by reinstatement or endorsement, the board shall require every licensee
31 with an active nursing license to submit with the renewal application
32 evidence of satisfactory completion of a program of continuing *nursing*
33 education required by the board. The board by duly adopted rules and
34 regulations shall establish the requirements for such program of contin-
35 uing *nursing* education. Continuing ~~nurse nursing~~ education means or-
36 ganized learning experiences which are designed to enhance knowledge,
37 improve skills and develop attitudes that enhance nursing and improve
38 health care to the public intended to build upon the educational and
39 experiential bases of the registered professional and licensed practical
40 nurse for the enhancement of practice, education, administration, re-
41 search or theory development to the end of improving the health of the
42 public. Upon receipt of such application, payment of fee, upon receipt of
43 the evidence of satisfactory completion of the required program of con-

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1 tinuing *nursing* education and upon being satisfied that the applicant
2 meets the requirements set forth in K.S.A. 65-1115 or 65-1116 and
3 amendments thereto in effect at the time of initial licensure of the ap-
4 plicant, the board shall verify the accuracy of the application and grant a
5 renewal license.

6 (b) Any person who fails to secure a renewal license within the time
7 specified herein may secure a reinstatement of such lapsed license by
8 making verified application therefor on a form provided by the board, by
9 rules and regulations, and upon furnishing proof that the applicant is
10 competent and qualified to act as a registered professional nurse or li-
11 censed practical nurse and by satisfying all of the requirements for rein-
12 statement including payment to the board of a reinstatement fee as es-
13 tablished by the board. *A reinstatement application for licensure will be*
14 *held awaiting completion of such documentation as may be required, but*
15 *such application shall not be held for a period of time in excess of that*
16 *specified in rules and regulations.*

17 (c) Each licensee shall notify the board in writing of a change in name
18 or address within 30 days of the change. Failure to so notify the board
19 shall not constitute a defense in an action relating to failure to renew a
20 license, nor shall it constitute a defense in any other proceeding.

21 Sec. 2. K.S.A. 65-1119 is hereby amended to read as follows: 65-
22 1119. (a) *Application for accreditation.* An accredited school of nursing
23 is one which has been approved as such by the board as meeting the
24 standards of this act, and the rules and regulations of the board. An in-
25 stitution desiring to conduct an accredited school of professional or prac-
26 tical nursing shall apply to the board for accreditation and submit satis-
27 factory proof that it is prepared to and will maintain the standards and
28 basic professional nursing curriculum or the required curriculum for
29 practical nursing, as the case may be, as prescribed by this act and by the
30 rules and regulations of the board. Applications shall be made in writing
31 on forms supplied by the board and shall be submitted to the board
32 together with the application fee fixed by the board. The accreditation of
33 a school of nursing shall expire ~~two~~ five years after the granting of such
34 accreditation by the board. An institution desiring to continue to conduct
35 an accredited school of professional or practical nursing shall apply to the
36 board for the renewal of accreditation and submit satisfactory proof that
37 it will maintain the standards and basic professional nursing curriculum
38 or the required curriculum for practical nursing, as the case may be, as
39 prescribed by this act and by the rules and regulations of the board.
40 Applications for renewal of accreditation shall be made in writing on
41 forms supplied by the board and shall be submitted to the board together
42 with the application fee fixed by the board. *Each school of nursing shall*
43 *submit annually to the board an annual fee fixed by the board by rules*

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1 *and regulations to maintain the accreditation status.*

2 (b) *Schools for professional nurses.* To qualify as an accredited school
 3 for professional nurses, the school must be conducted in the state of
 4 Kansas, and shall apply to the board and submit evidence that: (1) It is
 5 prepared to carry out the professional curriculum as prescribed in the
 6 rules and regulations of the board; and (2) it is prepared to meet such
 7 other standards as shall be established by this law and the rules and reg-
 8 ulations of the board. *The board shall establish by rules and regulations*
 9 *curriculum requirements for associated degree nursing programs accred-*
 10 *ited under this statute. The board shall establish by rules and regulations*
 11 *curriculum requirements for baccalaureate degree nursing programs ac-*----(delete)
 12 *credited under this statute.*)

13 (c) *Schools for practical nurses.* To qualify as an accredited school for
 14 practical nurses, the school must be conducted in the state of Kansas, and
 15 shall apply to the board and submit evidence that: (1) It is prepared to
 16 carry out the curriculum as prescribed in the rules and regulations of the
 17 board; and (2) it is prepared to meet such other standards as shall be
 18 established by this law and the rules and regulations of the board.

19 (d) *Survey.* The board shall prepare and maintain a list of accredited
 20 schools for both professional and practical nurses whose graduates, if they
 21 have the other necessary qualifications provided in this act, shall be eli-
 22 gible to apply for a license as a registered professional nurse or as a
 23 licensed practical nurse. A survey of the institution or institutions and of
 24 the schools applying for accreditation shall be made by an authorized
 25 employee of the board or members of the board, who shall submit a
 26 written report of the survey to the board. If, in the opinion of the board,
 27 the requirements as prescribed by the board in its rules and regulations
 28 for an accredited school for professional nurses or for practical nurses are
 29 met, it shall so approve and accredit the school as either a school for
 30 professional nurses or practical nurses, as the case may be. From time to
 31 time, as deemed necessary by the board, it shall cause to be made a
 32 resurvey of accredited schools and written reports of such resurveys sub-
 33 mitted to the board. If the board determines that any accredited school
 34 of nursing is not maintaining the standards required by this act and by
 35 rules and regulations prescribed by the board, notice thereof in writing,
 36 specifying the failures of such school, shall be given immediately to the
 37 school. A school which fails to correct such conditions to the satisfaction
 38 of the board within a reasonable time shall be removed from the list of
 39 accredited schools of nursing until such time as the school shall comply
 40 with the standards. All accredited schools shall maintain accurate and
 41 current records showing in full the theoretical and practical courses given
 42 to each student.

43 (e) *Providers of continuing nursing education offerings.* (1) To qualify

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1 as an approved provider of continuing *nursing* education offerings, per-
2 sons, organizations or institutions proposing to provide such continuing
3 *nursing* education offerings shall apply to the board for approval and
4 submit evidence that the applicant is prepared to meet the standards and
5 requirements established by the rules and regulations of the board for
6 such continuing *nursing* education offerings. Initial applications shall be
7 made in writing on forms supplied by the board and shall be submitted
8 to the board together with the application fee fixed by the board.

9 (2) *A long-term provider means a person, organization or institution*
10 *that is responsible for the development, administration and evaluation of*
11 *continuing nursing education programs and offerings. Qualification as an*
12 *a long-term approved provider of continuing nursing education offerings*
13 *shall expire five years after the granting of such approval by the board.*
14 *An approved long-term provider of continuing nursing education offer-*
15 *ings shall submit annually to the board the annual fee established by rules*
16 *and regulations, along with an annual report for the previous fiscal year.*
17 *Applications for renewal as an approved long-term provider of continuing*
18 *nursing education offerings and annual reports shall be made in writing*
19 *on forms supplied by the board and shall be submitted to the board*
20 *together with the application fee fixed by the board.*

21 (3) *Qualification as an approved provider of a single continuing nurs-*
22 *ing education offering, which may be offered once or multiple times, shall*
23 *expire two years after the granting of such approval by the board. Ap-*
24 *proved single continuing nursing education providers shall not be subject*
25 *to an annual fee or annual report.*

26 (4) *In accordance with rules and regulations adopted by the board,*
27 *the board may approve individual educational offerings for continuing*
28 *nursing education which shall not be subject to approval under other*
29 *subsections of this section.*

30 (5) *The board shall accept offerings as approved continuing nursing*
31 *education presented by: Colleges that are approved by a state or the*
32 *national department of education and providers approved by other state*
33 *boards of nursing, the national league for nursing, the national federation*
34 *of licensed practical nurses, the American nurses credentialing center or*
35 *other such national organizations as listed in rules and regulations*
36 *adopted by the board.*

37 (f) *Criteria for evaluating out-of-state schools.* For the purpose of
38 determining whether an applicant for licensure who is a graduate of a
39 school of professional or practical nursing located outside this state meets
40 the requirements of item (2) of subsection (a) of K.S.A. 65-1115 and
41 amendments thereto or the requirements of item (2) of subsection (a) of
42 K.S.A. 65-1116 and amendments thereto, as appropriate, the board by
43 rules and regulations shall establish criteria for determining whether a

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1 particular school of professional nursing located outside this state main-
2 tains standards which are at least equal to schools of professional nursing
3 which are accredited by the board and whether a particular school of
4 practical nursing located outside this state maintains standards which are
5 at least equal to schools of practical nursing which are accredited by the
6 board. The board may send a questionnaire developed by the board to
7 any school of professional or practical nursing located outside this state
8 for which the board does not have sufficient information to determine
9 whether the school meets the standards established under this subsection
10 (f). The questionnaire providing the necessary information shall be com-
11 pleted and returned to the board in order for the school to be considered
12 for approval. The board may contract with investigative agencies, com-
13 missions or consultants to assist the board in obtaining information about
14 schools. In entering such contracts the authority to approve schools shall
15 remain solely with the board.

16 Sec. 3. K.S.A. 1996 Supp. 65-4205 is hereby amended to read as
17 follows: 65-4205. (a) The board shall mail an application for renewal of
18 license to all licensed mental health technicians at least 60 days prior to
19 the expiration date of December 31. Every mental health technician who
20 desires to renew a license shall file with the board, on or before December
21 31 of even-numbered years, a renewal application together with the pre-
22 scribed renewal fee. Every licensee who is no longer engaged in the active
23 practice of mental health technology may so state by affidavit and submit
24 such affidavit with the renewal application. An inactive license may be
25 requested along with payment of a fee as determined by rules and reg-
26 ulations of the board.

27 Except for the first renewal period following licensure by examination
28 or for the first nine months following licensure by reinstatement or en-
29 dorsement, the board shall require every licensee with an active mental
30 health technology license to submit with the renewal application evidence
31 of satisfactory completion of a program of continuing education required
32 by the board. The board by duly adopted rules and regulations shall es-
33 tablish the requirements for such program of continuing education. *Con-*
34 *tinuing education means learning experiences intended to build upon the*
35 *educational and experiential bases of the licensed mental health technician*
36 *for the enhancement of practice, education, administration, research or*
37 *theory development to the end of improving the health of the public.*

38 Upon receipt of such application and evidence of satisfactory comple-
39 tion of the required program of continuing education and upon being
40 satisfied that the applicant meets the requirements set forth in K.S.A. 65-
41 4203 and amendments thereto in effect at the time of initial licensure of
42 the applicant, the board shall verify the accuracy of the application and
43 grant a renewal license.

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1 (b) Any licensee who fails to secure a renewal license within the time
2 specified may secure a reinstatement of such lapsed license by making
3 verified application therefor on a form prescribed by the board together
4 with the prescribed reinstatement fee and, satisfactory evidence as re-
5 quired by the board that the applicant is presently competent and qual-
6 ified to perform the responsibilities of a mental health technician and of
7 satisfying all the requirements for reinstatement. *A reinstatement appli-*
8 *cation for licensure will be held awaiting completion of such documen-*
9 *tation as may be required, but such application shall not be held for a*
10 *period of time in excess of that specified in rules and regulations.*

11 (c) Each licensee shall notify the board in writing of a change in name
12 or address within 30 days of the change. Failure to so notify the board
13 shall not constitute a defense in an action relating to failure to renew a
14 license, nor shall it constitute a defense in any other proceeding.

15 Sec. 4. K.S.A. 65-4206 is hereby amended to read as follows: 65-
16 4206. (a) An approved course of mental health technology is one which
17 has been approved by the board as meeting the standards of this act and
18 the rules and regulations of the board. The course, at a minimum, shall
19 be of six months duration in which the institution shall provide for 18
20 weeks of schooling, one-half devoted to classroom instruction and one-
21 half to clinical experience and shall include the study of:

- 22 (1) Basic nursing concepts;
23 (2) psychiatric therapeutic treatment; and
24 (3) human growth, development and behavioral sciences.

25 (b) An institution which intends to offer a course on mental health
26 technology shall apply to the board for approval and submit evidence that
27 the institution is prepared to and will maintain the standards and curric-
28 ulum as prescribed by this act and the rules and regulations of the board.
29 The application shall be made in writing upon a form prescribed by the
30 board *with the application fee fixed by the board by rules and regulations.*

31 (c) ~~To obtain approval for~~ *The approval of a school of mental health*
32 *technology shall expire five years after the granting of such approval by*
33 *the board. An institution desiring to continue to conduct a course of men-*
34 *tal health technology, the institution shall satisfy apply to the board that*
35 *it is prepared to carry out the for the renewal of approval and submit*
36 *satisfactory proof that the institution will maintain the standards and the*
37 *basic mental health technology curriculum as prescribed by this act and*
38 *the rules and regulations of the board and that it is prepared to and will*
39 *establish standards for the course as prescribed by the board. Applications*
40 *for renewal of approval shall be made in writing on forms supplied by*
41 *the board. Each institution offering a course of mental health technology*
42 *shall submit annually to the board an annual fee fixed by the board by*
43 *rules and regulations to maintain approval status.*

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1 (d) *Providers of continuing education.* (1) *To qualify as an approved*
 2 *provider of continuing education offerings, persons, organizations or in-*
 3 *stitutions proposing to provide such continuing education offerings shall*
 4 *apply to the board for approval and submit evidence that the applicant*
 5 *is prepared to meet the standards and requirements established by the*
 6 *rules and regulations of the board for such continuing education offerings.*
 7 *Initial applications shall be made in writing on forms supplied by the*
 8 *board and shall be submitted to the board together with the application*
 9 *fee fixed by the board.*

10 (2) *A long-term provider means a person, organization or institution*
 11 *that is responsible for the development, administration and evaluation of*
 12 *continuing education programs and offerings. Qualification as a long-term*
 13 *approved provider of continuing education offerings shall expire five years*
 14 *after the granting of such approval by the board. An approved long-term*
 15 *provider of continuing education offerings shall submit annually to the*
 16 *board the annual fee established by rules and regulations, along with an*
 17 *annual report for the previous fiscal year. Applications for renewal as an*
 18 *approved long-term provider of continuing education offerings shall be*
 19 *made in writing on forms supplied by the board.*

20 (3) *Qualification as an approved provider of a single continuing ed-*
 21 *ucation offering, which may be offered once or multiple times, shall expire*
 22 *two years after the granting of such approval by the board. Approved*
 23 *single continuing education providers shall not be subject to an annual*
 24 *fee or annual report.*

25 (4) *In accordance with rules and regulations adopted by the board,*
 26 *the board may approve individual educational offerings for continuing*
 27 *education which shall not be subject to approval under other subsections*
 28 *of this section.*

29 (5) *The board shall accept offerings as approved continuing education*
 30 *presented by: Colleges that are approved by a state or the national de-*
 31 *partment of education and providers approved by other state boards of*
 32 *nursing, the national league for nursing, the national federation of licensed*
 33 *practical nurses, the American nurses credentialing center or other such*
 34 *national organizations as listed in rules and regulations adopted by the*
 35 *board.*

36 Sec. 5. K.S.A. 1996 Supp. 74-1106 is hereby amended to read as
 37 follows: 74-1106. (a) *Appointment, term of office.* (1) *The governor shall*
 38 *appoint a board consisting of 11 members of which ~~five~~ shall be registered*
 39 *professional nurses, two shall be licensed practical nurses, ~~two~~ shall be*
 40 *licensed mental health technicians and two shall be members of the gen-*
 41 *eral public, which shall constitute a board of nursing, with the duties,*
 42 *power and authority set forth in this act. The members of the board of*
 43 *nursing holding office on the effective date of this amendment shall con-*

—six—
—one—

1 ~~time as members until the expiration of their respective terms.~~

2 ~~(2) Upon the expiration of the term of any registered professional)~~
 3 ~~nurse, licensed practical nurse, or licensed mental health technician, in)~~
 4 ~~dividuals may submit to the governor lists of licensees' names for the)~~----(delete)
 5 ~~positions open on the board. Appointments shall be made after consid-)~~
 6 ~~eration of such lists and individual applications for terms of four years)~~
 7 ~~and until a successor is appointed and qualified.)~~

8 (2) (3) Upon the expiration of the term of any registered professional
 9 nurse, the Kansas state nurses association shall submit to the governor a
 10 list of registered professional nurses containing names of not less than
 11 three times the number of persons to be appointed, and appointments
 12 shall be made after consideration of such list for terms of four years and
 13 until a successor is appointed and qualified.

14 (3) (4) On the effective date of this act, the Kansas federation of
 15 licensed practical nurses shall submit to the governor a list of licensed
 16 practical nurses containing names of not less than three times the number
 17 of persons to be appointed, and appointments shall be made after con-
 18 sideration of such list, with the first appointment being for a term of four
 19 years and the second appointment being for a term of two years. Upon
 20 the expiration of the term of any licensed practical nurse, a successor of
 21 like qualifications shall be appointed in the same manner as the original
 22 appointment for a term of four years and until a successor is appointed
 23 and qualified.

24 (4) (5) Upon the expiration of the term of any mental health tech-
 25 nician, the Kansas association of human services technologies shall submit
 26 to the governor a list of persons licensed as mental health technicians
 27 containing names of not less than three times the number of persons to
 28 be appointed, and appointments shall be made after consideration of such
 29 list for terms of four years and until a successor is appointed and qualified.

30 (5) (6) Each member of the general public shall be appointed for a
 31 term of four years and successors shall be appointed for a like term.

32 (6) (7) Whenever a vacancy occurs on the board of nursing, it shall
 33 be filled by appointment for the remainder of the unexpired term in the
 34 same manner as the preceding appointment. No person shall serve more
 35 than two consecutive terms as a member of the board of nursing and
 36 appointment for the remainder of an unexpired term shall constitute a
 37 full term of service on such board.

38 (b) *Qualifications of members.* Each member of the board shall be a
 39 citizen of the United States and a resident of the state of Kansas. Regis-
 40 tered professional nurse members shall possess a license to practice as a
 41 professional nurse in this state with at least five years' experience in nurs-
 42 ing as such and shall be actively engaged in *professional nursing in Kansas*
 43 at the time of appointment and reappointment. The licensed practical

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1 nurse members shall be graduated from an accredited practical nurse
 2 program; hold a diploma from an accredited high school or have otherwise
 3 obtained the equivalent of a high school education and be licensed to
 4 practice practical nursing in the state with at least five years' experience
 5 in practical nursing and shall be actively engaged in practical nursing in
 6 Kansas at the time of appointment and reappointment. Upon the expi-
 7 ration of the terms of the registered professional nurse members holding
 8 office on July 1, 1993, The governor shall appoint successors so that the
 9 registered professional nurse membership of the board shall consist of

10 ~~two members who are engaged in nursing service,~~ two members who are ~~at least (twice)~~

11 ~~engaged in nursing education and~~ one member who is engaged in practice ~~at least~~

12 as an advanced registered nurse practitioner or a registered nurse anes-
 13 thetist. The registered professional nurse members of the board holding
 14 office on the effective date of this act shall continue as members until the
 15 expiration of their respective terms. The licensed mental health techni-
 16 cian members shall be high school graduates or shall have obtained the
 17 equivalent of a high school education and shall be licensed to practice as

18 licensed mental health technician in the state with at least five years' ~~and shall be actively engaged in the field of mental health~~
 19 experience at the time of appointment and reappointment. The consumer ~~technology in Kansas~~

20 members shall represent the interests of the general public. Each mem-
 21 ber of the board shall take and subscribe the oath prescribed by law for
 22 state officers, which oath shall be filed with the secretary of state.

23 (c) Duties and powers. (1) The board shall meet annually at Topeka
 24 during the month of July September and shall elect from its members a
 25 president, vice-president and secretary, each of whom shall hold their
 26 respective offices for one year. The board shall employ an executive ad-
 27 ministrator, who shall be a registered professional nurse, who shall not
 28 be a member of the board and who shall be in the unclassified service
 29 under the Kansas civil service act, and shall employ such other employees,
 30 who shall be in the classified service under the Kansas civil service act as
 31 necessary to carry on the work of the board. As necessary, the board shall
 32 be represented by an attorney appointed by the attorney general as pro-
 33 vided by law, whose compensation shall be determined and paid by the
 34 board with the approval of the governor. The board may hold such other
 35 meetings during the year as may be deemed necessary to transact its
 36 business.

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

41 (3) The board shall prescribe curricula and standards for professional
 42 and practical nursing programs and mental health technician programs,
 43 and provide for surveys of such schools and courses at such times as it

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1 may deem necessary. It shall accredit such schools and approve courses
2 as meet the requirements of the appropriate act and rules and regulations
3 of the board.

4 (4) The board shall examine, license and renew licenses of duly qual-
5 ified applicants and conduct hearings upon charges for limitation, sus-
6 pension or revocation of a license or accreditation of professional and
7 practical nursing and mental health technician programs and may limit,
8 deny, suspend or revoke for proper legal cause, licenses or accreditation
9 of professional and practical nursing and mental health technician pro-
10 grams, as hereinafter provided. Examination for applicants for registration
11 shall be given at least twice each year and as many other times as deemed
12 necessary by the board. The board shall promote improved means of
13 nursing education and standards of nursing care through institutes, con-
14 ferences and other means.

15 (5) The board shall have a seal of which the executive administrator
16 shall be the custodian. The president and the secretary shall have the
17 power and authority to administer oaths in transacting business of the
18 board, and the secretary shall keep a record of all proceedings of the
19 board and a register of professional and practical nurses and mental health
20 technicians licensed and showing the certificates of registration or licenses
21 granted or revoked, which register shall be open at all times to public
22 inspection.

23 (6) The board may enter into contracts as may be necessary to carry
24 out its duties.

25 (7) The board is hereby authorized to apply for and to accept grants
26 and may accept donations, bequests or gifts. The board shall remit all
27 moneys received by it under this paragraph (7) to the state treasurer at
28 least monthly. Upon receipt of any such remittance, the state treasurer
29 shall deposit the entire amount thereof in the state treasury, and such
30 deposit shall be credited to the grants and gifts fund which is hereby
31 created. All expenditures from such fund shall be made in accordance
32 with appropriation acts upon warrants of the director of accounts and
33 reports issued pursuant to vouchers approved by the president of the
34 board or a person designated by the president.

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

37 (d) *Subpoenas.* In all investigations and proceedings, the board shall
38 have the power to issue subpoenas and compel the attendance of wit-
39 nesses and the production of all relevant and necessary papers, books,
40 records, documentary evidence and materials. Any person failing or re-
41 fusing to appear or testify regarding any matter about which such person
42 may be lawfully questioned or to produce any books, papers, records,
43 documentary evidence or relevant materials in the matter, after having

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1 been required by order of the board or by a subpoena of the board to do
2 so, upon application by the board to any district judge in the state, may
3 be ordered by such judge to comply therewith. Upon failure to comply
4 with the order of the district judge, the court may compel obedience by
5 attachment for contempt as in the case of disobedience of a similar order
6 or subpoena issued by the court. A subpoena may be served upon any
7 person named therein anywhere within the state with the same fees and
8 mileage by an officer authorized to serve subpoenas in civil actions in the
9 same procedure as is prescribed by the code of civil procedure for sub-
10 poenas issued out of the district courts of this state.

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

16 Sec. 6. K.S.A. 65-1119 and 65-4206 and K.S.A. 1996 Supp. 65-1117,
17 65-4205 and 74-1106 are hereby repealed.

18 Sec. 7. This act shall take effect and be in force from and after its
19 publication in the statute book.



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the Voice of Nursing in Kansas

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February 13, 1997

S.B. 165 NURSE PRACTICE ACT CHANGES

Senator Praeger and members of the Senate Public Health and Welfare Committee, my name is Carolyn Middendorf M.N., R.N. and I am the Past-President of the Kansas State Nurses Association. We are pleased to be here today to testify on S.B. 165 which makes some necessary changes to the Nurse Practice Act.

The professional organization is very supportive of the changes being proposed in the bill related to continuing nursing education, including:

a new definition that is broader and more inclusive,

clarifying the statutory authority of the Board of Nursing to approve continuing education courses that licensees attend on an individual basis and,

the new language which provides recognition of national accrediting bodies for CNE so that licensees will be able to submit attendance certificates with their license renewals and no additional documentation will be required.

We would also like to *support* the amendments proposed by the Kansas Organization of Nursing Leaders that provides a *change in the composition of the Board of Nursing by adding a Registered Nurse position* by reducing the number of LMHT's on the Board from 2 to 1. The number of LMHT's has dropped dramatically over the past fifteen years from 1750 in 1981 to 1054 in 1991 down to 700 in 1996. We believe that the amendment offered regarding the need for the LMHT serving on the Board to be "actively engaged in the field of mental health technology in Kansas" is also necessary. All RN's and LPN's appointed to the Board of Nursing have this requirement and this provides continuity for members serving.

The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a unified voice for nursing in Kansas and to advocate for the health and well-being of all people.

Constituent of The American Nurses Association

Senate Public Health and Welfare
Date: 2-13-97
Attachment No. 3

S.B. 165 Nurse Practice Act
February 13, 1997
Page 2

On page 8 of the bill the Board of Nursing has added a new section (2) (beginning on line 2) that we believe is unnecessary. We have provided a balloon amendment to remove this section.

Currently the Kansas State Nurses Association is required to submit to the Governor's office the names of at least three RN's for each vacancy to be filled. Each May a interview panel of 7 RN's from around the state, representing various nursing organizations and healthcare settings is convened to conduct interviews of RN's interested in serving on the Board of Nursing. Solicitation of RN's to serve is widely distributed throughout statewide nursing publications and professional meetings. All known candidates are offered the opportunity for interview. This peer review process has been very well received by the profession and provides a very formal process for submitting nominations to the Governor for appointment. Serving on the regulatory board is a substantial commitment of time and talent, we believe the public is well served when those serving are well informed about their role and understand the obligations of the appointment. A copy of the Policy and Procedure used by KSNA for this is attached to my testimony. We recognize that the Governor is not obligated to select the appointees to the Board from the KSNA list submitted, however, as a profession we support a peer reviewed process for forwarding names for his/her review. We ask that you give serious consideration to removing the proposed change on page 8.

Thank you.

3-3
3-X

1 tinue as members until the expiration of their respective terms.

2 ~~(2) Upon the expiration of the term of any registered professional~~
3 ~~nurse, licensed practical nurse, or licensed mental health technician, in~~
4 ~~dividuals may submit to the governor lists of licensees' names for the~~
5 ~~positions open on the board. Appointments shall be made after consid-~~
6 ~~eration of such lists and individual applications for terms of four year~~
7 ~~and until a successor is appointed and qualified.~~

Delete

8 ~~(2)~~ (3) Upon the expiration of the term of any registered professiona
9 nurse, the Kansas state nurses association shall submit to the governor
10 list of registered professional nurses containing names of not less tha
11 three times the number of persons to be appointed, and appointment
12 shall be made after consideration of such list for terms of four years an
13 until a successor is appointed and qualified.

14 ~~(3)~~ (4) On the effective date of this act, the Kansas federation c
15 licensed practical nurses shall submit to the governor a list of license
16 practical nurses containing names of not less than three times the numbe
17 of persons to be appointed, and appointments shall be made after cor
18 sideration of such list, with the first appointment being for a term of fo
19 years and the second appointment being for a term of two years. Upo
20 the expiration of the term of any licensed practical nurse, a successor c
21 like qualifications shall be appointed in the same manner as the origin
22 appointment for a term of four years and until a successor is appointe
23 and qualified.

24 (4) (5) Upon the expiration of the term of any mental health tecl
25 nician, the Kansas association of human services technologies shall subm
26 to the governor a list of persons licensed as mental health technician
27 containing names of not less than three times the number of persons t
28 be appointed, and appointments shall be made after consideration of suc
29 list for terms of four years and until a successor is appointed and qualifie

30 ~~(5)~~ (6) Each member of the general public shall be appointed for
31 term of four years and successors shall be appointed for a like term.

32 (6) (7) Whenever a vacancy occurs on the board of nursing, it sha
33 be filled by appointment for the remainder of the unexpired term in tl
34 same manner as the preceding appointment. No person shall serve mo
35 than two consecutive terms as a member of the board of nursing an
36 appointment for the remainder of an unexpired term shall constitute
37 full term of service on such board.

38 (b) *Qualifications of members.* Each member of the board shall be
39 citizen of the United States and a resident of the state of Kansas. Reg
40 tered professional nurse members shall possess a license to practice a
41 professional nurse in this state with at least five years' experience in nu
ing as such and shall be actively engaged in *professional nursing in Kans*
at the time of appointment and reappointment. The licensed practi

KANSAS STATE NURSES ASSOCIATION
PROPOSED CHANGE TO S.B. 165
February 13, 1997



Kansas State Nurses Association Procedure for Selecting Nominees to the Governor for Appointment to the Kansas Board of Nursing

The Kansas State Nurses Association Board of Directors will forward the names of at least three candidates for the Governors consideration for each RN vacancy on the Board of Nursing. The following process will be used to provide a well-balanced and objective process for candidate selection. The following general criteria will be used to evaluate candidates for BON appointment:

- a. Demonstrates a commitment to nursing.
- b. Demonstrates self-direction and professional growth.
- c. Exhibits leadership ability, at work and in the community.
- d. Uses a full range of skills in relation to nursing practice and/or education.
- e. Integrates the changes presently occurring in nursing.
- f. Acts as a client advocate.
- g. Engages in activities outside of nursing.
- h. Currently in Practice in the State of Kansas.

Panel members should rate each criteria on a scale of 1-5 (1 being low and 5 being high) to help rank order the candidates at the end of the interview process.

Interview Panel Selection

An interview panel will be used to review and interview candidates. The interview panel will be composed of seven members selected by the KSNA Board of Directors using the following criteria for selection: Must be a current KSNA member, has attended BON meetings and/or understands the role and function of Board members; has participated on voluntary board or committees and/or as staff to one and has a firm understanding of role differentiation between BON staff and Board members.

Seven Member Interview Panel Shall Include:

- ❖ Nurse Executive RN-Hospital (preferably a KONL member also)
- ❖ Nurse Educator LPN or RN program educator (preferably a KACN, Council of ADN, Council on LPN Educators or NLN member also)
- ❖ ARNP/RNA Currently practicing ARNP or RNA (preferably a KANA member if RNA)
- ❖ 1 past BON Board member (for position open) 1 educator or 1 practice
- ❖ Member of the KSNA Board of Directors, preferably a member of the Executive Committee
- ❖ Two RN's-at-large--preferably a staff RN from Hospital, Long Term Care, Community Health, Home Health, Hospice, etc.

RN Candidates to be Interviewed

All known RN candidates will be invited to participate in the interview process, regardless of KSNA membership status. Phone interview with the interview panel will be afforded to those who cannot come to the interview site.

Interview Process

The interview process will be open to any Registered Nurse to observe. Observers may not participate in any fashion during the interview or discussion with the interview panel members about the candidates. No more than three brief narrative questions to be completed by candidate and submitted prior to interview to interview panel. The written responses should be brief and could be used as a basis for questions/follow-up by the interview panel. The questions should be the same

for all candidates.

The interview process will consist of a maximum of one hour of interviewing.

Candidates will begin with a five minute presentation about their education and experiences in nursing. This should include reflections on their potential for contributing as a member of the Board if appointed.

The interview panel will then have an opportunity to pose at least one question each to the candidate.

Interview Panel Deliberations

The Interview Panel will meet in private, without observers following the interviews. As a panel the members will rank order candidates. The rank order will be forwarded to the KSNA Board of Directors for review and approval. Upon publication of the candidates to be submitted to the Governor for consideration for appointment to the Kansas Board of Nursing the names will be made available to the public, including the interview panel. Additionally, each interview panel member can provide comments regarding candidates that may not be reflected in the interview panel group rank order. These comments will be summarized by the KSNA Secretary, who is not to be a member of the interview panel, and given to the Board of Directors confidentially.

KSNA Board of Directors Review/Approval of Interview Panel Recommendations

The KSNA Board will review in Executive Session the rank ordered recommendations by the Interview Panel.

The KSNA Board of Directors will make the formal recommendations to be submitted from KSNA to the Governor based on these recommendations. The names will be submitted in alphabetical order. At the Governors request the rank order assigned to the candidates will be provided in writing.

Notification of Candidates/Interview Panel Members

RN candidates will be notified by mail of the names being submitted by KSNA to the Governor for appointment.

The interview panel members will be notified by mail of the RN names being submitted to the Governor for appointment.

Confidentiality

The interview panel will be asked to maintain confidentiality on the discussion held by the interview panel as they deliberate to provide the rank order of candidates for review and approval by the KSNA Board of Directors.

The Board of Directors will also be expected to maintain confidentiality on the discussion held in Executive Session. Candidate interview statements, responses and qualifications are not subject to the confidentiality provision.

Reimbursement

No reimbursement for expenses will be provided to either candidates or interview panel members.



kansas league for nursing, inc.
1341 north river blvd. • wichita, ks. 67203
Testimony to the Senate Health and Welfare Committee
February 13, 1997

Senator Praeger and Distinguished members of the Senate Health and Welfare Committee, I thank you for the opportunity to speak with you this morning. My name is Patricia Bayles, Executive Director of the Kansas League for Nursing, a constituent league of the National League for Nursing. All professional nursing programs in Kansas are accredited by the National League for Nursing (NLN).

The Kansas League for Nursing (KLN) wishes to testify in regard to Senate Bill 165; page three, lines 10-12. "The board shall establish by rules and regulations curriculum requirements for baccalaureate degree in nursing programs accredited under this statute." The language proposed would give the Kansas State Board of Nursing statutory authority to set specific requirements for a baccalaureate in nursing. A change of this magnitude should be done in a deliberate and scholarly manner; the omission of the requirements for the associate degree in nursing does not change the intent of this statute. A two month period for a regulatory agency to take on a professional issue of this magnitude raises many questions.

The past five years have been dynamic and invigorating for nursing in Kansas. The work of the Council for Nursing Articulation in Kansas has implemented a state wide articulation model, 100% of Kansas nursing programs are participating in the plan. Nursing organizations have collaborated to facilitate state wide programs. The nursing coalition and the highly successful Nurse's Day at the Legislature all speak to the collaborativeness and resourcefulness of the professional nursing organizations in our state.

The Kansas State Nurses' Association is prepared to begin a study of differentiated nursing that will involve education and practice of nursing at all levels. Nurses of Kansas will come to consensus and present a well conceived plan related to differentiation of education and practice. Kansas has always been a leader in nursing; let us continue. The language and intent of this section of Senate Bill 165 is premature.

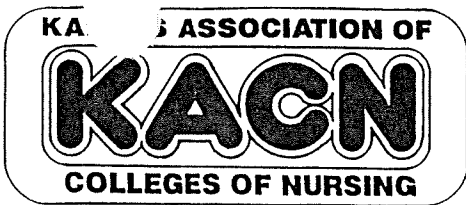
The second part of this testimony relates to the composition of the Kansas State Board of Nursing; KSA 74 1106 on page 7, lines 37-41 of SB165. The Kansas League for Nursing believes the current composition of KSBN is not adequate to address the issues presented by nursing practice in the rapidly changing health care system in Kansas. KLN believes the composition should be changed to reflect a majority of registered nurses and endorses the following:

- 1) The governor shall appoint a board consisting of eleven (11) members of which six shall be registered nurses, two shall be licensed practical nurses, one shall be a licensed mental health technician and two 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.

Again thank you for your time; if you have any questions please feel free to ask them.

patricia bayles, executive direc

Senate Public Health and Welfare
Date: 2-13-97
Attachment No. 4



Senator Praeger and members of the Senate Public Health and Welfare Committee, my name is Martha Butler, and I am current president of the Kansas Association of Colleges of Nursing (KACN). I wish to speak in support of one of the proposals included in Senate Bill 165, which makes an essential change to the Nurse Practice Act.

KACN is comprised of the deans, directors, and chairpersons of the state's 12 baccalaureate (BSN) nursing programs. Member institutions are:

Baker University
Bethel College
Emporia State University
Fort Hays State University
Kansas Newman College
Kansas Wesleyan University
MidAmerica Nazarene College
Pittsburg State University
Southwestern College
University of Kansas
Washburn University
Wichita State University

Baker University
School of Nursing
Stormont-Vail Campus
Topeka, KS 66604
(913) 354-5853

Bethel College
Department of Nursing
North Newton, KS 67117
(316) 283-2500

Emporia State University
Newman Division of Nursing
Emporia, KS 55801-2598
(316) 343-6800 ext. 641

Fort Hays State University
Department of Nursing
Hays, KS 67601
(913) 628-4498

Kansas Newman College
Division of Nursing
Wichita, KS 67213
(316) 942-4291

Kansas Wesleyan University
Division of Nursing Education
Salina, KS 67401
(913) 827-5541 ext. 212

MidAmerica Nazarene College
Division of Nursing
Olathe, KS 66062-1899
(913) 782-3750 ext.290

Pittsburg State University
Department of Nursing
Pittsburg, KS 66762
(316) 231-7000 ext. 4431

Southwestern College
Department of Nursing
Winfield, KS 67156
(316) 221-8306

University of Kansas
School of Nursing
Kansas City, KS 66160-7500
(913) 588-1601

Washburn University
School of Nursing
Topeka, KS 66621
(913) 231-1010 ext. 1525

The Wichita State University
School of Nursing
Wichita, KS 67260-0041
(316) 689-3610

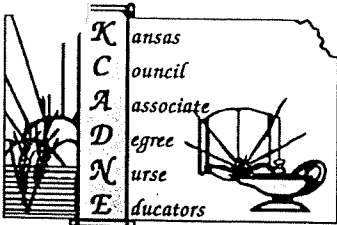
KACN supports the inclusion of language that would give the Kansas State Board of Nursing statutory authority to establish curriculum requirements for the two levels of professional nursing education: the associate degree and baccalaureate levels. Our reasons for this support are as follows.

The Kansas State Board of Nursing is the state accrediting body for nursing education programs, and as such, currently has authority to regulate the curricula of professional nursing programs, according to K.S.A. 65-1119(b)(1). The question is whether the board of nursing should have statutory authority to establish separate regulations for the two levels of professional nursing education. Under current statutes, no such rule or regulation can be set forth. As the board has conducted hearings in relation to its rules and regulations, it has heard testimony from various groups regarding the differences in curriculum content and length between the two levels. KACN believes it is essential the board have statutory authority in order to address the reality of current nursing education. If we are to prepare graduates at the level identified by national accrediting standards for BSN education, the Board of Nursing must have the authority to state what will minimally be required for such preparation. Furthermore, the Board should have statutory authority to ensure safety and protection of the public when its members are cared for by nurses prepared at varying levels.

It is important to emphasize that currently two levels of professional nursing education do exist, and both have different sets of academic requirements. The proposed change in the Nurse Practice Act would not change that reality. It is important to realize also that the Council of Nursing Articulation in Kansas, an organization comprised of educators from both associate degree and baccalaureate nursing programs, has developed competencies that essentially identify the two levels of professional nursing education. Furthermore, the National League for Nursing, the accrediting agency for nursing programs, identifies two distinct sets of criteria and outcomes for both the associate degree and baccalaureate programs. We ask that these realities be acknowledged in the Nurse Practice Act.

Thank you.

Senate Public Health & Welfare
Date: 2-13-97
Attachment No. 5



- Barton County CC
Great Bend, KS
- Butler County CC
El Dorado, KS
- Cloud County CC
Concordia, KS
- Colby CC
Colby, KS
- Dodge City CC
Dodge City, KS
- Fort Scott CC
Fort Scott, KS
- Garden City CC
Garden City, KS
- Hesston CC
Hesston, KS
- Hutchinson CC
Hutchinson, KS
- Johnson County CC
Overland Park, KS
- Kansas City Kansas CC
Kansas City, KS
- Kansas Wesleyan Univ.
Salina, KS
- Labette CC
Parsons, KS
- Neosho County CC
Chanute, KS
- Pratt CC
Pratt, KS
- Seward County CC
Liberal, KS

Senator Sandy Praeger, and other Senators serving on the Public Health and Welfare committee, thank you for allowing me to testify opposing SB 165 on behalf of the Kansas Council of Associate Degree Nurse Educators (KCADNE). KCADNE represents sixteen associate degree nursing schools across Kansas. KCADNE is opposing language on page 3, lines 8 through 12, (K.S.A. 65-1117) of SB 165 stating; "The board shall establish by rules and regulations curriculum requirements for associate degree nursing programs accredited under this statute. The board shall establish by rules and regulations curriculum requirements for baccalaureate degree nursing programs accredited under this statute."

Our recommendation is that this be stricken from this bill. The rationale for this change is two fold:

1. At the present time the Kansas State Board of Nursing (KSBN) regulates the education of two levels of nursing education; practical and professional nursing. The Council for Nursing Articulation in Kansas (C-NAK) has been studying practical, associate and baccalaureate degree nursing education since 1992 with the implementation of a state-wide nursing education articulation plan by 100% of the nursing schools in Kansas in 1996. This task was done without legislative pressure, but by educators interested in the upward educational mobility of their students. Even though this extensive project was very beneficial to schools of nursing in Kansas and their students it did not involve the practice sector of nursing. There is currently movement by the Kansas State Nurses' Association (KSNA) to embark upon a differentiated nursing practice study that does involve both education and practice of nursing at all levels. This movement is enthusiastically supported by all nursing education councils, as well as C-NAK. This movement is also self-generated from the nursing profession and not legislated. It is premature to place into law statements regarding differentiated education prior to the results of such a study. It would not be wise for the Kansas Nurse Practice Act to differentiate nursing education without differentiated practice. In our opinion this statement is premature and should be stricken from this bill.

2. The primary purpose of the KSBN is protection of the public and according to the Kansas Association of Colleges of Nursing and to Patsy Johnson, Executive Director of the KSBN, the rationale of these two sentences is to aide the baccalaureate nursing programs in obtaining funding for at least 50 credit hours of nursing education in their institutions. We are certainly sympathetic with the issue of funding expensive nursing education classes; however, do not believe

**An Organization of Direct
Associate Degree Nursing Education Program**

Senate Public Health and Welfare
Date: 2-13-97
Attachment No. 6

it is a public safety issue. The issue of funding should not be addressed in the Nurse Practice Act. Funding is an education issue and will be debated in bills regulating education. The KSBN in good faith have offered an amendment to strike the first sentence regarding associate degree education; however, this is not acceptable. By stating that the board shall establish by rules and regulations curriculum requirements for baccalaureate degree nursing programs accredited under this statute, they will be also regulating the associate degree nursing programs by default. Until the issue of differentiated practice in nursing is researched, and results known, these two statements should be stricken from this bill.

KCADNE would also like to offer an amendment to K.S.A. 74-1106 on page 7, lines 37 through 41 of SB 165. The amendment would read as follows: "(1) The governor shall appoint a board consisting of 11 members of which six shall be registered nurses, two shall be licensed practical nurses, one shall be a licensed mental health technician and two 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 registered nurse members shall be composed of two representing practice, three nurse educators; one each representing practical nurse, associate degree and baccalaureate degree nursing, and one representing advanced practice."

The rationale for this change is to more accurately represent nursing education and practice in the state. There are very few mental health technicians in the state in relation to the number of practical and registered nurses; therefore, a larger representation of registered nurses on the board are necessary to regulate practice for the protection of the public. Education, continuing education, practice and disciplinary actions guided by policies and procedures are developed, implemented and evaluated by members of the KSBN. Membership of the KSBN needs to be representative of the levels of practitioners within the state.

Respectively Submitted February 13, 1997

Caroline A. Helton

Caroline Helton, R.N., B.S.N., M.S., M.N.

Director of Nursing/Allied Health

Fort Scott Community College

and

Spokesperson for Kansas Council of Associate

Degree Nurse Educators