

HOUSE BILL No. 2368

By Committee on Health and Human Services

Requested by Representative Buehler on behalf of the Kansas Association of
Anesthesiologist Assistants

2-7

1 AN ACT enacting the anesthesiologist assistant licensure act; providing
2 for the powers, duties and functions of the state board of healing arts
3 thereunder; amending K.S.A. 65-1163 and 65-28,127 and K.S.A. 2024
4 Supp. 22-4714 and repealing the existing sections.
5

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

7 New Section 1. Sections 1 through 12, and amendments thereto, shall
8 be known and may be cited as the anesthesiologist assistant licensure act.

9 New Sec. 2. As used in the anesthesiologist assistant licensure act:

10 (a) "Anesthesiologist" means a physician who has completed a
11 residency in anesthesiology approved by the American board of
12 anesthesiology or the osteopathic board of anesthesiology.

13 (b) "Anesthesiologist assistant" means a person who is licensed in
14 accordance with the provisions of this act and who provides patient
15 services under the direction and supervision of a supervising or designated
16 anesthesiologist.

17 (c) "Applicant" means a person who submits an original application
18 for, or reinstatement of, any license, registration, permit or certificate.

19 (d) "Board" means the state board of healing arts.

20 (e) "Designated anesthesiologist" means an anesthesiologist
21 designated by the supervising anesthesiologist to ensure direction and
22 supervision of the anesthesiologist assistant.

23 (f) "Direction and supervision" means the guidance, direction and
24 coordination of the activities of an anesthesiologist assistant by such
25 anesthesiologist assistant's supervising or designated anesthesiologist,
26 whether written or verbal, whether immediate or by prior arrangement, in
27 accordance with standards established by the board by rules and
28 regulations, which standards shall be designed to ensure adequate direction
29 and supervision by the supervising or designated anesthesiologist of the
30 anesthesiologist assistant.

31 (g) "License" means any license or temporary license granted under
32 the anesthesiologist assistant licensure act.

33 (h) "Licensee" means all persons issued a license or temporary
34 license pursuant to the anesthesiologist assistant licensure act.

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

3 (j) "Supervising anesthesiologist" means an anesthesiologist who has
4 accepted continuous and ultimate responsibility for the medical services
5 rendered by and actions of the anesthesiologist assistant while performing
6 under the direction and supervision of the designated anesthesiologist.

7 New Sec. 3. (a) There is hereby created a designation of active
8 license. The board shall issue an active license to an anesthesiologist
9 assistant who makes written application for such license on a form
10 provided by the board and remits the fee for an active license established
11 pursuant to subsection (g). As a condition of engaging in active practice as
12 an anesthesiologist assistant, each licensed anesthesiologist assistant shall
13 file a request to engage in active practice signed by the anesthesiologist
14 assistant and the supervising anesthesiologist who will be responsible for
15 supervising the anesthesiologist assistant. The request shall contain such
16 information as required by rules and regulations adopted by the board. The
17 board shall maintain a list of the names of anesthesiologist assistants who
18 may engage in active practice in this state.

19 (b) All licenses, except temporary licenses, shall expire on the date of
20 expiration established by rules and regulations of the board and may be
21 renewed as required by the board. The request for renewal shall be on a
22 form provided by the board and shall be accompanied by the renewal fee
23 established pursuant to this section, that shall be paid not later than the
24 expiration date of the license.

25 (c) At least 30 days before the expiration of the license of an
26 anesthesiologist assistant, except for a temporary license, the board shall
27 notify the licensee of the expiration in writing, which may include
28 electronic service. If the licensee fails to pay the renewal fee by the date of
29 expiration of the license, the licensee shall be given a second notice that
30 the licensee's license has expired and the license may be renewed only if
31 the renewal fee and the late renewal fee are received by the board within
32 the 30-day period following the date of expiration and that, if both fees are
33 not received within the 30-day period, the license shall be deemed
34 canceled by operation of law without further proceedings for failure to
35 renew and shall be reissued only after the license has been reinstated
36 pursuant to the provisions of subsection (d).

37 (d) Any license canceled for failure to renew may be reinstated upon
38 recommendation of the board and upon payment of the reinstatement fee
39 and upon submission of evidence of satisfactory completion of any
40 applicable continuing education requirements established by the board.
41 The board shall adopt rules and regulations establishing appropriate
42 continuing education requirements for reinstatement of licenses canceled
43 for failure to renew.

1 (e) There is hereby created the designation of inactive license. The
2 board shall issue an inactive license to any licensee who makes written
3 application for such license on a form provided by the board and remits the
4 fee for an inactive license established pursuant to subsection (f). The board
5 may issue an inactive license only to a person who meets all the
6 requirements for a license to practice as an anesthesiologist assistant but
7 who does not engage in active practice as an anesthesiologist assistant in
8 the state of Kansas. An inactive license shall not entitle the holder to
9 engage in active practice. The provisions of subsections (c) and (d) relating
10 to expiration, renewal and reinstatement of a license shall be applicable to
11 an inactive license issued under this subsection. Each inactive licensee
12 may apply to engage in active practice by presenting a request required by
13 subsection (a). The request shall be accompanied by the fee established
14 pursuant to subsection (g).

15 (f) (1) There is hereby created a license by endorsement. The board
16 shall issue a license by endorsement without examination to a person who
17 has been in active practice as an anesthesiologist assistant in some other
18 state, territory, the District of Columbia or other country upon certification
19 of the proper licensing authority of that state, territory, the District of
20 Columbia or other country certifying that the applicant is duly licensed,
21 that the applicant's license has never been limited, suspended or revoked,
22 that the licensee has never been censured or had other disciplinary action
23 taken and that, so far as the records of such authority are concerned, the
24 applicant is entitled to its endorsement. The applicant shall also present
25 proof satisfactory to the board:

26 (A) That the state, territory, the District of Columbia or country
27 where the applicant last practiced has and maintains standards at least
28 equal to those maintained by this state;

29 (B) that the applicant's original licensure was based upon an
30 examination at least equal in quality to the examination required in this
31 state and that the passing grade required to obtain such original license
32 was comparable to that required in this state;

33 (C) the date of the applicant's original and all endorsed licenses and
34 the date and place from which any license was attained;

35 (D) that the applicant has been actively engaged in practice under
36 such license or licenses since issuance. The board may adopt rules and
37 regulations establishing appropriate qualitative and quantitative practice
38 activities to qualify as active practice; and

39 (E) that the applicant has a reasonable ability to communicate in
40 English.

41 (2) An applicant for a license by endorsement shall not be granted
42 such license unless, as determined by the board, the applicant's
43 qualifications are substantially equivalent to Kansas requirements. In lieu

1 of any other requirement prescribed by law for satisfactory passage of any
2 examination for anesthesiologist assistants, the board may accept evidence
3 demonstrating that the applicant or licensee has satisfactorily passed an
4 equivalent examination given by a national board of examiners for
5 physician assistants.

6 (g) The following fees shall be fixed by rules and regulations adopted
7 by the board and shall be collected by the board:

8 (1) An application for any license as an anesthesiologist assistant, not
9 more than \$200;

10 (2) an applicant for temporary licensure as an anesthesiologist
11 assistant, not more than \$30;

12 (3) for the renewal of a license to practice as an anesthesiologist
13 assistant, not more than \$150;

14 (4) for the renewal of an inactive license, not more than \$75;

15 (5) for the late renewal of any license as an anesthesiologist assistant,
16 an additional fee shall be assessed, not more than \$100;

17 (6) for reinstatement of a license canceled for failure to renew, not
18 more than \$250;

19 (7) for a certified statement from the board that an anesthesiologist
20 assistant is licensed in this state, not more than \$30;

21 (8) for a copy of the licensure certificate of an anesthesiologist
22 assistant, not more than \$25; and

23 (9) for conversion of an inactive license to a license to actively
24 practice as an anesthesiologist assistant, not more than \$150.

25 (h) The board shall remit all moneys received from fees, charges or
26 penalties to the state treasurer in accordance with the provisions of K.S.A.
27 75-4215, and amendments thereto. Upon receipt of each such remittance,
28 the state treasurer shall deposit the entire amount in the state treasury to
29 the credit of the healing arts fee fund. All expenditures from such fund
30 shall be made in accordance with appropriation acts upon warrants of the
31 director of accounts and reports issued pursuant to vouchers approved by
32 the president of the board or by a person designated by the president of the
33 board.

34 (i) The board shall adopt all necessary rules and regulations for
35 carrying out the provisions of this act. The board may grant a temporary
36 variance from an identified rule or regulation when a literal application or
37 enforcement of the rule or regulation would result in serious hardship and
38 the relief granted would not result in any unreasonable risk to the public
39 interest, safety or welfare.

40 New Sec. 4. (a) No person shall be licensed as an anesthesiologist
41 assistant by the board unless such person has:

42 (1) Presented to the board proof that the applicant has successfully
43 completed a course of education and training approved by the board for

1 the education and training of an anesthesiologist assistant, or presented to
2 the board proof that the applicant has acquired experience while serving in
3 the armed forces of the United States, if such experience is equivalent to
4 the minimum experience requirements established by the board;

5 (2) passed an examination approved by the board covering topics
6 incidental to the education and training of an anesthesiologist assistant;
7 and

8 (3) submitted to the board any other information that the board deems
9 necessary through rules and regulations to evaluate the applicant's
10 qualifications.

11 (b) (1) As part of an original application for or reinstatement of any
12 license, registration, permit or certificate or in connection with any
13 investigation of any holder of a license, registration, permit or certificate,
14 pursuant to K.S.A. 2024 Supp. 22-4714, and amendments thereto, the
15 board may require an applicant or licensee to be fingerprinted and submit
16 to a state and national criminal history record check.

17 (2) The board may fix and collect a fee as may be required by the
18 board in an amount necessary to reimburse the board for the cost of
19 fingerprinting and the criminal history record check. Any moneys
20 collected under this subsection shall be deposited in the state treasury and
21 credited to the healing arts fee fund.

22 (c) The board may refuse to license a person as an anesthesiologist
23 assistant upon any of the grounds for which the board may revoke,
24 suspend, limit, publicly censure or place under probationary or monitoring
25 conditions such license.

26 (d) The board shall require every licensed anesthesiologist assistant to
27 submit with the renewal application evidence of satisfactory completion of
28 a program of continuing education required by the board. The board, shall
29 adopt rules and regulations, to establish the requirements for such program
30 of continuing education as soon as possible after January 5, 2026. In
31 establishing such requirements, the board shall consider any existing
32 programs of continuing education currently being offered to
33 anesthesiologist assistants.

34 New Sec. 5. A licensee's license may be revoked, suspended or
35 limited, or the licensee may be publicly censured, or placed under
36 probationary or monitoring conditions, fined or an application for a license
37 or for reinstatement of a license may be denied upon a finding that the
38 licensee:

39 (a) Committed an act of unprofessional conduct as defined by rules
40 and regulations adopted by the board;

41 (b) obtained a license by means of fraud, misrepresentation or
42 concealment of material facts;

43 (c) committed an act of professional incompetency as defined by

1 rules and regulations adopted by the board;

2 (d) has been convicted of a felony or class A misdemeanor, or
3 substantially similar offense in another jurisdiction, whether or not related
4 to the practice of the healing arts. The licensee has been convicted in a
5 special or general court-martial, whether or not related to the practice of
6 the healing arts. The board shall revoke a licensee's license following
7 conviction of a felony or substantially similar offense in another
8 jurisdiction, or following conviction in a general court-martial, unless a $\frac{2}{3}$
9 majority of the board members present and voting determine by clear and
10 convincing evidence that such licensee will not pose a threat to the public
11 in such person's capacity as a licensee and that such person has been
12 sufficiently rehabilitated to warrant the public trust. In the case of a person
13 who has been convicted of a felony or convicted in a general court-martial
14 and who applies for an original license or to reinstate a canceled license,
15 the application for a license shall be denied unless a $\frac{2}{3}$ majority of the
16 board members present and voting on such application determine by clear
17 and convincing evidence that such person will not pose a threat to the
18 public in such person's capacity as a licensee and that such person has been
19 sufficiently rehabilitated to warrant the public trust;

20 (e) violated any provision of this act;

21 (f) violated any lawful order or rule and regulation of the board;

22 (g) violated a federal law or regulation relating to controlled
23 substances;

24 (h) failed to report to the board any adverse action taken against the
25 licensee by another state or licensing jurisdiction, a peer review body, a
26 healthcare facility, a professional association or society, a governmental
27 agency, by a law enforcement agency or a court for acts or conduct similar
28 to acts or conduct that would constitute grounds for disciplinary action
29 under this section;

30 (i) surrendered a license or authorization to practice as an
31 anesthesiologist assistant in another state or jurisdiction, surrendered the
32 authority to utilize controlled substances issued by any state or federal
33 agency, agreed to a limitation to or restriction of privileges at any medical
34 care facility or surrendered the licensee's membership on any professional
35 staff or in any professional association or society while under investigation
36 for acts or conduct similar to acts or conduct that would constitute grounds
37 for disciplinary action under this section;

38 (j) failed to report to the board the surrender of the licensee's license
39 or authorization to practice as an anesthesiologist assistant in another state
40 or jurisdiction or the surrender of the licensee's membership on any
41 professional staff or in any professional association or society while under
42 investigation for acts or conduct similar to acts or conduct that would
43 constitute grounds for disciplinary action under this section;

1 (k) has an adverse judgment, award or settlement against the licensee
2 resulting from a medical liability claim related to acts or conduct similar to
3 acts or conduct that would constitute grounds for disciplinary action under
4 this section;

5 (l) failed to report to the board any adverse judgment, settlement or
6 award against the licensee resulting from a medical malpractice liability
7 claim related to acts or conduct similar to acts or conduct that would
8 constitute grounds for disciplinary action under this section;

9 (m) no longer has the ability to practice with reasonable skill and
10 safety by reason of physical or mental illness, or condition or use of
11 alcohol, drugs or controlled substances. All information, reports, findings
12 and other records relating to impairment shall be confidential and not
13 subject to discovery by or release to any person or entity outside of a board
14 proceeding;

15 (n) exceeded or acted outside the scope of authority given the
16 anesthesiologist assistant by the supervising anesthesiologist or by this act;

17 (o) has assisted suicide in violation of K.S.A. 21-3406, prior to its
18 repeal, or K.S.A. 2024 Supp. 21-5407, and amendments thereto, as
19 established by any of the following:

20 (1) A copy of the record of criminal conviction or plea of guilty for a
21 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2024
22 Supp. 21-5407, and amendments thereto;

23 (2) a copy of the record of a judgment of contempt of court for
24 violating an injunction issued under K.S.A. 60-4404, and amendments
25 thereto; or

26 (3) a copy of the record of a judgment assessing damages under
27 K.S.A. 60-4405, and amendments thereto.

28 New Sec. 6. (a) It shall be unlawful for any person who is not
29 licensed under this act or whose license has been revoked or suspended
30 pursuant to this act to engage in practice as an anesthesiologist assistant.

31 (b) No person shall use any title, abbreviation, letters, figures, sign,
32 card or device to indicate that any person is a licensed anesthesiologist
33 assistant, nor shall any person represent oneself to be a licensed
34 anesthesiologist assistant, unless such person has been duly licensed as an
35 anesthesiologist assistant in accordance with the provisions of this act.

36 (c) The provisions of this act shall not be construed to include the
37 following persons:

38 (1) Persons rendering gratuitous services in the case of an emergency;

39 (2) persons gratuitously administering ordinary household remedies;

40 (3) individuals practicing religious beliefs that provide for reliance on
41 spiritual means alone for healing;

42 (4) students, while performing professional services in an approved
43 anesthesiologist assistant education and training program;

1 (5) persons whose professional services are performed under the
2 direct and personal supervision or by an order of a practitioner who is
3 licensed under the healing arts act;

4 (6) other healthcare providers who are licensed, registered, certified
5 or otherwise credentialed by agencies of the state of Kansas; or

6 (7) anesthesiologist assistants employed by the United States
7 government or any bureau, division or agency thereof, while in the
8 discharge of official duties.

9 (d) Any person violating the provisions of this section shall be guilty
10 of a class B misdemeanor.

11 New Sec. 7. (a) The board shall provide for the temporary licensure
12 of any anesthesiologist assistant who has made proper application for
13 licensure, has the required qualifications for licensure, except for
14 examination and has paid the prescribed license fee. Such temporary
15 license shall authorize the person so licensed to provide patient services
16 within the limits of the temporary license.

17 (b) A temporary license shall be valid:

18 (1) For one year from the date of issuance; or

19 (2) until the board makes a final determination on the applicant's
20 request for licensure.

21 The board may extend a temporary license, upon a majority vote of the
22 members of the board, for a period not to exceed one year.

23 New Sec. 8. (a) The practice of an anesthesiologist assistant shall
24 include assisting the supervising or designated anesthesiologist in
25 implementing an anesthesia care plan for a patient. In assisting the
26 supervising or designated anesthesiologist, an anesthesiologist assistant
27 shall have the authority to:

28 (1) Obtain a comprehensive patient history, perform relevant
29 elements of a physical exam and present the history to the supervising
30 anesthesiologist;

31 (2) pretest and calibrate anesthesia delivery systems and obtain and
32 interpret information from the systems and monitors, in consultation with
33 an anesthesiologist;

34 (3) assist the supervising anesthesiologist with the implementation of
35 medically accepted monitoring techniques;

36 (4) establish basic and advanced airway interventions, including
37 intubation of the trachea and performing ventilator support;

38 (5) administer intermittent vasoactive drugs and start and adjust
39 vasoactive infusions;

40 (6) administer anesthetic drugs, adjuvant drugs and accessory drugs;

41 (7) perform epidural anesthetic procedures, spinal anesthetic
42 procedures and other regional anesthetic techniques in coordination with
43 the supervising anesthesiologist;

- 1 (8) administer blood, blood products and supportive fluids;
2 (9) provide assistance to the cardiopulmonary resuscitation team in
3 response to a life-threatening situation;
4 (10) participate in administrative, research and clinical teaching
5 activities as authorized by the supervising anesthesiologist; and
6 (11) perform such other tasks as not prohibited by law under the
7 supervision of a licensed anesthesiologist that an anesthesiologist assistant
8 has been trained in and is proficient to perform.

9 (b) An anesthesiologist shall at all times accept and be responsible for
10 the oversight of the healthcare services rendered by the anesthesiologist
11 assistant.

12 (c) An anesthesiologist assistant shall practice only under the
13 supervision of an anesthesiologist who is physically present or
14 immediately available in the same physical facility where the
15 anesthesiologist assistant performs delegated medical acts and the
16 supervising anesthesiologist is available to provide direct supervision. A
17 supervising anesthesiologist or designated anesthesiologist shall be
18 allowed to supervise up to four anesthesiologist assistants at any one time.

19 (d) Anesthesiologist assistants shall not have the authority to:

- 20 (1) Prescribe medications or controlled substances;
21 (2) administer any drugs, medicines, devices or therapies that the
22 supervising anesthesiologist is not qualified or authorized to prescribe; or
23 (3) practice or attempt to practice without the supervision of a
24 licensed anesthesiologist or in any location where the supervising
25 anesthesiologist is not immediately available for consultation, assistance
26 and intervention.

27 New Sec. 9. (a) If a supervising anesthesiologist temporarily leaves
28 such anesthesiologist's customary location of practice, the supervising
29 anesthesiologist shall, by prior arrangement, name a designated
30 anesthesiologist who shall provide direction and supervision to the
31 anesthesiologist assistant of such supervising anesthesiologist.

32 (b) An anesthesiologist assistant shall not perform professional
33 services unless the name, address and signature of each supervising
34 anesthesiologist and the form required under section 3, and amendments
35 thereto, of this act have been provided to the board. A supervising
36 anesthesiologist shall notify the board when supervision and direction of
37 the anesthesiologist assistant has terminated. The board shall provide
38 forms for identifying each supervising anesthesiologist and for giving
39 notice that direction and supervision has terminated. These forms may
40 direct that additional information be provided, including a copy of any
41 written agreements, as required by rules and regulations adopted by the
42 board.

43 New Sec. 10. The board shall limit the number of anesthesiologist

1 assistants a supervising anesthesiologist may supervise at any one time to
2 four anesthesiologist assistants. An anesthesiologist, group of
3 anesthesiologists or medical care facility, as defined in K.S.A. 65- 425,
4 and amendments thereto, may employ more than four anesthesiologist
5 assistants, but an anesthesiologist may not provide direction and
6 supervision to more than four anesthesiologist assistants at any time.

7 New Sec. 11. (a) (1) There is hereby established an anesthesiologist
8 assistant council to advise the board in carrying out the provisions of the
9 anesthesiologist assistant licensure act. The council shall consist of five
10 members, all citizens and residents of the state of Kansas, appointed as
11 follows: One member shall be an anesthesiologist appointed by the board
12 who is a supervising anesthesiologist for an anesthesiologist assistant; one
13 member shall be president of the board or a person designated by the
14 president; and three members shall be licensed anesthesiologist assistants
15 appointed by the governor.

16 (2) The governor, insofar as possible, shall appoint persons from
17 different geographical areas and persons who represent various types of
18 practice settings. If a vacancy occurs on the council, the appointing
19 authority of the position that has become vacant shall appoint a person of
20 like qualifications to fill the vacant position for the unexpired term, if any.
21 The Kansas academy of anesthesiologist assistants shall recommend the
22 names of licensed anesthesiologist assistants to the governor in a number
23 equal to at least twice the positions or vacancies to be filled, and the
24 governor may appoint members to fill the positions or vacancies from the
25 submitted list.

26 (3) Members of the council appointed by the governor on and after
27 January 5, 2026, shall be appointed for terms of three years and until their
28 successors are appointed and qualified, except that of the members first
29 appointed by the governor on or after January 5, 2026, one shall be
30 appointed for a term of one year, one shall be appointed for a term of two
31 years and one shall be appointed for a term of three years, as designated by
32 the governor. The member appointed by the state board of healing arts
33 shall serve at the pleasure of the board. If the president of the board
34 designates a member to serve on the council in the president's stead, that
35 member shall serve at the pleasure of the president.

36 (b) Members of the anesthesiologist assistant council attending
37 meetings of the council or attending a subcommittee meeting thereof
38 authorized by the council shall be paid amounts provided in K.S.A. 75-
39 3223(e), and amendments thereto, from the healing arts fee fund.

40 New Sec. 12. (a) All administrative proceedings to revoke, suspend,
41 limit or deny a license or to censure a licensee, shall be conducted in
42 accordance with K.S.A 65-2838 and 65-2838a, and amendments thereto,
43 and the provisions of the Kansas administrative procedure act.

1 (b) When it appears to the board that any person is violating any of
2 the provisions of this act, the board may bring an action in the name of the
3 state of Kansas in a court of competent jurisdiction for an injunction
4 against such violation without regard to whether proceedings have been or
5 may be instituted before the board or whether criminal proceedings have
6 been or may be instituted.

7 Sec. 13. K.S.A. 2024 Supp. 22-4714 is hereby amended to read as
8 follows: 22-4714. (a) A governmental agency other than a criminal justice
9 agency as defined in K.S.A. 22-4701, and amendments thereto, identified
10 in subsection (b) may require a person to be fingerprinted and shall submit
11 such fingerprints to the Kansas bureau of investigation and the federal
12 bureau of investigation for a search of the state and federal database.
13 Fingerprints provided pursuant to this section may be used to identify a
14 person and to determine whether such person has a record of criminal
15 history in this state or in another jurisdiction. An agency identified in
16 subsection (b) may use the information obtained from the criminal history
17 record check for the purposes of verifying the identification of a person
18 and in the official determination of the qualifications and fitness of such
19 person to be issued or maintain employment, licensure, registration,
20 certification or a permit, act as an agent of a licensee, hold ownership of a
21 licensee or serve as a director or officer of a licensee.

22 (b) (1) The Kansas bureau of investigation shall release criminal
23 history record information related to adult convictions, adult non-
24 convictions, adult diversions, adult expunged records, juvenile
25 adjudications, juvenile non-adjudications, juvenile diversions and juvenile
26 expunged records to the Kansas department for children and families or
27 the Kansas department for aging and disability services for initial or
28 continuing employment or participation in any program administered for
29 the placement, safety, protection or treatment of vulnerable children or
30 adults as described in K.S.A. 75-53,105, and amendments thereto.

31 (2) The Kansas bureau of investigation shall release criminal history
32 record information related to adult convictions, adult non-convictions,
33 adult diversions, adult expunged records and juvenile expunged records to:

34 (A) The state lottery for candidates for employees as defined in
35 K.S.A. 74-8702, and amendments thereto, in connection with such
36 employment as described in K.S.A. 74-8704, and amendments thereto; and

37 (B) the Kansas racing and gaming commission for candidates for
38 employees or licensees as defined in K.S.A. 74-8802, and amendments
39 thereto, in connection with such employment or license as described in
40 K.S.A. 74-8804, and amendments thereto, including an applicant for a
41 simulcasting license.

42 (3) The Kansas bureau of investigation shall release criminal history
43 record information related to adult convictions, adult non-convictions,

1 adult diversions, adult expunged records, juvenile adjudications, juvenile
2 non-adjudications and juvenile diversions to:

3 (A) The emergency medical services board for applicants as defined
4 in K.S.A. 65-6129, and amendments thereto, in connection with such
5 application as described in K.S.A. 65-6129, and amendments thereto;

6 (B) the attorney general for applicants as defined in K.S.A. 75-7c01,
7 and amendments thereto, in connection with such application as described
8 in K.S.A. 75-7c05, and amendments thereto; and

9 (C) the department of administration for candidates for sensitive
10 employees as defined in K.S.A. 75-3707e, and amendments thereto, in
11 connection with such employment as described in K.S.A. 75-3707e, and
12 amendments thereto.

13 (4) The Kansas bureau of investigation shall release criminal history
14 record information related to adult convictions, adult non-convictions,
15 adult diversions and adult expunged records to:

16 (A) The supreme court and state board of law examiners for
17 applicants as defined in K.S.A. 7-127, and amendments thereto, in
18 connection with such application as described in K.S.A. 7-127, and
19 amendments thereto;

20 (B) the state gaming agency for candidates for employees and
21 licensees as defined in K.S.A. 74-9802, and amendments thereto, in
22 connection with such employment or license as described in K.S.A. 74-
23 9805, and amendments thereto;

24 (C) the attorney general for applicants as defined in K.S.A. 75-7b01,
25 and amendments thereto, in connection with such application as described
26 in K.S.A. 75-7b04, and amendments thereto;

27 (D) the attorney general for applicants as defined in K.S.A. 75-7b01,
28 and amendments thereto, in connection with such application for
29 certification as described in K.S.A. 75-7b21, and amendments thereto; and

30 (E) the commission on peace officers' standards and training for
31 applicants for certification under the Kansas law enforcement training act
32 as described in K.S.A. 74-5607, and amendments thereto.

33 (5) The Kansas bureau of investigation shall release criminal history
34 record information related to adult convictions, adult non-convictions,
35 adult diversions and juvenile adjudications to:

36 (A) The athletic commission within the Kansas department of
37 commerce for a candidate for boxing commission as defined in K.S.A. 74-
38 50,182, and amendments thereto, in connection with such appointment as
39 described in K.S.A. 74-50,184, and amendments thereto; and

40 (B) the secretary of health and environment for employees at a child
41 care facility as defined in K.S.A. 65-503, and amendments thereto, in
42 connection with such employment as described in K.S.A. 65-516, and
43 amendments thereto.

- 1 (6) The Kansas bureau of investigation shall release criminal history
2 record information related to adult convictions and juvenile adjudications
3 to:
 - 4 (A) The secretary for aging and disability services for applicants as
5 defined in K.S.A. 39-970, and amendments thereto, in connection with
6 such application as described in K.S.A. 39-970, and amendments thereto;
 - 7 (B) the Kansas department for aging and disability services for
8 applicants as defined in K.S.A. 39-2009, and amendments thereto, in
9 connection with such application as described in K.S.A. 39-2009, and
10 amendments thereto; and
 - 11 (C) the secretary for aging and disability services for applicants as
12 defined in K.S.A. 65-5117, and amendments thereto, in connection with
13 such application as described in K.S.A. 65-5117, and amendments thereto.
- 14 (7) The Kansas bureau of investigation shall release criminal history
15 record information related to adult convictions and adult non-convictions
16 to:
 - 17 (A) The division of motor vehicles within the department of revenue
18 for applicants for reinstatement of a license to drive a commercial motor
19 vehicle as described in K.S.A. 8-2,142, and amendments thereto;
 - 20 (B) the board of examiners in optometry for applicants or licensees as
21 defined in K.S.A. 65-1501, and amendments thereto, in connection with
22 such application or an investigation as described in K.S.A. 65-1505, and
23 amendments thereto;
 - 24 (C) the board of pharmacy for fingerprint candidates as defined in
25 K.S.A. 65-1626, and amendments thereto, in connection with such
26 application or license as described in K.S.A. 65-1696, and amendments
27 thereto;
 - 28 (D) the state board of healing arts for applicants or licensees as
29 defined in K.S.A. 65-2802, and amendments thereto, in connection with
30 such application or an investigation as described in K.S.A. 65-28,129, and
31 amendments thereto;
 - 32 (E) the state board of healing arts for applicants or licensees as
33 defined in K.S.A. 65-2901, and amendments thereto, in connection with
34 such application or an investigation as described in K.S.A. 65-2924, and
35 amendments thereto;
 - 36 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,
37 and amendments thereto, in connection with such application as described
38 in K.S.A. 74-1112, and amendments thereto;
 - 39 (G) the behavioral sciences regulatory board for licensees as defined
40 in K.S.A. 74-7511, and amendments thereto, in connection with such
41 application or license as described in K.S.A. 74-7511, and amendments
42 thereto;
 - 43 (H) the state lottery for a vendor to whom a major procurement

1 contract is to be awarded in connection with an investigation as described
2 in K.S.A. 74-8705, and amendments thereto;

3 (I) the attorney general for appointees of the governor to positions
4 subject to confirmation by the senate and judicial appointees as described
5 in K.S.A. 75-712, and amendments thereto;

6 (J) appointing authorities as defined in K.S.A. 75-4315d, and
7 amendments thereto, for nongubernatorial appointees as described in
8 K.S.A. 75-4315d, and amendments thereto;

9 (K) the Kansas real estate commission for applicants as defined in
10 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in
11 K.S.A. 58-3035, and amendments thereto, in connection with an
12 investigation as described in K.S.A. 58-3039, and amendments thereto;

13 (L) the insurance commissioner for applicants for licensure as an
14 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in
15 connection with such application as described in K.S.A. 40-4905, and
16 amendments thereto; and

17 (M) the insurance commissioner for applicants as defined in K.S.A.
18 40-5501, and amendments thereto, in connection with such application as
19 described in K.S.A. 40-5505, and amendments thereto.

20 (O) *the state board of healing arts for applicants or licensees as*
21 *defined in section 2, and amendments thereto, in connection with such*
22 *application or an investigation as described in section 3, and amendments*
23 *thereto;*

24 (8) The Kansas bureau of investigation shall release criminal history
25 record information related to adult convictions to:

26 (A) The department of agriculture for hemp employees as defined in
27 K.S.A. 2-3901, and amendments thereto, in connection with such
28 employment as described in K.S.A. 2-3902, and amendments thereto;

29 (B) the department of agriculture for applicants for licensure as a
30 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in
31 connection with such application as described in K.S.A. 2-3906, and
32 amendments thereto;

33 (C) the office of state fire marshal for applicants for registration as a
34 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in
35 connection with such application as described in K.S.A. 2-3907, and
36 amendments thereto;

37 (D) the department of agriculture for hemp destruction employees as
38 defined in K.S.A. 2-3901, and amendments thereto, in connection with
39 such employment as described in K.S.A. 2-3911, and amendments thereto;

40 (E) the bank commissioner for any applicant as defined in K.S.A. 9-
41 508, and amendments thereto, in connection with such application as
42 described in K.S.A. 9-509, and amendments thereto;

43 (F) the bank commissioner for an applicant for employment as a new

- 1 executive officer or director with a money transmitter company as
2 described in K.S.A. 9-513e, and amendments thereto;
- 3 (G) the bank commissioner for any applicant as defined in K.S.A. 9-
4 1719, and amendments thereto, in connection with such application as
5 described in K.S.A. 9-1722, and amendments thereto;
- 6 (H) the bank commissioner for an applicant, registrant or licensee as
7 defined in K.S.A. 9-2201, and amendments thereto, in connection with
8 such application, registration or license as described in K.S.A. 9-2209, and
9 amendments thereto;
- 10 (I) the state banking board for any officer, director or organizer of a
11 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and
12 amendments thereto, in connection with such role as described in K.S.A.
13 9-2302, and amendments thereto;
- 14 (J) municipalities for applicants for merchant or security police as
15 described in K.S.A. 12-1679, and amendments thereto;
- 16 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-
17 104, and amendments thereto, in connection with such application as
18 described in K.S.A. 16a-6-104, and amendments thereto;
- 19 (L) the state department of credit unions for every candidate as
20 defined in K.S.A. 17-2234, and amendments thereto, in connection with
21 such employment as described in K.S.A. 17-2234, and amendments
22 thereto;
- 23 (M) the division of alcoholic beverage control within the department
24 of revenue for applicants as defined in K.S.A. 41-102, and amendments
25 thereto, in connection with such application as described in K.S.A. 41-
26 311b, and amendments thereto;
- 27 (N) the division of post audit for employees as defined in K.S.A. 46-
28 1103, and amendments thereto, in connection with such employment as
29 described in K.S.A. 46-1103, and amendments thereto;
- 30 (O) the bank commissioner for licensees as defined in K.S.A. 50-
31 1126, and amendments thereto, in connection with such license as
32 described in K.S.A. 50-1128, and amendments thereto;
- 33 (P) the real estate appraisal board for licensees as defined in K.S.A.
34 58-4102, and amendments thereto, in connection with an application or
35 investigation as described in K.S.A. 58-4127, and amendments thereto;
- 36 (Q) the real estate appraisal board for applicants as defined in K.S.A.
37 58-4703, and amendments thereto, in connection with such application as
38 described in K.S.A. 58-4709, and amendments thereto;
- 39 (R) the department of health and environment for an employee as
40 defined in K.S.A. 65-2401, and amendments thereto, in connection with
41 such employment as described in K.S.A. 65-2402, and amendments
42 thereto;
- 43 (S) the Kansas commission on veterans affairs office for candidates

1 as defined in K.S.A. 73-1210a, and amendments thereto, in connection
2 with an application as described in K.S.A. 73-1210a, and amendments
3 thereto;

4 (T) a senate standing committee for a member named, appointed or
5 elected to the public employee retirement systems board of trustee
6 membership as described in K.S.A. 74-4905, and amendments thereto;

7 (U) the attorney general for applicants as defined in K.S.A. 75-7e01,
8 and amendments thereto, in connection with such application as described
9 in K.S.A. 75-7e03, and amendments thereto;

10 (V) the department of revenue for employees as defined in K.S.A. 75-
11 5133c, and amendments thereto, in connection with such employment as
12 described in K.S.A. 75-5133c, and amendments thereto;

13 (W) the division of motor vehicles within the department of revenue
14 for employees as defined in K.S.A. 75-5156, and amendments thereto, in
15 connection with such employment as described in K.S.A. 75-5156, and
16 amendments thereto;

17 (X) the Kansas commission for the deaf and hard of hearing for
18 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in
19 connection with such application as described in K.S.A. 75-5393a, and
20 amendments thereto;

21 (Y) the Kansas commission for the deaf and hard of hearing for
22 employees as defined in K.S.A. 75-5397f, and amendments thereto, in
23 connection with such employment as described in K.S.A. 75-5393c, and
24 amendments thereto;

25 (Z) the department of health and environment for employees as
26 defined in K.S.A. 75-5609a, and amendments thereto, in connection with
27 such employment as described in K.S.A. 75-5609a, and amendments
28 thereto; and

29 (AA) an executive branch agency head for employees as defined in
30 K.S.A. 75-7241, and amendments thereto, in connection with such
31 employment as described in K.S.A. 75-7241, and amendments thereto.

32 (c) State and local law enforcement agencies shall assist with taking
33 fingerprints of individuals as authorized by this section.

34 (d) Any board, commission, committee or other public body shall
35 recess into a closed executive session pursuant to K.S.A. 75-4319, and
36 amendments thereto, to receive and discuss criminal history record
37 information obtained pursuant to this section.

38 (e) The Kansas bureau of investigation may charge a reasonable fee
39 for conducting a criminal history record check.

40 (f) (1) Fingerprints and criminal history record information received
41 pursuant to this section shall be confidential and shall not be subject to the
42 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and
43 amendments thereto. The provisions of this paragraph shall expire on July

1 1, 2029, unless the legislature reviews and reenacts this provision pursuant
2 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

3 (2) Disclosure or use of any information received pursuant to this
4 section for any purpose other than the purpose described in this section
5 shall be a class A nonperson misdemeanor and shall constitute grounds for
6 removal from office.

7 Sec. 14. K.S.A. 65-1163 is hereby amended to read as follows: 65-
8 1163. Nothing in this act shall:

9 (a) Prohibit administration of a drug by a duly licensed professional
10 nurse, licensed practical nurse or other duly authorized person for the
11 alleviation of pain, including administration of local anesthetics;

12 (b) apply to the practice of anesthesia by a person licensed to practice
13 medicine and surgery, a licensed dentist or a licensed podiatrist;

14 (c) prohibit the practice of nurse anesthesia by students enrolled in
15 approved courses of study in the administration of anesthesia or analgesic
16 as a part of such course of study;

17 (d) apply to the administration of a pudental block by a person who
18 holds a valid license as an advanced practice registered nurse in the role of
19 nurse-midwife;

20 (e) apply to the administration by a licensed professional nurse of an
21 anesthetic, other than general anesthesia, for a dental operation under the
22 direct supervision of a licensed dentist or for a dental operation under the
23 direct supervision of a person licensed to practice medicine and surgery;

24 (f) prohibit the practice by any registered nurse anesthetist who is
25 employed by the United States government or in any bureau, division or
26 agency thereof, while in the discharge of official duties; ~~or~~

27 (g) prohibit a registered professional nurse from administering
28 general anesthetic agents to a patient on ventilator maintenance in critical
29 care units when under the direction of a person licensed to practice
30 medicine and surgery or a person licensed to practice dentistry; *or*

31 *(h) prohibit the practice of anesthesia by anesthesiologist assistant*
32 *students enrolled in approved courses of study in the administration of*
33 *anesthesia or analgesic as a part of such course of study.*

34 Sec. 15. K.S.A. 65-28,127 is hereby amended to read as follows: 65-
35 28,127. (a) Every supervising or responsible licensee who directs,
36 supervises, orders, refers, accepts responsibility for, enters into written
37 agreements or practice protocols with, or who delegates acts ~~which~~ *that*
38 constitute the practice of the healing arts to other persons shall:

39 (1) Be actively engaged in the practice of the healing arts in Kansas;

40 (2) review and keep current any required written agreements or
41 practice protocols between the supervising or responsible licensee and
42 such persons, as may be determined by the board, *including the*
43 *responsibility to notify the board when terminating the direction and*

1 *supervision request of a written agreement or practice protocol;*

2 (3) direct, supervise, order, refer, enter into a written agreement or
3 practice protocol with, or delegate to such persons only those acts and
4 functions—~~which~~ *that* the supervising or responsible licensee knows or has
5 reason to believe can be competently performed by such person and is not
6 in violation of any other statute or regulation;

7 (4) direct, supervise, order, refer, enter into a written agreement or
8 practice protocol with, or delegate to other persons only those acts and
9 functions—~~which~~ *that* are within the normal and customary specialty,
10 competence and lawful practice of the supervising or responsible licensee;

11 (5) provide for a qualified, substitute licensee who accepts
12 responsibility for the direction, supervision, delegation and written
13 agreements or practice protocols with such persons when the supervising
14 or responsible licensee is temporarily absent; and

15 (6) comply with all rules and regulations of the board establishing
16 limits and conditions on the delegation and supervision of services
17 constituting the practice of medicine and surgery.

18 (b) "Responsible licensee" means a person licensed by the state board
19 of healing arts to practice medicine and surgery or chiropractic who has
20 accepted responsibility for the actions of persons who perform acts
21 pursuant to written agreements or practice protocols with, or at the order
22 of, or referral, direction, supervision or delegation from such responsible
23 licensee.

24 (c) Except as otherwise provided by rules and regulations of the
25 board implementing this section, the physician assistant licensure act shall
26 govern the direction and supervision of physician assistants by persons
27 licensed by the state board of healing arts to practice medicine and surgery.

28 (d) Nothing in subsection (a)(4) shall be construed to prohibit a
29 person licensed to practice medicine and surgery from ordering,
30 authorizing or directing anesthesia care by a registered nurse anesthetist
31 pursuant to K.S.A. 65-1158, and amendments thereto.

32 (e) Nothing in this section shall be construed to prohibit a person
33 licensed to practice medicine and surgery from ordering, authorizing or
34 directing physical therapy services pursuant to K.S.A. 65-2901 et seq., and
35 amendments thereto.

36 (f) Nothing in this section shall be construed to prohibit a person
37 licensed to practice medicine and surgery from entering into a co-
38 management relationship with an optometrist pursuant to K.S.A. 65-1501
39 et seq., and amendments thereto.

40 (g) The board may adopt rules and regulations establishing limits and
41 conditions on the delegation and supervision of services constituting the
42 practice of medicine and surgery.

43 (h) As used in this section, "supervising physician" shall have the

1 meaning ascribed thereto in K.S.A. 65-28a02, and amendments thereto.

2 (i) This section shall be *a* part of and supplemental to the Kansas
3 healing arts act.

4 Sec. 16. K.S.A. 65-1163 and 65-28,127 and K.S.A. 2024 Supp. 22-
5 4714 are hereby repealed.

6 Sec. 17. This act shall take effect and be in force from and after its
7 publication in the statute book.