

February 15, 2012

The Honorable Bob Bethell, Chairperson  
House Committee on Aging and Long Term Care  
Statehouse, Room 055-S  
Topeka, Kansas 66612

Dear Representative Bethell:

**SUBJECT:** Fiscal Note for HB 2738 by House Committee on Aging and Long Term Care

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2738 is respectfully submitted to your committee.

HB 2738 would prohibit a postsecondary educational institution from enrolling a student who has a felony conviction in a nursing program. A person seeking enrollment would be fingerprinted and those prints sent to the Kansas Bureau of Investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies would assist the Kansas Board of Regents in the taking and processing of the fingerprints. The Board would notify a postsecondary educational institution of the results of the fingerprint-based criminal history check. The person may, at the time of applying for admission, notify the Board of any conviction and request permission to enroll. Applicants would be required to pay for the actual cost of the fingerprinting and criminal history check. The Kansas Board of Regents would be required to promulgate rules and regulations necessary to administer procedures for granting permission to enroll.

The Board of Regents notes that the bill would increase costs for all nursing school applicants. According to the Kansas Bureau of Investigation's website, the cost of obtaining a fingerprint-based criminal record check through this agency is \$35 per individual. In addition, according to the Federal Bureau of Investigation's website, the cost of obtaining a fingerprint-based criminal record check through this agency is \$18 per request.

The Kansas Board of Nursing reports that 1,915 Registered Nurse (RN) students and 1,336 Licensed Practical Nurse (LPN) students were newly admitted to public institutions during FY 2011. These numbers are fairly consistent on an annual basis. The Board of Nursing does not keep application records because there are so many variables; however, the application numbers are likely much higher. Most nursing students already have a criminal background check requirement, as these are required by hospitals prior to students beginning their clinical education. The students also have a criminal background check prior to obtaining their license. Therefore, students would have to pay

The Honorable Bob Bethell, Chairperson

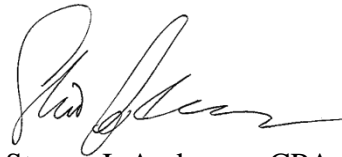
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for this check more than once. The criminal background checks for students have only a six month lifespan due to potential changes. Recent Board of Regents' reports show that over 16,000 total students are in nursing programs in a given year, with over 3,000 in bachelors or higher degree level programs, 4,000 in associates level nursing programs, 3,000 in LPN programs, and 6,000 in Certified Nursing Assistant programs.

The Board of Regents states there will be administrative costs associated with this bill; however, the cost cannot be determined without additional information and experience with the process. Any fiscal effect associated with HB 2738 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Kelly Oliver, Board of Regents