

## HOUSE BILL No. 2738

By Committee on Aging and Long-term Care

2-10

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1 AN ACT concerning postsecondary educational institutions; relating to  
2 fingerprinting and criminal history record check of nursing program  
3 applicants.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) For the purposes of this section:

7 (1) "Postsecondary educational institution" means any public  
8 university, municipal university, community college and technical college,  
9 and includes any entity resulting from the consolidation or affiliation of  
10 any two or more of such postsecondary educational institutions; and

11 (2) "nursing program" means any nursing program offered by a  
12 postsecondary educational institution preparing students for initial  
13 licensure as a professional or practical nurse or for initial certification as a  
14 nursing assistant, medication aide, home health aide or paid nutrition  
15 assistant.

16 (b) A postsecondary educational institution shall not enroll as a  
17 student in a nursing program a person with a felony conviction for a crime  
18 against persons as specified in article 34 of chapter 21 of the Kansas  
19 Statutes Annotated, prior to their repeal, or K.S.A. 2011 Supp. 21-5401  
20 through 21-5428, and amendments thereto.

21 (c) A person seeking to enroll in a nursing program shall be  
22 fingerprinted and submit to a state and national criminal history record  
23 check. The fingerprints shall be used to identify the person and to  
24 determine whether the person has a record of criminal history in this state  
25 or other jurisdiction. The Kansas board of regents is authorized to submit  
26 the fingerprints to the Kansas bureau of investigation and the federal  
27 bureau of investigation for a state and national criminal history record  
28 check. The Kansas board of regents may use the information obtained  
29 from fingerprinting and the criminal history for purposes of verifying the  
30 identification of the person and in the official determination of the  
31 qualifications and fitness of the person prior to enrollment in a nursing  
32 program leading to initial licensure as a professional or practical nurse or  
33 initial certification as a nursing assistant, medication aide, home health  
34 aide or paid nutrition assistant.

35 (d) Local and state law enforcement officers and agencies shall assist  
36 the Kansas board of regents in the taking and processing of fingerprints of

1 applicants for enrollment in a nursing program leading to initial licensure  
2 as a professional or practical nurse or initial certification as a nursing  
3 assistant, medication aide, home health aide or paid nutrition assistant and  
4 shall release all records of adult convictions and nonconvictions and adult  
5 convictions or adjudications of another state or country to the Kansas  
6 board of regents. The Kansas board of regents shall notify a postsecondary  
7 educational institution if the fingerprint-based criminal history record  
8 check indicates that a nursing program applicant is prohibited from  
9 enrolling in such nursing program pursuant to subsection (b). A person  
10 seeking to enroll in a nursing program shall bear only the actual costs of  
11 the fingerprinting and state and national criminal history record check.

12 (e) (1) Notwithstanding the provisions of subsection (b), if a person  
13 seeking to enroll in a nursing program anticipates that such person may be  
14 prohibited from enrolling in the nursing program on the grounds that the  
15 person had been convicted of one or more of the felonies or misdemeanors  
16 described in subsection (b), the person may, at the time of applying for  
17 admission, notify the Kansas board of regents of the conviction or  
18 convictions and request the Kansas board of regents to grant the person  
19 permission to enroll in the nursing program.

20 (2) The Kansas board of regents shall promulgate rules and  
21 regulations necessary to effectuate the provisions of this section  
22 concerning the procedures for the granting of permission to enroll in a  
23 nursing program pursuant to subsection (e)(1).

24 Sec. 2. This act shall take effect and be in force from and after its  
25 publication in the statute book.