

*{As Amended by Senate Committee of the Whole}*

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*As Amended by Senate Committee*

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**As Amended by House Committee**

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*Session of 2013*

## **HOUSE BILL No. 2078**

By Committee on Veterans, Military and Homeland Security

1-23

1 AN ACT concerning certain licensing boards; relating to licensure and  
2 military service members; amending K.S.A. 2012 Supp. *{48-3406,}* 65-  
3 1116 and 65-6129 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

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

7 *(1) "Applicant" means a person who entered into military service*  
8 *and separated from such military service with an honorable discharge or*  
9 *a general discharge under honorable conditions;*

10 *(2) "licensing body" has the meaning ascribed thereto in K.S.A. 74-*  
11 *146, and amendments thereto; and*

12 *(3) "military service" means the army, navy, marine corps, air*  
13 *force, air or army national guard of any state, coast guard or any*  
14 *branch of the military reserves of the United States.*

15 *(b) (1) Notwithstanding any other provision of law, upon*  
16 *presentation of complete application by an applicant with an honorable*  
17 *discharge for certification or licensure, a licensing body shall accept*  
18 *education, training or service completed in military service by the*  
19 *applicant towards any educational requirements for certification or*  
20 *licensure in this state if the applicant demonstrates to the satisfaction of*  
21 *the licensing body that such education, training or service obtained is*  
22 *substantially equivalent to the existing educational requirements of such*  
23 *licensure or certification. No education, training or service shall count*  
24 *towards any examination requirements unless such licensing body has*  
25 *provided a waiver for such requirement. The licensing body may require*  
26 *the applicant to provide documentation of such education, training or*  
27 *service as deemed necessary by the licensing body to determine*  
28 *substantial equivalency.*

29 *(2) A licensing board under this section may accept education,*  
30 *training or service completed in military service towards any educational*  
31 *requirements for certification or licensure in this state if a an person*  
32 *applicant was separated from military service with a general discharge*

1 ***under honorable conditions.***

2 ***(c) Each licensing body may adopt rules and regulations necessary***  
3 ***to implement and carry out the provisions of this section.***

4 ***(d) This section shall not apply to the practice of law or the***  
5 ***regulation of attorneys pursuant to K.S.A. 7-103, and amendments***  
6 ***thereto.***

7 ***Sec. 2. K.S.A. 2012 Supp. 48-3406 is hereby amended to read as***  
8 ***follows: 48-3406. (a) For the purposes of this section:***

9 ***(1) "Licensing body" has the meaning ascribed thereto in K.S.A. 74-***  
10 ***146, and amendments thereto;***

11 ***(2) "military service" means the army, navy, marine corps, air force,***  
12 ***air or army national guard of any state, coast guard or any branch of the***  
13 ***military reserves of the United States;***

14 ***(3) "military service member" means a member who entered into***  
15 ***military service and separated from such military service with an***  
16 ***honorable discharge or a general discharge under honorable conditions;***  
17 ***and***

18 ***(4) "military spouse" means the spouse of an individual who is***  
19 ***currently in active service in any branch of the armed forces of the United***  
20 ***States.***

21 ***(b) Notwithstanding any other provision of law, any licensing body,***  
22 ***as defined by K.S.A. 74-146, and amendments thereto, shall; :***

23 ***(1) Upon submission of a completed application, issue a license to a***  
24 ***nonresident military spouse, so that the nonresident military spouse may***  
25 ***lawfully practice the person's occupation; and***

26 ***(2) upon submission of a complete application within six months***  
27 ***following release from military service, issue a license to a military***  
28 ***service member with an honorable discharge so that the military service***  
29 ***member may lawfully practice the person's occupation.***

30 ~~***(c) A military service member with an honorable discharge or***~~  
31 ~~***nonresident military spouse shall receive a license under subsection***~~  
32 ~~***(b) of this section:***~~

33 ***(1) Pursuant to applicable licensure by endorsement, reinstatement***  
34 ***or reciprocity statutes of the licensing body of this state for the***  
35 ***profession license; or***

36 ***(2) if the professional practice act does not have licensure by***  
37 ***endorsement, reinstatement or reciprocity statutes, then, at the time of***  
38 ***application, the military service member or nonresident military spouse:***

39 ***(A) Holds a current license in another state, district or territory of***  
40 ***the United States with licensure requirements that the licensing body***  
41 ***determines are equivalent to those established by the licensing body of***  
42 ***this state;***

43 ***(B) has not committed an act in any jurisdiction that would have***

1 *constituted grounds for the limitation, suspension or revocation or that*  
2 *the applicant has never been censured or had other disciplinary action*  
3 *taken or had an application for licensure denied or refused to practice*  
4 *an occupation for which the military service member or nonresident*  
5 *military spouse seeks licensure;*

6 *(C) has not been disciplined by a licensing or credentialing entity in*  
7 *another jurisdiction and is not the subject of an unresolved complaint,*  
8 *review procedure or disciplinary proceeding conducted by a licensing or*  
9 *credentialing entity in another jurisdiction nor has surrendered their*  
10 *membership on any professional staff in any professional association or*  
11 *society or faculty for another state or licensing jurisdiction while under*  
12 *investigation or to avoid adverse action for acts or conduct similar to*  
13 *acts or conduct which would constitute grounds for disciplinary action*  
14 *in a Kansas practice act;*

15 *(D) pays any fees required by the licensing body of this state; and*

16 *(E) submits with the application a signed affidavit stating that the*  
17 *application information, including necessary prior employment history,*  
18 *is true and accurate. Upon receiving such affidavit, the licensing body*  
19 *shall issue the license to the military service member or nonresident*  
20 *military spouse on a probationary basis, but may revoke the license at*  
21 *any time if the information provided in the application is found to be*  
22 *false. Any probationary license issued under this section to a military*  
23 *service member or nonresident military spouse shall not exceed three*  
24 *months.*

25 *(~~e~~) (d) Any person who has not been in the active practice of the*  
26 *occupation during the two years preceding the application for which the*  
27 *applicant seeks a license may be required to complete such additional*  
28 *testing, training, mentoring, monitoring or education as the Kansas*  
29 *licensing body may deem necessary to establish the applicant's present*  
30 *ability to practice with reasonable skill and safety.*

31 *(~~d~~) (e) A nonresident military spouse licensed under this section*  
32 *shall be entitled to the same rights and subject to the same obligations as*  
33 *are provided by the licensing body for Kansas residents, except that*  
34 *revocation or suspension of a nonresident military spouse's license in*  
35 *the nonresident military spouse's state of residence or any jurisdiction in*  
36 *which the nonresident military spouse held licensure shall automatically*  
37 *cause the same revocation or suspension of such nonresident military*  
38 *spouse's license in Kansas. No hearing shall be granted to a nonresident*  
39 *licensee where the license is subject to such automatic revocation or*  
40 *suspension except for the purpose of establishing the fact of revocation*  
41 *or suspension of the nonresident military spouse's license by the*  
42 *nonresident military spouse's state of residence.*

43 *(~~e~~) For the purposes of this section, "military spouse" means the*

1 spouse of an individual who is currently in active service in any branch of  
2 the armed forces of the United States.

3 (f) *In the event the licensing body determines that the license*  
4 *currently held by the military service member under subsection (c)(2)(A)*  
5 *is not equivalent to those issued by the licensing body of this state, the*  
6 *licensing body may issue a temporary permit for a limited period of time*  
7 *to allow the military service member to lawfully practice the person's*  
8 *occupation while completing any specific requirements that are required*  
9 *in this state for licensure that were not required in the state, district or*  
10 *territory of the United States in which the military service member was*  
11 *licensed or certified.*

12 (g) *A licensing board may grant certification, licensure or a*  
13 *temporary permit to any person who meets the requirements under this*  
14 *section but was separated from such military service with a general*  
15 *discharge under honorable conditions.*

16 (h) *Each licensing body may adopt rules and regulations necessary*  
17 *to implement and carry out the provisions of this section.*

18 ~~(i)~~ ***(i) This section shall not apply to the practice of law or the***  
19 ***regulation of attorneys pursuant to K.S.A 7-103, and amendments***  
20 ***thereto.***

21 ~~Section 1.~~***Sec. 3.*** K.S.A. 2012 Supp. 65-1116 is hereby amended to  
22 read as follows: 65-1116. (a) *Qualification.* An applicant for a license to  
23 practice as a licensed practical nurse shall:

24 (1) Have graduated from an approved school of practical nursing or  
25 professional nursing in the United States or its territories or from a school  
26 of practical nursing or professional nursing in a foreign country which is  
27 approved by the board as defined in rules and regulations;

28 (2) have obtained other qualifications not in conflict with this act as  
29 the board may prescribe by rule and regulation; and

30 (3) file with the board a written application for a license.

31 (b) If the board finds in evaluating any applicant that such applicant is  
32 deficient in qualification or in the quality of such applicant's educational  
33 experience, the board may require such applicant to fulfill such remedial  
34 or other requirements as the board may prescribe.

35 (c) *License.* (1) The board shall issue a license to an applicant to  
36 practice as a practical nurse who has:

37 (A) Met the qualifications set forth in subsections (a) and (b);

38 (B) passed a written examination as prescribed by the board; and

39 (C) no disqualifying factors under K.S.A. 65-1120, and amendments  
40 thereto.

41 (2) The board may issue a license to practice nursing as a practical  
42 nurse to an applicant who has been duly licensed as a practical nurse by  
43 examination under the laws of another state or territory if, in the opinion of

1 the board, the applicant meets the qualifications required of a practical  
2 nurse in this state. Verification of the applicant's licensure status shall be  
3 required from the original state of licensure.

4 (3) *The board may authorize the educational requirement under*  
5 *subsection (a)(1) to be waived for an applicant who has attained a passing*  
6 *score on the national council licensure examination for practical nurses*  
7 *and provided evidence to the board of such applicant's practical nursing*  
8 *experience with the military. To qualify for such a waiver, the applicant*  
9 *must have been a member of the army, navy, marine corps, air force, air*  
10 *or army national guard, coast guard or any branch of the military reserves*  
11 *of the United States, and separated from such military service ~~under~~*  
12 *~~honorable conditions~~ with an honorable discharge. If such applicant*  
13 **was separated from such military service under honorable conditions**  
14 **(general) discharge and meets the requirements of this paragraph, the**  
15 **board may authorize the educational requirements under subsection**  
16 **(a)(1) be waived.**

17 ~~(3)~~(4) *Refresher course.* Notwithstanding the provisions of  
18 subsections (a) and (b), an applicant for a license to practice as a licensed  
19 practical nurse who has not been licensed to practice practical nursing for  
20 five years preceding application shall be required to successfully complete  
21 a refresher course as defined by the board.

22 ~~(4)~~(5) *Renewal license.* A licensed practical nurse licensed under this  
23 act shall be eligible for renewal licenses upon compliance with K.S.A. 65-  
24 1117, and amendments thereto.

25 ~~(5)~~(6) *Licensure examination within 24 months of graduation.* (A)  
26 Persons who do not take the licensure examination within 24 months after  
27 graduation shall petition the board for permission prior to taking the  
28 licensure examination. The board may require the applicant to submit and  
29 complete a plan of study prior to taking the licensure examination.

30 (B) Persons who are unsuccessful in passing the licensure  
31 examination within 24 months after graduation shall petition the board for  
32 permission prior to subsequent attempts. The board may require the  
33 applicant to submit and complete a plan of study prior to taking the  
34 licensure examination a subsequent time. The study plan shall contain  
35 subjects related to deficiencies identified on the failed examination  
36 profiles.

37 ~~(6)~~(7) An application for initial licensure or endorsement will be held  
38 awaiting completion of meeting qualifications for a time period specified  
39 in rules and regulations.

40 (d) *Title and abbreviation.* Any person who holds a license to practice  
41 as a licensed practical nurse in this state shall have the right to use the title,  
42 "licensed practical nurse," and the abbreviation, "L.P.N." No other person  
43 shall assume the title or use the abbreviation or any other words, letters,

1 signs or figures to indicate that the person is a licensed practical nurse.

2 (e) *Temporary permit.* The board may issue a temporary permit to  
3 practice nursing as a licensed practical nurse for a period not to exceed 120  
4 days. A temporary permit for 120 days may be issued to an applicant for  
5 licensure as a licensed practical nurse who is a graduate of a practical  
6 school of nursing in a foreign country after verification of licensure in that  
7 foreign country and approval of educational credentials.

8 (f) *Exempt license.* The board may issue an exempt license to any  
9 licensee as defined in rules and regulations who makes written application  
10 for such license on a form provided by the board, who remits a fee as  
11 established pursuant to K.S.A. 65-1118, and amendments thereto, and who  
12 is not regularly engaged in the practice of practical nursing in Kansas but  
13 volunteers practical nursing service or is a charitable health care provider  
14 as defined by K.S.A. 75-6102, and amendments thereto. Each exempt  
15 licensee shall be subject to all provisions of the nurse practice act, except  
16 as otherwise provided in this subsection (f). Each exempt license may be  
17 renewed biennially subject to the provisions of this section. The holder of  
18 the exempt license shall not be required to submit evidence of satisfactory  
19 completion of a program of continuing nursing education for renewal. To  
20 convert an exempt license to an active license, the exempt licensee shall  
21 meet all the requirements of subsection (c) or K.S.A. 65-1117, and  
22 amendments thereto. The board shall have authority to write rules and  
23 regulations to carry out the provisions of this section.

24 Sec. ~~2~~ {4.} K.S.A. 2012 Supp. 65-6129 is hereby amended to read as  
25 follows: 65-6129. (a) **(1)** Application for an attendant's certificate shall be  
26 made to the board. The board shall not grant an attendant's certificate  
27 unless the applicant meets the following requirements:

28 ~~(+)~~ **(A) (i)** Has successfully completed coursework required by the  
29 rules and regulations adopted by the board; ~~or~~

30 ~~(B)~~ **(ii)** has successfully completed coursework in another jurisdiction  
31 that is substantially equivalent to that required by the rules and regulations  
32 adopted by the board; *or*

33 ~~(C)~~ **(iii)** *has provided evidence that such applicant holds a current*  
34 *and active certification with the national registry of emergency medical*  
35 *technicians, completed emergency medical technician training as a*  
36 *member of the army, navy, marine corps, air force, air or army national*  
37 *guard, coast guard or any branch of the military reserves of the United*  
38 *States that is substantially equivalent to that required by the rules and*  
39 *regulations adopted by the board, and such applicant separated from such*  
40 *military service under honorable conditions with an honorable*  
41 **discharge;**

42 ~~(2)-(A)~~ **(B) (i)** has passed the examination required by the rules and  
43 regulations adopted by the board; *or*

1       ~~(B)~~ (ii) has passed the certification or licensing examination in  
2 another jurisdiction that has been approved by the board; and

3       ~~(C)~~ (C) has paid an application fee required by the rules and  
4 regulations adopted by the board.

5       **(2) The board may grant an attendant's certificate to any**  
6 **applicant who meets the requirements under subsection (a)(1)(A)(iii)**  
7 **but was separated from such military service under honorable**  
8 **conditions (general) discharge ~~if such applicant satisfies the~~**  
9 **~~requirements under subsections (a)(1)(A)(ii) and (a)(1)(A)(iii).~~**

10       (b) (1) The board shall not grant a temporary attendant's certificate  
11 unless the applicant meets the following requirements:

12       (A) If the applicant is certified or licensed as an attendant in another  
13 jurisdiction, but the applicant's coursework is determined not to be  
14 substantially equivalent to that required by the board, such temporary  
15 certificate shall be valid for one year from the date of issuance or until the  
16 applicant has completed the required coursework, whichever occurs first;  
17 or

18       (B) if the applicant has completed the required coursework, has taken  
19 the required examination, but has not received the results of the  
20 examination, such temporary certificate shall be valid for 120 days from  
21 the date of the examination.

22       (2) An applicant who has been granted a temporary certificate shall  
23 be under the direct supervision of a physician, a physician's assistant, a  
24 professional nurse or an attendant holding a certificate at the same level or  
25 higher than that of the applicant.

26       (c) The board shall not grant an initial emergency medical technician-  
27 intermediate certificate, advanced emergency medical technician  
28 certificate, mobile intensive care technician certificate or paramedic  
29 certificate as a result of successful course completion in the state of  
30 Kansas, unless the applicant for such an initial certificate is certified as an  
31 emergency medical technician.

32       (d) An attendant's certificate shall expire on the date prescribed by the  
33 board. An attendant's certificate may be renewed for a period of two years  
34 upon payment of a fee as prescribed by rule and regulation of the board  
35 and upon presentation of satisfactory proof that the attendant has  
36 successfully completed continuing education as prescribed by the board.

37       (e) All fees received pursuant to the provisions of this section shall be  
38 remitted to the state treasurer in accordance with the provisions of K.S.A.  
39 75-4215, and amendments thereto. Upon receipt of each such remittance,  
40 the state treasurer shall deposit the entire amount in the state treasury to  
41 the credit of the emergency medical services operating fund established by  
42 K.S.A. 65-6151, and amendments thereto.

43       (f) If a person who was previously certified as an attendant applies

1 for an attendant's certificate after the certificate's expiration, the board may  
2 grant a certificate without the person completing an initial course of  
3 instruction or passing a certification examination if the person has  
4 completed education requirements and has paid a fee as specified in rules  
5 and regulations adopted by the board.

6 (g) The board shall adopt, through rules and regulations, a formal list  
7 of graduated sanctions for violations of article 61 of chapter 65 of the  
8 Kansas Statutes Annotated, and amendments thereto, which shall specify  
9 the number and severity of violations for the imposition of each level of  
10 sanction.

11 ~~Sec. 3, {5.}~~ K.S.A. 2012 Supp. ~~{48-3406,}~~ 65-1116 and 65-6129 are  
12 hereby repealed.

13 ~~Sec. 4, {6.}~~ This act shall take effect and be in force from and after its  
14 publication in the statute book.