

HOUSE BILL No. 2524

By Committee on Health and Human Services

1-29

1 AN ACT concerning the board of nursing; appointment; reinstatement of
2 licenses; fees; amending K.S.A. 2013 Supp. 65-1118 and 74-1106 and
3 repealing the existing sections.
4
5 *Be it enacted by the Legislature of the State of Kansas:*
6 Section 1. K.S.A. 2013 Supp. 65-1118 is hereby amended to read as
7 follows: 65-1118. (a) The board shall collect in advance fees provided for
8 in this act as fixed by the board, but not exceeding:
9
10 Application for license—professional nurse.....\$75
11 Application for license—practical nurse.....50
12 Application for biennial renewal of license—professional nurse and
13 practical nurse.....60
14 Application for reinstatement of license.....70
15 Application for reinstatement of licenses with temporary permit.....100
16 *Application for reinstatement of revoked license.....1,000*
17 Certified copy of license.....25
18 Duplicate of license.....25
19 Inactive license.....20
20 Application for license—advanced practice registered nurse.....50
21 Application for license with temporary permit—advanced practice
22 registered nurse.....100
23 Application for renewal of license—advanced practice registered nurse..60
24 Application for reinstatement of license—advanced practice registered
25 nurse.....75
26 Application for authorization—registered nurse anesthetist.....75
27 Application for authorization with temporary authorization—registered
28 nurse anesthetist.....110
29 Application for biennial renewal of authorization—registered nurse
30 anesthetist.....60
31 Application for reinstatement of authorization—registered nurse
32 anesthetist.....75
33 Application for reinstatement of authorization with temporary
34 authorization—registered nurse anesthetis.....100
35 Verification of license to another state.....30
36 Application for exempt license—professional and practical nurse.....50

1 Application for biennial renewal of exempt license— professional and
 2 practical nurse.....50
 3 Application for exempt license—advanced practice registered nurse.....50
 4 Application for biennial renewal of exempt license—advanced practice
 5 registered nurse.....50
 6

7 (b) The board may require that fees paid for any examination under
 8 the Kansas nurse practice act be paid directly to the examination service
 9 by the person taking the examination.

10 (c) The board shall accept for payment of fees under this section
 11 personal checks, certified checks, cashier's checks, money orders or credit
 12 cards. The board may designate other methods of payment, but shall not
 13 refuse payment in the form of a personal check. The board may impose
 14 additional fees and recover any costs incurred by reason of payments made
 15 by personal checks with insufficient funds and payments made by credit
 16 cards.

17 New Sec. 2. (a) A person whose license has been revoked may apply
 18 for reinstatement of the license after the expiration of three years from the
 19 effective date of the revocation. Application for reinstatement shall be on a
 20 form approved by the board and shall be accompanied by a reinstatement
 21 fee established by the board under K.S.A. 65-1118, and amendments
 22 thereto. The burden of proof by clear and convincing evidence shall be on
 23 the applicant to show sufficient rehabilitation to justify reinstatement of
 24 the license. If the board determines a license should not be reinstated, the
 25 person shall not be eligible to reapply for reinstatement for three years
 26 from the effective date of the denial. All proceedings conducted on an
 27 application for reinstatement shall be in accordance with the provisions of
 28 the Kansas administrative procedure act and shall be reviewable in
 29 accordance with the Kansas judicial review act. The board, on its own
 30 motion, may stay the effectiveness of an order of revocation of license.

31 (b) This section shall be part of and supplemental to the Kansas nurse
 32 practice act.

33 Sec. 3. K.S.A. 2013 Supp. 74-1106 is hereby amended to read as
 34 follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall
 35 appoint a board consisting of 11 members of which six shall be registered
 36 professional nurses, two shall be licensed practical nurses and three shall
 37 be members of the general public, which shall constitute a board of
 38 nursing, with the duties, power and authority set forth in this act.

39 (2) Upon the expiration of the term of any registered professional
 40 nurse, the Kansas state nurses association shall submit to the governor a
 41 list of registered professional nurses containing names of not less than
 42 three times the number of persons to be appointed, and appointments shall
 43 be made after consideration of such list for terms of four years and until a

1 successor is appointed and qualified.

2 (3) ~~On the effective date of this act, the Kansas federation of licensed~~
3 ~~practical nurses shall submit to the governor a list of licensed practical~~
4 ~~nurses containing names of not less than three times the number of persons~~
5 ~~to be appointed, and appointments shall be made after consideration of~~
6 ~~such list for a term of four years and until a successor is appointed and~~
7 ~~qualified.~~

8 (4) Each member of the general public shall be appointed for a term
9 of four years and successors shall be appointed for a like term.

10 (5)(4) Whenever a vacancy occurs on the board of nursing, it shall be
11 filled by appointment for the remainder of the unexpired term in the same
12 manner as the preceding appointment. No person shall serve more than
13 two consecutive terms as a member of the board of nursing and
14 appointment for the remainder of an unexpired term shall constitute a full
15 term of service on such board.

16 (b) *Qualifications of members.* Each member of the board shall be a
17 citizen of the United States and a resident of the state of Kansas.
18 Registered professional nurse members shall possess a license to practice
19 as a professional nurse in this state with at least five years' experience in
20 nursing as such and shall be actively engaged in professional nursing in
21 Kansas at the time of appointment and reappointment. The licensed
22 practical nurse members shall be licensed to practice practical nursing in
23 the state with at least five years' experience in practical nursing and shall
24 be actively engaged in practical nursing in Kansas at the time of
25 appointment and reappointment. The governor shall appoint successors so
26 that the registered professional nurse membership of the board shall
27 consist of at least two members who are engaged in nursing service, at
28 least two members who are engaged in nursing education and at least one
29 member who is engaged in practice as an advanced practice registered
30 nurse or a registered nurse anesthetist. The consumer members shall
31 represent the interests of the general public. At least one consumer
32 member shall not have been involved in providing health care. Each
33 member of the board shall take and subscribe the oath prescribed by law
34 for state officers, which oath shall be filed with the secretary of state.

35 (c) *Duties and powers.* (1) The board shall meet annually at Topeka
36 during the month of September and shall elect from its members a
37 president, vice-president and secretary, each of whom shall hold their
38 respective offices for one year. The board shall employ an executive
39 administrator, who shall be a registered professional nurse, who shall not
40 be a member of the board and who shall be in the unclassified service
41 under the Kansas civil service act, and shall employ such other employees,
42 who shall be in the classified service under the Kansas civil service act as
43 necessary to carry on the work of the board. As necessary, the board shall

1 be represented by an attorney appointed by the attorney general as
2 provided by law, whose compensation shall be determined and paid by the
3 board with the approval of the governor. The board may hold such other
4 meetings during the year as may be deemed necessary to transact its
5 business.

6 (2) The board shall adopt rules and regulations consistent with this
7 act necessary to carry into effect the provisions thereof, and such rules and
8 regulations may be published and copies thereof furnished to any person
9 upon application.

10 (3) The board shall prescribe curricula and standards for professional
11 and practical nursing programs and mental health technician programs,
12 and provide for surveys of such schools and courses at such times as it
13 may deem necessary. It shall accredit such schools and approve courses as
14 meet the requirements of the appropriate act and rules and regulations of
15 the board.

16 (4) The board shall examine, license and renew licenses of duly
17 qualified applicants and conduct hearings upon charges for limitation,
18 suspension or revocation of a license or approval of professional and
19 practical nursing and mental health technician programs and may limit,
20 deny, suspend or revoke for proper legal cause, licenses or approval of
21 professional and practical nursing and mental health technician programs,
22 as hereinafter provided. Examination for applicants for registration shall
23 be given at least twice each year and as many other times as deemed
24 necessary by the board. The board shall promote improved means of
25 nursing education and standards of nursing care through institutes,
26 conferences and other means.

27 (5) The board shall have a seal of which the executive administrator
28 shall be the custodian. The president and the secretary shall have the
29 power and authority to administer oaths in transacting business of the
30 board, and the secretary shall keep a record of all proceedings of the board
31 and a register of professional and practical nurses and mental health
32 technicians licensed and showing the certificates of registration or licenses
33 granted or revoked, which register shall be open at all times to public
34 inspection.

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

37 (7) The board is hereby authorized to apply for and to accept grants
38 and may accept donations, bequests or gifts. The board shall remit all
39 moneys received by it under this paragraph (7) to the state treasurer in
40 accordance with the provisions of K.S.A. 75-4215, and amendments
41 thereto. Upon receipt of each such remittance, the state treasurer shall
42 deposit the entire amount in the state treasury to the credit of the grants
43 and gifts fund which is hereby created. All expenditures from such fund

1 shall be made in accordance with appropriation acts upon warrants of the
2 director of accounts and reports issued pursuant to vouchers approved by
3 the president of the board or a person designated by the president.

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

6 (d) *Subpoenas.* In all investigations and proceedings, the board shall
7 have the power to issue subpoenas and compel the attendance of witnesses
8 and the production of all relevant and necessary papers, books, records,
9 documentary evidence and materials. Any person failing or refusing to
10 appear or testify regarding any matter about which such person may be
11 lawfully questioned or to produce any books, papers, records,
12 documentary evidence or relevant materials in the matter, after having
13 been required by order of the board or by a subpoena of the board to do so,
14 upon application by the board to any district judge in the state, may be
15 ordered by such judge to comply therewith. Upon failure to comply with
16 the order of the district judge, the court may compel obedience by
17 attachment for contempt as in the case of disobedience of a similar order
18 or subpoena issued by the court. A subpoena may be served upon any
19 person named therein anywhere within the state with the same fees and
20 mileage by an officer authorized to serve subpoenas in civil actions in the
21 same procedure as is prescribed by the code of civil procedure for
22 subpoenas issued out of the district courts of this state.

23 (e) *Compensation and expenses.* Members of the board of nursing
24 attending meetings of such board, or attending a subcommittee meeting
25 thereof authorized by such board, shall be paid compensation, subsistence
26 allowances, mileage and other expenses as provided in K.S.A. 75-3223,
27 and amendments thereto. No member of the board of nursing shall be paid
28 an amount as provided in K.S.A. 75-3223, and amendments thereto, if
29 such member receives an amount from another governmental or private
30 entity for the purpose for which such amount is payable under K.S.A. 75-
31 3223, and amendments thereto.

32 Sec. 4. K.S.A. 2013 Supp. 65-1118 and 74-1106 are hereby repealed.

33 Sec. 5. This act shall take effect and be in force from and after its
34 publication in the statute book.