

As Amended by House Committee

Session of 2014

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 licensed practical nurse shall be appointed for a term of**  
9 **four years and until a successor is appointed and qualified.**

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

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

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

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

1 who shall be in the classified service under the Kansas civil service act as  
2 necessary to carry on the work of the board. As necessary, the board shall  
3 be represented by an attorney appointed by the attorney general as  
4 provided by law, whose compensation shall be determined and paid by the  
5 board with the approval of the governor. The board may hold such other  
6 meetings during the year as may be deemed necessary to transact its  
7 business.

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

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

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

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

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

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

1 deposit the entire amount in the state treasury to the credit of the grants  
2 and gifts fund which is hereby created. All expenditures from such fund  
3 shall be made in accordance with appropriation acts upon warrants of the  
4 director of accounts and reports issued pursuant to vouchers approved by  
5 the president of the board or a person designated by the president.

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

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

25 (e) *Compensation and expenses*. Members of the board of nursing  
26 attending meetings of such board, or attending a subcommittee meeting  
27 thereof authorized by such board, shall be paid compensation, subsistence  
28 allowances, mileage and other expenses as provided in K.S.A. 75-3223,  
29 and amendments thereto. No member of the board of nursing shall be paid  
30 an amount as provided in K.S.A. 75-3223, and amendments thereto, if  
31 such member receives an amount from another governmental or private  
32 entity for the purpose for which such amount is payable under K.S.A. 75-  
33 3223, and amendments thereto.

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

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