

HOUSE BILL No. 2205

By Committee on Health and Human Services

2-3

1 AN ACT concerning advanced practice registered nurses; amending
2 K.S.A. 2014 Supp. 65-1113 and 65-1130 and repealing the existing
3 sections.

4

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

6 New Section 1. (a) For the purposes of this act, the board of nursing
7 and the board of healing arts shall jointly adopt rules and regulations
8 relating to the role of advanced practice registered nurses including such
9 conditions, limitations and restrictions that the boards determine to be
10 necessary to protect the public health and safety, and to protect the public
11 from advanced practice registered nurses performing functions and
12 procedures for which they lack adequate education, training and
13 qualifications. Such rules and regulations shall include the authority to
14 prescribe medications, sign for and order tests and treatments, and perform
15 other delegated medical acts and functions, and shall specify those services
16 or clinical settings which shall require a collaborative practice agreement
17 or protocol with a physician. In such cases, the scope of authority of the
18 advanced practice registered nurse shall be within and consistent with the
19 normal and customary specialty, practice and competence of any
20 collaborating, delegating or supervising physician.

21 (b) In developing the rules and regulations defining the role of the
22 advanced practice registered nurse, the boards shall consider:

23 (1) The different practice and clinical settings in which advanced
24 practice registered nurses function, and the differing degrees of
25 collaboration, direction or supervision appropriate for such settings;

26 (2) the education required for licensure as an advanced practice
27 registered nurse;

28 (3) the type of nursing practice and preparation in specialized
29 advanced practice skills involved in each role of the advanced practice
30 registered nurse established by the board;

31 (4) the scope and limitations of advanced practice nursing prescribed
32 by national advanced practice organizations; and

33 (5) acts recognized by the nursing profession as appropriate to be
34 performed by persons with post basic education in nursing.

35 (c) Subject to the provisions of subsection (a), the rules and
36 regulations adopted pursuant to this section shall:

1 (1) Establish roles and identify titles and abbreviations of advanced
2 practice registered nurses which are consistent with nursing practice
3 specialties recognized by the nursing profession; and

4 (2) establish education and qualifications necessary for licensure for
5 each role of advanced practice registered nurse established by the board at
6 a level adequate to assure the competent performance by advanced
7 practice registered nurses of functions and procedures which advanced
8 practice registered nurses are authorized to perform. Advanced practice
9 registered nursing is based on knowledge and skills acquired in basic
10 nursing education, licensure as a registered nurse and graduation from or
11 completion of a master's or higher degree in one of the advanced practice
12 registered nurse roles approved by the board of nursing.

13 (d) The board of nursing and the state board of healing arts shall
14 constitute a joint adopting authority for the purpose of adopting rules and
15 regulations as provided in this section. On and before July 1, 2016, rules
16 and regulations adopted under this section shall be to implement the
17 provisions of K.S.A. 2014 Supp. 65-1130, as that section will be amended
18 on July 1, 2016, by section 4 of this act even though such section will not
19 be effective until July 1, 2016, and such rules and regulations shall become
20 effective on July 1, 2016. On and after July 1, 2016, rules and regulations
21 adopted by the joint adopting authority under this section shall apply as
22 provided in this section.

23 (e) The joint adopting authority shall provide, on or before January
24 15, 2016, a report to the senate committee on public health and welfare
25 and to the house committee on health and human services concerning the
26 progress made toward adopting rules and regulations under this section
27 which report shall include a copy of the rules and regulations which have
28 been developed.

29 New Sec. 2. (a) For the purposes of assisting the board of nursing and
30 board of healing arts to develop the rules and regulations required to be
31 adopted jointly under section 1, and amendments thereto, there is hereby
32 established a joint APRN advisory committee, which shall be attached to
33 the board of nursing. The committee shall be advisory to the boards of
34 nursing and healing arts on matters relating to APRN licensure, regulation
35 and practice and shall assist with the development of regulations which
36 define the role of advanced practice registered nurses and establish
37 limitations and restrictions on such role.

38 (b) The joint committee shall be composed of six members. Three
39 members shall be appointed by the board of nursing, and three members
40 shall be appointed by the board of healing arts. All appointees of the board
41 of nursing must hold a license as an advanced practice registered nurse and
42 be actively engaged in advanced practice nursing. All appointees of the
43 board of healing arts must hold a license to practice medicine and surgery

1 and be actively engaged in the practice of medicine and surgery. One
2 member appointed by the board of nursing must be a member of that
3 board, and one member appointed by the board of healing arts must be a
4 member of that board. In appointing their remaining representatives on the
5 joint committee, the boards shall consider any names submitted by the
6 respective professional associations.

7 (c) All members shall serve at the pleasure of the appointing board,
8 and any vacancies shall be filled by the respective appointing boards.
9 During odd-numbered years, the member of the joint committee who is a
10 member of the board of nursing shall serve as chairperson, and during
11 even-numbered years, the member of the joint committee who is a member
12 of the board of healing arts shall serve as chairperson. A quorum of the
13 joint committee shall be four, and all actions of the committee shall be
14 taken by a majority of those present when there is a quorum.

15 (d) The joint committee shall meet within the state on the call of the
16 chairperson or as requested by the two appointing boards.

17 (e) Members of the joint committee shall receive from their
18 appointing board amounts as provided in K.S.A. 75-3223(e), and
19 amendments thereto, when attending meetings of the committee. The
20 expenses of the committee shall be shared equally by the board of nursing
21 and the board of healing arts.

22 Sec. 3. On and after July 1, 2016, K.S.A. 2014 Supp. 65-1113 is
23 hereby amended to read as follows: 65-1113. When used in this act and the
24 act of which this section is amendatory:

25 (a) "Board" means the board of nursing.

26 (b) "Diagnosis" in the context of nursing practice means that
27 identification of and discrimination between physical and psychosocial
28 signs and symptoms essential to effective execution and management of
29 the nursing regimen and shall be construed as distinct from a medical
30 diagnosis.

31 (c) "Treatment" means the selection and performance of those
32 therapeutic measures essential to effective execution and management of
33 the nursing regimen, and any prescribed medical regimen.

34 (d) *Practice of nursing.* (1) The practice of professional nursing as
35 performed by a registered professional nurse for compensation or
36 gratuitously, except as permitted by K.S.A. 65-1124, and amendments
37 thereto, means the process in which substantial specialized knowledge
38 derived from the biological, physical, and behavioral sciences is applied
39 to: the care, diagnosis, treatment, counsel and health teaching of persons
40 who are experiencing changes in the normal health processes or who
41 require assistance in the maintenance of health or the prevention or
42 management of illness, injury or infirmity; administration, supervision or
43 teaching of the process as defined in this section; and the execution of the

1 medical regimen as prescribed by a person licensed to practice medicine
2 and surgery or a person licensed to practice dentistry. (2) The practice of
3 nursing as a licensed practical nurse means the performance for
4 compensation or gratuitously, except as permitted by K.S.A. 65-1124, and
5 any amendments thereto, of tasks and responsibilities defined in ~~part (1) of~~
6 ~~this subsection (d)(1)~~ which tasks and responsibilities are based on
7 acceptable educational preparation within the framework of supportive and
8 restorative care under the direction of a registered professional nurse, a
9 person licensed to practice medicine and surgery or a person licensed to
10 practice dentistry.

11 (e) A "professional nurse" means a person who is licensed to practice
12 professional nursing as defined in ~~part (1) of~~ subsection (d)(1) of this
13 section.

14 (f) A "practical nurse" means a person who is licensed to practice
15 practical nursing as defined in ~~part (2) of~~ subsection (d)(2) of this section.

16 (g) "Advanced practice registered nurse" or "APRN" means a
17 professional nurse who holds a license from the board to function as a
18 professional nurse in an advanced role *by virtue of additional knowledge*
19 *and skills gained through a formal advanced practice education program*
20 *of nursing in a specialty area*, and this advanced role shall be defined by
21 rules and regulations *which are jointly* adopted by the board of nursing
22 *and the board of healing arts* in accordance with section 1, and
23 *amendments thereto*, and K.S.A. 65-1130, and amendments thereto.

24 (h) *"Joint adopting authority" means the state board of nursing and*
25 *the state board of healing arts as specified in section 1, and amendments*
26 *thereto.*

27 Sec. 4. On and after July 1, 2016, K.S.A. 2014 Supp. 65-1130 is
28 hereby amended to read as follows: 65-1130. (a) No professional nurse
29 shall announce or represent to the public that such person is an advanced
30 practice registered nurse unless such professional nurse has complied with
31 requirements established ~~by the board pursuant to law~~ and holds a valid
32 license as an advanced practice registered nurse in accordance with the
33 provisions of this section.

34 (b) ~~The board joint adopting authority~~ shall establish standards and
35 requirements for any professional nurse who desires to obtain licensure as
36 an advanced practice registered nurse. Such standards and requirements
37 shall include, but not be limited to, standards and requirements relating to
38 the education of advanced practice registered nurses. The board of nursing
39 may give such examinations and secure such assistance as it deems
40 necessary to determine the qualifications of applicants.

41 (c) ~~The board shall adopt rules and regulations applicable to advanced~~
42 ~~practice registered nurses which:~~

43 (1) ~~Establish roles and identify titles and abbreviations of advanced~~

1 practice registered nurses which are consistent with nursing practice
2 specialties recognized by the nursing profession.

3 (2) Establish education and qualifications necessary for licensure for
4 each role of advanced practice registered nurse established by the board at
5 a level adequate to assure the competent performance by advanced
6 practice registered nurses of functions and procedures which advanced
7 practice registered nurses are authorized to perform. Advanced practice
8 registered nursing is based on knowledge and skills acquired in basic
9 nursing education, licensure as a registered nurse and graduation from or
10 completion of a master's or higher degree in one of the advanced practice
11 registered nurse roles approved by the board of nursing.

12 (3) Define the role of advanced practice registered nurses and
13 establish limitations and restrictions on such role. The board shall adopt a
14 definition of the role under this subsection (c)(3) which is consistent with
15 the education and qualifications required to obtain a license as an
16 advanced practice registered nurse, which protects the public from persons
17 performing functions and procedures as advanced practice registered
18 nurses for which they lack adequate education and qualifications and
19 which authorizes advanced practice registered nurses to perform acts
20 generally recognized by the profession of nursing as capable of being
21 performed, in a manner consistent with the public health and safety, by
22 persons with postbasic education in nursing. In defining such role the
23 board shall consider: (A) The education required for a licensure as an
24 advanced practice registered nurse; (B) the type of nursing practice and
25 preparation in specialized advanced practice skills involved in each role of
26 advanced practice registered nurse established by the board; (C) the scope
27 and limitations of advanced practice nursing prescribed by national
28 advanced practice organizations; and (D) acts recognized by the nursing
29 profession as appropriate to be performed by persons with postbasic
30 education in nursing.

31 (d) An advanced practice registered nurse may prescribe drugs
32 pursuant to a written protocol as authorized by a responsible physician.
33 Each written protocol shall contain a precise and detailed medical plan of
34 care for each classification of disease or injury for which the advanced
35 practice registered nurse is authorized to prescribe and shall specify all
36 drugs which may be prescribed by the advanced practice registered nurse.
37 Any written prescription order shall include the name, address and
38 telephone number of the responsible physician *pursuant to the rules and
39 regulations adopted by the joint adopting authority*. The advanced practice
40 registered nurse may not dispense drugs, but may request, receive and sign
41 for professional samples and may distribute professional samples to
42 patients pursuant to a written protocol as authorized by a responsible
43 physician. In order to prescribe controlled substances, the advanced

1 practice registered nurse shall—(1) register with the federal drug
2 enforcement administration; and (2) notify the board of the name and
3 address of the responsible physician or physicians. In no case shall the
4 scope of authority of the advanced practice registered nurse exceed the
5 normal and customary practice of the responsible physician. An advanced
6 practice registered nurse certified in the role of registered nurse anesthetist
7 while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to
8 65-1164, inclusive, and amendments thereto, shall be subject to the
9 provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments
10 thereto, with respect to drugs and anesthetic agents and shall not be subject
11 to the provisions of this subsection. For the purposes of this subsection,
12 "responsible physician" means a person licensed to practice medicine and
13 surgery in Kansas who has accepted responsibility for the protocol and the
14 actions of the advanced practice registered nurse when prescribing drugs.

15 (e)(d) As used in this section, "drug" means those articles and
16 substances defined as drugs in K.S.A. 65-1626 and 65-4101, and
17 amendments thereto.

18 (f)(e) A person—~~registered~~ *licensed* to practice as an advanced
19 registered nurse practitioner in the state of Kansas immediately prior to the
20 effective date of this act *July 1, 2016*, shall be deemed to be licensed to
21 practice as an advanced practice registered nurse under this act and such
22 person shall not be required to file an original application for licensure
23 under this act. Any application for registration filed which has not been
24 granted prior to the effective date of this act *July 1, 2016*, shall be
25 processed as an application for licensure under this act.

26 (f) *All rules and regulations of the board in effect prior to July 1,*
27 *2016, which were adopted under this section and are applicable to*
28 *advanced practice registered nurses shall continue to be effective until*
29 *revised, amended, revoked or nullified pursuant to law.*

30 Sec. 5. On July 1, 2016, K.S.A. 2014 Supp. 65-1113 and 65-1130 are
31 hereby repealed.

32 Sec. 6. This act shall take effect and be in force from and after and its
33 publication in the statute book.