

## SENATE BILL No. 141

By Committee on Public Health and Welfare

2-3

---

1 AN ACT concerning the state board of healing arts; podiatrists; scope of  
2 practice; amending K.S.A. 65-28a02, as amended by section 42 of  
3 chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014  
4 Supp. 65-1130 and repealing the existing sections.  
5

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

7 New Section 1. (a) A podiatrist may delegate to a licensed physician  
8 assistant and licensed advanced practice registered nurse the authority to  
9 perform acts that constitute the practice of podiatry to the extent and in the  
10 manner authorized by rules and regulations promulgated by the state board  
11 of healing arts. Such acts shall be consistent with sound practices of  
12 podiatry. Each prescription issued by a physician assistant and an  
13 advanced practice registered nurse shall have the name of the supervising  
14 podiatrist printed on the prescription. Nothing in this section shall limit the  
15 ability of otherwise licensed health care providers to perform delegated  
16 acts. The dispensing of prescription medication by a physician assistant  
17 and an advanced practice registered nurse shall be subject to the provisions  
18 of K.S.A. 65-28a08, and amendments thereto. The dispensing of  
19 prescription medication by an advanced practice registered nurse shall be  
20 subject to the provisions of K.S.A. 65-1130, and amendments thereto.

21 (b) The board shall limit the number of physician assistants and  
22 advanced practice registered nurses a supervising podiatrist may be  
23 responsible for at any one time to the equivalent of two full-time physician  
24 assistants and advanced practice registered nurses combined as approved  
25 in each case by the board. Any limitation on the number of physician  
26 assistants and advanced practice registered nurses combined in this  
27 subsection shall not apply to services performed in a medical care facility,  
28 as defined in K.S.A. 65-425, and amendments thereto.

29 (c) The board shall adopt rules and regulations governing the  
30 direction and supervision of a physician assistant and an advanced practice  
31 registered nurse by the supervising podiatrist.

32 Sec. 2. K.S.A. 2014 Supp. 65-1130 is hereby amended to read as  
33 follows: 65-1130. (a) No professional nurse shall announce or represent to  
34 the public that such person is an advanced practice registered nurse unless  
35 such professional nurse has complied with requirements established by the  
36 board and holds a valid license as an advanced practice registered nurse in

1 accordance with the provisions of this section.

2 (b) The board shall establish standards and requirements for any  
3 professional nurse who desires to obtain licensure as an advanced practice  
4 registered nurse. Such standards and requirements shall include, but not be  
5 limited to, standards and requirements relating to the education of  
6 advanced practice registered nurses. The board may give such  
7 examinations and secure such assistance as it deems necessary to  
8 determine the qualifications of applicants.

9 (c) The board shall adopt rules and regulations applicable to advanced  
10 practice registered nurses which:

11 (1) Establish roles and identify titles and abbreviations of advanced  
12 practice registered nurses which are consistent with nursing practice  
13 specialties recognized by the nursing profession.

14 (2) Establish education and qualifications necessary for licensure for  
15 each role of advanced practice registered nurse established by the board at  
16 a level adequate to assure the competent performance by advanced  
17 practice registered nurses of functions and procedures which advanced  
18 practice registered nurses are authorized to perform. Advanced practice  
19 registered nursing is based on knowledge and skills acquired in basic  
20 nursing education, licensure as a registered nurse and graduation from or  
21 completion of a master's or higher degree in one of the advanced practice  
22 registered nurse roles approved by the board of nursing.

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

42 (d) An advanced practice registered nurse may prescribe drugs  
43 pursuant to a written protocol as authorized by a responsible physician.

1 Each written protocol shall contain a precise and detailed medical plan of  
2 care for each classification of disease or injury for which the advanced  
3 practice registered nurse is authorized to prescribe and shall specify all  
4 drugs which may be prescribed by the advanced practice registered nurse.  
5 Any written prescription order shall include the name, address and  
6 telephone number of the responsible physician. The advanced practice  
7 registered nurse may not dispense drugs, but may request, receive and sign  
8 for professional samples and may distribute professional samples to  
9 patients pursuant to a written protocol as authorized by a responsible  
10 physician. In order to prescribe controlled substances, the advanced  
11 practice registered nurse shall: (1) Register with the federal drug  
12 enforcement administration; and (2) notify the board of the name and  
13 address of the responsible physician or physicians. In no case shall the  
14 scope of authority of the advanced practice registered nurse exceed the  
15 normal and customary practice of the responsible physician. An advanced  
16 practice registered nurse certified in the role of registered nurse anesthetist  
17 while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to  
18 65-1164, inclusive, and amendments thereto, shall be subject to the  
19 provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments  
20 thereto, with respect to drugs and anesthetic agents and shall not be subject  
21 to the provisions of this subsection. For the purposes of this subsection,  
22 "responsible physician" means a person licensed to practice medicine and  
23 surgery *and a person licensed to practice podiatry* in Kansas who has  
24 accepted responsibility for the protocol and the actions of the advanced  
25 practice registered nurse when prescribing drugs.

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

28 (f) A person registered to practice as an advanced registered nurse  
29 practitioner in the state of Kansas immediately prior to the effective date of  
30 this act shall be deemed to be licensed to practice as an advanced practice  
31 registered nurse under this act and such person shall not be required to file  
32 an original application for licensure under this act. Any application for  
33 registration filed which has not been granted prior to the effective date of  
34 this act shall be processed as an application for licensure under this act.

35 Sec. 3. K.S.A. 65-28a02, as amended by section 42 of chapter 131 of  
36 the 2014 Session Laws of Kansas is hereby amended to read as follows:  
37 65-28a02. (a) The following words and phrases when used in the physician  
38 assistant licensure act shall have the meanings respectively ascribed to  
39 them in this section:

40 (1) "Board" means the state board of healing arts.

41 (2) "Direction and supervision" means the guidance, direction and  
42 coordination of activities of a physician assistant by such physician  
43 assistant's supervising physician, whether written or verbal, whether

1 immediate or by prior arrangement, in accordance with standards  
2 established by the board by rules and regulations, which standards shall be  
3 designed to ensure adequate direction and supervision by the supervising  
4 physician of the physician assistant. The term "direction and supervision"  
5 shall not be construed to mean that the immediate or physical presence of  
6 the supervising physician is required during the performance of the  
7 physician assistant.

8 (3) "Physician" means any person licensed by the state board of  
9 healing arts to practice medicine and surgery *and any person licensed by*  
10 *the state board of healing arts to practice podiatry.*

11 (4) "Physician assistant" means a person who is licensed in  
12 accordance with the provisions of K.S.A. 65-28a04, and amendments  
13 thereto, and who provides patient services under the direction and  
14 supervision of a supervising physician.

15 (5) "Supervising physician" means a physician who has accepted  
16 responsibility for the medical services rendered and actions of the  
17 physician assistant while performing under the direction and supervision  
18 of the supervising physician.

19 (6) "Licensee," for purposes of the physician assistant licensure act,  
20 means all persons issued a license or temporary license pursuant to the  
21 physician assistant licensure act.

22 (7) "License," for purposes of the physician assistant licensure act,  
23 means any license or temporary license granted by the physician assistant  
24 licensure act.

25 Sec. 4. K.S.A. 65-28a02, as amended by section 42 of chapter 131 of  
26 the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-1130 are  
27 hereby repealed.

28 Sec. 5. This act shall take effect and be in force from and after July 1,  
29 2016 and its publication in the statute book.