

HOUSE BILL No. 2025

AN ACT concerning the board of nursing; relating to assistant attorneys general; reinstatement of licenses; fees; mental health technician's licensure act; amending K.S.A. 65-4203, 65-4208 and 74-1111 and K.S.A. 2016 Supp. 65-1118, 65-4202 and 65-4212 and repealing the existing sections.

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

Section 1. K.S.A. 2016 Supp. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

Application for license—professional nurse	\$75
Application for license—practical nurse	50
Application for biennial renewal of license—professional nurse and practical nurse	60
Application for reinstatement of license	70
Application for reinstatement of licenses with temporary permit	100
<i>Application for reinstatement of revoked license</i>	<i>1,000</i>
Certified copy of license	25
Duplicate of license	25
Inactive license	20
Application for license—advanced practice registered nurse	50
Application for license with temporary permit—advanced practice registered nurse	100
Application for renewal of license—advanced practice registered nurse	60
Application for reinstatement of license—advanced practice registered nurse	75
Application for authorization—registered nurse anesthetist	75
Application for authorization with temporary authorization— registered nurse anesthetist	110
Application for biennial renewal of authorization—registered nurse anesthetist	60
Application for reinstatement of authorization—registered nurse anesthetist	75
Application for reinstatement of authorization with temporary authorization—registered nurse anesthetist	100
Verification of license to another state	30
Application for exempt license—professional and practical nurse	50
Application for biennial renewal of exempt license—professional and practical nurse	50
Application for exempt license—advanced practice registered nurse	50
Application for biennial renewal of exempt license—advanced practice registered nurse	50

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

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

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

on its own motion, may stay the effectiveness of an order of revocation of license.

(b) On or before January 8, 2018, and on or before the first day of the regular session of the Kansas legislature each year thereafter, the board of nursing shall submit a written report to the senate standing committee on public health and welfare and the house of representatives standing committee on health and human services that includes on an anonymous but individual and itemized basis: The number of individuals who applied for reinstatement of a revoked license during the immediately preceding calendar year; the amount of moneys charged to each such applicant; the number of such reinstatement applications that were granted and denied; and the basis given to deny any such reinstatement application.

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

Sec. 3. K.S.A. 2016 Supp. 65-4202 is hereby amended to read as follows: 65-4202. As used in this act: (a) “Board” means the state board of nursing.

(b) The “practice of mental health technology” means the performance, under the direction of a physician licensed to practice medicine and surgery or registered professional nurse, of services in caring for and treatment of the mentally ill, emotionally disturbed, or people with intellectual disability for compensation or personal profit, ~~which services that:~~

(1) ~~Involve responsible nursing participation and provision of input into the development of person-centered treatment plans and therapeutic procedures for patients with mental illness or intellectual disability individuals or groups of individuals specified in subsection (b) requiring interpersonal and technical skills in the observations and recognition of symptoms and reactions of such patients individuals, the accurate recording of such symptoms and reactions and the carrying out of treatments and medications as prescribed by a licensed physician or a mid-level practitioner as defined in subsection (ii) of K.S.A. 65-1626(ii), and amendments thereto; and~~

(2) require an application of techniques and procedures that involve understanding of cause and effect and the safeguarding of life and health of the ~~patient individual~~ and others; and

(3) require the performance of duties that are necessary to facilitate *habilitation and* rehabilitation of the ~~patient individual~~ or are necessary in the physical, therapeutic and psychiatric care of the ~~patient individual~~ and require close work with persons licensed to practice medicine and surgery, psychiatrists, psychologists, rehabilitation therapists, social workers, registered nurses, and other professional personnel.

(c) A “licensed mental health technician” means a person who lawfully practices mental health technology as defined in this act.

(d) An “approved course in mental health technology” means a program of training and study including a basic curriculum ~~which that~~ shall be prescribed and approved by the board in accordance with the standards prescribed herein, the successful completion of which shall be required before licensure as a mental health technician, except as hereinafter provided.

Sec. 4. K.S.A. 65-4203 is hereby amended to read as follows: 65-4203.

(a) *Qualification.* An applicant for a license to practice as a mental health technician shall:

(1) Have graduated from a high school accredited by the appropriate legal accrediting agency or ~~has~~ *have* obtained the equivalent of a high school education, as determined by the state department of education;

(2) have satisfactorily completed an approved course of mental health technology; and

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

(b) The board may issue a license to an applicant to practice as a mental health technician who has:

(1) Met the qualifications set forth in subsection (a);

(2) passed a written examination in mental health technology as prescribed ~~and conducted~~ by the board; and

(3) no disqualifying factors under K.S.A. 65-4209, and amendments thereto.

(c) *Licensure examination within 24 months of graduation.* (1) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

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

(d) An application for initial licensure will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(e) *Refresher course.* Notwithstanding the provisions of subsection (a), an applicant for a license to practice as a mental health technician who has not been licensed to practice as a mental health technician for five years preceding application shall be required to successfully complete a refresher course as defined by the board in rules and regulations.

(f) The board may issue a one-time temporary permit to practice as a mental health technician for a period not to exceed 120 days when a reinstatement application has been made.

(g) *Exempt license.* The board may issue an exempt license to any licensee as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-4208, and amendments thereto, and who is not regularly engaged in mental health technician practice in Kansas but volunteers mental health technician service or is a charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt licensee shall be subject to all provisions of the mental health technician act, except as otherwise provided in this subsection (e). Each exempt license may be renewed biennially subject to the provisions of this section. The holder of the exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education for renewal. To convert an exempt license to an active license, the exempt licensee shall meet all the requirements of subsection (b) or K.S.A. 65-4205, and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

(h) The board may adopt rules and regulations as necessary to administer the mental health technician's licensure act.

Sec. 5. K.S.A. 65-4208 is hereby amended to read as follows: 65-4208.

(a) The board shall collect in advance the fees provided for in this act, the amount of which shall be fixed by the board by rules and regulations, but not to exceed:

(1) Mental health technician programs:	
Annual renewal of program approval	\$110
Survey of a new program	220
Application for approval of continuing education providers	200
Annual fee for continuing education providers	75
(2) Mental health technicians:	
Application for license	\$50
Application for renewal of license	60
Application for reinstatement	70
Application for reinstatement of license with temporary permit ..	75
Certified copy of license	12
Duplicate of license	12
Inactive license	20
Examination	40
Reexamination	40
Verification of current Kansas license to other states	11
Application for exempt license	50
Application for biennial renewal of exempt license	50

(b) *The board shall require that fees for an examination prescribed by the board be paid directly to the examination service providing the examination by the person taking the examination.*

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

Sec. 6. K.S.A. 2016 Supp. 65-4212 is hereby amended to read as follows: 65-4212. The provisions of this act shall not be construed as prohibiting:

(a) Gratuitous care of the mentally ill, emotionally disturbed or people with intellectual disability by friends or members of the family;

(b) the practice of mental health technology by students enrolled in approved courses of mental health technology;

(c) the practice of mental health technology by graduates of an approved course in mental health technology who are practicing as mental health technicians pending the results of the first licensing examination scheduled by the board following graduation;

(d) practice by short-term trainees exploring the practice of mental health technology as a prospective vocation;

(e) service conducted in accordance with the practice of the tenets of any religious denomination in which persons of good faith rely solely upon spiritual means or prayer in the exercise of their religion to prevent or cure disease;

(f) the practice of any legally qualified mental health technician of this state or another who is employed by the United States government of any bureau, division or agency thereof, while in the discharge of official duties;

(g) temporary assistance in the therapeutic care of ~~patients~~ *individuals* where adequate medical, nursing, and/or other supervision is provided;

(h) subsidiary workers in hospitals or related institutions from assisting in the nursing care of ~~patients~~ *individuals* where adequate medical and nursing supervision is provided; and

(i) the employment of psychiatric aides who have received at least three months instruction in an approved basic aide training program and who work under the supervision of licensed personnel.

Sec. 7. K.S.A. 74-1111 is hereby amended to read as follows: 74-1111. (a) The attorney general shall appoint, with the approval of the board of nursing, ~~an assistant attorney~~ *assistant attorneys* general who shall carry out the duties under subsection (b). The ~~attorney~~ *attorneys* shall receive an annual salary fixed by the attorney general with the approval of the board of nursing. The ~~salary~~ *salaries* shall be paid from moneys appropriated to the board of nursing in the board of nursing fee fund.

(b) The ~~assistant attorney~~ *attorneys* general appointed under subsection (a) shall represent the board of nursing in any proceedings or litigation that may arise in the discharge of the duties of the board of nursing and shall perform such other duties of a legal nature as may be directed by the board of nursing.

Sec. 8. K.S.A. 65-4203, 65-4208 and 74-1111 and K.S.A. 2016 Supp. 65-1118, 65-4202 and 65-4212 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.