

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2025

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2025, as amended, would make several changes to law regarding the Board of Nursing (Board).

Assistant Attorney General

The bill would allow appointment by the Attorney General of more than one assistant attorney general to represent the Board. Current law provides for the appointment of an assistant attorney general, whose salary is paid from the Board of Nursing Fee Fund (Fund), to represent the Board in proceedings arising in the discharge of its duties and to perform duties of a legal nature as directed by the Board. The bill would allow for the salaries of more than one appointed assistant attorney general to be paid from the Fund.

Mental Health Technician's Licensure Act

The bill would amend the Mental Health Technician's Licensure Act by removing the requirement the Board conduct mental health technician examinations and by deleting the corresponding fees set forth in the statutory fee schedule. The bill would require fees for an examination prescribed by the Board for a licensed mental health technician (LMHT) be paid directly to the examination service by the individual taking the examination or reexamination.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Additionally, the bill would change the description of services included in the definition of the practice of mental health technology by deleting “responsible nursing for patients with mental illness or intellectual disability” and inserting “participation and provision of input into the development of person-centered treatment plans for individuals or groups of individuals specified in paragraph (b)” (those specified in paragraph (b) are “the mentally ill, emotionally disturbed, or people with intellectual disability”) and by including facilitating habilitation of individuals. The bill would also replace the term “patient” with “individual” and make technical amendments.

Kansas Nurse Practice Act

The bill would amend the Kansas Nurse Practice Act to authorize the Board to revoke a license for three years and would establish an application fee not to exceed \$1,000 for the reinstatement of a revoked license.

The bill would allow a person whose license has been revoked to apply for reinstatement after three years from the effective date of the revocation. Application for reinstatement would need to be made on a form approved by the Board and be accompanied by the associated application fee. A denial of license reinstatement by the Board would make the person ineligible to reapply for reinstatement for three years from the effective date of denial. The bill would authorize the Board, on its own motion, to stay the effectiveness of an order of revocation of a license.

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 bill would also require the Board to submit a written report containing the following information to the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services:

- An itemized, anonymous list of 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 applicant for reinstatement of a revoked license;
- The number of reinstatement applications granted and denied; and
- The basis given for denials.

Background

HB 2025

HB 2025 was introduced by the House Committee on Health and Human Services, at the request of the Board. At the House and Senate Committee hearings, a representative of the Board indicated the bill would allow the Board to employ more than one assistant attorney general. The representative noted the Board was given appropriation authority during the 2007 Legislative Session to hire an additional assistant attorney general and, since July 2007, has had two assistant attorneys general. According to the representative's testimony, during the hiring process to replace one of the assistant attorneys general who resigned in December 2011, the Board was notified the Attorney General's Office interpreted the current statute to allow the Board to employ only one assistant attorney general. The representative stated the Board has one assistant attorney general appointed by the Attorney General, and the Board hired an attorney, who was then appointed as a special assistant attorney general by the Attorney General's Office. The representative noted the bill would allow both attorneys to be titled assistant attorney general.

No neutral or opponent testimony was provided.

The Senate Committee amended the bill to insert the contents of HB 2028, as recommended by the House Committee, and to insert the contents of HB 2026, as amended by the Senate Committee.

According to the fiscal note prepared by the Division of the Budget on HB 2025, as introduced, the Board indicates enactment of the bill would have no fiscal effect for the Board, the public, or any local governments.

HB 2028 — Mental Health Technician’s Licensure Act

HB 2028 was introduced by the House Committee on Health and Human Services at the request of the Board. At the House and Senate Committee hearings, a representative of the Board testified in support of the bill. The representative stated the current cost of the LMHT examination is \$215, which is developed through a contract between the Board and a testing company. The representative stated eight individuals have taken the examination at a cost of \$1,720. Of the cost of \$1,720, the Board has received \$320 from the graduates who took the examination because of the \$40 cap the Board can charge for each examination and reexamination.

No opponent or neutral testimony was provided. According to the fiscal note prepared by the Division of the Budget on HB 2028, the Board estimates enactment of the bill would reduce future expenditures because licensees would pay the examination fee directly to the examination service.

HB 2026 — Kansas Nurse Practice Act

HB 2026 was introduced by the House Committee on Health and Human Services at the request of the Board. At

the House and Senate Committee hearings, testimony in support of the bill was provided by a representative of the Board. The representative stated the three-year license revocation would help prevent the continual cycle of license revocation and immediate application for reinstatement and would afford the licensee an opportunity to rehabilitate, while reinforcing the serious nature of the revocation. According to the Board representative, the fee for reinstatement is intended to cover the agency cost of investigating and processing the request to return to practice and reinforce the seriousness of a revocation.

No neutral or opponent testimony was provided.

The Senate Committee amended HB 2026 to require the Board annually to submit a written report with specific information about revocation of licenses to the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services.

According to the fiscal note prepared by the Division of the Budget on HB 2026, as introduced, the Board estimates the cost of the regulatory change would be negligible if the bill were enacted. The Board could not estimate any change in revenue because it is unknown how many persons would apply for reinstatement of revoked licenses.