As Amended by House Committee

Session of 2019

HOUSE BILL No. 2066

By Committee on Health and Human Services

1-23

AN ACT concerning advanced practice registered nurses; board of nursing; relating to definition of practice; prescribing authority; licensure requirements; rules and regulations; amending K.S.A. 65-1130 and 65-4101 and, K.S.A. 2017 Supp. 65-1113, as amended by section 2 of chapter 42 of the 2018 Session Laws of Kansas, and K.S.A. 2018 Supp. 40-3401 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 65-1113, as amended by section 2 of chapter 42 of the 2018 Session Laws of Kansas, is hereby amended to read as follows: 65-1113. When used in this act and the act of which this section is amendatory:

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

(b) "Diagnosis" in the context of nursing practice, for licensed practical nurses and registered nurses, means that the identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution implementation execution and management of the nursing regimen and shall be construed as distinct from a medical diagnosis patient's healthcare, determined by the nurse's level of education nursing regimen. Advanced practice registered nurses are educated and trained in using diagnoses and may develop primary and differential diagnoses within the advanced practice registered nurse scope of practice.

(c) "Treatment" means the selection and performance of those therapeutic measures essential to effective execution implementation and management of the nursing regimen, and any prescribed medical regimen patient's healthcare, determined by the nurse's level of education.

(d) Practice of nursing. (1) The practice of professional nursing as performed by a registered professional nurse for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and amendments thereto, means the process in which substantial specialized knowledge derived from the biological, physical, and behavioral sciences is applied to: the: Care, diagnosis, treatment, counsel and health teaching of persons who are experiencing changes in the normal health processes or who require assistance in the maintenance of health or the prevention or management of illness, injury or infirmity; administration, supervision or
teaching of the process as defined in this section; and the execution of the medical treatment regimen as prescribed by a person licensed to practice medicine and surgery or a person licensed to practice dentistry or a person licensed to practice advanced practice registered nursing.

(2) The practice of nursing as a licensed practical nurse means the performance for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and any amendments thereto, of tasks and responsibilities defined in paragraph (1), which tasks and responsibilities are based on acceptable educational preparation within the framework of supportive and restorative care under the direction of a registered professional nurse, a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

(3) The practice of professional nursing as an advanced practice registered nurse as defined in subsection (g) within the APRN role means, in addition to the practice and responsibilities of professional nursing as defined in paragraph (1): Conducting an advanced assessment; ordering and interpreting diagnostic procedures; establishing primary and differential diagnoses; prescribing, ordering, administering and furnishing therapeutic measures as set forth by the board; delegating and assigning therapeutic measures to assistive personnel; collaborating and consulting with physicians and other healthcare providers; providing referrals to healthcare providers, agencies and community resources; and other acts that require education and training consistent with the professional standards and commensurate with the APRN's education, certification, demonstrated competencies and experience.

(e) A "professional nurse" means a person who is licensed to practice professional nursing as defined in subsection (d)(1).

(f) A "practical nurse" means a person who is licensed to practice practical nursing as defined in subsection (d)(2).

(g) "Advanced practice registered nurse" or "APRN" means a professional nurse who holds a license from the board to function practice advanced practice registered nursing as defined in subsection (d)(3) as a professional nurse in an advanced role, and this advanced role shall may be further defined by rules and regulations consistent with the Kansas nurse practice act adopted by the board in accordance with K.S.A. 65-1130, and amendments thereto.

(h) "Continuing nursing education" means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public.

(i) "Collaboration" means the process in which two or more healthcare professionals work together to meet the healthcare needs of a
patient, as warranted by the patient.

(j) "Consultation" means the process in which an advanced practice registered nurse who maintains primary management responsibility for a patient's care seeks advice or opinion of a physician or another member of the healthcare team.

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

(b) (1) The board shall establish standards and requirements for any professional nurse who desires to obtain licensure as an advanced practice registered nurse. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced practice registered nurses. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(2) On and after July 1, 2020, for an applicant, an initial advanced practice registered nurse license shall have a current advanced practice registered nurse certification in such applicant's specific role granted by a national certifying organization recognized by the board whose certification standards are approved by the board as equal to or greater than the corresponding standards established by the board.

(c) The board shall adopt rules and regulations consistent with the Kansas nurse practice act applicable to advanced practice registered nurses which:

(1) Establish roles and identify titles and abbreviations of advanced practice registered nurses which are consistent with nursing practice specialties recognized by the nursing profession including titles describing the four APRN roles of certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife and certified nurse practitioner.

(2) Establish education and qualifications necessary for licensure for each role of advanced practice registered nurse established by the board at a level adequate to assure the competent performance by advanced practice registered nurses of functions and procedures which advanced practice registered nurses are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in Education and qualifications for APRN licensure established by the board shall include completion of basic nursing education, licensure as a registered nurse and graduation from or completion of a master's or higher degree an accredited graduate or post-graduate level APRN program in one of the advanced practice registered nurse roles approved by the board of nursing.
(3) Define the role of advanced practice registered nurses and establish limitations and restrictions on such role consistent with the Kansas nurse practice act. The board shall adopt a definition of the role under this paragraph which is consistent with the education and qualifications required to obtain a license as an advanced practice registered nurse, which protects the public from persons performing functions and procedures as advanced practice registered nurses for which they lack adequate education and qualifications and which authorizes advanced practice registered nurses to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider:

(A) The education required for a licensure as an advanced practice registered nurse;

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

(C) the scope and limitations of advanced practice nursing prescribed by national advanced practice organizations. Advanced practice nursing is built on the practice of health promotion, health maintenance, illness prevention, diagnosis, treatment and management of common health problems and acute and chronic conditions; and

(D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

(4) Require an advanced practice registered nurse to wear identification that clearly identifies the nurse as such when providing direct patient care, unless wearing identification creates a safety or health risk to the nurse or patient.

(d) (1) An advanced practice registered nurse may prescribe drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced practice registered nurse is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced practice registered nurse. Any written, procure and administer prescription drugs and controlled substances in schedules II through V pursuant to applicable federal and state laws. An advanced practice registered nurse shall not prescribe any drug that is intended to cause an abortion.

(2) A prescription order shall include the name, address and telephone number of the responsible physician. The advanced practice registered nurse. An advanced practice registered nurse may not dispense drugs, but may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written protocol as
authorized by a responsible physician.

(3) In order to prescribe controlled substances, the advanced practice registered nurse shall:

(A) Register with the federal drug enforcement administration; and

(B) notify the board of the name and address of the responsible physician or physicians. In no case shall the scope of authority of the advanced practice registered nurse exceed the normal and customary practice of the responsible physician federal drug enforcement administration registration as prescribed by the rules and regulations of the board. An advanced practice registered nurse shall comply with the federal drug enforcement administration requirements related to controlled substances.

(4) An advanced practice registered nurse certified in the role of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 through 65-1164, and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 through 65-1164, and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection. For the purposes of this subsection, "responsible physician" means a person licensed to practice medicine and surgery in Kansas who has accepted responsibility for the protocol and the actions of the advanced practice registered nurse when prescribing drugs.

(5) An advanced practice registered nurse shall maintain malpractice insurance coverage in effect as a condition of rendering professional service as an advanced practice registered nurse in this state and shall provide proof of insurance at the time of licensure and renewal of license. The requirements of this paragraph shall not apply to an advanced practice registered nurse who: Practices solely in employment for which the advanced practice registered nurse is covered under the federal tort claims act or Kansas tort claims act; practices solely as a charitable healthcare provider under K.S.A. 75-6102, and amendments thereto; or is serving on active duty in the military service of the United States.

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

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

(g) An advanced practice registered nurse certified in the role of...
certified nurse-midwife and engaging in the independent practice of midwifery under the independent practice of midwifery act with respect to prescribing drugs shall be subject to the provisions of the independent practice of midwifery act and shall not be subject to the provisions of this section.

(h) (1) The board shall adopt rules and regulations establishing a program of transition to full practice as an advance practice registered nurse. Any advanced practice registered nurse who has less than 4,000 hours of licensed active practice as an advanced practice registered nurse under a collaborative relationship with a physician in accordance with this subsection shall be required to undergo such transition program. Any hours completed under a written protocol with a responsible physician prior to the amendments made to this section by this act shall not count towards the 4,000-hour requirement.

(2) A transition period advanced practice registered nurse shall not prescribe, procure or administer prescription drugs, except as provided in this paragraph. As part of the transition to full practice as an advance practice registered nurse, an advanced practice registered nurse shall complete 4,000 hours in accordance with paragraph (1) within a period of three years while maintaining a collaborative relationship with a physician or a full practice advanced practice registered nurse for the prescription, procurement and administration of prescription drugs by the transition period advanced practice registered nurse.

(3) A transition period advanced practice registered nurse may engage in the practice of nursing as an advance practice registered nurse and may prescribe, procure and administer prescription drugs as part of the collaborative relationship described in paragraph (2).

(4) The board shall specify the manner and form in which a transition period advanced practice registered nurse may identify and represent such credentials, professionally and to the public.

(5) A transition period advanced practice registered nurse shall complete any documentation required by the board to demonstrate completion of the transition program prior to becoming a full practice advanced practice registered nurse. Upon successful completion of the transition program, the board shall authorize the advanced practice registered nurse to engage in the practice of advanced practice registered nursing without the limitations imposed by this subsection and as otherwise authorized by law.

(6) The board shall adopt rules and regulations as necessary to implement and administer this subsection.

(7) As used in this subsection:

(A) "Full practice" means the full extent of practice authorized...
under the Kansas nurse practice act, and rules and regulations adopted thereunder, without a written protocol with a responsible physician or a collaborative relationship with a physician.

(B) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

Sec. 3. K.S.A. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;

or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-
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4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:
   (A) A controlled substance;
   (B) a substance for which there is an approved new drug application;
   or
   (C) a substance with respect to which an exemption is in effect for
       investigational use by a particular person under section 505 of the federal
       food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with
       respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance—

(i) "Cultivate" means the planting or promotion of growth of five or

(j) "DEA" means the U.S. department of justice, drug enforcement

(k) "Deliver" or "delivery" means the actual, constructive or

(l) "Dispense" means to deliver a controlled substance to an ultimate

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or

(n) "Distribute" means to deliver other than by administering or

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official

(q) "Immediate precursor" means a substance—

has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container,
except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol).

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances
referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw; or

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species Papaver somniferum l. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited, and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping
systems can be separated out from all other records within a reasonable
time not to exceed 48 hours of a request from the board or other authorized
agent or that hard-copy records are kept on which certain items are
asterisked, redlined or in some other manner visually identifiable apart
from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a
controlled substance for such person's own use or for the use of a member
of such person's household or for administering to an animal owned by
such person or by a member of such person's household.

Sec. 4. K.S.A. 2018 Supp. 40-3401 is hereby amended to read as
follows: 40-3401. As used in this act:
(a) "Applicant" means any healthcare provider.
(b) "Basic coverage" means a policy of professional liability
insurance required to be maintained by each healthcare provider
pursuant to the provisions of K.S.A. 40-3402(a) or (b), and
amendments thereto.
(c) "Commissioner" means the commissioner of insurance.
(d) "Fiscal year" means the year commencing on the effective
date of this act and each year, commencing on the first day of July
thereafter.
(e) "Fund" means the healthcare stabilization fund established
pursuant to K.S.A. 40-3403(a), and amendments thereto.
(f) (1) "Healthcare provider" means a person licensed to practice
any branch of the healing arts by the state board of healing arts, a
person who holds a temporary permit to practice any branch of the
healing arts issued by the state board of healing arts, a person engaged
in a postgraduate training program approved by the state board of
healing arts, a medical care facility licensed by the state of Kansas, a
podiatrist licensed by the state board of healing arts, a health
maintenance organization issued a certificate of authority by the
commissioner, an optometrist licensed by the state board of healing arts, a health
professional nurse who is authorized to practice as a
registered nurse anesthetist, a licensed professional nurse who has
been granted a temporary authorization to practice nurse anesthesia
under K.S.A. 65-1153, and amendments thereto, a professional
corporation organized pursuant to the professional corporation law of
Kansas by persons who are authorized by such law to form such a
corporation and who are healthcare providers as defined by this
subsection, a Kansas limited liability company organized for the
purpose of rendering professional services by its members who are
healthcare providers as defined by this subsection and who are legally
authorized to render the professional services for which the limited
liability company is organized, a partnership of persons who are
healthcare providers under this subsection, a Kansas not-for-profit
corporation organized for the purpose of rendering professional
services by persons who are healthcare providers as defined by this
subsection, a nonprofit corporation organized to administer the
graduate medical education programs of community hospitals or
medical care facilities affiliated with the university of Kansas school of
medicine, a dentist certified by the state board of healing arts to
administer anesthetics under K.S.A. 65-2899, and amendments
thereto, a psychiatric hospital licensed prior to January 1, 1988, and
continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its
repeal, and K.S.A. 2018 Supp. 39-2001 et seq., and amendments
thereto; or a mental health center or mental health clinic licensed by
the state of Kansas. On and after January 1, 2015, "healthcare provider"
also means, a physician assistant licensed by the state board of healing
arts, a licensed advanced practice registered nurse who is authorized
by the board of nursing to practice as an advanced practice registered
nurse in the classification of a nurse-midwife, a licensed advanced
practice registered nurse who has been granted a temporary
authorization by the board of nursing to practice as an advanced
practice registered nurse in the classification of a nurse-midwife, a
nursing facility licensed by the state of Kansas, an assisted living
facility licensed by the state of Kansas or a residential healthcare
facility licensed by the state of Kansas or an advanced practice
registered nurse licensed by the board of nursing.

(2) "Healthcare provider" does not include: (A) Any state
institution for people with intellectual disability; (B) any state
psychiatric hospital; (C) any person holding an exempt license
issued by the state board of healing arts or the board of nursing; (D)
holding a visiting clinical professor license from the
state board of healing arts; (E) any person holding an inactive
license issued by the state board of healing arts; (F) any person
holding a federally active license issued by the state board of healing
arts; (G) an advanced practice registered nurse who is authorized
by the board of nursing to practice as an advanced practice registered
nurse in the classification of nurse-midwife or nurse anesthetist and
who practices solely in the course of employment or active duty in the
United States government or any of its departments, bureaus or
agencies or who provides professional services as a charitable
healthcare provider as defined under K.S.A. 75-6102, and
amendments thereto; or (H) a physician assistant licensed by the
state board of healing arts who practices solely in the course of
employment or active duty in the United States government or any of
its departments, bureaus or agencies or who provides professional
services as a charitable healthcare provider as defined under K.S.A.
75-6102, and amendments thereto; or (I) an advanced practice
registered nurse: (i) Holding an inactive license issued by the board of
nursing; (ii) practicing solely in employment for which the advanced
practice registered nurse is covered under the federal tort claims act or
the Kansas tort claims act; (iii) practicing solely as a charitable
healthcare provider in accordance with K.S.A. 75-6102, and amendments
thereto; or (iv) practicing solely while serving on active duty in the
military service of the United States.

(g) "Inactive healthcare provider" means a person or other entity
who purchased basic coverage or qualified as a self-insurer on or
subsequent to the effective date of this act but who, at the time a claim
is made for personal injury or death arising out of the rendering of or
the failure to render professional services by such healthcare provider,
does not have basic coverage or self-insurance in effect solely because
such person is no longer engaged in rendering professional service as a
healthcare provider.

(h) "Insurer" means any corporation, association, reciprocal
exchange, inter-insurer and any other legal entity authorized to write
bodily injury or property damage liability insurance in this state,
including workers compensation and automobile liability insurance,
pursuant to the provisions of the acts contained in article 9, 11, 12 or
16 of chapter 40 of the Kansas Statutes Annotated, and amendments
thereto.

(i) "Plan" means the operating and administrative rules and
procedures developed by insurers and rating organizations or the
commissioner to make professional liability insurance available to
healthcare providers.

(j) "Professional liability insurance" means insurance providing
coverage for legal liability arising out of the performance of
professional services rendered or that should have been rendered by a
healthcare provider.

(k) "Rating organization" means a corporation, an
unincorporated association, a partnership or an individual licensed
pursuant to K.S.A. 40-956, and amendments thereto, to make rates for
professional liability insurance.

(l) "Self-insurer" means a healthcare provider who qualifies as a
self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(m) "Medical care facility" means the same when used in the
healthcare provider insurance availability act as defined in K.S.A. 65-
425, and amendments thereto, except that as used in the healthcare
provider insurance availability act such term, as it relates to insurance
coverage under the healthcare provider insurance availability act, also
includes any director, trustee, officer or administrator of a medical
care facility.
(n) "Mental health center" means a mental health center licensed
by the state of Kansas under K.S.A. 2018 Supp. 39-2001 et seq., and
amendments thereto, except that as used in the healthcare provider
insurance availability act such term, as it relates to insurance coverage
under the healthcare provider insurance availability act, also includes
any director, trustee, officer or administrator of a mental health
center.
(o) "Mental health clinic" means a mental health clinic licensed
by the state of Kansas under K.S.A. 2018 Supp. 39-2001 et seq., and
amendments thereto, except that as used in the healthcare provider
insurance availability act such term, as it relates to insurance coverage
under the healthcare provider insurance availability act, also includes
any director, trustee, officer or administrator of a mental health clinic.
(p) "State institution for people with intellectual disability"
means Winfield state hospital and training center, Parsons state
hospital and training center and the Kansas neurological institute.
(q) "State psychiatric hospital" means Larned state hospital,
Osawatomie state hospital and Rainbow mental health facility.
(r) "Person engaged in residency training" means:
(1) A person engaged in a postgraduate training program
approved by the state board of healing arts who is employed by and is
studying at the university of Kansas medical center only when such
person is engaged in medical activities that do not include
extracurricular, extra-institutional medical service for which such
person receives extra compensation and that have not been approved
by the dean of the school of medicine and the executive vice-chancellor
of the university of Kansas medical center. Persons engaged in
residency training shall be considered resident healthcare providers
for purposes of K.S.A. 40-3401 et seq., and amendments thereto; and
(2) a person engaged in a postgraduate training program
approved by the state board of healing arts who is employed by a
nonprofit corporation organized to administer the graduate medical
education programs of community hospitals or medical care facilities
affiliated with the university of Kansas school of medicine or who is
employed by an affiliate of the university of Kansas school of medicine
as defined in K.S.A. 76-367, and amendments thereto, only when such
person is engaged in medical activities that do not include
extracurricular, extra-institutional medical service for which such
person receives extra compensation and that have not been approved
by the chief operating officer of the nonprofit corporation or the chief
operating officer of the affiliate and the executive vice-chancellor of
the university of Kansas medical center.

(s) "Full-time physician faculty employed by the university of
Kansas medical center" means a person licensed to practice medicine
and surgery who holds a full-time appointment at the university of
Kansas medical center when such person is providing healthcare. A
person licensed to practice medicine and surgery who holds a full-time
appointment at the university of Kansas medical center may also be
employed part-time by the United States department of veterans
affairs if such employment is approved by the executive vice-
chancellor of the university of Kansas medical center.

(t) "Sexual act" or "sexual activity" means that sexual conduct
that constitutes a criminal or tortious act under the laws of the state of
Kansas.

(u) "Board" means the board of governors created by K.S.A. 40-
3403, and amendments thereto.

(v) "Board of directors" means the governing board created by
K.S.A. 40-3413, and amendments thereto.

(w) "Locum tenens contract" means a temporary agreement not
exceeding 182 days per calendar year that employs a healthcare
provider to actively render professional services in this state.

(x) "Professional services" means patient care or other services
authorized under the act governing licensure of a healthcare provider.

(y) "Healthcare facility" means a nursing facility, an assisted
living facility or a residential healthcare facility as all such terms are
defined in K.S.A. 39-923, and amendments thereto.

(z) "Charitable healthcare provider" means the same as defined
in K.S.A. 75-6102, and amendments thereto.

Sec. 4. K.S.A. 65-1130 and 65-4101 and, K.S.A. 2017 Supp. 65-
1113, as amended by section 2 of chapter 42 of the 2018 Session Laws of
Kansas, and K.S.A. 2018 Supp. 40-3401 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after July
1, 2020, and its publication in the statute book.