AN ACT concerning postsecondary educational institutions; relating to fingerprinting and criminal history record check of nursing program applicants.

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

Section 1. (a) For the purposes of this section:

(1) "Postsecondary educational institution" means any public university, municipal university, community college and technical college, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions; and

(2) "nursing program" means any nursing program offered by a postsecondary educational institution preparing students for initial licensure as a professional or practical nurse or for initial certification as a nursing assistant, medication aide, home health aide or paid nutrition assistant.

(b) A postsecondary educational institution shall not enroll as a student in a nursing program a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2011 Supp. 21-5401 through 21-5428, and amendments thereto.

(c) A person seeking to enroll in a nursing program shall be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The Kansas board of regents is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The Kansas board of regents may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identity of the person and in the official determination of the qualifications and fitness of the person prior to enrollment in a nursing program leading to initial licensure as a professional or practical nurse or initial certification as a nursing assistant, medication aide, home health aide or paid nutrition assistant.

(d) Local and state law enforcement officers and agencies shall assist the Kansas board of regents in the taking and processing of fingerprints of...
applicants for enrollment in a nursing program leading to initial licensure as a professional or practical nurse or initial certification as a nursing assistant, medication aide, home health aide or paid nutrition assistant and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the Kansas board of regents. The Kansas board of regents shall notify a postsecondary educational institution if the fingerprint-based criminal history record check indicates that a nursing program applicant is prohibited from enrolling in such nursing program pursuant to subsection (b). A person seeking to enroll in a nursing program shall bear only the actual costs of the fingerprinting and state and national criminal history record check.

(e) (1) Notwithstanding the provisions of subsection (b), if a person seeking to enroll in a nursing program anticipates that such person may be prohibited from enrolling in the nursing program on the grounds that the person had been convicted of one or more of the felonies or misdemeanors described in subsection (b), the person may, at the time of applying for admission, notify the Kansas board of regents of the conviction or convictions and request the Kansas board of regents to grant the person permission to enroll in the nursing program.

(2) The Kansas board of regents shall promulgate rules and regulations necessary to effectuate the provisions of this section concerning the procedures for the granting of permission to enroll in a nursing program pursuant to subsection (e)(1).

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.