

HOUSE BILL No. 2078

By Committee on Veterans, Military and Homeland Security

1-23

Proposed Amendments for HB 2078
offered by Chairman Goico
(incorporating HB 2077 and suggestions by Kansas State
Board of Healing Arts)
For Committee on Veterans, Military and Homeland Security
February 7, 2013
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Office of Revisor of Statutes

1 AN ACT concerning certain licensing boards; relating to licensure and
2 military service members; amending K.S.A. 2012 Supp. 65-1116 and
3 65-6129 and repealing the existing sections.
4

48-3406,

New Section 1 and section 2. See Appendix.

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

6 ~~Section 4.~~ K.S.A. 2012 Supp. 65-1116 is hereby amended to read as
7 follows: 65-1116. (a) *Qualification.* An applicant for a license to practice
8 as a licensed practical nurse shall:

Sec. 3

9 (1) Have graduated from an approved school of practical nursing or
10 professional nursing in the United States or its territories or from a school
11 of practical nursing or professional nursing in a foreign country which is
12 approved by the board as defined in rules and regulations;

13 (2) have obtained other qualifications not in conflict with this act as
14 the board may prescribe by rule and regulation; and

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

16 (b) If the board finds in evaluating any applicant that such applicant is
17 deficient in qualification or in the quality of such applicant's educational
18 experience, the board may require such applicant to fulfill such remedial
19 or other requirements as the board may prescribe.

20 (c) *License.* (1) The board shall issue a license to an applicant to
21 practice as a practical nurse who has:

22 (A) Met the qualifications set forth in subsections (a) and (b);

23 (B) passed a written examination as prescribed by the board; and

24 (C) no disqualifying factors under K.S.A. 65-1120, and amendments
25 thereto.

26 (2) The board may issue a license to practice nursing as a practical
27 nurse to an applicant who has been duly licensed as a practical nurse by
28 examination under the laws of another state or territory if, in the opinion of
29 the board, the applicant meets the qualifications required of a practical
30 nurse in this state. Verification of the applicant's licensure status shall be
31 required from the original state of licensure.

32 (3) *The board may authorize the educational requirement under*
33 *subsection (a)(1) to be waived for an applicant who has attained a passing*
34 *score on the national council licensure examination for practical nurses*
35 *and provided evidence to the board of such applicant's practical nursing*
36 *experience with the military. To qualify for such a waiver, the applicant*

[underline is new language to existing statutes; strikethrough is stricken language]

1 *must have been a member of the army, navy, marine corps, air force, air*
2 *or army national guard, coast guard or any branch of the military reserves*
3 *of the United States, and separated from such military service under*
4 *honorable conditions;*

5 ~~(2)(4)~~ *Refresher course.* Notwithstanding the provisions of
6 subsections (a) and (b), an applicant for a license to practice as a licensed
7 practical nurse who has not been licensed to practice practical nursing for
8 five years preceding application shall be required to successfully complete
9 a refresher course as defined by the board.

10 ~~(4)(5)~~ *Renewal license.* A licensed practical nurse licensed under this
11 act shall be eligible for renewal licenses upon compliance with K.S.A. 65-
12 1117, and amendments thereto.

13 ~~(5)(6)~~ *Licensure examination within 24 months of graduation.* (A)
14 Persons who do not take the licensure examination within 24 months after
15 graduation shall petition the board for permission prior to taking the
16 licensure examination. The board may require the applicant to submit and
17 complete a plan of study prior to taking the licensure examination.

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

25 ~~(6)(7)~~ An application for initial licensure or endorsement will be held
26 awaiting completion of meeting qualifications for a time period specified
27 in rules and regulations.

28 (d) *Title and abbreviation.* Any person who holds a license to practice
29 as a licensed practical nurse in this state shall have the right to use the title,
30 "licensed practical nurse," and the abbreviation, "L.P.N." No other person
31 shall assume the title or use the abbreviation or any other words, letters,
32 signs or figures to indicate that the person is a licensed practical nurse.

33 (e) *Temporary permit.* The board may issue a temporary permit to
34 practice nursing as a licensed practical nurse for a period not to exceed 120
35 days. A temporary permit for 120 days may be issued to an applicant for
36 licensure as a licensed practical nurse who is a graduate of a practical
37 school of nursing in a foreign country after verification of licensure in that
38 foreign country and approval of educational credentials.

39 (f) *Exempt license.* The board may issue an exempt license to any
40 licensee as defined in rules and regulations who makes written application
41 for such license on a form provided by the board, who remits a fee as
42 established pursuant to K.S.A. 65-1118, and amendments thereto, and who
43 is not regularly engaged in the practice of practical nursing in Kansas but

Insert the following: "with an honorable discharge. If such applicant was separated from such military service under honorable conditions (general) discharge and meets the requirements of this paragraph, the board may authorize the educational requirements under subsection (a)(1) be waived."

1 volunteers practical nursing service or is a charitable health care provider
2 as defined by K.S.A. 75-6102, and amendments thereto. Each exempt
3 licensee shall be subject to all provisions of the nurse practice act, except
4 as otherwise provided in this subsection (f). Each exempt license may be
5 renewed biennially subject to the provisions of this section. The holder of
6 the exempt license shall not be required to submit evidence of satisfactory
7 completion of a program of continuing nursing education for renewal. To
8 convert an exempt license to an active license, the exempt licensee shall
9 meet all the requirements of subsection (c) or K.S.A. 65-1117, and
10 amendments thereto. The board shall have authority to write rules and
11 regulations to carry out the provisions of this section.

12 Sec. 4
13 Sec. 2. K.S.A. 2012 Supp. 65-6129 is hereby amended to read as
14 follows: 65-6129. (a) Application for an attendant's certificate shall be
15 made to the board. The board shall not grant an attendant's certificate
16 unless the applicant meets the following requirements:

17 (1) (A) Has successfully completed coursework required by the rules
18 and regulations adopted by the board; or

19 (B) Has successfully completed coursework in another jurisdiction
20 that is substantially equivalent to that required by the rules and regulations
21 adopted by the board; or

22 (C) *Has provided evidence that such applicant holds a current and*
23 *active certification with the national registry of emergency medical*
24 *technicians, completed emergency medical technician training as a*
25 *member of the army, navy, marine corps, air force, air or army national*
26 *guard, coast guard or any branch of the military reserves of the United*
27 *States that is substantially equivalent to that required by the rules and*
28 *regulations adopted by the board, and such applicant separated from such*
29 *military service under honorable conditions;*

30 (2) (A) Has passed the examination required by the rules and
31 regulations adopted by the board; or

32 (B) Has passed the certification or licensing examination in another
33 jurisdiction that has been approved by the board; and

34 (3) Has paid an application fee required by the rules and regulations
35 adopted by the board.

36 (b) (1) The board shall not grant a temporary attendant's certificate
37 unless the applicant meets the following requirements:

38 (A) If the applicant is certified or licensed as an attendant in another
39 jurisdiction, but the applicant's coursework is determined not to be
40 substantially equivalent to that required by the board, such temporary
41 certificate shall be valid for one year from the date of issuance or until the
42 applicant has completed the required coursework, whichever occurs first;

43 or (B) if the applicant has completed the required coursework, has taken

Insert the following "(1)"

Insert the following "(i)"

Insert the following "(ii)"

Insert the following "(iii)"

Insert the following: "with an honorable discharge."

Insert the following "(B)(i)"

Insert the following "(ii)"

Insert the following "(C)"

Insert the following: "(2) The board may grant an attendant's certificate to any applicant who meets the requirements under subsection (a)(1)(A)(iii) but was separated from such military service under honorable conditions (general) discharge if such applicant satisfies the requirements under subsections (a)(1)(ii) and (a)(1)(iii)."

1 the required examination, but has not received the results of the
2 examination, such temporary certificate shall be valid for 120 days from
3 the date of the examination.

4 (2) An applicant who has been granted a temporary certificate shall
5 be under the direct supervision of a physician, a physician's assistant, a
6 professional nurse or an attendant holding a certificate at the same level or
7 higher than that of the applicant.

8 (c) The board shall not grant an initial emergency medical technician-
9 intermediate certificate, advanced emergency medical technician
10 certificate, mobile intensive care technician certificate or paramedic
11 certificate as a result of successful course completion in the state of
12 Kansas, unless the applicant for such an initial certificate is certified as an
13 emergency medical technician.

14 (d) An attendant's certificate shall expire on the date prescribed by the
15 board. An attendant's certificate may be renewed for a period of two years
16 upon payment of a fee as prescribed by rule and regulation of the board
17 and upon presentation of satisfactory proof that the attendant has
18 successfully completed continuing education as prescribed by the board.

19 (e) All fees received pursuant to the provisions of this section shall be
20 remitted to the state treasurer in accordance with the provisions of K.S.A.
21 75-4215, and amendments thereto. Upon receipt of each such remittance,
22 the state treasurer shall deposit the entire amount in the state treasury to
23 the credit of the emergency medical services operating fund established by
24 K.S.A. 65-6151, and amendments thereto.

25 (f) If a person who was previously certified as an attendant applies
26 for an attendant's certificate after the certificate's expiration, the board may
27 grant a certificate without the person completing an initial course of
28 instruction or passing a certification examination if the person has
29 completed education requirements and has paid a fee as specified in rules
30 and regulations adopted by the board.

31 (g) The board shall adopt, through rules and regulations, a formal list
32 of graduated sanctions for violations of article 61 of chapter 65 of the
33 Kansas Statutes Annotated, and amendments thereto, which shall specify
34 the number and severity of violations for the imposition of each level of
35 sanction.

36 Sec. 3. K.S.A. 2012 Supp. 65-1116 and 65-6129 are hereby repealed.

37 Sec. 4. This act shall take effect and be in force from and after its
38 publication in the statute book.

48-3406,

APPENDIX

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

- (1) "Applicant" means a person who entered into military service and separated from such military service with an honorable discharge;
- (2) "licensing body" has the meaning ascribed thereto in K.S.A. 74-146, and amendments thereto, except for licensing boards under K.S.A. 65-1116 and 65-6129, and amendments thereto; and
- (3) "military service" means the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States.
- (b) (1) Notwithstanding any other provision of law to the contrary, upon presentation of a completed application by an applicant for certification or licensure, a licensing body shall accept education, training or service completed in military service by such applicant towards any educational requirements for certification or licensure in this state if the applicant demonstrates to the satisfaction of the licensing body that such education, training or service obtained is substantially equivalent to the existing educational requirements of such licensure or certification. No education, training or service shall count towards any examination requirements unless such licensing body has provided a waiver for such requirement. The licensing body may require the applicant to provide documentation of such education, training or service as deemed necessary by the licensing body to determine substantial equivalency.
- (2) A licensing board under this section may accept education, training or service completed in military service towards any educational requirements for certification or licensure in this state if a person was separated from military service under honorable conditions (general) discharge.
- (c) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.
- (d) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

Sec. 2. K.S.A. 2012 Supp. 48-3406 is hereby amended to read as follows: 48-3406. (a) For the purposes of this section:

- (1) "licensing body" has the meaning ascribed thereto in K.S.A. 74-146, and amendments thereto;
- (2) "military service" means the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States;
- (3) "military service member" means a member who entered into military service and separated from such military service with an honorable discharge; and
- (4) "military spouse" means the spouse of an individual who is currently in active service in any branch of the armed forces of the United States.
- (b) Notwithstanding any other provision of law, any licensing body, as defined by K.S.A. 74-146, and amendments thereto, shall:
 - (1) Upon submission of a completed application, issue a license to a nonresident military spouse, so that the nonresident military spouse may lawfully practice the person's occupation; and
 - (2) upon submission of a completed application within six months following release from military service, issue a license to a military service member so that the military service member may lawfully practice the person's occupation.
- (c) A military service member or nonresident military spouse shall receive a license under subsection (a)(b) of this section:
- (1) Pursuant to applicable licensure by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the profession license; or
- (2) if the professional practice act does not have licensure by endorsement, reinstatement or reciprocity statutes, then, at the time of application, the military service member or nonresident military spouse:
- (A) Holds a current license in another state, district or territory of the United States with licensure requirements that the licensing body determines are equivalent to those established by the licensing body of this state;
- (B) has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension or revocation or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure denied or refused to practice an occupation for which the military service member or nonresident military spouse seeks licensure;
- (C) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or licensing jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action in a Kansas practice act;
- (D) pays any fees required by the licensing body of this state; and

(E) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate. Upon receiving such affidavit, the licensing body shall issue the license to the military service member or the nonresident military spouse on a probationary basis, but may revoke the license at any time if the information provided in the application is found to be false. Any probationary license issued under this section to a military service member or nonresident military spouse shall not exceed three months.

(f)-(d) Any person who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license may be required to complete such additional testing, training, mentoring, monitoring or education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice with reasonable skill and safety.

(e) A nonresident military spouse licensed under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure shall automatically cause the same revocation or suspension of such nonresident military spouse's license in Kansas. No hearing shall be granted to a nonresident licensee where the license is subject to such automatic revocation or suspension except for the purpose of establishing the fact of revocation or suspension of the nonresident military spouse's license by the nonresident military spouse's state of residence.

(e) For the purposes of this section, "military spouse" means the spouse of an individual who is currently in active service in any branch of the armed forces of the United States.

(f) In the event the licensing body determines that the license currently held by the military service member under subsection (c)(2)(A) is not equivalent to those issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the military service member to lawfully practice the person's occupation while completing any specific requirements that are required in this state for licensure that were not required in the state, district or territory of the United States in which the military service member was licensed or certified.

(g) A licensing board may grant certification, licensure or a temporary permit to any person who meets the requirements under this section but was separated from such military service under honorable conditions (general) discharge.

(h) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

(f)-(i) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.