

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 10, 2000 in Room 313-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Kansas Legislative Research Department
 Dr. Bill Wolff, Kansas Legislative Research Department
 Norman Furse, Revisor of Statute's Office
 June Evans, Secretary

Conferees appearing before the committee: Mary Blubaugh, Executive Administrator, State Board of
 Nursing
 Terry Roberts, Executive Director, Kansas State Nurses
 Association

Others attending: See Attached Sheet

The Chairperson opened the hearing on **HB 2169 - Concerning Health Care Professionals; Relating to Nurses and Mental Health Technicians.**

Staff gave a briefing stating the bill amends all three of the Acts of Board of Nursing. This is a carryover bill from the 98 session so if it were moved out of committee it would have to be updated.

Representative Bethell asked if they could currently tell an individual who fails the boards what areas they failed in?

Staff stated that information was available on the examination profile.

Representative Bethell asked on page 9, lines 16 & 17, establishes sufficient rehabilitation to warrant the public's trust. Is what's "sufficient rehabilitation" defined anywhere?

Staff replied, no. It is just as it is for all other boards. This involves being guilty of a felony or misdemeanor involving an illegal drug offense. On line 18 there is an absolute prohibition against the individual being licensed.

Representative Bethell asked what are some of the crimes on page 20, lines 13 and 14, "a crime affecting family relationships and children"?

Staff stated one of them might be unlawfully taking a child, crimes involving children, encouraging a child to commit a felony, aggravated abandonment of a child, and aggravated incest.

Representative Bethell asked if adultery were included because that would affect family?

Staff stated that would be included in another Section.

Representative Showalter stated "written" should be changed to "computerized" on page 2, line 4.

Representative Storm questioned the differences between "approved" and "accredited". Have we changed to approve because that reflects the practice or have the terms just been changed? It would be interesting to know if there are schools that are not accredited that are approved.

Staff stated the Board has always approved Schools of Nursing. The practical application, even under the existing language, which is accredited, someone has to be a graduate of a school that qualifies him or her

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to technically be licensed. Accreditation is a voluntary decision on the part of the school.

Representative Bethell said he would like to bring attention to a couple of items which is: encouraging a minor to commit a traffic infraction and non-support of a child or spouse. If do not pay child support or alimony or if sitting in car with a child and in a hurry and say, speed it up, and the child does, and pulled over for speeding, a nurse could lose their license.

Staff stated that was correct.

Representative Haley asked on page 2, (B), have you established how often a licensure exam is given? How many times can an applicant in 24 months after graduation set for the exam? In line 26, page 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." Does that mean that they will petition on the second attempt or subsequent attempt after failing once?

Staff replied, this relates to people that don't take the examination is what the new language is, anyone that doesn't take the examination within 24 months.

Representative Haley stated he thought it was for people who weren't successful.

Staff replied it was now but is being amended. Lines 18 thru 25 are for people that have taken the examination and 26-31 are for people that have not taken the exam.

Representative Haley stated he had misread - applicant failed the exam that he or she would have to petition to the Board during a 2 year period to set again. How many times could an applicant set and each time would she or he have to send in an updated application?

Staff stated, if they had not passed the exam within 24 months after graduation I assume the language is intended to say, required after that. There is no such restrictive language by simply not taking the exam regardless of why; illness or some other reason, there is no restriction there.

Mary Blubaugh, Executive Director, Kansas State Board of Nursing, testified in support of **HB 2169**, and offered some amendments. Accreditation means "recognition of an institution of learning as maintaining prescribed standards requisite for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice" and approval is defined as "official or formal consent, confirmation or sanction". Accreditation is voluntary. This change is made throughout the bill.

Ms. Blubaugh answered a question asked earlier - if a student does not take the exam within 24 months of completion of course they have to petition the Board and possibly have to submit a study plan before the Board permits them to take the exam. The examinations are computer assisted and students may take the exam 8 times in 24 months.

Ms. Blubaugh stated to answer Representative Haley's question, all tests are taken by computer and a student may take that test 8 times in 24 months before having to come back to the board. (See Attachments #1 & 2).

Representative Storm asked how many Schools of Nursing were in the state? Ms. Blubaugh replied, 49.

Representative Storm asked if any of those were not accredited? 7 or 8 - they are approved.

Representative Storm asked if any of the accredited schools were not approved?

Ms. Blubaugh replied, no - they are all approved but not all accredited.

Representative Bethell stated the language in the prohibition concerned him because of the broadness of the language would like to know how the Board of Nursing plans to enforce that. Do you have the staff to

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search out these records as they are adjudicated, how are you going to do that?

Ms. Blubaugh answered on the renewal form there is a question asking if there has been a felony conviction and if they answer they have had a felony conviction, they have to attach the court records to the renewal form. We do trust what they tell us and if we find out otherwise then we take it to legal.

It was asked how many programs are not accredited? Seven or eight LPN programs are not accredited, all registered nurse programs are accredited.

The Chairperson asked, in the event a person was charged with a felony and plea bargained down to a misdemeanor, would you touch that in any way, shape or form?

The Attorney General would have us look at the underlying behavior as a pattern of practice.

Terry Roberts, Kansas State Nurses Association, testified in support of **HB 2169**, with proposed revisions: change the term "accreditation" to "approval" throughout all sections addressing school of nursing, provide greater clarity to when licensees must take the licensure exam and the remedies for repeated failure, update language of resurvey process, provide greater clarification for permitting RN's enrolled in schools for advanced practice nursing outside Kansas to engage in advanced practice nursing in the state during the clinical component of their respective program and for graduate nurses to practice nursing for 120 days, versus the current 90 days, pending the results of their first licensure exam, and provide flexibility to RN's completing Registered Nurse Anesthetists (RNA refresher courses, so that they are not limited to 120 days for completing the course for return to practice (See Attachment #3).

Representative Geringer recommended using "may" not "shall".

Ms. Roberts said nurses that fail the R.N. examination are encouraged to work as LPNs as they pass the exam faster than those not working in the field.

The Chairperson closed the hearing on **HB2169**.

The meeting adjourned at 3:05 p.m. and the next meeting will be February 14.

Rep Haley asked on page 2, (B). have you established how often a licensure exam is given? How many times can an applicant in 24 months after graduation sit for the exam? Line 26 on Page 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. "

Does that mean that they will petition on the 2nd attempt or subsequent attempt after failing once?

Emalene said this relates to people that don't take the exam is what the new language is, anyone that doesn't take the exam within 24 months.

Haley - I thought it was for people who aren't successful

Emalene said it was now but it is being amended and the language now that is not successful is the new language that appears in 26 thru 31. Lines 18 to 25 are for people that have taken the exam and 26-31 are for people that have not taken the exam.

Haley - I misread - applicant failed the exam that he or she would have to petition to the Board during a 2 year period to set again. How many times could an applicant set and each time would she or he have to send in an updated application.

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