

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Health and Human Services** recommends **HB 2066** be amended on page 1, in line 14, after "practice" by inserting ", for licensed practical nurses and registered nurses,"; in line 16, by striking "implementation" and inserting "execution"; by striking all in line 18; in line 19, by striking "education" and inserting "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";

On page 4, in line 33, after the period by inserting "An advanced practice registered nurse shall not prescribe any drug that is intended to cause an abortion.";

On page 5, following line 43, by inserting:

"(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 advanced 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.";

On page 11, following line 4, by inserting:

"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 board of examiners in optometry, a pharmacist licensed by the state board of pharmacy, a licensed 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: ~~(1)(A)~~ Any state institution for people with intellectual disability; ~~(2)(B)~~ any state psychiatric hospital; ~~(3)(C)~~ any person holding an exempt license issued by the state board of healing arts or the board of nursing; ~~(4)(D)~~ any person holding a visiting clinical professor license from the state board of healing arts; ~~(5)(E)~~ any person holding an

inactive license issued by the state board of healing arts; ~~(6)(F)~~ any person holding a federally active license issued by the state board of healing arts; ~~(7)(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 (8)(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.";

Also on page 11, in line 5, by striking the second "and" and inserting a comma; in line 6, after "Kansas" by inserting ", and K.S.A. 2018 Supp. 40-3401";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking the second "and" and inserting a comma; in line 5, by striking the first "of"; also in line 5, after "Kansas" by inserting ", and K.S.A. 2018 Supp. 40-3401"; and the bill be passed as amended.

\_\_\_\_\_Chairperson