

SENATE BILL No. 396

By Senator Emler
(By Request)

8-22

10 AN ACT creating the nurse licensure compact; directing the governor to
11 enter into a compact; approving and specifying terms of the compact;
12 amending K.S.A. 65-1114 and 65-1120 and K.S.A. 2007 Supp. 65-1124
13 and repealing the existing sections.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. This article shall be known and may be cited as the
17 “nurse licensure compact”.

18 New Sec. 2. The Kansas legislature hereby approves and ratifies, and
19 the governor shall enter into a compact on behalf of the state of Kansas
20 with any of the states of the United States or other jurisdictions legally
21 joining therein, in the form substantially as follows:

ARTICLE I

Declaration and Purpose

- 22
23
24 (a) The party states find that:
25 (1) The health and safety of the public are affected by the degree of
26 compliance with and the effectiveness of enforcement activities related
27 to state nurse licensure laws;
28 (2) violations of nurse licensure and other laws regulating the practice
29 of nursing may result in injury or harm to the public;
30 (3) the expanded mobility of nurses and the use of advanced com-
31 munication technologies as part of our nation’s healthcare delivery system
32 require greater coordination and cooperation among states in the areas
33 of nurse licensure and regulation;
34 (4) new practice modalities and technology make compliance with
35 individual state nurse licensure laws difficult and complex;
36 (5) the current system of duplicative licensure for nurses practicing
37 in multiple states is cumbersome and redundant to both nurses and states.
38 (b) The general purposes of this compact are to:
39 (1) Facilitate the states’ responsibility to protect the public’s health
40 and safety;
41 (2) ensure and encourage the cooperation of party states in the areas
42 of nurse licensure and regulation;
43 (3) facilitate the exchange of information between party states in the

- 1 areas of nurse regulation, investigation and adverse actions;
- 2 (4) promote compliance with the laws governing the practice of nurs-
- 3 ing in each jurisdiction;
- 4 (5) invest all party states with the authority to hold a nurse account-
- 5 able for meeting all state practice laws in the state in which the patient
- 6 is located at the time care is rendered through the mutual recognition of
- 7 party state licenses.

8 ARTICLE II

9 Definitions

- 10 (a) As used in this compact:
- 11 (1) "Adverse action" means a home or remote state action;
- 12 (2) "alternative program" means a voluntary, nondisciplinary moni-
- 13 toring program approved by a nurse licensing board;
- 14 (3) "coordinated licensure information system" means an integrated
- 15 process for collecting, storing and sharing information on nurse licensure
- 16 and enforcement activities related to nurse licensure laws, which is ad-
- 17 ministered by a nonprofit organization composed of and controlled by
- 18 state nurse licensing boards;
- 19 (4) "current significant investigative information" means:
- 20 (A) Investigative information that a licensing board, after a prelimi-
- 21 nary inquiry that includes notification and an opportunity for the nurse
- 22 to respond if required by state law, has reason to believe is not groundless
- 23 and, if proved true, would indicate more than a minor infraction; or
- 24 (B) investigative information that indicates that the nurse represents
- 25 an immediate threat to public health and safety regardless of whether the
- 26 nurse has been notified and had an opportunity to respond.
- 27 (5) "Home state" means the party state that is the nurse's primary
- 28 state of residence;
- 29 (6) "home state action" means any administrative, civil, equitable or
- 30 criminal action permitted by the home state's laws that is imposed on a
- 31 nurse by the home state's licensing board or other authority including
- 32 actions against an individual's license such as: Revocation, suspension,
- 33 probation or any other action that affects a nurse's authorization to
- 34 practice;
- 35 (7) "licensing board" means a party state's regulatory body respon-
- 36 sible for issuing nurse licenses;
- 37 (8) "multistate licensure privilege" means current, official authority
- 38 from a remote state permitting the practice of nursing as either a regis-
- 39 tered nurse or a licensed practical/vocational nurse in such party state.
- 40 All party states have the authority, in accordance with existing state due
- 41 process law, to take actions against the nurse's privilege such as: Revo-
- 42 cation, suspension, probation or any other action that affects a nurse's
- 43 authorization to practice;

- 1 (9) “nurse” means a registered nurse or licensed practical/vocational
2 nurse, as those terms are defined by each party’s state practice laws;
3 (10) “party state” means any state that has adopted this compact;
4 (11) “remote state” means a party state, other than the home state:
5 (A) Where the patient is located at the time nursing care is provided;
6 or
7 (B) in the case of the practice of nursing not involving a patient, in
8 such party state where the recipient of nursing practice is located.
9 (12) “Remote state action” means:
10 (A) Any administrative, civil, equitable or criminal action permitted
11 by a remote state’s laws that is imposed on a nurse by the remote state’s
12 licensing board or other authority, including actions against an individual’s
13 multistate licensure privilege to practice in the remote state; and
14 (B) cease and desist and other injunctive or equitable orders issued
15 by remote states or the licensing boards thereof.
16 (13) “State” means a state, territory or possession of the United
17 States, the District of Columbia or the Commonwealth of Puerto Rico;
18 (14) “state practice laws” means those individual party’s state laws
19 and regulations that govern the practice of nursing, define the scope of
20 nursing practice and create the methods and grounds for imposing
21 discipline;
22 (15) “state practice laws” does not include the initial qualifications
23 for licensure or requirements necessary to obtain and retain a license,
24 except for qualifications or requirements of the home state.

ARTICLE III

General Provisions and Jurisdiction

- 27 (a) A license to practice registered nursing issued by a home state to
28 a resident in that state will be recognized by each party state as author-
29 izing a multistate licensure privilege to practice as a registered nurse in
30 such party state. A license to practice licensed practical/vocational nursing
31 issued by a home state to a resident in that state will be recognized by
32 each party state as authorizing a multistate licensure privilege to practice
33 as a licensed practical/vocational nurse in such party state. In order to
34 obtain or retain a license, an applicant must meet the home state’s qual-
35 ifications for licensure and license renewal as well as all other applicable
36 state laws.
37 (b) Party states may, in accordance with state due process laws, limit
38 or revoke the multistate licensure privilege of any nurse to practice in
39 their state and may take any other actions under their applicable state
40 laws necessary to protect the health and safety of their citizens. If a party
41 state takes such action, it shall promptly notify the administrator of the
42 coordinated licensure information system. The administrator of the co-
43 ordinated licensure information system shall promptly notify the home

1 state of any such actions by remote states.

2 (c) Every nurse practicing in a party state must comply with the state
3 practice laws of the state in which the patient is located at the time care
4 is rendered. In addition, the practice of nursing is not limited to patient
5 care, but shall include all nursing practice as defined by the state practice
6 laws of a party state. The practice of nursing will subject a nurse to the
7 jurisdiction of the nurse licensing board and the courts, as well as the
8 laws, in that party state.

9 (d) This compact does not affect additional requirements imposed by
10 states for advanced practice registered nursing. However, a multistate
11 licensure privilege to practice registered nursing granted by a party state
12 shall be recognized by other party states as a license to practice registered
13 nursing if one is required by state law as a precondition for qualifying for
14 advanced practice registered nurse authorization.

15 (e) Individuals not residing in a party state shall continue to be able
16 to apply for nurse licensure as provided for under the laws of each party
17 state. However, the license granted to these individuals will not be re-
18 cognized as granting the privilege to practice nursing in any other party
19 state unless explicitly agreed to by that party state.

20 ARTICLE IV

21 Applications for Licensure in a Party State

22 (a) Upon application for a license, the licensing board in a party state
23 shall ascertain, through the coordinated licensure information system,
24 whether the applicant has ever held, or is the holder of, a license issued
25 by any other state, whether there are any restrictions on the multistate
26 licensure privilege, and whether any other adverse action by any state has
27 been taken against the license.

28 (b) A nurse in a party state shall hold licensure in only one party state
29 at a time, issued by the home state.

30 (c) A nurse who intends to change primary state of residence may
31 apply for licensure in the new home state in advance of such change.
32 However, new licenses will not be issued by a party state until after a
33 nurse provides evidence of change in primary state of residence satisfac-
34 tory to the new home state's licensing board.

35 (d) When a nurse changes primary state of residence by:

36 (1) Moving between two party states, and obtains a license from the
37 new home state, the license from the former home state is no longer
38 valid;

39 (2) moving from a nonparty state to a party state, and obtains a license
40 from the new home state, the individual state license issued by the non-
41 party state is not affected and will remain in full force if so provided by
42 the laws of the nonparty state;

43 (3) moving from a party state to a nonparty state, the license issued

1 by the prior home state converts to an individual state license, valid only
2 in the former home state, without the multistate licensure privilege to
3 practice in other party states.

4 ARTICLE V

5 Adverse Actions

6 In addition to the General Provisions described in Article III, the fol-
7 lowing provisions apply:

8 (a) The licensing board of a remote state shall promptly report to the
9 administrator of the coordinated licensure information system any remote
10 state actions, including the factual and legal basis for such action, if
11 known. The licensing board of a remote state shall also promptly report
12 any significant current investigative information yet to result in a remote
13 state action. The administrator of the coordinated licensure information
14 system shall promptly notify the home state of any such reports.

15 (b) The licensing board of a party state shall have the authority to
16 complete any pending investigations for a nurse who changes primary
17 state of residence during the course of such investigations. It shall also
18 have the authority to take appropriate action and shall promptly report
19 the conclusions of such investigations to the administrator of the coordi-
20 nated licensure information system. The administrator of the coordi-
21 nated licensure information system shall promptly notify the new home
22 state of any such actions.

23 (c) A remote state may take adverse action affecting the multistate
24 licensure privilege to practice within that party state. However, only the
25 home state shall have the power to impose adverse action against the
26 license issued by the home state.

27 (d) For purposes of imposing adverse action, the licensing board of
28 the home state shall give the same priority and effect to reported conduct
29 received from a remote state as it would if such conduct had occurred
30 within the home state. In so doing, it shall apply its own state laws to
31 determine appropriate action.

32 (e) The home state may take adverse action based on the factual
33 findings of the remote state, so long as each state follows its own proce-
34 dures for imposing such adverse action.

35 (f) Nothing in this compact shall override a party state's decision that
36 participation in an alternative program may be used in lieu of licensure
37 action and that such participation shall remain nonpublic if required by
38 the party state's laws. Party states must require nurses who enter any
39 alternative programs to agree not to practice in any other party state
40 during the term of the alternative program without prior authorization
41 from such other party state.

42 ARTICLE VI

43 Additional Authorities Invested in Party State Nurse Licensing Boards

1 (a) Notwithstanding any other powers, party state nurse licensing
2 boards shall have the authority to:

3 (1) If otherwise permitted by state law, recover from the affected
4 nurse the costs of investigations and disposition of cases resulting from
5 any adverse action taken against that nurse;

6 (2) issue subpoenas for both hearings and investigations that require
7 the attendance and testimony of witnesses and the production of evi-
8 dence. Subpoenas issued by a nurse licensing board in a party state for
9 the attendance and testimony of witnesses, or the production of evidence
10 from another party state shall be enforced in the latter state by any court
11 of competent jurisdiction, according to the practice and procedure of that
12 court applicable to subpoenas issued in proceedings pending before it.
13 The issuing authority shall pay any witness fees, travel expenses, mileage
14 and other fees required by the service statutes of the state where the
15 witnesses or evidence are located;

16 (3) issue cease and desist orders to limit or revoke a nurse's authority
17 to practice in their state;

18 (4) promulgate uniform rules and regulations as provided for in Ar-
19 ticle VIII (c).

20 ARTICLE VII

21 Coordinated Licensure Information System

22 (a) All party states shall participate in a cooperative effort to create a
23 coordinated database of all licensed registered nurses and licensed prac-
24 tical/vocational nurses. This system will include information on the licen-
25 sure and disciplinary history of each nurse, as contributed by party states,
26 to assist in the coordination of nurse licensure and enforcement efforts.

27 (b) Notwithstanding any other provision of law, all party states' li-
28 censing boards shall promptly report adverse actions, actions against mul-
29 tistate licensure privileges, any current significant investigative informa-
30 tion yet to result in adverse action, denials of applications and the reasons
31 for such denials to the coordinated licensure information system.

32 (c) Current significant investigative information shall be transmitted
33 through the coordinated licensure information system only to party state
34 licensing boards.

35 (d) Notwithstanding any other provision of law, all party states' li-
36 censing boards contributing information to the coordinated licensure in-
37 formation system may designate information that may not be shared with
38 nonparty states or disclosed to other entities or individuals without the
39 express permission of the contributing state.

40 (e) Any personally identifiable information obtained by a party state's
41 licensing board from the coordinated licensure information system may
42 not be shared with nonparty states or disclosed to other entities or indi-
43 viduals except to the extent permitted by the laws of the party state con-

1 tributing the information.

2 (f) Any information contributed to the coordinated licensure infor-
3 mation system that is subsequently required to be expunged by the laws
4 of the party state contributing that information, shall also be expunged
5 from the coordinated licensure information system.

6 (g) The compact administrators, acting jointly with each other and in
7 consultation with the administrator of the coordinated licensure infor-
8 mation system, shall formulate necessary and proper procedures for the
9 identification, collection and exchange of information under this compact.

10 ARTICLE VIII

11 Compact Administration and Interchange of Information

12 (a) The head of the nurse licensing board, or such head's designee,
13 of each party state shall be the administrator of this compact for the state.

14 (b) The compact administrator of each party state shall furnish to the
15 compact administrator of each other party state any information and doc-
16 uments including, but not limited to, a uniform data set of investigations,
17 identifying information, licensure data and disclosable alternative pro-
18 gram participation information to facilitate the administration of this
19 compact.

20 (c) Compact administrators shall have the authority to develop uni-
21 form rules to facilitate and coordinate implementation of this compact.
22 These uniform rules shall be adopted by party states, under the authority
23 invested under Article VI(a)(iv).

24 ARTICLE IX

25 Immunity

26 No party state or the officers, employees or agents of a party state's
27 nurse licensing board who act in accordance with the provisions of this
28 compact shall be liable on account of any act or omission in good faith
29 while engaged in the performance of their duties under this compact.
30 Good faith in this article shall not include willful misconduct, gross neg-
31 ligence or recklessness.

32 ARTICLE X

33 Entry into Force, Withdrawal and Amendment

34 (a) This compact shall enter into force and become effective as to
35 any state when it has been enacted into the laws of that state. Any party
36 state may withdraw from this compact by enacting a statute repealing the
37 same, but no such withdrawal shall take effect until six months after the
38 withdrawing state has given notice of the withdrawal to the executive
39 heads of all other party states.

40 (b) No withdrawal shall affect the validity or applicability by the li-
41 censing boards of states remaining party to the compact of any report of
42 adverse action occurring prior to the withdrawal.

43 (c) Nothing contained in this compact shall be construed to invalidate

1 or prevent any nurse licensure agreement or other cooperative arrange-
2 ment between a party state and a nonparty state that is made in accord-
3 ance with the other provisions of this compact.

4 (d) This compact may be amended by the party states. No amend-
5 ment to this compact shall become effective and binding upon the party
6 states unless and until it is enacted into the laws of all party states.

7 ARTICLE XI

8 Construction and Severability

9 (a) This compact shall be liberally construed so as to effectuate the
10 purposes thereof. The provisions of this compact shall be severable and
11 if any phrase, clause, sentence or provision of this compact is declared to
12 be contrary to the constitution of any party state or of the United States
13 or the applicability thereof to any government, agency, person or circum-
14 stance is held invalid, the validity of the remainder of this compact and
15 the applicability thereof to any government, agency, person or circum-
16 stance shall not be affected thereby. If this compact shall be held contrary
17 to the constitution of any state party, the compact shall remain in full
18 force and effect as to the remaining party states and in full force and
19 effect as to the party state affected as to all severable matters.

20 (b) In the event party states find a need for settling disputes arising
21 under this compact:

22 (1) The party states may submit the issues in dispute to an arbitration
23 panel that will be comprised of an individual appointed by the compact
24 administrator in the home state; an individual appointed by the compact
25 administrator in the remote state or states involved; and an individual
26 mutually agreed upon by the compact administrators of all the party states
27 involved in the dispute;

28 (2) the decision of a majority of the arbitrators shall be final and
29 binding.

30 New Sec. 3. The board shall administer the provisions of the nurse
31 licensure compact pursuant to section 2. Before recognizing a nurse li-
32 cense from another state that is party to the nurse licensure compact, the
33 board shall determine that the qualifications for a nursing license in the
34 remote state are substantially equivalent to, or more stringent than, the
35 minimum qualifications for issuance of a Kansas license under the Kansas
36 nurse practice act.

37 Sec. 4. K.S.A. 65-1114 is hereby amended to read as follows: 65-
38 1114. (a) It shall be unlawful for any person:

39 (1) To practice or to offer to practice professional nursing in this state;
40 or

41 (2) to use any title, abbreviation, letters, figures, sign, card or device
42 to indicate that any person is a registered professional nurse, *unless such*
43 *person has been duly licensed under the provisions of this act or holds a*

1 *license in another state and is practicing in this state pursuant to the nurse*
2 *licensure compact; or*

3 (3) to practice or offer to practice practical nursing in this state; or
4 (4) to use any title, abbreviation, letters, figures, sign, card or device
5 to indicate that any person is a licensed practical nurse, unless such person
6 has been duly licensed under the provisions of this act *or holds a license*
7 *in another state and is practicing in this state pursuant to the nurse li-*
8 *censure compact.*

9 (b) It shall be unlawful for any person:

10 (1) To practice or offer to practice as an advanced registered nurse
11 practitioner in this state; or

12 (2) to use any title, abbreviation, letters, figures, sign, card or device
13 to indicate that any person is an advanced registered nurse practitioner,
14 unless such person has been duly issued a certificate of qualification as
15 an advanced registered nurse practitioner under the Kansas nurse prac-
16 tice act.

17 Sec. 5. K.S.A. 65-1120 is hereby amended to read as follows: 65-
18 1120. (a) *Grounds for disciplinary actions.* The board may deny, revoke,
19 limit or suspend any license, certificate of qualification or authorization
20 to practice nursing as a registered professional nurse, as a licensed prac-
21 tical nurse, as an advanced registered nurse practitioner or as a registered
22 nurse anesthetist that is issued by the board or applied for under this act
23 or may publicly or privately censure a licensee or holder of a certificate
24 of qualification or authorization, if the applicant, licensee or holder of a
25 certificate of qualification or authorization is found after hearing:

26 (1) To be guilty of fraud or deceit in practicing nursing or in procuring
27 or attempting to procure a license to practice nursing;

28 (2) to have been guilty of a felony or to have been guilty of a mis-
29 demeanor involving an illegal drug offense unless the applicant or licensee
30 establishes sufficient rehabilitation to warrant the public trust, except that
31 notwithstanding K.S.A. 74-120 no license, certificate of qualification or
32 authorization to practice nursing as a licensed professional nurse, as a
33 licensed practical nurse, as an advanced registered nurse practitioner or
34 registered nurse anesthetist shall be granted to a person with a felony
35 conviction for a crime against persons as specified in article 34 of chapter
36 21 of the Kansas Statutes Annotated and acts amendatory thereof or sup-
37 plemental thereto;

38 (3) to have committed an act of professional incompetency as defined
39 in subsection (e);

40 (4) to be unable to practice with skill and safety due to current abuse
41 of drugs or alcohol;

42 (5) to be a person who has been adjudged in need of a guardian or
43 conservator, or both, under the act for obtaining a guardian or conser-

- 1 vator, or both, and who has not been restored to capacity under that act;
- 2 (6) to be guilty of unprofessional conduct as defined by rules and
3 regulations of the board;
- 4 (7) to have willfully or repeatedly violated the provisions of *the nurse*
5 *licensure compact* or the Kansas nurse practice act or any rules and reg-
6 ulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-
7 1122 and amendments thereto;
- 8 (8) to have a license to practice nursing as a registered nurse or as a
9 practical nurse denied, revoked, limited or suspended, or to be publicly
10 or privately censured, by a licensing authority of another state, agency of
11 the United States government, territory of the United States or country
12 or to have other disciplinary action taken against the applicant or licensee
13 by a licensing authority of another state, agency of the United States
14 government, territory of the United States or country. A certified copy of
15 the record or order of public or private censure, denial, suspension, lim-
16 itation, revocation or other disciplinary action of the licensing authority
17 of another state, agency of the United States government, territory of the
18 United States or country shall constitute prima facie evidence of such a
19 fact for purposes of this paragraph (8); or
- 20 (9) to have assisted suicide in violation of K.S.A. 21-3406 and amend-
21 ments thereto as established by any of the following:
- 22 (A) A copy of the record of criminal conviction or plea of guilty for a
23 felony in violation of K.S.A. 21-3406 and amendments thereto.
- 24 (B) A copy of the record of a judgment of contempt of court for
25 violating an injunction issued under K.S.A. 2002 Supp. 60-4404 and
26 amendments thereto.
- 27 (C) A copy of the record of a judgment assessing damages under
28 K.S.A. 2002 Supp. 60-4405 and amendments thereto.
- 29 (b) *Proceedings*. Upon filing of a sworn complaint with the board
30 charging a person with having been guilty of any of the unlawful practices
31 specified in subsection (a), two or more members of the board shall in-
32 vestigate the charges, or the board may designate and authorize an em-
33 ployee or employees of the board to conduct an investigation. After in-
34 vestigation, the board may institute charges. If an investigation, in the
35 opinion of the board, reveals reasonable grounds for believing the appli-
36 cant or licensee is guilty of the charges, the board shall fix a time and
37 place for proceedings, which shall be conducted in accordance with the
38 provisions of the Kansas administrative procedure act.
- 39 (c) *Witnesses*. No person shall be excused from testifying in any pro-
40 ceedings before the board under this act or in any civil proceedings under
41 this act before a court of competent jurisdiction on the ground that such
42 testimony may incriminate the person testifying, but such testimony shall
43 not be used against the person for the prosecution of any crime under

1 the laws of this state except the crime of perjury as defined in K.S.A. 21-
2 3805 and amendments thereto.

3 (d) *Costs*. If final agency action of the board in a proceeding under
4 this section is adverse to the applicant or licensee, the costs of the board's
5 proceedings shall be charged to the applicant or licensee as in ordinary
6 civil actions in the district court, but if the board is the unsuccessful party,
7 the costs shall be paid by the board. Witness fees and costs may be taxed
8 by the board according to the statutes relating to procedure in the district
9 court. All costs accrued by the board, when it is the successful party, and
10 which the attorney general certifies cannot be collected from the appli-
11 cant or licensee shall be paid from the board of nursing fee fund. All
12 moneys collected following board proceedings shall be credited in full to
13 the board of nursing fee fund.

14 (e) *Professional incompetency defined*. As used in this section, "pro-
15 fessional incompetency" means:

16 (1) One or more instances involving failure to adhere to the appli-
17 cable standard of care to a degree which constitutes gross negligence, as
18 determined by the board;

19 (2) repeated instances involving failure to adhere to the applicable
20 standard of care to a degree which constitutes ordinary negligence, as
21 determined by the board; or

22 (3) a pattern of practice or other behavior which demonstrates a man-
23 ifest incapacity or incompetence to practice nursing.

24 (f) *Criminal justice information*. The board upon request shall receive
25 from the Kansas bureau of investigation such criminal history record in-
26 formation relating to arrests and criminal convictions as necessary for the
27 purpose of determining initial and continuing qualifications of licensees
28 of and applicants for licensure by the board.

29 Sec. 6. K.S.A. 2007 Supp. 65-1124 is hereby amended to read as
30 follows: 65-1124.No provisions of this law shall be construed as
31 prohibiting:

32 (a) Gratuitous nursing by friends or members of the family;

33 (b) the incidental care of the sick by domestic servants or persons
34 primarily employed as housekeepers;

35 (c) caring for the sick in accordance with tenets and practices of any
36 church or religious denomination which teaches reliance upon spiritual
37 means through prayer for healing;

38 (d) nursing assistance in the case of an emergency;

39 (e) the practice of nursing by students as part of a clinical course
40 offered through a school of professional or practical nursing or program
41 of advanced registered professional nursing approved in the United States
42 or its territories;

43 (f) the practice of nursing in this state by legally qualified nurses of

- 1 any of the other states as long as the engagement of any such nurse
2 requires the nurse to accompany and care for a patient temporarily re-
3 siding in this state during the period of one such engagement not to
4 exceed six months in length, and as long as such nurses do not represent
5 or hold themselves out as nurses licensed to practice in this state;
- 6 (g) the practice by any nurse who is employed by the United States
7 government or any bureau, division or agency thereof, while in the dis-
8 charge of official duties;
- 9 (h) auxiliary patient care services performed in medical care facilities,
10 adult care homes or elsewhere by persons under the direction of a person
11 licensed to practice medicine and surgery or a person licensed to practice
12 dentistry or the supervision of a registered professional nurse or a licensed
13 practical nurse;
- 14 (i) the administration of medications to residents of adult care homes
15 or to patients in hospital-based long-term care units, including state op-
16 erated institutions for the mentally retarded, by an unlicensed person who
17 has been certified as having satisfactorily completed a training program
18 in medication administration approved by the secretary of health and
19 environment and has completed the program on continuing education
20 adopted by the secretary, or by an unlicensed person while engaged in
21 and as a part of such training program in medication administration;
- 22 (j) the practice of mental health technology by licensed mental health
23 technicians as authorized under the mental health technicians' licensure
24 act;
- 25 (k) performance in the school setting of nursing procedures when
26 delegated by a licensed professional nurse in accordance with the rules
27 and regulations of the board;
- 28 (l) performance of attendant care services directed by or on behalf
29 of an individual in need of in-home care as the terms "attendant care
30 services" and "individual in need of in-home care" are defined under
31 K.S.A. 65-6201 and amendments thereto;
- 32 (m) performance of a nursing procedure by a person when that proce-
33 dure is delegated by a licensed nurse, within the reasonable exercise of
34 independent nursing judgment and is performed with reasonable skill and
35 safety by that person under the supervision of a registered professional
36 nurse or a licensed practical nurse;
- 37 (n) the practice of nursing by an applicant for Kansas nurse licensure
38 in the supervised clinical portion of a refresher course; ~~or~~
- 39 (o) the teaching of the nursing process in this state by legally qualified
40 nurses of any of the other states while in consultation with a licensed
41 Kansas nurse as long as such individuals do not represent or hold them-
42 selves out as nurses licensed to practice in this state; *or*
- 43 (p) *the practice of nursing by any nurse who holds a license in another*

1 *state and is practicing in this state pursuant to the nurse license compact.*
2 Sec. 7. K.S.A. 65-1114 and 65-1120 and K.S.A. Supp. 2007 65-1124
3 are hereby repealed.
4 Sec. 8. This act shall take effect and be in force from and after its
5 publication in the statute book.