

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 134

By Committee on Public Health and Welfare

2-7

1 AN ACT relating to nursing; concerning advanced practice nursing;
2 amending K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, 65-
3 1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-
4 32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and
5 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-
6 468, 65-1132, 65-1626, 65-2921, 65-4101, 65-5402, 65-6112, 65-
7 6119, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-
8 6144, 72-5213, 72-8252 and 74-1106 and repealing the existing
9 sections; also repealing K.S.A. 2010 Supp. 65-1626d.

10

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

12 Section 1. K.S.A. 65-1113 is hereby amended to read as follows:
13 65-1113. When used in this act and the act of which this section is
14 amendatory:

15 (a) "Board" means the board of nursing.

16 (b) "Diagnosis" in the context of nursing practice means that
17 identification of and discrimination between physical and psychosocial
18 signs and symptoms essential to effective execution and management
19 of the nursing regimen and shall be construed as distinct from a
20 medical diagnosis.

21 (c) "Treatment" means the selection and performance of those
22 therapeutic measures essential to effective execution and management
23 of the nursing regimen, and any prescribed medical regimen.

24 (d) *Practice of nursing.* (1) The practice of professional nursing as
25 performed by a registered professional nurse for compensation or
26 gratuitously, except as permitted by K.S.A. 65-1124, and amendments
27 thereto, means the process in which substantial specialized knowledge
28 derived from the biological, physical, and behavioral sciences is
29 applied to: the care, diagnosis, treatment, counsel and health teaching
30 of persons who are experiencing changes in the normal health
31 processes or who require assistance in the maintenance of health or the
32 prevention or management of illness, injury or infirmity;
33 administration, supervision or teaching of the process as defined in this

1 section; and the execution of the medical regimen as prescribed by a
2 person licensed to practice medicine and surgery or a person licensed to
3 practice dentistry. (2) The practice of nursing as a licensed practical
4 nurse means the performance for compensation or gratuitously, except
5 as permitted by K.S.A. 65-1124, and any amendments thereto, of tasks
6 and responsibilities defined in part (1) of this subsection (d) which
7 tasks and responsibilities are based on acceptable educational
8 preparation within the framework of supportive and restorative care
9 under the direction of a registered professional nurse, a person licensed
10 to practice medicine and surgery or a person licensed to practice
11 dentistry.

12 (e) A "professional nurse" means a person who is licensed to
13 practice professional nursing as defined in part (1) of subsection (d) of
14 this section.

15 (f) A "practical nurse" means a person who is licensed to practice
16 practical nursing as defined in part (2) of subsection (d) of this section.

17 (g) "Advanced *practice* registered nurse practitioner" or
18 "~~ARNP~~" "*APRN*" means a professional nurse who holds a ~~certificate of~~
19 ~~qualification license~~ from the board to function as a professional nurse
20 in an ~~expanded advanced~~ role, and this ~~expanded advanced~~ role shall
21 be defined by rules and regulations adopted by the board in accordance
22 with K.S.A. 65-1130, and amendments thereto.

23 Sec. 2. K.S.A. 65-1114 is hereby amended to read as follows: 65-
24 1114. (a) It shall be unlawful for any person:

25 (1) To practice or to offer to practice professional nursing in this
26 state; ~~or~~

27 (2) to use any title, abbreviation, letters, figures, sign, card or
28 device to indicate that any person is a registered professional nurse; ~~or~~

29 (3) to practice or offer to practice practical nursing in this state; or

30 (4) to use any title, abbreviation, letters, figures, sign, card or
31 device to indicate that any person is a licensed practical nurse, unless
32 such person has been duly licensed under the provisions of this act.

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

34 (1) To practice or offer to practice as an advanced *practice*
35 registered nurse ~~practitioner~~ in this state; or

36 (2) to use any title, abbreviation, letters, figures, sign, card or
37 device to indicate that any person is an advanced *practice* registered
38 nurse ~~practitioner~~, unless such person has been duly issued a *license*
39 ~~certificate of qualification~~ as an advanced *practice* registered nurse

1 ~~practitioner~~ under the Kansas nurse practice act.

2 Sec. 3. K.S.A. 65-1118 is hereby amended to read as follows: 65-

3 1118. (a) The board shall collect in advance fees provided for in this act

4 as fixed by the board, but not exceeding:

5 Application for license—professional nurse.....\$75

6 Application for license—practical nurse.....50

7 Application for biennial renewal of license—professional nurse

8 and practical nurse.....60

9 Application for reinstatement of license.....70

10 Application for reinstatement of licenses with temporary permit

11100

12 Certified copy of license.....25

13 Duplicate of license.....25

14 Inactive license.....20

15 Application for *license certificate of qualification*—advanced

16 *practice* registered nurse ~~practitioner~~.....50

17 Application for *license certificate of qualification* with temporary

18 permit—advanced *practice* registered nurse ~~practitioner~~

19100

20 Application for renewal of *license certificate of qualification*—

21 advanced *practice* registered nurse ~~practitioner~~.....60

22 Application for reinstatement of *license certificate of qualification*

23 —advanced *practice* registered nurse ~~practitioner~~.....75

24 Application for authorization—registered nurse anesthetist.....75

25 Application for authorization with temporary authorization—

26 registered nurse anesthetist.....110

27 Application for biennial renewal of authorization—registered nurse

28 anesthetist.....60

29 Application for reinstatement of authorization—registered nurse

30 anesthetist.....75

31 Application for reinstatement of authorization with temporary

32 authorization—registered nurse anesthetist.....100

33 Verification of license to another state.....30

34 Application for exempt license—professional and practical nurse

3550

36 Application for biennial renewal of exempt license—professional

37 and practical nurse.....50

38 Application for exempt *license certification*—advanced *practice*

39 registered nurse ~~practitioner~~.....50

1 Application for biennial renewal of exempt ~~license certificate—~~
 2 advanced *practice* registered nurse practitioner.....50

3 (b) The board may require that fees paid for any examination
 4 under the Kansas nurse practice act be paid directly to the examination
 5 service by the person taking the examination.

6 (c) The board shall accept for payment of fees under this section
 7 personal checks, certified checks, cashier's checks, money orders or
 8 credit cards. The board may designate other methods of payment, but
 9 shall not refuse payment in the form of a personal check. The board
 10 may impose additional fees and recover any costs incurred by reason of
 11 payments made by personal checks with insufficient funds and
 12 payments made by credit cards.

13 Sec. 4. K.S.A. 65-1120 is hereby amended to read as follows: 65-

14 1120. (a) *Grounds for disciplinary actions.* The board may deny,
 15 revoke, limit or suspend any license; ~~certificate of qualification~~ or
 16 authorization to practice nursing as a registered professional nurse, as a
 17 licensed practical nurse, as an advanced *practice* registered nurse
 18 ~~practitioner~~ or as a registered nurse anesthetist that is issued by the
 19 board or applied for under this act or may publicly or privately censure
 20 a licensee or holder of a ~~certificate of qualification~~ *temporary permit*
 21 authorization, if the applicant, licensee or holder of a *temporary permit*
 22 ~~certificate of qualification~~ or authorization is found after hearing:

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

25 (2) to have been guilty of a felony or to have been guilty of a
 26 misdemeanor involving an illegal drug offense unless the applicant or
 27 licensee establishes sufficient rehabilitation to warrant the public trust,
 28 except that notwithstanding K.S.A. 74-120, *and amendments thereto*,
 29 no license; ~~certificate of qualification~~ or authorization to practice
 30 nursing as a licensed professional nurse, as a licensed practical nurse,
 31 as an advanced *practice* registered nurse ~~practitioner~~ or registered nurse
 32 anesthetist shall be granted to a person with a felony conviction for a
 33 crime against persons as specified in article 34 of chapter 21 of the
 34 Kansas Statutes Annotated ~~and acts amendatory thereof or~~
 35 ~~supplemental thereto~~, *prior to its repeal, or sections 36 through 64,*
 36 *174, 210 or 211 of chapter 136 of the 2010 Session Laws of Kansas,*
 37 *and amendments thereto;*

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

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

3 (5) to be a person who has been adjudged in need of a guardian or
4 conservator, or both, under the act for obtaining a guardian or
5 conservator, or both, and who has not been restored to capacity under
6 that act;

7 (6) to be guilty of unprofessional conduct as defined by rules and
8 regulations of the board;

9 (7) to have willfully or repeatedly violated the provisions of the
10 Kansas nurse practice act or any rules and regulations adopted pursuant
11 to that act, including K.S.A. 65-1114 and 65-1122, and amendments
12 thereto;

13 (8) to have a license to practice nursing as a registered nurse or as
14 a practical nurse denied, revoked, limited or suspended, or to be
15 publicly or privately censured, by a licensing authority of another state,
16 agency of the United States government, territory of the United States
17 or country or to have other disciplinary action taken against the
18 applicant or licensee by a licensing authority of another state, agency of
19 the United States government, territory of the United States or country.
20 A certified copy of the record or order of public or private censure,
21 denial, suspension, limitation, revocation or other disciplinary action of
22 the licensing authority of another state, agency of the United States
23 government, territory of the United States or country shall constitute
24 prima facie evidence of such a fact for purposes of this paragraph (8);
25 or

26 (9) to have assisted suicide in violation of ~~K.S.A. 21-3406~~ **K.S.A.**
27 **21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010**
28 **Session Laws of Kansas**, and amendments thereto, as established by
29 any of the following:

30 (A) A copy of the record of criminal conviction or plea of guilty
31 for a felony in violation of ~~K.S.A. 21-3406~~ **K.S.A. 21-3406, prior to its**
32 **repeal, or section 42 of chapter 136 of the 2010 Session Laws of**
33 **Kansas**, and amendments thereto.

34 (B) A copy of the record of a judgment of contempt of court for
35 violating an injunction issued under ~~K.S.A. 2002-Supp. 60-4404~~, and
36 amendments thereto.

37 (C) A copy of the record of a judgment assessing damages under
38 ~~K.S.A. 2002-Supp. 60-4405~~, and amendments thereto.

39 (b) *Proceedings*. Upon filing of a sworn complaint with the board

1 charging a person with having been guilty of any of the unlawful
2 practices specified in subsection (a), two or more members of the board
3 shall investigate the charges, or the board may designate and authorize
4 an employee or employees of the board to conduct an investigation.
5 After investigation, the board may institute charges. If an investigation,
6 in the opinion of the board, reveals reasonable grounds for believing
7 the applicant or licensee is guilty of the charges, the board shall fix a
8 time and place for proceedings, which shall be conducted in accordance
9 with the provisions of the Kansas administrative procedure act.

10 (c) *Witnesses.* No person shall be excused from testifying in any
11 proceedings before the board under this act or in any civil proceedings
12 under this act before a court of competent jurisdiction on the ground
13 that such testimony may incriminate the person testifying, but such
14 testimony shall not be used against the person for the prosecution of
15 any crime under the laws of this state except the crime of perjury as
16 defined in ~~K.S.A. 21-3805~~ ***K.S.A. 21-3805, prior to its repeal, or***
17 ***section 128 of chapter 136 of the 2010 Session Laws of Kansas, and***
18 ***amendments thereto.***

19 (d) *Costs.* If final agency action of the board in a proceeding under
20 this section is adverse to the applicant or licensee, the costs of the
21 board's proceedings shall be charged to the applicant or licensee as in
22 ordinary civil actions in the district court, but if the board is the
23 unsuccessful party, the costs shall be paid by the board. Witness fees
24 and costs may be taxed by the board according to the statutes relating to
25 procedure in the district court. All costs accrued by the board, when it
26 is the successful party, and which the attorney general certifies cannot
27 be collected from the applicant or licensee shall be paid from the board
28 of nursing fee fund. All moneys collected following board proceedings
29 shall be credited in full to the board of nursing fee fund.

30 (e) *Professional incompetency defined.* As used in this section,
31 "professional incompetency" means:

32 (1) One or more instances involving failure to adhere to the
33 applicable standard of care to a degree which constitutes gross
34 negligence, as determined by the board;

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

38 (3) a pattern of practice or other behavior which demonstrates a
39 manifest incapacity or incompetence to practice nursing.

1 (f) *Criminal justice information.* The board upon request shall
2 receive from the Kansas bureau of investigation such criminal history
3 record information relating to arrests and criminal convictions as
4 necessary for the purpose of determining initial and continuing
5 qualifications of licensees of and applicants for licensure by the board.

6 Sec. 5. K.S.A. 65-1122 is hereby amended to read as follows: 65-
7 1122. It is a violation of law for any person, firm, corporation or
8 association to:

9 (a) Sell or fraudulently obtain or furnish any nursing diploma,
10 license; ~~or record or certificate of qualification~~ or aid or abet therein;

11 (b) practice professional nursing, practical nursing or practice as
12 an advanced *practice* registered nurse ~~practitioner~~, unless duly licensed
13 or certified to do so;

14 (c) use in connection with such person's name any designation
15 implying that such person is a licensed professional nurse, a licensed
16 practical nurse or an advanced *practice* registered nurse ~~practitioner~~
17 unless duly licensed ~~or certified~~ ~~so~~ to practice under the provisions of
18 the Kansas nurse practice act, and such license ~~or certificate~~ is then in
19 full force;

20 (d) practice professional nursing, practical nursing or as an
21 advanced *practice* registered nurse ~~practitioner~~ during the time a
22 license ~~or certificate~~ issued under the provisions of the Kansas nurse
23 practice act shall have expired or shall have been suspended or
24 revoked;

25 (e) represent that a school for nursing is approved for educating
26 either professional nurses or practical nurses, unless such school has
27 been duly approved by the board and such approval is then in full force;

28 (f) violate any provisions of the Kansas nurse practice act or rules
29 and regulations adopted pursuant to that act; or

30 (g) represent that a provider of continuing nursing education is
31 approved by the board for educating either professional nurses or
32 practical nurses, unless the provider of continuing nursing education
33 has been approved by the board and the approval is in full force.

34 Any person who violates this section is guilty of a class B
35 misdemeanor, except that, upon conviction of a second or subsequent
36 violation of this section, such person is guilty of a class A
37 misdemeanor.

38 Sec. 6. K.S.A. 65-1130 is hereby amended to read as follows: 65-
39 1130. (a) No professional nurse shall announce or represent to the

1 public that such person is an advanced *practice* registered nurse
2 ~~practitioner~~ unless such professional nurse has complied with
3 requirements established by the board and holds a valid *license*
4 ~~certificate of qualification~~ as an advanced *practice* registered nurse
5 ~~practitioner~~ in accordance with the provisions of this section.

6 (b) The board shall establish standards and requirements for any
7 professional nurse who desires to obtain *licensure* ~~a certificate of~~
8 ~~qualification~~ as an advanced *practice* registered nurse. ~~practitioner.~~
9 Such standards and requirements shall include, but not be limited to,
10 standards and requirements relating to the education of advanced
11 *practice* registered ~~nurses.~~ ~~nurse practitioners.~~ The board may require
12 ~~that some, but not all, types of advanced registered nurse practitioners~~
13 ~~hold an academic degree beyond the minimum educational requirement~~
14 ~~for qualifying for a license to practice as a professional nurse.~~ The
15 board may give such examinations and secure such assistance as it
16 deems necessary to determine the qualifications of applicants.

17 (c) The board shall adopt rules and regulations applicable to
18 advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ which:

19 (1) Establish ~~roles and identify titles and abbreviations~~ ~~categories~~
20 of advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ which are
21 consistent with nursing practice specialties recognized by the nursing
22 profession.

23 (2) Establish education and qualifications necessary for *licensure*
24 ~~certification~~ for each ~~category~~ ~~role~~ of advanced *practice* registered
25 nurse ~~practitioner~~ established by the board at a level adequate to assure
26 the competent performance by advanced *practice* registered ~~nurses~~
27 ~~nurse practitioners~~ of functions and procedures which advanced
28 *practice* registered ~~nurses~~ ~~nurse practitioners~~ are authorized to perform.
29 *Advanced practice registered nursing is based on knowledge and skills*
30 *acquired in basic nursing education, licensure as a registered nurse*
31 *and graduation from or completion of a masters or higher degree in*
32 *one of the advanced practice registered nurse roles approved by the*
33 *board of nursing.*

34 (3) Define the role of advanced *practice* registered ~~nurses~~ ~~nurse~~
35 ~~practitioners~~ and establish limitations and restrictions on such role. The
36 board shall adopt a definition of the role under this subsection (c)(3)
37 which is consistent with the education and qualifications required to
38 obtain a *license* ~~certificate of qualification~~ as an advanced *practice*
39 registered nurse ~~practitioner~~, which protects the public from persons

1 performing functions and procedures as advanced *practice* registered
2 ~~nurses nurse practitioners~~ for which they lack adequate education and
3 qualifications and which authorizes advanced *practice* registered
4 ~~nurses nurse practitioners~~ to perform acts generally recognized by the
5 profession of nursing as capable of being performed, in a manner
6 consistent with the public health and safety, by persons with postbasic
7 education in nursing. In defining such role the board shall consider: (A)
8 The education required for a ~~licensure certificate of qualification~~ as an
9 advanced *practice* registered nurse ~~practitioner~~; (B) the type of nursing
10 practice and preparation in specialized *advanced practice* ~~practitioner~~
11 skills involved in each ~~role category~~ of advanced *practice* registered
12 nurse ~~practitioner~~ established by the board; (C) the scope ~~and~~
13 ~~limitations~~ of *advanced practice* of nursing ~~specialties and limitations~~
14 ~~thereon~~ prescribed by national *advanced practice* organizations which
15 ~~certify nursing specialties~~; and (D) acts recognized by the nursing
16 profession as appropriate to be performed by persons with postbasic
17 education in nursing.

18 (d) An advanced *practice* registered nurse ~~practitioner~~ may
19 prescribe drugs pursuant to a written protocol as authorized by a
20 responsible physician. Each written protocol shall contain a precise and
21 detailed medical plan of care for each classification of disease or injury
22 for which the advanced *practice* registered nurse ~~practitioner~~ is
23 authorized to prescribe and shall specify all drugs which may be
24 prescribed by the advanced *practice* registered nurse. ~~practitioner~~. Any
25 written prescription order shall include the name, address and telephone
26 number of the responsible physician. The advanced *practice* registered
27 nurse ~~practitioner~~ may not dispense drugs, but may request, receive and
28 sign for professional samples and may distribute professional samples
29 to patients pursuant to a written protocol as authorized by a responsible
30 physician. In order to prescribe controlled substances, the advanced
31 *practice* registered nurse ~~practitioner~~ shall (1) register with the federal
32 drug enforcement administration; and (2) notify the board of the name
33 and address of the responsible physician or physicians. In no case shall
34 the scope of authority of the advanced *practice* registered nurse
35 ~~practitioner~~ exceed the normal and customary practice of the
36 responsible physician. An advanced *practice* registered nurse
37 ~~practitioner~~ certified in the *role category* of registered nurse anesthetist
38 while functioning as a registered nurse anesthetist under K.S.A. 65-
39 1151 to 65-1164, inclusive, and amendments thereto, shall be subject to

1 the provisions of K.S.A. 65-1151 to 65-1164, inclusive, and
2 amendments thereto, with respect to drugs and anesthetic agents and
3 shall not be subject to the provisions of this subsection. For the
4 purposes of this subsection, "responsible physician" means a person
5 licensed to practice medicine and surgery in Kansas who has accepted
6 responsibility for the protocol and the actions of the advanced *practice*
7 registered nurse ~~practitioner~~ when prescribing drugs.

8 (e) As used in this section, "drug" means those articles and
9 substances defined as drugs in K.S.A. 65-1626 and 65-4101, and
10 amendments thereto.

11 (f) *A person registered to practice as an advanced registered nurse*
12 *practitioner in the state of Kansas immediately prior to the effective*
13 *date of this act shall be deemed to be licensed to practice as an*
14 *advanced practice registered nurse under this act and such person*
15 *shall not be required to file an original application for licensure under*
16 *this act. Any application for registration filed which has not been*
17 *granted prior to the effective date of this act shall be processed as an*
18 *application for licensure under this act.*

19 Sec. 7. K.S.A. 65-1131 is hereby amended to read as follows: 65-
20 1131. (a) (1) ~~Certification.~~*Licensure.* Upon application to the board by
21 any professional nurse in this state and upon satisfaction of the
22 standards and requirements established by the board under K.S.A. 65-
23 1130, and amendments thereto, the board may issue a *license certificate*
24 ~~of qualification~~ to such applicant authorizing the applicant to perform
25 the duties of an advanced *practice* registered nurse ~~practitioner~~ as
26 defined by the board under K.S.A. 65-1130, and amendments thereto.

27 (2) The board may issue a *license certificate* to practice nursing as
28 an advanced *practice* registered nurse ~~practitioner~~ to an applicant who
29 has been duly licensed or certified as an advanced *practice* registered
30 nurse ~~practitioner~~ under the laws of another state or territory if, in the
31 opinion of the board, the applicant meets the *licensure* qualifications
32 required of an advanced *practice* registered nurse ~~practitioner~~ in this
33 state. Verification of the applicant's licensure or certification status shall
34 be required from the original state of licensure or certification.

35 (3) An application to the board for a ~~license certificate of~~
36 ~~qualification~~, for a *license certificate of qualification* with temporary
37 permit, for renewal of a *license certificate of qualification* and for
38 reinstatement of a *license certificate of qualification* shall be upon such
39 form and contain such information as the board may require and shall

1 be accompanied by a fee, to be established by rules and regulations
2 adopted by the board, to assist in defraying the expenses in connection
3 with the issuance of ~~licenses certificates of qualification~~ as advanced
4 ~~practice~~ registered nurses ~~nurse practitioners~~, in an amount fixed by the
5 board under K.S.A. 65-1118, and amendments thereto.

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

9 (5) The executive administrator of the board shall remit all
10 moneys received pursuant to this section to the state treasurer as
11 provided by K.S.A. 74-1108, and amendments thereto.

12 (b) The board may grant a one-time temporary permit to practice
13 as an advanced ~~practice~~ registered nurse ~~practitioner~~ for a period of not
14 more than 180 days pending completion of the application for a
15 ~~license certificate of qualification~~.

16 (c) ~~Exempt license certificate~~. The board may issue an exempt
17 ~~license certificate~~ to any advanced ~~practice~~ registered nurse ~~practitioner~~
18 as defined in rules and regulations who makes written application for
19 such ~~license certificate~~ on a form provided by the board, who remits a
20 fee as established pursuant to K.S.A. 65-1118, and amendments
21 thereto, and who is not regularly engaged in advanced ~~practice~~
22 registered ~~nursing nurse practice~~ in Kansas but volunteers advanced
23 ~~practice~~ registered nursing services or is a charitable health care
24 provider as defined by K.S.A. 75-6102, and amendments thereto. Each
25 exempt advanced ~~practice~~ registered nurse ~~practitioner~~ shall be subject
26 to all provisions of the nurse practice act. Each exempt license may be
27 renewed biennially subject to the provisions of this section. To convert
28 an exempt ~~license certificate~~ to an active ~~license certificate~~, the exempt
29 advanced ~~practice~~ registered nurse ~~practitioner~~ shall meet all the
30 requirements of subsection (a) or K.S.A. 65-1132, and amendments
31 thereto. The board shall have authority to write rules and regulations to
32 carry out the provisions of this section.

33 Sec. 8. K.S.A. 2010 Supp. 65-1132 is hereby amended to read as
34 follows: 65-1132. (a)(1) All ~~licenses certificates of qualification~~ issued
35 under the provisions of this act, whether initial or renewal, shall expire
36 every two years. The expiration date shall be established by rules and
37 regulations of the board. The board shall send a notice for renewal of a
38 ~~license certificate of qualification~~ to every advanced ~~practice~~ registered
39 nurse ~~practitioner~~ at least 60 days prior to the expiration date of such

1 person's license. Every person who desires to renew such *license*
2 ~~certificate of qualification~~ shall file with the board, on or before the
3 date of expiration of such *license certificate of qualification*, a renewal
4 application together with the prescribed biennial renewal fee; *and*
5 *evidence of completion of continuing education in the advanced*
6 *practice registered nurse role, which has met the continuing education*
7 *requirement for an advanced practice registered nurse as developed by*
8 *the board or by a national organization whose certifying standards are*
9 *approved by the board as equal to or greater than the corresponding*
10 *standards established by the board. These continuing education credits*
11 *approved by the board may be applied to satisfy the continuing*
12 *education requirements established by the board for licensed*
13 *professional nurses under K.S.A. 65-1117, and amendments thereto, if*
14 *the board finds such continuing education credits are equivalent to*
15 *those required by the board under K.S.A. 65-1117, and amendments*
16 *thereto;*

17 (2) *be currently licensed as a professional nurse; and*
18 (3) upon receipt of such application and payment of any applicable
19 fee, and upon being satisfied that the applicant for renewal of a *license*
20 ~~certificate of qualification~~ meets the requirements established by the
21 board under K.S.A. 65-1130, and amendments thereto, in effect at the
22 time of initial qualification of the applicant, the board shall verify the
23 accuracy of the application and grant a renewal *license certificate of*
24 ~~qualification~~.

25 (b) Any person who fails to secure a renewal *license certificate of*
26 ~~qualification~~ prior to the expiration of the *license certificate of*
27 ~~qualification~~ may secure a reinstatement of such lapsed *license*
28 ~~certificate of qualification~~ by making application therefor on a form
29 provided by the board, upon furnishing proof that the applicant is
30 competent and qualified to act as an advanced *practice* registered nurse
31 ~~practitioner~~ and upon satisfying all of the requirements for
32 reinstatement including payment to the board of a reinstatement fee as
33 established by the board.

34 Sec. 9. K.S.A. 65-1133 is hereby amended to read as follows: 65-
35 1133. (a) An approved educational and training program for advanced
36 *practice registered nurses nurse practitioners* is a program conducted in
37 Kansas which has been approved by the board as meeting the standards
38 and the rules and regulations of the board. An institution desiring to
39 conduct an educational and training program for advanced *practice*

1 registered ~~nurses~~ ~~nurse practitioners~~ shall apply to the board for
2 approval and submit satisfactory proof that it is prepared to and will
3 maintain the standards and the required curriculum for advanced
4 *practice* registered ~~nurses~~ ~~nurse practitioners~~ as prescribed by this act
5 and by the rules and regulations of the board. Applications shall be
6 made in writing on forms supplied by the board and shall be submitted
7 to the board together with the application fee fixed by the board. The
8 approval of an educational program for advanced *practice* registered
9 ~~nurses~~ ~~nurse practitioners~~ shall not exceed 10 years after the granting of
10 such approval by the board. An institution desiring to continue to
11 conduct an approved educational program for advanced *practice*
12 registered ~~nurses~~ ~~nurse practitioners~~ shall apply to the board for the
13 renewal of approval and submit satisfactory proof that it will maintain
14 the standards and the required curriculum for advanced *practice*
15 registered ~~nurses~~ ~~nurse practitioners~~ as prescribed by this act and by the
16 rules and regulations of the board. Applications for renewal of approval
17 shall be made in writing on forms supplied by the board. Each program
18 shall submit annually to the board an annual fee fixed by the board's
19 rules and regulations to maintain the approved status.

20 (b) A program to qualify as an approved educational program for
21 advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ must be
22 conducted in the state of Kansas, and the school conducting the
23 program must apply to the board and submit evidence that: (1) It is
24 prepared to carry out the curriculum prescribed by rules and regulations
25 of the board; and (2) it is prepared to meet such other standards as shall
26 be established by law and the rules and regulations of the board.

27 (c) The board shall prepare and maintain a list of programs which
28 qualify as approved educational programs for advanced *practice*
29 registered ~~nurses~~ ~~nurse practitioners~~ whose graduates, if they have the
30 other necessary qualifications provided in this act, shall be eligible to
31 apply for ~~licensure certificates of qualification~~ as advanced *practice*
32 registered ~~nurses~~ ~~nurse practitioners~~. A survey of the institution or
33 school applying for approval of an educational program for advanced
34 *practice* registered ~~nurses~~ ~~nurse practitioners~~ shall be made by an
35 authorized employee of the board or members of the board, who shall
36 submit a written report of the survey to the board. If, in the opinion of
37 the board, the requirements as prescribed by the board in its rules and
38 regulations for approval are met, it shall so approve the program. The
39 board shall resurvey approved programs on a periodic basis as

1 determined by rules and regulations. If the board determines that any
2 approved program is not maintaining the standards required by this act
3 and by rules and regulations prescribed by the board, notice thereof in
4 writing, specifying the failures of such program, shall be given. A
5 program which fails to correct such conditions to the satisfaction of the
6 board within a reasonable time shall be removed from the list of
7 approved programs until such time as the program shall comply with
8 such standards. All approved programs shall maintain accurate and
9 current records showing in full the theoretical and practical courses
10 given to each student.

11 (d) The board may accept nationally accredited *advanced* ~~advance~~
12 *practice* registered nurse ~~practitioner~~ programs as defined by ~~in rules~~
13 ~~rule~~ and *regulations adopted by the board in accordance with K.S.A.*
14 *65-1130, and amendments thereto* ~~regulation~~.

15 (1) Advanced *practice* registered nurse ~~practitioner~~ programs
16 which have received accreditation from a board recognized national
17 nursing accreditation agency shall file evidence of initial accreditation
18 with the board, and thereafter shall file all reports from the
19 accreditation agency and any notice of any change in school
20 accreditation status.

21 (2) Advanced *practice* registered nurse ~~practitioner~~ programs
22 holding approval based upon national accreditation are also responsible
23 for complying with all other requirements as determined by rules and
24 regulations of the board.

25 (3) The board may grant approval to an advanced *practice*
26 registered nurse ~~practitioner~~ program with national accreditation for a
27 continuing period not to exceed 10 years.

28 Sec. 10. K.S.A. 65-1154 is hereby amended to read as follows: 65-
29 1154. Upon application to the board by any licensed professional nurse
30 in this state and upon satisfaction of the standards and requirements
31 established under this act and K.S.A. 65-1130, and amendments
32 thereto, the board shall grant an authorization to the applicant to
33 perform the duties of a registered nurse anesthetist and be *licensed*
34 ~~certified~~ as an advanced *practice* registered nurse. ~~practitioner~~. An
35 application to the board for an authorization, for an authorization with
36 temporary authorization, for biennial renewal of authorization, for
37 reinstatement of authorization and for reinstatement of authorization
38 with temporary authorization shall be upon such form and contain such
39 information as the board may require and shall be accompanied by a

1 fee to assist in defraying the expenses in connection with the
2 administration of the provisions of this act. The fee shall be fixed by
3 rules and regulations adopted by the board in an amount fixed by the
4 board under K.S.A. 65-1118, and amendments thereto. There shall be
5 no fee assessed for the initial, renewal or reinstatement of the advanced
6 *practice* registered nurse ~~license practitioner certificate~~ as long as the
7 registered nurse anesthetist maintains authorization. The executive
8 administrator of the board shall remit all moneys received to the state
9 treasurer as provided by K.S.A. 74-1108, and amendments thereto.

10 Sec. 11. K.S.A. 65-1163 is hereby amended to read as follows: 65-
11 1163. Nothing in this act shall:

12 (a) Prohibit administration of a drug by a duly licensed
13 professional nurse, licensed practical nurse or other duly authorized
14 person for the alleviation of pain, including administration of local
15 anesthetics;

16 (b) apply to the practice of anesthesia by a person licensed to
17 practice medicine and surgery, a licensed dentist or a licensed
18 podiatrist;

19 (c) prohibit the practice of nurse anesthesia by students enrolled in
20 approved courses of study in the administration of anesthesia or
21 analgesic as a part of such course of study;

22 (d) apply to the administration of a pudendal block by a person
23 who holds a valid ~~license certificate of qualification~~ as an advanced
24 *practice* registered nurse ~~practitioner~~ in the *role category* of nurse-
25 midwife;

26 (e) apply to the administration by a licensed professional nurse of
27 an anesthetic, other than general anesthesia, for a dental operation
28 under the direct supervision of a licensed dentist or for a dental
29 operation under the direct supervision of a person licensed to practice
30 medicine and surgery;

31 (f) prohibit the practice by any registered nurse anesthetist who is
32 employed by the United States government or in any bureau, division
33 or agency thereof, while in the discharge of official duties; or

34 (g) prohibit a registered professional nurse from administering
35 general anesthetic agents to a patient on ventilator maintenance in
36 critical care units when under the direction of a person licensed to
37 practice medicine and surgery or a person licensed to practice dentistry.

38 Sec. 12. K.S.A. 2010 Supp. 8-1,125 is hereby amended to read as
39 follows: 8-1,125. (a) Any Kansas resident who submits satisfactory

1 proof to the director of vehicles, on a form provided by the director,
2 that such person is a person with a disability or is responsible for the
3 transportation of a person with a disability shall be issued a special
4 license plate or a permanent placard for any motor vehicle owned by
5 such person or shall be issued a temporary placard. Satisfactory proof
6 of disability, condition or impairment shall include a statement from a
7 person licensed to practice the healing arts in any state, a licensed
8 optometrist, an advanced *practice* registered nurse ~~practitioner~~
9 ~~registered~~ *licensed* under K.S.A. 65-1131, and amendments thereto, a
10 licensed physician assistant or a Christian Science practitioner listed in
11 The Christian Science Journal certifying that such person is a person
12 with a disability. The placard shall be suspended immediately below the
13 rear view mirror of any motor vehicle used for the transportation of a
14 person with a disability so as to be maximally visible from outside the
15 vehicle. In addition to the special license plate or permanent placard,
16 the director of vehicles shall issue to the person with a disability an
17 individual identification card which must be carried by the person with
18 a disability when the motor vehicle being operated by or used for the
19 transportation of such person is parked in accordance with the
20 provisions of K.S.A. 8-1,126, and amendments thereto. In addition to
21 the temporary placard, a person issued such temporary placard shall
22 carry the state or county receipt showing the name of the person who is
23 issued such temporary placard. A person submitting satisfactory proof
24 that such person's disability, condition or impairment is permanent in
25 nature, and upon such person's request and payment of the fees
26 prescribed in subsection (b), shall be issued a permanent placard or a
27 permanent placard and a special license plate and an individual
28 identification card. Upon proper request, one additional permanent
29 placard shall be issued to the applicant who has not requested and
30 received a special license plate. Upon proper request, one additional
31 temporary placard shall be issued to the applicant certified as
32 temporarily disabled. Temporary placards shall have an expiration date
33 of not longer than six months from the date of issuance. The special
34 license plates and placards shall display the international symbol of
35 access to the physically disabled.

36 (b) Special license plates issued pursuant to this section shall be
37 issued for the same period of time as other license plates are issued or
38 for the remainder of such period if an existing license plate is to be
39 exchanged for the special license plate. There shall be no fee for such

1 special license plates in addition to the regular registration fee. No
2 person shall be issued more than one special license plate, except that
3 agencies or businesses which provide transportation for persons with a
4 disability as a service, may obtain additional special license plates for
5 vehicles which are utilized in the provision of that service. Special
6 license plates may be personalized license plates subject to the
7 provisions of K.S.A. 8-132, and amendments thereto, including the
8 payment of the additional fee.

9 (c) Except as otherwise provided in this section, placards and
10 individual identification cards issued pursuant to this section shall be
11 issued for such period of time as the person to whom issued continues
12 to be a person with a disability or a person responsible for the
13 transportation of a person with a disability, except that the secretary of
14 revenue shall make a determination of continued eligibility for a special
15 license plate or placard at least every three years from the original date
16 of issuance of such license plate and placard.

17 (d) On and after July 1, 1992, the color of the permanent placard
18 shall be white on a blue background and the temporary placard shall be
19 white on a red background.

20 (e) In addition to such other information contained on
21 identification cards, cards issued or reissued on and after July 1, 2000,
22 shall have the date of birth and the sex of the person to whom the card
23 is issued.

24 (f) Permanent placards and individual identification cards shall be
25 returned to the department of revenue upon the death of the person with
26 a disability. Temporary placards shall be returned to the department of
27 revenue upon the expiration of the placard or upon the death of the
28 person with a disability. Special license plates shall be returned to the
29 county treasurer to be exchanged for another license plate upon the
30 death of the person with a disability. The individual identification cards
31 issued with the special license plates shall be returned to the department
32 of revenue upon the death of the person with a disability.

33 (g) Violation of subsection (f) is an unclassified misdemeanor
34 punishable by a fine of not more than \$50.

35 Sec. 13. K.S.A. 2010 Supp. 39-7,119 is hereby amended to read as
36 follows: 39-7,119. (a) There is hereby created the medicaid drug
37 utilization review board which shall be responsible for the
38 implementation of retrospective and prospective drug utilization
39 programs under the Kansas medicaid program.

1 (b) Except as provided in subsection (i), the board shall consist of
2 at least seven members appointed as follows:

3 (1) Two licensed physicians actively engaged in the practice of
4 medicine, nominated by the Kansas medical society and appointed by
5 the Kansas health policy authority from a list of four nominees;

6 (2) one licensed physician actively engaged in the practice of
7 osteopathic medicine, nominated by the Kansas association of
8 osteopathic medicine and appointed by the Kansas health policy
9 authority from a list of four nominees;

10 (3) two licensed pharmacists actively engaged in the practice of
11 pharmacy, nominated by the Kansas pharmacy association and
12 appointed by the Kansas health policy authority from a list of four
13 nominees;

14 (4) one person licensed as a pharmacist and actively engaged in
15 academic pharmacy, appointed by the Kansas health policy authority
16 from a list of four nominees provided by the university of Kansas;

17 (5) one licensed professional nurse actively engaged in long-term
18 care nursing, nominated by the Kansas state nurses association and
19 appointed by the Kansas health policy authority from a list of four
20 nominees.

21 (c) The Kansas health policy authority may add two additional
22 members so long as no class of professional representatives exceeds
23 51% of the membership.

24 (d) The physician and pharmacist members shall have expertise in
25 the clinically appropriate prescribing and dispensing of outpatient
26 drugs.

27 (e) The appointments to the board shall be for terms of three years.
28 In making the appointments, the Kansas health policy authority shall
29 provide for geographic balance in the representation on the board to the
30 extent possible. Subject to the provisions of subsection (i), members
31 may be reappointed.

32 (f) The board shall elect a chairperson from among board
33 members who shall serve a one-year term. The chairperson may serve
34 consecutive terms.

35 (g) The board, in accordance with K.S.A. 75-4319, and
36 amendments thereto, may recess for a closed or executive meeting
37 when it is considering matters relating to identifiable patients or
38 providers.

39 (h) All actions of the medicaid drug utilization review board shall

1 be upon the affirmative vote of five members of the board and the vote
2 of each member present when action was taken shall be recorded by
3 roll call vote.

4 (i) Upon the expiration of the term of office of any member of the
5 medicaid drug utilization review board on or after the effective date of
6 this act and in any case of a vacancy existing in the membership
7 position of any member of the medicaid drug utilization review board
8 on or after the effective date of this act, a successor shall be appointed
9 by the Kansas health policy authority so that as the terms of members
10 expire, or vacancies occur, members are appointed and the composition
11 of the board is changed in accordance with the following and such
12 appointment shall be made by the Kansas health policy authority in the
13 following order of priority:

14 (1) One member shall be a licensed pharmacist who is actively
15 performing or who has experience performing medicaid pharmacy
16 services for a hospital and who is nominated by the Kansas hospital
17 association and appointed by the Kansas health policy authority from a
18 list of two or more nominees;

19 (2) one member shall be a licensed pharmacist who is actively
20 performing or who has experience performing medicaid pharmacy
21 services for a licensed adult care home and who is nominated by the
22 state board of pharmacy and appointed by the Kansas health policy
23 authority from a list of two or more nominees;

24 (3) one member shall be a licensed physician who is actively
25 engaged in the general practice of allopathic medicine and who has
26 practice experience with the state medicaid plan and who is nominated
27 by the Kansas medical society and appointed by the Kansas health
28 policy authority from a list of two or more nominees;

29 (4) one member shall be a licensed physician who is actively
30 engaged in mental health practice providing care and treatment to
31 persons with mental illness, who has practice experience with the state
32 medicaid plan and who is nominated by the Kansas psychiatric society
33 and appointed by the Kansas health policy authority from a list of two
34 or more nominees;

35 (5) one member shall be a licensed physician who is the medical
36 director of a nursing facility, who has practice experience with the state
37 medicaid plan and who is nominated by the Kansas medical society and
38 appointed by the Kansas health policy authority from a list of two or
39 more nominees;

1 (6) one member shall be a licensed physician who is actively
2 engaged in the general practice of osteopathic medicine, who has
3 practice experience with the state medicaid plan and who is nominated
4 by the Kansas association of osteopathic medicine and who is
5 appointed by the Kansas health policy authority from a list of two or
6 more nominees;

7 (7) one member shall be a licensed pharmacist who is actively
8 engaged in retail pharmacy, who has practice experience with the state
9 medicaid plan and who is nominated by the state board of pharmacy
10 and appointed by the Kansas health policy authority from a list of two
11 or more nominees;

12 (8) one member shall be a licensed pharmacist who is actively
13 engaged in or who has experience in research pharmacy and who is
14 nominated jointly by the Kansas task force for the pharmaceutical
15 research and manufacturers association and the university of Kansas
16 and appointed by the Kansas health policy authority from a list of two
17 or more jointly nominated persons; and

18 (9) one member shall be a licensed advanced *practice* registered
19 nurse ~~practitioner~~ or physician assistant actively engaged in the practice
20 of providing the health care and treatment services such person is
21 licensed to perform, who has practice experience with the state
22 medicaid plan and who is nominated jointly by the Kansas state nurses'
23 association and the Kansas academy of physician assistants and
24 appointed by the Kansas health policy authority from a list of two or
25 more jointly nominated persons.

26 Sec. 14. K.S.A. 2010 Supp. 40-2,111 is hereby amended to read as
27 follows: 40-2,111. As used in K.S.A. 40-2,111 through 40-2,113, and
28 amendments thereto: (a) "Adverse underwriting decision" means: Any
29 of the following actions with respect to insurance transactions
30 involving insurance coverage which is individually underwritten:

- 31 (1) A declination of insurance coverage;
32 (2) a termination of insurance coverage;
33 (3) an offer to insure at higher than standard rates, with respect to
34 life, health or disability insurance coverage; or

35 (4) the charging of a higher rate on the basis of information which
36 differs from that which the applicant or policyholder furnished, with
37 respect to property or casualty insurance coverage.

38 (b) "Declination of insurance coverage" means a denial, in whole
39 or in part, by an insurance company or agent of requested insurance

1 coverage.

2 (c) "Health care institution" means any medical care facility, adult
3 care home, drug abuse and alcoholic treatment facility, home-health
4 agency certified for federal reimbursement, mental health center or
5 mental health clinic licensed by the secretary of social and
6 rehabilitation services, kidney disease treatment center, county, city-
7 county or multicounty health departments and health-maintenance
8 organization.

9 (d) "Health care provider" means any person licensed to practice
10 any branch of the healing arts, licensed dentist, licensed professional
11 nurse, licensed practical nurse, *licensed* advanced *practice* registered
12 nurse ~~practitioner~~, licensed optometrist, licensed physical therapist,
13 licensed social worker, licensed physician assistant, licensed podiatrist
14 or licensed psychologist.

15 (e) "Institutional source" means any natural person, corporation,
16 association, partnership or governmental or other legal entity that
17 provides information about an individual to an agent or insurance
18 company, other than:

- 19 (1) An agent;
20 (2) the individual who is the subject of the information; or
21 (3) a natural person acting in a personal capacity rather than a
22 business or professional capacity.

23 (f) "Insurance transaction" means any transaction involving
24 insurance, but not including group insurance coverage, primarily for
25 personal, family or household needs rather than business or
26 professional needs.

27 (g) "Medical-record information" means personal information
28 which:

29 (1) Relates to an individual's physical or mental condition, medical
30 history or medical treatment; and

31 (2) is obtained from a health care provider or health care
32 institution, from the individual, or from the individual's spouse, parent
33 or legal guardian.

34 (h) "Termination of insurance coverage" or "termination of an
35 insurance policy" means either a cancellation, nonrenewal or lapse of
36 an insurance policy, in whole or in part, for any reason other than:

- 37 (1) The failure to pay a premium as required by the policy; or
38 (2) at the request or direction of the insured.

39 Sec. 15. K.S.A. 40-2250 is hereby amended to read as follows: 40-

1 2250. ~~(a)~~ Notwithstanding any provision of an individual or group
2 policy or contract for health and accident insurance delivered within the
3 state, whenever such policy or contract shall provide for reimbursement
4 for any services within the lawful scope of practice of ~~an a licensed~~
5 advanced *practice* registered nurse ~~practitioner~~ within the state of
6 Kansas, the insured, or any other person covered by the policy or
7 contract, shall be allowed and entitled to reimbursement for such
8 service irrespective of whether it was provided or performed by a duly
9 licensed physician or ~~an a licensed~~ advanced *practice* registered nurse.
10 ~~practitioner.~~

11 ~~(b) Notwithstanding the provisions of subsection (a),~~
12 ~~reimbursement shall be mandated with respect to services performed by~~
13 ~~an advanced registered nurse practitioner in Douglas, Johnson,~~
14 ~~Leavenworth, Sedgwick, Shawnee or Wyandotte counties.~~

15 ~~(c) The provisions of subsection (b) shall expire on July 1, 1998.~~

16 Sec. 16. K.S.A. 2010 Supp. 65-468 is hereby amended to read as
17 follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and
18 amendments thereto:

19 (a) "Health care provider" means any person licensed or otherwise
20 authorized by law to provide health care services in this state or a
21 professional corporation organized pursuant to the professional
22 corporation law of Kansas by persons who are authorized by law to
23 form such corporation and who are health care providers as defined by
24 this subsection, or an officer, employee or agent thereof, acting in the
25 course and scope of employment or agency.

26 (b) "Member" means any hospital, emergency medical service,
27 local health department, home health agency, adult care home, medical
28 clinic, mental health center or clinic or nonemergency transportation
29 system.

30 (c) "Mid-level practitioner" means a physician assistant or
31 advanced *practice* registered nurse ~~practitioner~~ who has entered into a
32 written protocol with a rural health network physician.

33 (d) "Physician" means a person licensed to practice medicine and
34 surgery.

35 (e) "Rural health network" means an alliance of members
36 including at least one critical access hospital and at least one other
37 hospital which has developed a comprehensive plan submitted to and
38 approved by the secretary of health and environment regarding patient
39 referral and transfer; the provision of emergency and nonemergency

1 transportation among members; the development of a network-wide
2 emergency services plan; and the development of a plan for sharing
3 patient information and services between hospital members concerning
4 medical staff credentialing, risk management, quality assurance and
5 peer review.

6 (f) "Critical access hospital" means a member of a rural health
7 network which makes available twenty-four hour emergency care
8 services; provides not more than 25 acute care inpatient beds or in the
9 case of a facility with an approved swing-bed agreement a combined
10 total of extended care and acute care beds that does not exceed 25 beds;
11 provides acute inpatient care for a period that does not exceed, on an
12 annual average basis, 96 hours per patient; and provides nursing
13 services under the direction of a licensed professional nurse and
14 continuous licensed professional nursing services for not less than 24
15 hours of every day when any bed is occupied or the facility is open to
16 provide services for patients unless an exemption is granted by the
17 licensing agency pursuant to rules and regulations. The critical access
18 hospital may provide any services otherwise required to be provided by
19 a full-time, on-site dietician, pharmacist, laboratory technician, medical
20 technologist and radiological technologist on a part-time, off-site basis
21 under written agreements or arrangements with one or more providers
22 or suppliers recognized under medicare. The critical access hospital
23 may provide inpatient services by a physician assistant, *advanced*
24 *practice registered* nurse practitioner or a clinical nurse specialist
25 subject to the oversight of a physician who need not be present in the
26 facility. In addition to the facility's 25 acute beds or swing beds, or
27 both, the critical access hospital may have a psychiatric unit or a
28 rehabilitation unit, or both. Each unit shall not exceed 10 beds and
29 neither unit will count toward the 25-bed limit, nor will these units be
30 subject to the average 96-hour length of stay restriction.

31 (g) "Hospital" means a hospital other than a critical access hospital
32 which has entered into a written agreement with at least one critical
33 access hospital to form a rural health network and to provide medical or
34 administrative supporting services within the limit of the hospital's
35 capabilities.

36 Sec. 17. K.S.A. 2010 Supp. 65-1626 is hereby amended to read as
37 follows: 65-1626. For the purposes of this act:

38 (a) "Administer" means the direct application of a drug, whether
39 by injection, inhalation, ingestion or any other means, to the body of a

1 patient or research subject by:

2 (1) A practitioner or pursuant to the lawful direction of a
3 practitioner;

4 (2) the patient or research subject at the direction and in the
5 presence of the practitioner; or

6 (3) a pharmacist as authorized in K.S.A. 65-1635a, and
7 amendments thereto.

8 (b) "Agent" means an authorized person who acts on behalf of or
9 at the direction of a manufacturer, distributor or dispenser but shall not
10 include a common carrier, public warehouseman or employee of the
11 carrier or warehouseman when acting in the usual and lawful course of
12 the carrier's or warehouseman's business.

13 (c) "Authorized distributor of record" means a wholesale
14 distributor with whom a manufacturer has established an ongoing
15 relationship to distribute the manufacturer's prescription drug. An
16 ongoing relationship is deemed to exist between such wholesale
17 distributor and a manufacturer when the wholesale distributor,
18 including any affiliated group of the wholesale distributor, as defined in
19 section 1504 of the internal revenue code, complies with any one of the
20 following: (1) The wholesale distributor has a written agreement
21 currently in effect with the manufacturer evidencing such ongoing
22 relationship; and (2) the wholesale distributor is listed on the
23 manufacturer's current list of authorized distributors of record, which is
24 updated by the manufacturer on no less than a monthly basis.

25 (d) "Board" means the state board of pharmacy created by K.S.A.
26 74-1603, and amendments thereto.

27 (e) "Brand exchange" means the dispensing of a different drug
28 product of the same dosage form and strength and of the same generic
29 name ~~as~~ the brand name drug product prescribed.

30 (f) "Brand name" means the registered trademark name given to a
31 drug product by its manufacturer, labeler or distributor.

32 (g) "Chain pharmacy warehouse" means a permanent physical
33 location for drugs or devices, or both, that ~~acts as~~ acts as a central
34 warehouse and ~~performs~~ performs intracompany sales or transfers of
35 prescription drugs or devices to chain pharmacies that have the same
36 ownership or control. Chain pharmacy warehouses must be registered
37 as wholesale distributors.

38 (h) "Co-licensee" means a pharmaceutical manufacturer that has
39 entered into an agreement with another pharmaceutical manufacturer to

1 engage in a business activity or occupation related to the manufacture
2 or distribution of a prescription drug and the national drug code on the
3 drug product label shall be used to determine the identity of the drug
4 manufacturer.

5 (i) "Deliver" or "delivery" means the actual, constructive or
6 attempted transfer from one person to another of any drug whether or
7 not an agency relationship exists.

8 (j) "Direct supervision" means the process by which the
9 responsible pharmacist shall observe and direct the activities of a
10 pharmacy student or pharmacy technician to a sufficient degree to
11 assure that all such activities are performed accurately, safely and
12 without risk or harm to patients, and complete the final check before
13 dispensing.

14 (k) "Dispense" means to deliver prescription medication to the
15 ultimate user or research subject by or pursuant to the lawful order of a
16 practitioner or pursuant to the prescription of a mid-level practitioner.

17 (l) "Dispenser" means a practitioner or pharmacist who dispenses
18 prescription medication.

19 (m) "Distribute" means to deliver, other than by administering or
20 dispensing, any drug.

21 (n) "Distributor" means a person who distributes a drug.

22 (o) "Drop shipment" means the sale, by a manufacturer, that
23 manufacturer's co-licensee, that manufacturer's third party logistics
24 provider, or that manufacturer's exclusive distributor, of the
25 manufacturer's prescription drug, to a wholesale distributor whereby
26 the wholesale distributor takes title but not possession of such
27 prescription drug and the wholesale distributor invoices the pharmacy,
28 the chain pharmacy warehouse, or other designated person authorized
29 by law to dispense or administer such prescription drug, and the
30 pharmacy, the chain pharmacy warehouse, or other designated person
31 authorized by law to dispense or administer such prescription drug
32 receives delivery of the prescription drug directly from the
33 manufacturer, that manufacturer's co-licensee, that manufacturer's third
34 party logistics provider, or that manufacturer's exclusive distributor, of
35 such prescription drug. Drop shipment shall be part of the "normal
36 distribution channel."-

37 (p) "Drug" means: (1) Articles recognized in the official United
38 States pharmacopoeia, or other such official compendiums of the
39 United States, or official national formulary, or any supplement of any

1 of them; (2) articles intended for use in the diagnosis, cure, mitigation,
2 treatment or prevention of disease in man or other animals; (3) articles,
3 other than food, intended to affect the structure or any function of the
4 body of man or other animals; and (4) articles intended for use as a
5 component of any articles specified in clause (1), (2) or (3) of this
6 subsection; but does not include devices or their components, parts or
7 accessories, except that the term "drug" shall not include amygdalin
8 (laetrile) or any livestock remedy, if such livestock remedy had been
9 registered in accordance with the provisions of article 5 of chapter 47
10 of the Kansas Statutes Annotated prior to its repeal.

11 (q) "Durable medical equipment" means technologically
12 sophisticated medical devices that may be used in a residence,
13 including the following: (1) Oxygen and oxygen delivery system; (2)
14 ventilators; (3) respiratory disease management devices; (4) continuous
15 positive airway pressure (CPAP) devices; (5) electronic and
16 computerized wheelchairs and seating systems; (6) apnea monitors; (7)
17 transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss
18 cutaneous pressure management devices; (9) sequential compression
19 devices; (10) feeding pumps; (11) home phototherapy devices; (12)
20 infusion delivery devices; (13) distribution of medical gases to end
21 users for human consumption; (14) hospital beds; (15) nebulizers; (16)
22 other similar equipment determined by the board in rules and
23 regulations adopted by the board.

24 (r) "Exclusive distributor" means any entity that: (1) Contracts
25 with a manufacturer to provide or coordinate warehousing, wholesale
26 distribution or other services on behalf of a manufacturer and who
27 takes title to that manufacturer's prescription drug, but who does not
28 have general responsibility to direct the sale or disposition of the
29 manufacturer's prescription drug; (2) is registered as a wholesale
30 distributor under the pharmacy act of the state of Kansas; and (3) to be
31 considered part of the normal distribution channel, must be an
32 authorized distributor of record.

33 (s) "Electronic transmission" means transmission of information in
34 electronic form or the transmission of the exact visual image of a
35 document by way of electronic equipment.

36 (t) "Generic name" means the established chemical name or
37 official name of a drug or drug product.

38 (u) (1) "Institutional drug room" means any location where
39 prescription-only drugs are stored and from which prescription-only

1 drugs are administered or dispensed and which is maintained or
2 operated for the purpose of providing the drug needs of:

3 (A) Inmates of a jail or correctional institution or facility;

4 (B) residents of a juvenile detention facility, as defined by the
5 revised Kansas code for care of children and the revised Kansas
6 juvenile justice code;

7 (C) students of a public or private university or college, a
8 community college or any other institution of higher learning which is
9 located in Kansas;

10 (D) employees of a business or other employer; or

11 (E) persons receiving inpatient hospice services.

12 (2) "Institutional drug room" does not include:

13 (A) Any registered pharmacy;

14 (B) any office of a practitioner; or

15 (C) a location where no prescription-only drugs are dispensed and
16 no prescription-only drugs other than individual prescriptions are stored
17 or administered.

18 (v) "Intracompany transaction" means any transaction or transfer
19 between any division, subsidiary, parent or affiliated or related
20 company under common ownership or control of a corporate entity, or
21 any transaction or transfer between co-licensees of a co-licensed
22 product.

23 (w) "Medical care facility" shall have the meaning provided in
24 K.S.A. 65-425, and amendments thereto, except that the term shall also
25 include facilities licensed under the provisions of K.S.A. 75-3307b, and
26 amendments thereto, except community mental health centers and
27 facilities for the mentally retarded.

28 (x) "Manufacture" means the production, preparation, propagation,
29 compounding, conversion or processing of a drug either directly or
30 indirectly by extraction from substances of natural origin,
31 independently by means of chemical synthesis or by a combination of
32 extraction and chemical synthesis and includes any packaging or
33 repackaging of the drug or labeling or relabeling of its container, except
34 that this term shall not include the preparation or compounding of a
35 drug by an individual for the individual's own use or the preparation,
36 compounding, packaging or labeling of a drug by: (1) A practitioner or
37 a practitioner's authorized agent incident to such practitioner's
38 administering or dispensing of a drug in the course of the practitioner's
39 professional practice; (2) a practitioner, by a practitioner's authorized

1 agent or under a practitioner's supervision for the purpose of, or as an
2 incident to, research, teaching or chemical analysis and not for sale; or
3 (3) a pharmacist or the pharmacist's authorized agent acting under the
4 direct supervision of the pharmacist for the purpose of, or incident to,
5 the dispensing of a drug by the pharmacist.
6 (y) "Manufacturer" means a person licensed or approved by the
7 FDA to engage in the manufacture of drugs and devices.
8 (z) "Normal distribution channel" means a chain of custody for a
9 prescription-only drug that goes from a manufacturer of the
10 prescription-only drug, from that manufacturer to that manufacturer's
11 co-licensed partner, from that manufacturer to that manufacturer's third-
12 party logistics provider, or from that manufacturer to that
13 manufacturer's exclusive distributor, directly or by drop shipment, to:
14 (1) A pharmacy to a patient or to other designated persons
15 authorized by law to dispense or administer such drug to a patient;
16 (2) a wholesale distributor to a pharmacy to a patient or other
17 designated persons authorized by law to dispense or administer such
18 drug to a patient;
19 (3) a wholesale distributor to a chain pharmacy warehouse to that
20 chain pharmacy warehouse's intracompany pharmacy to a patient or
21 other designated persons authorized by law to dispense or administer
22 such drug to a patient; or
23 (4) a chain pharmacy warehouse to the chain pharmacy
24 warehouse's intracompany pharmacy to a patient or other designated
25 persons authorized by law to dispense or administer such drug to a
26 patient.
27 (aa) "Person" means individual, corporation, government,
28 governmental subdivision or agency, partnership, association or any
29 other legal entity.
30 (bb) "Pharmacist" means any natural person licensed under this act
31 to practice pharmacy.
32 (cc) "Pharmacist in charge" means the pharmacist who is
33 responsible to the board for a registered establishment's compliance
34 with the laws and regulations of this state pertaining to the practice of
35 pharmacy, manufacturing of drugs and the distribution of drugs. The
36 pharmacist in charge shall supervise such establishment on a full-time
37 or a part-time basis and perform such other duties relating to
38 supervision of a registered establishment as may be prescribed by the
39 board by rules and regulations. Nothing in this definition shall relieve

1 other pharmacists or persons from their responsibility to comply with
2 state and federal laws and regulations.

3 (dd) "Pharmacy," "drug store" or "apothecary" means premises,
4 laboratory, area or other place: (1) Where drugs are offered for sale
5 where the profession of pharmacy is practiced and where prescriptions
6 are compounded and dispensed; or (2) which has displayed upon it or
7 within it the words "pharmacist," "pharmaceutical chemist,"
8 "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug
9 sundries" or any of these words or combinations of these words or
10 words of similar import either in English or any sign containing any of
11 these words; or (3) where the characteristic symbols of pharmacy or the
12 characteristic prescription sign "Rx" may be exhibited. As used in this
13 subsection, premises refers only to the portion of any building or
14 structure leased, used or controlled by the licensee in the conduct of the
15 business registered by the board at the address for which the
16 registration was issued.

17 (ee) "Pharmacy student" means an individual, registered with the
18 board of pharmacy, enrolled in an accredited school of pharmacy.

19 (ff) "Pharmacy technician" means an individual who, under the
20 direct supervision and control of a pharmacist, may perform packaging,
21 manipulative, repetitive or other nondiscretionary tasks related to the
22 processing of a prescription or medication order and who assists the
23 pharmacist in the performance of pharmacy related duties, but who
24 does not perform duties restricted to a pharmacist.

25 (gg) "Practitioner" means a person licensed to practice medicine
26 and surgery, dentist, podiatrist, veterinarian, optometrist licensed under
27 the optometry law as a therapeutic licensee or diagnostic and
28 therapeutic licensee, or scientific investigator or other person
29 authorized by law to use a prescription-only drug in teaching or
30 chemical analysis or to conduct research with respect to a prescription-
31 only drug.

32 (hh) "Preceptor" means a licensed pharmacist who possesses at
33 least two years' experience as a pharmacist and who supervises students
34 obtaining the pharmaceutical experience required by law as a condition
35 to taking the examination for licensure as a pharmacist.

36 (ii) "Prescription" means, according to the context, either a
37 prescription order or a prescription medication.

38 (jj) "Prescription medication" means any drug, including label and
39 container according to context, which is dispensed pursuant to a

1 prescription order.

2 (kk) "Prescription-only drug" means any drug whether intended
3 for use by man or animal, required by federal or state law (including 21
4 *U.S.C. § 353* ~~United States Code section 353~~, as amended), to be
5 dispensed only pursuant to a written or oral prescription or order of a
6 practitioner or is restricted to use by practitioners only.

7 (ll) "Prescription order" means: (1) An order to be filled by a
8 pharmacist for prescription medication issued and signed by a
9 practitioner or a mid-level practitioner in the authorized course of
10 professional practice; or (2) an order transmitted to a pharmacist
11 through word of mouth, note, telephone or other means of
12 communication directed by such practitioner or mid-level practitioner.

13 (mm) "Probation" means the practice or operation under a
14 temporary license, registration or permit or a conditional license,
15 registration or permit of a business or profession for which a license,
16 registration or permit is granted by the board under the provisions of
17 the pharmacy act of the state of Kansas requiring certain actions to be
18 accomplished or certain actions not to occur before a regular license,
19 registration or permit is issued.

20 (nn) "Professional incompetency" means:

21 (1) One or more instances involving failure to adhere to the
22 applicable standard of pharmaceutical care to a degree which
23 constitutes gross negligence, as determined by the board;

24 (2) repeated instances involving failure to adhere to the applicable
25 standard of pharmaceutical care to a degree which constitutes ordinary
26 negligence, as determined by the board; or

27 (3) a pattern of pharmacy practice or other behavior which
28 demonstrates a manifest incapacity or incompetence to practice
29 pharmacy.

30 (oo) "Retail dealer" means a person selling at retail
31 nonprescription drugs which are prepackaged, fully prepared by the
32 manufacturer or distributor for use by the consumer and labeled in
33 accordance with the requirements of the state and federal food, drug
34 and cosmetic acts. Such nonprescription drugs shall not include: (1) A
35 controlled substance; (2) a prescription-only drug; or (3) a drug
36 intended for human use by hypodermic injection.

37 (pp) "Secretary" means the executive secretary of the board.

38 (qq) "Third party logistics provider" means an entity that: (1)
39 Provides or coordinates warehousing, distribution or other services on

1 behalf of a manufacturer, but does not take title to the prescription drug
2 or have general responsibility to direct the prescription drug's sale or
3 disposition; (2) is registered as a wholesale distributor under the
4 pharmacy act of the state of Kansas; and (3) to be considered part of the
5 normal distribution channel, must also be an authorized distributor of
6 record.

7 (rr) "Unprofessional conduct" means:

8 (1) Fraud in securing a registration or permit;

9 (2) intentional adulteration or mislabeling of any drug, medicine,
10 chemical or poison;

11 (3) causing any drug, medicine, chemical or poison to be
12 adulterated or mislabeled, knowing the same to be adulterated or
13 mislabeled;

14 (4) intentionally falsifying or altering records or prescriptions;

15 (5) unlawful possession of drugs and unlawful diversion of drugs
16 to others;

17 (6) willful betrayal of confidential information under K.S.A. 65-
18 1654, and amendments thereto;

19 (7) conduct likely to deceive, defraud or harm the public;

20 (8) making a false or misleading statement regarding the licensee's
21 professional practice or the efficacy or value of a drug;

22 (9) commission of any act of sexual abuse, misconduct or
23 exploitation related to the licensee's professional practice; or

24 (10) performing unnecessary tests, examinations or services which
25 have no legitimate pharmaceutical purpose.

26 (ss) "Mid-level practitioner" means an advanced *practice*
27 registered nurse practitioner issued a ~~certificate of qualification~~ *license*
28 pursuant to K.S.A. 65-1131, and amendments thereto, who has
29 authority to prescribe drugs pursuant to a written protocol with a
30 responsible physician under K.S.A. 65-1130, and amendments thereto,
31 or a physician assistant licensed pursuant to the physician assistant
32 licensure act who has authority to prescribe drugs pursuant to a written
33 protocol with a responsible physician under K.S.A. 65-28a08, and
34 amendments thereto.

35 (tt) "Vaccination protocol" means a written protocol, agreed to by
36 a pharmacist and a person licensed to practice medicine and surgery by
37 the state board of healing arts, which establishes procedures and
38 recordkeeping and reporting requirements for administering a vaccine
39 by the pharmacist for a period of time specified therein, not to exceed

1 two years.

2 (uu) "Veterinary medical teaching hospital pharmacy" means any
3 location where prescription-only drugs are stored as part of an
4 accredited college of veterinary medicine and from which prescription-
5 only drugs are distributed for use in treatment of or administration to a
6 *nonhuman*. ~~non-human~~.

7 (vv) "Wholesale distributor" means any person engaged in
8 wholesale distribution of prescription drugs or devices in or into the
9 state, including, but not limited to, manufacturers, repackagers, own-
10 label distributors, private-label distributors, jobbers, brokers,
11 warehouses, including manufacturers' and distributors' warehouses, co-
12 licensees, exclusive distributors, third party logistics providers, chain
13 pharmacy warehouses that conduct wholesale distributions, and
14 wholesale drug warehouses, independent wholesale drug traders and
15 retail pharmacies that conduct wholesale distributions. Wholesale
16 distributor shall not include persons engaged in the sale of durable
17 medical equipment to consumers or patients.

18 (ww) "Wholesale distribution" means the distribution of
19 prescription drugs or devices by wholesale distributors to persons other
20 than consumers or patients, and includes the transfer of prescription
21 drugs by a pharmacy to another pharmacy if the total number of units
22 of transferred drugs during a twelve-month period does not exceed 5%
23 of the total number of all units dispensed by the pharmacy during the
24 immediately preceding twelve-month period. Wholesale distribution
25 does not include: (1) The sale, purchase or trade of a prescription drug
26 or device, an offer to sell, purchase or trade a prescription drug or
27 device or the dispensing of a prescription drug or device pursuant to a
28 prescription; (2) the sale, purchase or trade of a prescription drug or
29 device or an offer to sell, purchase or trade a prescription drug or
30 device for emergency medical reasons; (3) intracompany transactions,
31 as defined in this section, unless in violation of own use provisions; (4)
32 the sale, purchase or trade of a prescription drug or device or an offer to
33 sell, purchase or trade a prescription drug or device among hospitals,
34 chain pharmacy warehouses, pharmacies or other health care entities
35 that are under common control; (5) the sale, purchase or trade of a
36 prescription drug or device or the offer to sell, purchase or trade a
37 prescription drug or device by a charitable organization described in
38 *503(c)(3)*~~503(e)(3)~~ of the internal revenue code of 1954 to a nonprofit
39 affiliate of the organization to the extent otherwise permitted by law;

1 (6) the purchase or other acquisition by a hospital or other similar
2 health care entity that is a member of a group purchasing organization
3 of a prescription drug or device for its own use from the group
4 purchasing organization or from other hospitals or similar health care
5 entities that are members of these organizations; (7) the transfer of
6 prescription drugs or devices between pharmacies pursuant to a
7 centralized prescription processing agreement; (8) the sale, purchase or
8 trade of blood and blood components intended for transfusion; (9) the
9 return of recalled, expired, damaged or otherwise non-salable
10 prescription drugs, when conducted by a hospital, health care entity,
11 pharmacy, chain pharmacy warehouse or charitable institution in
12 accordance with the board's rules and regulations; (10) the sale,
13 transfer, merger or consolidation of all or part of the business of a retail
14 pharmacy or pharmacies from or with another retail pharmacy or
15 pharmacies, whether accomplished as a purchase and sale of stock or
16 business assets, in accordance with the board's rules and regulations;
17 (11) the distribution of drug samples by manufacturers' and authorized
18 distributors' representatives; (12) the sale of minimal quantities of
19 drugs by retail pharmacies to licensed practitioners for office use; or
20 (13) the sale or transfer from a retail pharmacy or chain pharmacy
21 warehouse of expired, damaged, returned or recalled prescription drugs
22 to the original manufacturer, originating wholesale distributor or to a
23 third party returns processor in accordance with the board's rules and
24 regulations.

25 Sec. 18. K.S.A. 2010 Supp. 65-2921 is hereby amended to read as
26 follows: 65-2921. (a) Except as otherwise provided in subsection (b),
27 (c) or (d), a physical therapist may evaluate patients without physician
28 referral but may initiate treatment only after approval by a licensed
29 physician, a licensed podiatrist, a licensed physician assistant or ~~an~~ *a*
30 *licensed advanced practice registered nurse practitioner* working
31 pursuant to the order or direction of a licensed physician, a licensed
32 chiropractor, a licensed dentist or licensed optometrist in appropriately
33 related cases. Physical therapists may initiate physical therapy
34 treatment with the approval of a practitioner of the healing arts duly
35 licensed under the laws of another state and may provide such
36 treatment based upon an order by such practitioner in any setting in
37 which physical therapists would be authorized to provide such
38 treatment with the approval of a physician licensed by the board,
39 notwithstanding any provisions of the Kansas healing arts act or any

1 rules and regulations adopted by the board thereunder.

2 (b) Physical therapists may evaluate and treat a patient for no more
3 than 30 consecutive calendar days without a referral under the
4 following conditions: (1) The patient has previously been referred to a
5 physical therapist for physical therapy services by a person authorized
6 by this section to approve treatment; (2) the patient's referral for
7 physical therapy was made within one year from the date a physical
8 therapist implements a program of physical therapy treatment without a
9 referral; (3) the physical therapy being provided to the patient without
10 referral is for the same injury, disease or condition as indicated in the
11 referral for such previous injury, disease or condition; and (4) the
12 physical therapist transmits to the physician or other practitioner
13 identified by the patient a copy of the initial evaluation no later than
14 five business days after treatment commences. Treatment *of such*
15 *patient* for more than 30 consecutive calendar days ~~of such patient~~ shall
16 only be upon the approval of a person authorized by this section to
17 approve treatment.

18 (c) Physical therapists may provide, without a referral, services
19 which do not constitute treatment for a specific condition, disease or
20 injury to: (1) Employees solely for the purpose of education and
21 instruction related to workplace injury prevention; or (2) the public for
22 the purpose of fitness, health promotion and education.

23 (d) Physical therapists may provide services without a referral to
24 special education students who need physical therapy services to fulfill
25 the provisions of their individualized education plan (IEP) or
26 individualized family service plan (IFSP).

27 Sec. 19. K.S.A. 2010 Supp. 65-4101 is hereby amended to read as
28 follows: 65-4101. As used in this act: (a) "Administer" means the direct
29 application of a controlled substance, whether by injection, inhalation,
30 ingestion or any other means, to the body of a patient or research
31 subject by: (1) A practitioner or pursuant to the lawful direction of a
32 practitioner; or

33 (2) the patient or research subject at the direction and in the
34 presence of the practitioner.

35 (b) "Agent" means an authorized person who acts on behalf of or
36 at the direction of a manufacturer, distributor or dispenser. It does not
37 include a common carrier, public warehouseman or employee of the
38 carrier or warehouseman.

39 (c) "Board" means the state board of pharmacy.

1 (d) "Bureau" means the bureau of narcotics and dangerous drugs,
2 United States department of justice, or its successor agency.

3 (e) "Controlled substance" means any drug, substance or
4 immediate precursor included in any of the schedules designated in
5 K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and
6 amendments ~~thereto to these sections~~.

7 (f) "Counterfeit substance" means a controlled substance which, or
8 the container or labeling of which, without authorization bears the
9 trademark, trade name or other identifying mark, imprint, number or
10 device or any likeness thereof of a manufacturer, distributor or
11 dispenser other than the person who in fact manufactured, distributed
12 or dispensed the substance.

13 (g) "Deliver" or "delivery" means the actual, constructive or
14 attempted transfer from one person to another of a controlled substance,
15 whether or not there is an agency relationship.

16 (h) "Dispense" means to deliver a controlled substance to an
17 ultimate user or research subject by or pursuant to the lawful order of a
18 practitioner, including the packaging, labeling or compounding
19 necessary to prepare the substance for that delivery, or pursuant to the
20 prescription of a mid-level practitioner.

21 (i) "Dispenser" means a practitioner or pharmacist who dispenses.

22 (j) "Distribute" means to deliver other than by administering or
23 dispensing a controlled substance.

24 (k) "Distributor" means a person who distributes.

25 (l) "Drug" means: (1) Substances recognized as drugs in the
26 official United States pharmacopoeia, official homeopathic
27 pharmacopoeia of the United States or official national formulary or
28 any supplement to any of them; (2) substances intended for use in the
29 diagnosis, cure, mitigation, treatment or prevention of disease in man or
30 animals; (3) substances (other than food) intended to affect the
31 structure or any function of the body of man or animals; and (4)
32 substances intended for use as a component of any article specified in
33 clause (1), (2) or (3) of this subsection. It does not include devices or
34 their components, parts or accessories.

35 (m) "Immediate precursor" means a substance which the board has
36 found to be and by rule and regulation designates as being the principal
37 compound commonly used or produced primarily for use and which is
38 an immediate chemical intermediary used or likely to be used in the
39 manufacture of a controlled substance, the control of which is

1 necessary to prevent, curtail or limit manufacture.

2 (n) "Manufacture" means the production, preparation, propagation,
3 compounding, conversion or processing of a controlled substance either
4 directly or indirectly or by extraction from substances of natural origin
5 or independently by means of chemical synthesis or by a combination
6 of extraction and chemical synthesis and includes any packaging or
7 repackaging of the substance or labeling or relabeling of its container,
8 except that this term does not include the preparation or compounding
9 of a controlled substance by an individual for the individual's own
10 lawful use or the preparation, compounding, packaging or labeling of a
11 controlled substance: (1) By a practitioner or the practitioner's agent
12 pursuant to a lawful order of a practitioner as an incident to the
13 practitioner's administering or dispensing of a controlled substance in
14 the course of the practitioner's professional practice; or

15 (2) by a practitioner or by the practitioner's authorized agent under
16 such practitioner's supervision for the purpose of or as an incident to
17 research, teaching or chemical analysis or by a pharmacist or medical
18 care facility as an incident to dispensing of a controlled substance.

19 (o) "Marijuana" means all parts of all varieties of the plant
20 *Cannabis* whether growing or not, the seeds thereof, the resin extracted
21 from any part of the plant and every compound, manufacture, salt,
22 derivative, mixture or preparation of the plant, its seeds or resin. It does
23 not include the mature stalks of the plant, fiber produced from the
24 stalks, oil or cake made from the seeds of the plant, any other
25 compound, manufacture, salt, derivative, mixture or preparation of the
26 mature stalks, except the resin extracted therefrom, fiber, oil, or cake or
27 the sterilized seed of the plant which is incapable of germination.

28 (p) "Narcotic drug" means any of the following whether produced
29 directly or indirectly by extraction from substances of vegetable origin
30 or independently by means of chemical synthesis or by a combination
31 of extraction and chemical synthesis: (1) Opium and opiate and any
32 salt, compound, derivative or preparation of opium or opiate;

33 (2) any salt, compound, isomer, derivative or preparation thereof
34 which is chemically equivalent or identical with any of the substances
35 referred to in clause (1) but not including the isoquinoline alkaloids of
36 opium;

37 (3) opium poppy and poppy straw;

38 (4) coca leaves and any salt, compound, derivative or preparation
39 of coca leaves, and any salt, compound, isomer, derivative or

- 1 preparation thereof which is chemically equivalent or identical with any
2 of these substances, but not including decocainized coca leaves or
3 extractions of coca leaves which do not contain cocaine or ecgonine.
- 4 (q) "Opiate" means any substance having an addiction-forming or
5 addiction-sustaining liability similar to morphine or being capable of
6 conversion into a drug having addiction-forming or addiction-
7 sustaining liability. It does not include, unless specifically designated as
8 controlled under K.S.A. 65-4102, and amendments thereto, the
9 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
10 (dextromethorphan). It does include its racemic and levorotatory forms.
- 11 (r) "Opium poppy" means the plant of the species *Papaver*
12 *somniferum l.* except its seeds.
- 13 (s) "Person" means individual, corporation, government, or
14 governmental subdivision or agency, business trust, estate, trust,
15 partnership or association or any other legal entity.
- 16 (t) "Poppy straw" means all parts, except the seeds, of the opium
17 poppy, after mowing.
- 18 (u) "Pharmacist" means an individual currently licensed by the
19 board to practice the profession of pharmacy in this state.
- 20 (v) "Practitioner" means a person licensed to practice medicine
21 and surgery, dentist, podiatrist, veterinarian, optometrist licensed under
22 the optometry law as a therapeutic licensee or diagnostic
23 and therapeutic licensee, or scientific investigator or other person
24 authorized by law to use a controlled substance in teaching or chemical
25 analysis or to conduct research with respect to a controlled substance.
- 26 (w) "Production" includes the manufacture, planting, cultivation,
27 growing or harvesting of a controlled substance.
- 28 (x) "Ultimate user" means a person who lawfully possesses a
29 controlled substance for such person's own use or for the use of a
30 member of such person's household or for administering to an animal
31 owned by such person or by a member of such person's household.
- 32 (y) "Isomer" means all enantiomers and diastereomers.
- 33 (z) "Medical care facility" shall have the meaning ascribed to that
34 term in K.S.A. 65-425, and amendments thereto.
- 35 (aa) "Cultivate" means the planting or promotion of growth of five
36 or more plants which contain or can produce controlled substances.
- 37 (bb) (1) "Controlled substance analog" means a substance that is
38 intended for human consumption, and:
39 (A) The chemical structure of which is substantially similar to the

1 chemical structure of a controlled substance listed in or added to the
2 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
3 thereto;

4 (B) which has a stimulant, depressant or hallucinogenic effect on
5 the central nervous system substantially similar to the stimulant,
6 depressant or hallucinogenic effect on the central nervous system of a
7 controlled substance included in the schedules designated in K.S.A. 65-
8 4105 or 65-4107, and amendments thereto; or

9 (C) with respect to a particular individual, which the individual
10 represents or intends to have a stimulant, depressant or hallucinogenic
11 effect on the central nervous system substantially similar to the
12 stimulant, depressant or hallucinogenic effect on the central nervous
13 system of a controlled substance included in the schedules designated
14 in K.S.A. 65-4105 or 65-4107, and amendments thereto.

15 (2) "Controlled substance analog" does not include:

16 (A) A controlled substance;

17 (B) a substance for which there is an approved new drug
18 application; or

19 (C) a substance with respect to which an exemption is in effect for
20 investigational use by a particular person under section 505 of the
21 federal food, drug, and cosmetic act (21 U.S.C. § 355) to the extent
22 conduct with respect to the substance is permitted by the exemption.

23 (cc) "Mid-level practitioner" means an advanced *practice*
24 registered nurse practitioner issued a ~~certificate of qualification~~ *license*
25 pursuant to K.S.A. 65-1131, and amendments thereto, who has
26 authority to prescribe drugs pursuant to a written protocol with a
27 responsible physician under K.S.A. 65-1130, and amendments thereto,
28 or a physician assistant licensed under the physician assistant licensure
29 act who has authority to prescribe drugs pursuant to a written protocol
30 with a responsible physician under K.S.A. 65-28a08, and amendments
31 thereto.

32 Sec. 20. K.S.A. 2010 Supp. 65-5402 is hereby amended to read as
33 follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417, inclusive, and
34 K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:

35 (a) "Board" means the state board of healing arts.

36 (b) "Practice of occupational therapy" means the therapeutic use of
37 purposeful and meaningful occupations (goal-directed activities) to
38 evaluate and treat, pursuant to the referral, supervision, order or
39 direction of a physician, a licensed podiatrist, a licensed dentist, a

- 1 licensed physician assistant, or ~~an~~ *a licensed advanced practice*
2 registered nurse practitioner working pursuant to the order or direction
3 of a person licensed to practice medicine and surgery, a licensed
4 chiropractor, or a licensed optometrist, individuals who have a disease
5 or disorder, impairment, activity limitation or participation restriction
6 that interferes with their ability to function independently in daily life
7 roles and to promote health and wellness. Occupational therapy
8 intervention may include:
- 9 (1) Remediation or restoration of performance abilities that are
10 limited due to impairment in biological, physiological, psychological or
11 neurological cognitive processes;
 - 12 (2) adaptation of tasks, process, or the environment or the teaching
13 of compensatory techniques in order to enhance performance;
 - 14 (3) disability prevention methods and techniques that facilitate the
15 development or safe application of performance skills; and
 - 16 (4) health promotion strategies and practices that enhance
17 performance abilities.
- 18 (c) "Occupational therapy services" include, but are not limited to:
- 19 (1) Evaluating, developing, improving, sustaining, or restoring
20 skills in activities of daily living (ADL), work or productive activities,
21 including instrumental activities of daily living (IADL) and play and
22 leisure activities;
 - 23 (2) evaluating, developing, remediating, or restoring sensorimotor,
24 cognitive or psychosocial components of performance;
 - 25 (3) designing, fabricating, applying, or training in the use of
26 assistive technology or orthotic devices and training in the use of
27 prosthetic devices;
 - 28 (4) adapting environments and processes, including the application
29 of ergonomic principles, to enhance performance and safety in daily
30 life roles;
 - 31 (5) applying physical agent modalities as an adjunct to or in
32 preparation for engagement in occupations;
 - 33 (6) evaluating and providing intervention in collaboration with the
34 client, family, caregiver or others;
 - 35 (7) educating the client, family, caregiver or others in carrying out
36 appropriate nonskilled interventions; and
 - 37 (8) consulting with groups, programs, organizations or
38 communities to provide population-based services.
- 39 (d) "Occupational therapist" means a person licensed to practice

1 occupational therapy as defined in this act.

2 (e) "Occupational therapy assistant" means a person licensed to
3 assist in the practice of occupational therapy under the supervision of
4 an occupational therapist.

5 (f) "Person" means any individual, partnership, unincorporated
6 organization or corporation.

7 (g) "Physician" means a person licensed to practice medicine and
8 surgery.

9 (h) "Occupational therapy aide," "occupational therapy tech" or
10 "occupational therapy paraprofessional" means a person who provides
11 supportive services to occupational therapists and occupational therapy
12 assistants in accordance with K.S.A. 65-5419, and amendments thereto.

13 Sec. 21. K.S.A. 2010 Supp. 65-6112 is hereby amended to read as
14 follows: 65-6112. As used in this act:

15 (a) "Administrator" means the executive director of the emergency
16 medical services board.

17 (b) "Advanced emergency medical technician" means a person
18 who holds an advanced emergency medical technician certificate issued
19 pursuant to this act.

20 (c) "Advanced *practice* registered nurse ~~practitioner~~" means an
21 advanced *practice* registered nurse ~~practitioner~~ as defined in K.S.A. 65-
22 1113, and amendments thereto.

23 (d) "Ambulance" means any privately or publicly owned motor
24 vehicle, airplane or helicopter designed, constructed, prepared, staffed
25 and equipped for use in transporting and providing emergency care for
26 individuals who are ill or injured.

27 (e) "Ambulance service" means any organization operated for the
28 purpose of transporting sick or injured persons to or from a place where
29 medical care is furnished, whether or not such persons may be in need
30 of emergency or medical care in transit.

31 (f) "Attendant" means a first responder, an emergency medical
32 responder, emergency medical technician, emergency medical
33 technician-intermediate, emergency medical technician-defibrillator,
34 emergency medical technician-intermediate/defibrillator, advanced
35 emergency medical technician, mobile intensive care technician or
36 paramedic certified pursuant to this act.

37 (g) "Board" means the emergency medical services board
38 established pursuant to K.S.A. 65-6102, and amendments thereto.

39 (h) "Emergency medical service" means the effective and

- 1 coordinated delivery of such care as may be required by an emergency
2 which includes the care and transportation of individuals by ambulance
3 services and the performance of authorized emergency care by a
4 physician, advanced *practice* registered nurse ~~practitioner~~, professional
5 nurse, a licensed physician assistant or attendant.
- 6 (i) "Emergency medical technician" means a person who holds an
7 emergency medical technician certificate issued pursuant to this act.
- 8 (j) "Emergency medical technician-defibrillator" means a person
9 who holds an emergency medical technician-defibrillator certificate
10 issued pursuant to this act.
- 11 (k) "Emergency medical technician-intermediate" means a person
12 who holds an emergency medical technician-intermediate certificate
13 issued pursuant to this act.
- 14 (l) "Emergency medical technician-intermediate/defibrillator"
15 means a person who holds both an emergency medical technician-
16 intermediate and emergency medical technician defibrillator certificate
17 issued pursuant to this act.
- 18 (m) "Emergency medical responder" means a person who holds an
19 emergency medical responder certificate issued pursuant to this act.
- 20 (n) "First responder" means a person who holds a first responder
21 certificate issued pursuant to this act.
- 22 (o) "Hospital" means a hospital as defined by K.S.A. 65-425, and
23 amendments thereto.
- 24 (p) "Instructor-coordinator" means a person who is certified under
25 this act to teach initial courses of certification of instruction and
26 continuing education classes.
- 27 (q) "Medical adviser" means a physician.
- 28 (r) "Medical protocols" mean written guidelines which authorize
29 attendants to perform certain medical procedures prior to contacting a
30 physician, physician assistant authorized by a physician, advanced
31 *practice* registered nurse ~~practitioner~~ authorized by a physician or
32 professional nurse authorized by a physician. The medical protocols
33 shall be approved by a county medical society or the medical staff of a
34 hospital to which the ambulance service primarily transports patients,
35 or if neither of the above are able or available to approve the medical
36 protocols, then the medical protocols shall be submitted to the medical
37 advisory council for approval.
- 38 (s) "Mobile intensive care technician" means a person who holds a
39 mobile intensive care technician certificate issued pursuant to this act.

1 (t) "Municipality" means any city, county, township, fire district or
2 ambulance service district.

3 (u) "Nonemergency transportation" means the care and transport
4 of a sick or injured person under a foreseen combination of
5 circumstances calling for continuing care of such person. As used in
6 this subsection, transportation includes performance of the authorized
7 level of services of the attendant whether within or outside the vehicle
8 as part of such transportation services.

9 (v) "Operator" means a person or municipality who has a permit to
10 operate an ambulance service in the state of Kansas.

11 (w) "Paramedic" means a person who holds a paramedic
12 certificate issued pursuant to this act.

13 (x) "Person" means an individual, a partnership, an association, a
14 joint-stock company or a corporation.

15 (y) "Physician" means a person licensed by the state board of
16 healing arts to practice medicine and surgery.

17 (z) "Physician assistant" means a person who is licensed under the
18 physician assistant licensure act and who is acting under the direction
19 of a responsible physician.

20 (aa) "Professional nurse" means a licensed professional nurse as
21 defined by K.S.A. 65-1113, and amendments thereto.

22 (bb) "Provider of training" means a corporation, partnership,
23 accredited postsecondary education institution, ambulance service, fire
24 department, hospital or municipality that conducts training programs
25 that include, but are not limited to, initial courses of instruction and
26 continuing education for attendants, instructor-coordinators or training
27 officers.

28 (cc) "Responsible physician" means responsible physician as such
29 term is defined under K.S.A. 65-28a02, and amendments thereto.

30 (dd) "Training officer" means a person who is certified pursuant to
31 this act to teach initial courses of instruction for first responders or
32 emergency medical responders and continuing education as prescribed
33 by the board.

34 Sec. 22. K.S.A. 2010 Supp. 65-6119 is hereby amended to read as
35 follows: 65-6119. (a) Notwithstanding any other provision of law,
36 mobile intensive care technicians may:

37 (1) Perform all the authorized activities identified in K.S.A. 65-
38 6120, 65-6121, 65-6123, 65-6144, and amendments thereto;

39 (2) when voice contact or a telemetered electrocardiogram is

1 monitored by a physician, physician assistant where authorized by a
2 physician, an advanced *practice* registered nurse ~~practitioner~~ where
3 authorized by a physician or licensed professional nurse where
4 authorized by a physician and direct communication is maintained, and
5 upon order of such person may administer such medications or
6 procedures as may be deemed necessary by a person identified in
7 subsection (a)(2);

8 (3) perform, during an emergency, those activities specified in
9 subsection (a)(2) before contacting a person identified in subsection (a)
10 (2) when specifically authorized to perform such activities by medical
11 protocols; and

12 (4) perform, during nonemergency transportation, those activities
13 specified in this section when specifically authorized to perform such
14 activities by medical protocols.

15 (b) An individual who holds a valid certificate as a mobile
16 intensive care technician once meeting the continuing education
17 requirements prescribed by the rules and regulations of the board, upon
18 application for renewal, shall be deemed to hold a certificate as a
19 paramedic under this act, and such individual shall not be required to
20 file an original application as a paramedic for certification under this
21 act.

22 (c) "Renewal" as used in subsection (b), refers to the first
23 opportunity that a mobile intensive care technician has to apply for
24 renewal of a certificate following the effective date of this act.

25 (d) Upon transition notwithstanding any other provision of law, a
26 paramedic may:

27 (1) Perform all the authorized activities identified in K.S.A. 65-
28 6120, 65-6121, 65-6144, and amendments thereto;

29 (2) when voice contact or a telemetered electrocardiogram is
30 monitored by a physician, physician assistant where authorized by a
31 physician or an advanced *practice* registered nurse ~~practitioner~~ where
32 authorized by a physician or licensed professional nurse where
33 authorized by a physician and direct communication is maintained, and
34 upon order of such person, may administer such medications or
35 procedures as may be deemed necessary by a person identified in
36 subsection (d)(2);

37 (3) perform, during an emergency, those activities specified in
38 subsection (d)(2) before contacting a person identified in subsection (d)
39 (2) when specifically authorized to perform such activities by medical

1 protocols; and

2 (4) perform, during nonemergency transportation, those activities
3 specified in this section when specifically authorized to perform such
4 activities by medical protocols.

5 Sec. 23. K.S.A. 2010 Supp. 65-6120 is hereby amended to read as
6 follows: 65-6120. (a) Notwithstanding any other provision of law to the
7 contrary, an emergency medical technician-intermediate may:

8 (1) Perform any of the activities identified by K.S.A. 65-6121, and
9 amendments thereto;

10 (2) when approved by medical protocols and where voice contact
11 by radio or telephone is monitored by a physician, physician assistant
12 where authorized by a physician, advanced *practice* registered nurse
13 ~~practitioner~~ where authorized by a physician or licensed professional
14 nurse where authorized by a physician, and direct communication is
15 maintained, upon order of such person, may perform veni-puncture for
16 the purpose of blood sampling collection and initiation and
17 maintenance of intravenous infusion of saline solutions, dextrose and
18 water solutions or ringers lactate IV solutions, endotracheal intubation
19 and administration of nebulized albuterol;

20 (3) perform, during an emergency, those activities specified in
21 subsection (a)(2) before contacting the persons identified in subsection
22 (a)(2) when specifically authorized to perform such activities by
23 medical protocols; or

24 (4) perform, during nonemergency transportation, those activities
25 specified in this section when specifically authorized to perform such
26 activities by medical protocols.

27 (b) An individual who holds a valid certificate as an emergency
28 medical technician-intermediate once completing the board prescribed
29 transition course, and validation of cognitive and psychomotor
30 competency as determined by rules and regulations of the board, upon
31 application for renewal, shall be deemed to hold a certificate as an
32 advanced emergency medical technician under this act, and such
33 individual shall not be required to file an original application for
34 certification as an advanced emergency medical technician under this
35 act.

36 (c) "Renewal" as used in subsection (b), refers to the second
37 opportunity that an emergency medical technician-intermediate has to
38 apply for renewal of a certificate following the effective date of this act.

39 (d) Emergency medical technician-intermediates who fail to meet

1 the transition requirements as specified will be required, at a minimum,
2 to gain the continuing education applicable to emergency medical
3 technician as defined by rules and regulations of the board. Failure to
4 do so will result in loss of certification.

5 (e) Upon transition, notwithstanding any other provision of law to
6 the contrary, an advanced emergency medical technician may:

7 (1) Perform any of the activities identified by K.S.A. 65-6121, and
8 amendments thereto; and

9 (2) any of the following interventions, by use of the devices,
10 medications and equipment, or any combination thereof, after
11 successfully completing an approved course of instruction, local
12 specialized device training and competency validation and when
13 authorized by medical protocols, upon order when direct
14 communication is maintained by radio, telephone or video conference
15 with a physician, physician assistant where authorized by a physician,
16 an advanced *practice* registered nurse ~~practitioner~~ where authorized by
17 a physician, or licensed professional nurse where authorized by a
18 physician upon order of such a person: (A) Continuous positive airway
19 pressure devices; (B) advanced airway management; (C) referral of
20 patient ~~to~~ of alternate medical care site based on assessment; (D)
21 transportation of a patient with a capped arterial line; (E) veni-puncture
22 for obtaining blood sample; (F) initiation and maintenance of
23 intravenous infusion or saline lock; (G) initiation of intraosseous
24 infusion; (H) nebulized therapy; (I) manual defibrillation and
25 cardioversion; (J) cardiac monitoring; (K) medication administration
26 via: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv)
27 intranasal; (v) rectal; (vi) subcutaneous; (vii) intraosseous; (viii)
28 intramuscular; or (ix) sublingual.

29 (f) An individual who holds a valid certificate as both an
30 emergency medical technician-intermediate and as an emergency
31 medical technician-defibrillator once completing the board prescribed
32 transition course, and validation of cognitive and psychomotor
33 competency as determined by rules and regulations of the board, upon
34 application for renewal, shall be deemed to hold a certificate as an
35 advanced emergency medical technician under this act, and such
36 individual shall not be required to file an original application for
37 certification as an advanced emergency medical technician under this
38 act.

39 (g) "Renewal" as used in subsection (f), refers to the second

1 opportunity that an emergency medical technician-intermediate and
2 emergency medical technician-defibrillator has to apply for renewal of
3 a certificate following the effective date of this act.

4 (h) Emergency medical technician-intermediate and emergency
5 medical technician-defibrillator who fail to meet the transition
6 requirements as specified will be required, at a minimum, to gain the
7 continuing education applicable to emergency medical technician as
8 defined by rules and regulations of the board. Failure to do so will
9 result in loss of certification.

10 Sec. 24. K.S.A. 2010 Supp. 65-6121 is hereby amended to read as
11 follows: 65-6121. (a) Notwithstanding any other provision of law to the
12 contrary, an emergency medical technician may perform any of the
13 following activities:

- 14 (1) Patient assessment and vital signs;
- 15 (2) airway maintenance including the use of:
 - 16 (A) Oropharyngeal and nasopharyngeal airways;
 - 17 (B) esophageal obturator airways with or without gastric suction
18 device;
 - 19 (C) multi-lumen airway; and
 - 20 (D) oxygen demand valves.
- 21 (3) Oxygen therapy;
- 22 (4) oropharyngeal suctioning;
- 23 (5) cardiopulmonary resuscitation procedures;
- 24 (6) control accessible bleeding;
- 25 (7) apply pneumatic anti-shock garment;
- 26 (8) manage outpatient medical emergencies;
- 27 (9) extricate patients and utilize lifting and moving techniques;
- 28 (10) manage musculoskeletal and soft tissue injuries including
29 dressing and bandaging wounds or the splinting of fractures,
30 dislocations, sprains or strains;
 - 31 (11) use of backboards to immobilize the spine;
 - 32 (12) administer activated charcoal and glucose;
 - 33 (13) monitor peripheral intravenous line delivering intravenous
34 fluids during interfacility transport with the following restrictions:
 - 35 (A) The physician approves the transfer by an emergency medical
36 technician;
 - 37 (B) no medications or nutrients have been added to the
38 intravenous fluids; and
 - 39 (C) the emergency medical technician may monitor, maintain and

- 1 shut off the flow of intravenous fluid;
- 2 (14) use automated external defibrillators;
- 3 (15) administer epinephrine auto-injectors provided that:
- 4 (A) The emergency medical technician successfully completes a
- 5 course of instruction approved by the board in the administration of
- 6 epinephrine; and
- 7 (B) the emergency medical technician serves with an ambulance
- 8 service or a first response organization that provides emergency
- 9 medical services; and
- 10 (C) the emergency medical technician is acting pursuant to
- 11 medical protocols;
- 12 (16) perform, during nonemergency transportation, those activities
- 13 specified in this section when specifically authorized to perform such
- 14 activities by medical protocols; or
- 15 (17) when authorized by medical protocol, assist the patient in the
- 16 administration of the following medications which have been
- 17 prescribed for that patient: Auto-injection epinephrine, sublingual
- 18 nitroglycerin and inhalers for asthma and emphysema.
- 19 (b) An individual who holds a valid certificate as an emergency
- 20 medical technician at the current basic level once completing the board
- 21 prescribed transition course, and validation of cognitive and
- 22 psychomotor competency as determined by rules and regulations of the
- 23 board, upon application for renewal, shall be deemed to hold a
- 24 certificate as an emergency medical technician under this act, and such
- 25 individual shall not be required to file an original application for
- 26 certification as an emergency medical technician under this act.
- 27 (c)"Renewal" as used in subsection (b), refers to the first opportunity
- 28 that an emergency medical technician has to apply for renewal of a
- 29 certificate following the effective date of this act.
- 30 (d) Emergency medical technicians who fail to meet the transition
- 31 requirements as specified will be required, at a minimum, to gain the
- 32 continuing education applicable to emergency medical responder as
- 33 defined by rules and regulations of the board. Failure to do so will
- 34 result in loss of certification.
- 35 (e) Upon transition, notwithstanding any other provision of law to
- 36 the contrary, an emergency medical technician may perform any
- 37 activities identified in K.S.A. 65-6144, and amendments thereto, and
- 38 any of the following interventions, by use of the devices, medications
- 39 and equipment, or any combination thereof, after successfully

- 1 completing an approved course of instruction, local specialized device
2 training and competency validation and when authorized by medical
3 protocols, upon order when direct communication is maintained by
4 radio, telephone or video conference is monitored by a physician,
5 physician assistant when authorized by a physician, an advanced
6 *practice* registered nurse ~~practitioner~~ when authorized by a physician or
7 a licensed professional nurse when authorized by a physician, upon
8 order of such person:
- 9 (1) Airway maintenance including use of:
 - 10 (A) Single lumen airways as approved by the board;
 - 11 (B) multilumen airways;
 - 12 (C) ventilator devices;
 - 13 (D) forceps removal of airway obstruction;
 - 14 (E) CO2 monitoring;
 - 15 (F) airway suctioning;
 - 16 (2) apply pneumatic anti-shock garment;
 - 17 (3) assist with childbirth;
 - 18 (4) monitoring urinary catheter;
 - 19 (5) capillary blood sampling;
 - 20 (6) cardiac monitoring;
 - 21 (7) administration of patient assisted medications as approved by
22 the board;
 - 23 (8) administration of medications as approved by the board by
24 appropriate routes; and
 - 25 (9) monitor, maintain or discontinue flow of IV line if a physician
26 approves transfer by an emergency medical technician.
- 27 Sec. 25. K.S.A. 2010 Supp. 65-6123 is hereby amended to read as
28 follows: 65-6123. (a) Notwithstanding any other provision of law to the
29 contrary, an emergency medical technician-defibrillator may:
- 30 (1) Perform any of the activities identified in K.S.A. 65-6121, and
31 amendments thereto;
 - 32 (2) when approved by medical protocols and where voice contact
33 by radio or telephone is monitored by a physician, physician assistant
34 where authorized by a physician, advanced *practice* registered nurse
35 ~~practitioner~~ where authorized by a physician, or licensed professional
36 nurse where authorized by a physician, and direct communication is
37 maintained, upon order of such person, may perform
38 electrocardiographic monitoring and defibrillation;
 - 39 (3) perform, during an emergency, those activities specified in

1 subsection (b) before contacting the persons identified in subsection (b)
2 when specifically authorized to perform such activities by medical
3 protocols; or

4 (4) perform, during nonemergency transportation, those activities
5 specified in this section when specifically authorized to perform such
6 activities by medical protocols.

7 (b) An individual who holds a valid certificate as an emergency
8 medical technician-defibrillator once completing the board prescribed
9 transition course, and validation of cognitive and psychomotor
10 competency as determined by rules and regulations of the board, upon
11 application for renewal, shall be deemed to hold a certificate as an
12 advanced emergency medical technician under this act, and such
13 individual shall not be required to file an original application for
14 certification as an advanced emergency medical technician under this
15 act.

16 (c) "Renewal" as used in subsection (b), refers to the second
17 opportunity that an attendant has to apply for renewal of a certificate
18 following the effective date of this act.

19 (d) EMT-D attendants who fail to meet the transition requirements
20 as specified will be required, at a minimum, to gain the continuing
21 education applicable to emergency medical technician as defined by
22 rules and regulations of the board. Failure to do so will result in loss of
23 certification.

24 Sec. 26. K.S.A. 2010 Supp. 65-6124 is hereby amended to read as
25 follows: 65-6124. (a) No physician, physician assistant, advanced
26 *practice* registered nurse ~~practitioner~~ or licensed professional nurse,
27 who gives emergency instructions to an attendant as defined by K.S.A.
28 65-6112, and amendments thereto, during an emergency, shall be liable
29 for any civil damages as a result of issuing the instructions, except such
30 damages which may result from gross negligence in giving such
31 instructions.

32 (b) No attendant as defined by K.S.A. 65-6112, and amendments
33 thereto, who renders emergency care during an emergency pursuant to
34 instructions given by a physician, the responsible physician for a
35 physician assistant, advanced *practice* registered nurse ~~practitioner~~ or
36 licensed professional nurse shall be liable for civil damages as a result
37 of implementing such instructions, except such damages which may
38 result from gross negligence or by willful or wanton acts or omissions
39 on the part of such attendant as defined by K.S.A. 65-6112, and

1 amendments thereto.

2 (c) No person certified as an instructor-coordinator and no training
3 officer shall be liable for any civil damages which may result from such
4 instructor-coordinator's or training officer's course of instruction,
5 except such damages which may result from gross negligence or by
6 willful or wanton acts or omissions on the part of the instructor-
7 coordinator or training officer.

8 (d) No medical adviser who reviews, approves and monitors the
9 activities of attendants shall be liable for any civil damages as a result
10 of such review, approval or monitoring, except such damages which
11 may result from gross negligence in such review, approval or
12 monitoring.

13 Sec. 27. K.S.A. 2010 Supp. 65-6129c is hereby amended to read
14 as follows: 65-6129c. (a) Application for a training officer's certificate
15 shall be made to the emergency medical services board upon forms
16 provided by the administrator. The board may grant a training officer's
17 certificate to an applicant who: (1) Is an emergency medical technician,
18 emergency medical technician-intermediate, emergency medical
19 technician-defibrillator, mobile intensive care technician, advanced
20 emergency medical technician, paramedic, physician, physician
21 assistant, advanced *practice* registered nurse ~~practitioner~~ or
22 professional nurse; (2) successfully completes an initial course of
23 training approved by the board; (3) passes an examination prescribed
24 by the board; (4) is appointed by a provider of training approved by the
25 board; and (5) has paid a fee established by the board.

26 (b) A training officer's certificate shall expire on the expiration
27 date of the attendant's certificate if the training officer is an attendant or
28 on the expiration date of the physician's, physician assistant's, advanced
29 *practice* registered nurse's ~~practitioner's~~ or professional nurse's license
30 if the training officer is a physician, physician assistant, advanced
31 *practice* registered nurse ~~practitioner~~ or professional nurse. A training
32 officer's certificate may be renewed for the same period as the
33 attendant's certificate or the physician's, physician assistant's, advanced
34 *practice* registered ~~nurse's~~ ~~nurse practitioner's~~ or professional nurse's
35 license upon payment of a fee as prescribed by rules and regulations
36 and upon presentation of satisfactory proof that the training officer has
37 successfully completed continuing education prescribed by the board
38 and is certified as an emergency medical technician, emergency
39 medical technician-intermediate, emergency medical technician-

- 1 defibrillator, mobile-intensive care technician, advanced emergency
2 medical technician, paramedic, physician, physician assistant, advanced
3 *practice* registered nurse ~~practitioner~~ or professional nurse. The board
4 may prorate to the nearest whole month the fee fixed under this
5 subsection as necessary to implement the provisions of this subsection.
- 6 (c) A training officer's certificate may be denied, revoked, limited,
7 modified or suspended by the board or the board may refuse to renew
8 such certificate if such individual:
- 9 (1) Fails to maintain certification or licensure as an emergency
10 medical technician, emergency medical technician-intermediate,
11 emergency medical technician-defibrillator, mobile intensive care
12 technician, advanced emergency medical technician, paramedic,
13 physician, physician assistant, advanced *practice* registered nurse
14 ~~practitioner~~ or professional nurse;
- 15 (2) fails to maintain support of appointment by a provider of
16 training;
- 17 (3) fails to successfully complete continuing education;
- 18 (4) has made intentional misrepresentations in obtaining a
19 certificate or renewing a certificate;
- 20 (5) has demonstrated incompetence or engaged in unprofessional
21 conduct as defined by rules and regulations adopted by the board;
- 22 (6) has violated or aided and abetted in the violation of any
23 provision of this act or the rules and regulations promulgated by the
24 board; or
- 25 (7) has been convicted of any state or federal crime that is related
26 substantially to the qualifications, functions and duties of a training
27 officer or any crime punishable as a felony under any state or federal
28 statute and the board determines that such individual has not been
29 sufficiently rehabilitated to warrant public trust. A conviction means a
30 plea of guilty, a plea of nolo contendere or a verdict of guilty. The
31 board may take disciplinary action pursuant to this section when the
32 time for appeal has elapsed, or after the judgment of conviction is
33 affirmed on appeal or when an order granting probation is made
34 suspending the imposition of sentence.
- 35 (d) The board may revoke, limit, modify or suspend a certificate or
36 the board may refuse to renew such certificate in accordance with the
37 provisions of the Kansas administrative procedure act.
- 38 (e) If a person who previously was certified as a training officer
39 applies for a training officer's certificate within two years of the date of

1 its expiration, the board may grant a certificate without the person
2 completing an initial course of training or taking an examination if the
3 person complies with the other provisions of subsection (a) and
4 completes continuing education requirements.

5 Sec. 28. K.S.A. 2010 Supp. 65-6135 is hereby amended to read as
6 follows: 65-6135. (a) All ambulance services providing emergency care
7 as defined by the rules and regulations adopted by the board shall offer
8 service 24 hours per day every day of the year.

9 (b) Whenever an operator is required to have a permit, at least one
10 person on each vehicle providing emergency medical service shall be
11 an attendant certified as an emergency medical technician, emergency
12 medical technician-intermediate, emergency medical technician-
13 defibrillator, a mobile intensive care technician, emergency medical
14 technician-intermediate/defibrillator, advanced emergency medical
15 technician, a paramedic, a physician, a licensed physician assistant, ~~an~~
16 *a licensed advanced practice* registered nurse ~~practitioner~~ or a
17 professional nurse.

18 Sec. 29. K.S.A. 2010 Supp. 65-6144 is hereby amended to read as
19 follows: 65-6144. (a) A first responder may perform any of the
20 following activities:

- 21 (1) Initial scene management including, but not limited to, gaining
22 access to the individual in need of emergency care, extricating, lifting
23 and moving the individual;
- 24 (2) cardiopulmonary resuscitation and airway management;
- 25 (3) control of bleeding;
- 26 (4) extremity splinting excluding traction splinting;
- 27 (5) stabilization of the condition of the individual in need of
28 emergency care;
- 29 (6) oxygen therapy;
- 30 (7) use of oropharyngeal airways;
- 31 (8) use of bag valve masks;
- 32 (9) use automated external defibrillators; and
- 33 (10) other techniques of preliminary care a first responder is
34 trained to provide as approved by the board.

35 (b) An individual who holds a valid certificate as a first responder,
36 once completing the board prescribed transition course, and validation
37 of cognitive and psychomotor competency as determined by rules and
38 regulations of the board, upon application for renewal, shall be deemed
39 to hold a certificate as an emergency medical responder under this act,

1 and such individual shall not be required to file an original application
2 for certification as an emergency medical responder under this act.

3 (c) "Renewal" as used in subsection (b), refers to the first
4 opportunity that an attendant has to apply for renewal of a certificate
5 following the effective date of this act.

6 (d) First responder attendants who fail to meet the transition
7 requirements as specified will forfeit their certification.

8 (e) Upon transition, notwithstanding any other provision of law to
9 the contrary, an emergency medical responder may perform any of the
10 following interventions, by use of the devices, medications and
11 equipment, or any combination thereof, after successfully completing
12 an approved course of instruction, local specialized device training and
13 competency validation and when authorized by medical protocols, upon
14 order when direct communication is maintained by radio, telephone or
15 video conference is monitored by a physician, physician assistant when
16 authorized by a physician, an advanced *practice* registered nurse
17 ~~practitioner~~ when authorized by a physician or a licensed professional
18 nurse when authorized by a physician, upon order of such person: (1)
19 Emergency vehicle operations; (2) initial scene management; (3)
20 patient assessment and stabilization; (4) cardiopulmonary resuscitation
21 and airway management; (5) control of bleeding; (6) extremity
22 splinting; (7) spinal immobilization; (8) oxygen therapy; (9) use of bag-
23 valve-mask; (10) use of automated external defibrillator; (11) nebulizer
24 therapy; (12) intramuscular injections with auto-injector; (13)
25 administration of oral glucose; (14) administration of aspirin; (15)
26 recognize and comply with advanced directives; (16) insertion and
27 maintenance of oral and nasal pharyngeal airways; (17) use of blood
28 glucose monitoring; and (18) other techniques and devices of
29 preliminary care an emergency medical responder is trained to provide
30 as approved by the board.

31 Sec. 30. K.S.A. 2010 Supp. 72-5213 is hereby amended to read as
32 follows: 72-5213. (a) Every board of education shall require all
33 employees of the school district, who come in regular contact with the
34 pupils of the school district, to submit a certification of health on a
35 form prescribed by the secretary of health and environment and signed
36 by a person licensed to practice medicine and surgery under the laws of
37 any state, or by a person who is licensed as a physician assistant under
38 the laws of this state when such person is working at the direction of or
39 in collaboration with a person licensed to practice medicine and

1 surgery, or by a person holding a ~~license certificate of qualification~~ to
2 practice as an advanced *practice* registered nurse practitioner under the
3 laws of this state when such person is working at the direction of or in
4 collaboration with a person licensed to practice medicine and surgery.
5 The certification shall include a statement that there is no evidence of
6 physical condition that would conflict with the health, safety, or welfare
7 of the pupils; and that freedom from tuberculosis has been established
8 by chest x-ray or negative tuberculin skin test. If at any time there is
9 reasonable cause to believe that any such employee of the school
10 district is suffering from an illness detrimental to the health of the
11 pupils, the school board may require a new certification of health.

12 (b) Upon presentation of a signed statement by the employee of a
13 school district, to whom the provisions of subsection (a) apply, that the
14 employee is an adherent of a religious denomination whose religious
15 teachings are opposed to physical examinations, the employee shall be
16 permitted to submit, as an alternative to the certification of health
17 required under subsection (a), certification signed by a person licensed
18 to practice medicine and surgery under the laws of any state, or by a
19 person who is licensed as a physician assistant under the laws of this
20 state when such person is working at the direction of or in collaboration
21 with a person licensed to practice medicine and surgery, or by a person
22 holding a ~~license certificate of qualification~~ to practice as an advanced
23 *practice* registered nurse practitioner under the laws of this state when
24 such person is working at the direction of or in collaboration with a
25 person licensed to practice medicine and surgery that freedom of the
26 employee from tuberculosis has been established.

27 (c) Every board of education may require persons, other than
28 employees of the school district, to submit to the same certification of
29 health requirements as are imposed upon employees of the school
30 district under the provisions of subsection (a) if such persons perform
31 or provide services to or for a school district which require such
32 persons to come in regular contact with the pupils of the school district.
33 No such person shall be required to submit a certification of health if
34 the person presents a signed statement that the person is an adherent of
35 a religious denomination whose religious teachings are opposed to
36 physical examinations. Such persons shall be permitted to submit, as an
37 alternative to a certification of health, certification signed by a person
38 licensed to practice medicine and surgery under the laws of any state,
39 or by a person who is licensed as a physician assistant under the laws of

1 this state when such person is working at the direction of or in
2 collaboration with a person licensed to practice medicine and surgery,
3 or by a person holding a ~~license certificate of qualification~~ to practice
4 as an advanced *practice* registered nurse practitioner under the laws of
5 this state when such person is working at the direction of or in
6 collaboration with a person licensed to practice medicine and surgery
7 that freedom of such persons from tuberculosis has been established.

8 (d) The expense of obtaining certifications of health and
9 certifications of freedom from tuberculosis may be borne by the board
10 of education.

11 Sec. 31. K.S.A. 2010 Supp. 72-8252 is hereby amended to read as
12 follows: 72-8252. (a) As used in this section:

13 (1) "Medication" means a medicine prescribed by a health care
14 provider for the treatment of anaphylaxis or asthma including, but not
15 limited to, any medicine defined in section 201 of the federal food,
16 drug and cosmetic act, inhaled bronchodilators and auto-injectible
17 epinephrine.

18 (2) "Health care provider" means: (A) A physician licensed to
19 practice medicine and surgery; (B) an advanced *practice* registered
20 nurse practitioner issued a ~~license certificate of qualification~~ pursuant to
21 K.S.A. 65-1131, and amendments thereto, who has authority to
22 prescribe drugs as provided by K.S.A. 65-1130, and amendments
23 thereto; or (C) a physician assistant licensed pursuant to the physician
24 assistant licensure act who has authority to prescribe drugs pursuant to
25 a written protocol with a responsible physician under K.S.A. 65-28a08,
26 and amendments thereto.

27 (3) "School" means any public or accredited nonpublic school.

28 (4) "Self-administration" means a student's discretionary use of
29 such student's medication pursuant to a prescription or written direction
30 from a health care provider.

31 (b) Each school district shall adopt a policy authorizing the self-
32 administration of medication by students enrolled in kindergarten or
33 any of the grades 1 through 12. A student shall meet all requirements of
34 a policy adopted pursuant to this subsection. Such policy shall include:

35 (1) A requirement of a written statement from the student's health
36 care provider stating the name and purpose of the medication; the
37 prescribed dosage; the time the medication is to be regularly
38 administered, and any additional special circumstances under which the
39 medication is to be administered; and the length of time for which the

1 medication is prescribed;

2 (2) a requirement that the student has demonstrated to the health
3 care provider or such provider's designee and the school nurse or such
4 nurse's designee the skill level necessary to use the medication and any
5 device that is necessary to administer such medication as prescribed. If
6 there is no school nurse, the school shall designate a person for the
7 purposes of this subsection;

8 (3) a requirement that the health care provider has prepared a
9 written treatment plan for managing asthma or anaphylaxis episodes of
10 the student and for medication use by the student during school hours;

11 (4) a requirement that the student's parent or guardian has
12 completed and submitted to the school any written documentation
13 required by the school, including the treatment plan prepared as
14 required by paragraph (3) and documents related to liability;

15 (5) a requirement that all teachers responsible for the student's
16 supervision shall be notified that permission to carry medications and
17 self-medicate has been granted; and

18 (6) any other requirement imposed by the school district pursuant
19 to this section and subsection (e) of K.S.A. 72-8205, and amendments
20 thereto.

21 (c) A school district shall require annual renewal of parental
22 authorization for the self-administration of medication.

23 (d) A school district, and its officers, employees and agents,
24 which authorizes the self-administration of medication in compliance
25 with the provisions of this section shall not be held liable in any action
26 for damage, injury or death resulting directly or indirectly from the
27 self-administration of medication.

28 (e) A school district shall provide written notification to the parent
29 or guardian of a student that the school district and its officers,
30 employees and agents are not liable for damage, injury or death
31 resulting directly or indirectly from the self-administration of
32 medication. The parent or guardian of the student shall sign a statement
33 acknowledging that the school district and its officers, employees or
34 agents incur no liability for damage, injury or death resulting directly or
35 indirectly from the self-administration of medication and agreeing to
36 release, indemnify and hold the school and its officers, employees and
37 agents, harmless from and against any claims relating to the self-
38 administration of such medication.

39 (f) A school district shall require that any back-up medication

1 provided by the student's parent or guardian be kept at the student's
2 school in a location to which the student has immediate access in the
3 event of an asthma or anaphylaxis emergency.

4 (g) A school district shall require that information described in
5 paragraphs (3) and (4) of subsection (b) be kept on file at the student's
6 school in a location easily accessible in the event of an asthma or
7 anaphylaxis emergency.

8 (h) An authorization granted pursuant to subsection (b) shall allow
9 a student to possess and use such student's medication at any place
10 where a student is subject to the jurisdiction or supervision of the
11 school district or its officers, employees or agents.

12 (i) A board of education may adopt a policy pursuant to subsection
13 (e) of K.S.A. 72-8205, and amendments thereto, which:

14 (1) Imposes requirements relating to the self-administration of
15 medication which are in addition to those required by this section; and

16 (2) establishes a procedure for, and the conditions under which,
17 the authorization for the self-administration of medication may be
18 revoked.

19 Sec. 32. K.S.A. 2010 Supp. 74-1106 is hereby amended to read as
20 follows: 74-1106. (a) *Appointment, term of office.* (1) The governor
21 shall appoint a board consisting of 11 members of which six shall be
22 registered professional nurses, two shall be licensed practical nurses
23 and three shall be members of the general public, which shall constitute
24 a board of nursing, with the duties, power and authority set forth in this
25 act.

26 (2) Upon the expiration of the term of any registered professional
27 nurse, the Kansas state nurses association shall submit to the governor a
28 list of registered professional nurses containing names of not less than
29 three times the number of persons to be appointed, and appointments
30 shall be made after consideration of such list for terms of four years
31 and until a successor is appointed and qualified.

32 (3) On the effective date of this act, the Kansas federation of
33 licensed practical nurses shall submit to the governor a list of licensed
34 practical nurses containing names of not less than three times the
35 number of persons to be appointed, and appointments shall be made
36 after consideration of such list, ~~with the first appointment being for a~~
37 ~~term of four years and the second appointment being for a term of two~~
38 ~~years. Upon the expiration of the term of any licensed practical nurse, a~~
39 ~~successor of like qualifications shall be appointed in the same manner~~

1 ~~as the original appointment~~ for a term of four years and until a
2 successor is appointed and qualified.

3 (4) Each member of the general public shall be appointed for a
4 term of four years and successors shall be appointed for a like term.

5 (5) Whenever a vacancy occurs on the board of nursing, it shall be
6 filled by appointment for the remainder of the unexpired term in the
7 same manner as the preceding appointment. No person shall serve more
8 than two consecutive terms as a member of the board of nursing and
9 appointment for the remainder of an unexpired term shall constitute a
10 full term of service on such board. ~~With the expiration of terms for the~~
11 ~~registered professional nurse from education and one public member in~~
12 ~~July, 2003, the next appointments for those two positions will be for~~
13 ~~only one year. Thereafter the two positions shall be appointed for terms~~
14 ~~of four years.~~

15 (b) *Qualifications of members.* Each member of the board shall be
16 a citizen of the United States and a resident of the state of Kansas.
17 Registered professional nurse members shall possess a license to
18 practice as a professional nurse in this state with at least five years'
19 experience in nursing as such and shall be actively engaged in
20 professional nursing in Kansas at the time of appointment and
21 reappointment. The licensed practical nurse members shall be licensed
22 to practice practical nursing in the state with at least five years'
23 experience in practical nursing and shall be actively engaged in
24 practical nursing in Kansas at the time of appointment and
25 reappointment. The governor shall appoint successors so that the
26 registered professional nurse membership of the board shall consist of
27 at least two members who are engaged in nursing service, at least two
28 members who are engaged in nursing education and at least one
29 member who is engaged in practice as an advanced *practice* registered
30 nurse practitioner or a registered nurse anesthetist. The consumer
31 members shall represent the interests of the general public. At least one
32 consumer member shall not have been involved in providing health
33 care. Each member of the board shall take and subscribe the oath
34 prescribed by law for state officers, which oath shall be filed with the
35 secretary of state.

36 (c) *Duties and powers.* (1) The board shall meet annually at
37 Topeka during the month of September and shall elect from its
38 members a president, vice-president and secretary, each of whom shall
39 hold their respective offices for one year. The board shall employ an

1 executive administrator, who shall be a registered professional nurse,
2 who shall not be a member of the board and who shall be in the
3 unclassified service under the Kansas civil service act, and shall
4 employ such other employees, who shall be in the classified service
5 under the Kansas civil service act as necessary to carry on the work of
6 the board. As necessary, the board shall be represented by an attorney
7 appointed by the attorney general as provided by law, whose
8 compensation shall be determined and paid by the board with the
9 approval of the governor. The board may hold such other meetings
10 during the year as may be deemed necessary to transact its business.

11 (2) The board shall adopt rules and regulations consistent with this
12 act necessary to carry into effect the provisions thereof, and such rules
13 and regulations may be published and copies thereof furnished to any
14 person upon application.

15 (3) The board shall prescribe curricula and standards for
16 professional and practical nursing programs and mental health
17 technician programs, and provide for surveys of such schools and
18 courses at such times as it may deem necessary. It shall accredit such
19 schools and approve courses as meet the requirements of the
20 appropriate act and rules and regulations of the board.

21 (4) The board shall examine, license and renew licenses of duly
22 qualified applicants and conduct hearings upon charges for limitation,
23 suspension or revocation of a license or approval of professional and
24 practical nursing and mental health technician programs and may limit,
25 deny, suspend or revoke for proper legal cause, licenses or approval of
26 professional and practical nursing and mental health technician
27 programs, as hereinafter provided. Examination for applicants for
28 registration shall be given at least twice each year and as many other
29 times as deemed necessary by the board. The board shall promote
30 improved means of nursing education and standards of nursing care
31 through institutes, conferences and other means.

32 (5) The board shall have a seal of which the executive
33 administrator shall be the custodian. The president and the secretary
34 shall have the power and authority to administer oaths in transacting
35 business of the board, and the secretary shall keep a record of all
36 proceedings of the board and a register of professional and practical
37 nurses and mental health technicians licensed and showing the
38 certificates of registration or licenses granted or revoked, which register
39 shall be open at all times to public inspection.

1 (6) The board may enter into contracts as may be necessary to
2 carry out its duties.

3 (7) The board is hereby authorized to apply for and to accept
4 grants and may accept donations, bequests or gifts. The board shall
5 remit all moneys received by it under this paragraph (7) to the state
6 treasurer in accordance with the provisions of K.S.A. 75-4215, and
7 amendments thereto. Upon receipt of each such remittance, the state
8 treasurer shall deposit the entire amount in the state treasury to the
9 credit of the grants and gifts fund which is hereby created. All
10 expenditures from such fund shall be made in accordance with
11 appropriation acts upon warrants of the director of accounts and reports
12 issued pursuant to vouchers approved by the president of the board or a
13 person designated by the president.

14 (8) A majority of the board of nursing including two professional
15 nurse members shall constitute a quorum for the transaction of
16 business.

17 (d) *Subpoenas.* In all investigations and proceedings, the board
18 shall have the power to issue subpoenas and compel the attendance of
19 witnesses and the production of all relevant and necessary papers,
20 books, records, documentary evidence and materials. Any person
21 failing or refusing to appear or testify regarding any matter about which
22 such person may be lawfully questioned or to produce any books,
23 papers, records, documentary evidence or relevant materials in the
24 matter, after having been required by order of the board or by a
25 subpoena of the board to do so, upon application by the board to any
26 district judge in the state, may be ordered by such judge to comply
27 therewith. Upon failure to comply with the order of the district judge,
28 the court may compel obedience by attachment for contempt as in the
29 case of disobedience of a similar order or subpoena issued by the court.
30 A subpoena may be served upon any person named therein anywhere
31 within the state with the same fees and mileage by an officer authorized
32 to serve subpoenas in civil actions in the same procedure as is
33 prescribed by the code of civil procedure for subpoenas issued out of
34 the district courts of this state.

35 (e) *Compensation and expenses.* Members of the board of nursing
36 attending meetings of such board, or attending a subcommittee meeting
37 thereof authorized by such board, shall be paid compensation,
38 subsistence allowances, mileage and other expenses as provided in
39 K.S.A. 75-3223, and amendments thereto. No member of the board of

1 nursing shall be paid an amount as provided in K.S.A. 75-3223, and
2 amendments thereto, if such member receives an amount from another
3 governmental or private entity for the purpose for which such amount
4 is payable under K.S.A. 75-3223, and amendments thereto.

5 Sec. 33. K.S.A. 74-32,131 is hereby amended to read as follows:
6 74-32,131. This act shall be known and may be cited as the advanced
7 *practice* registered nurse ~~practitioner~~ service scholarship program.

8 Sec. 34. K.S.A. 74-32,132 is hereby amended to read as follows:
9 74-32,132. As used in this act:

10 (a) "Committee" means the nursing service scholarship review
11 committee established under K.S.A. 74-3299, and amendments thereto.

12 (b) "Executive officer" means the chief executive officer of the
13 state board of regents appointed under K.S.A. 74-3203a, and
14 amendments thereto.

15 (c) "Educational and training program for advanced *practice*
16 registered ~~nurses~~ ~~nurse practitioners~~" means a post-basic nursing
17 education program a graduate of which meets the education
18 requirements of the board of nursing for *licensure* ~~a certificate of~~
19 ~~qualification~~ as an advanced *practice* registered nurse. ~~practitioner~~.

20 (d) "Medically underserved area" means a practice location
21 designated medically underserved by the secretary of health and
22 environment.

23 (e) "Rural area" means any county of this state other than Douglas,
24 Johnson, Sedgwick, Shawnee and Wyandotte counties.

25 Sec. 35. K.S.A. 74-32,133 is hereby amended to read as follows:
26 74-32,133. (a) There is hereby established the advanced *practice*
27 registered nurse ~~practitioner~~ service scholarship program. Within the
28 limits of appropriations therefor, a scholarship may be awarded under
29 the program to any qualified student enrolled in or admitted to an
30 educational and training program for advanced *practice* registered
31 ~~nurses~~. ~~nurse practitioners~~. The number of scholarships awarded under
32 the program in any year shall not exceed 12.

33 (b) The determination of the individuals qualified for scholarships
34 shall be made by the executive officer after seeking advice from the
35 committee. Scholarships shall be awarded on a priority basis to
36 qualified applicants in the advanced *practice* registered nurse
37 ~~practitioner~~ ~~roles~~ ~~categories~~ of nurse clinician or *advanced practice*
38 *registered* nurse ~~practitioner~~ or clinical specialist who have the greatest
39 financial need for such scholarships and who are residents of this state.

1 To the extent practicable and consistent with the other provisions of this
2 section, consideration shall be given to minority applicants.

3 (c) Scholarships awarded under the program shall be awarded for
4 the length of the course of instruction required for graduation as an
5 advanced *practice* registered nurse ~~practitioner~~ unless terminated
6 before expiration of such period of time. Such scholarships shall
7 provide (1) to a student enrolled in or admitted to an educational and
8 training program for advanced *practice* registered ~~nurses nurse~~
9 ~~practitioners~~ operated by a state educational institution the payment of
10 an amount not to exceed 70% of the cost of attendance for a year, and
11 (2) to a student enrolled in or admitted to an educational and training
12 program for advanced *practice* registered ~~nurses nurse~~ ~~practitioners~~
13 operated by an independent institution of higher education the payment
14 of an amount not to exceed 70% of the average amount of the cost of
15 attendance for a year in educational and training programs for advanced
16 *practice* registered ~~nurses nurse~~ ~~practitioners~~ operated by the state
17 educational institutions. The amount of each scholarship shall be
18 established annually by the executive officer and shall be financed by
19 the state of Kansas.

20 Sec. 36. K.S.A. 74-32,134 is hereby amended to read as follows:
21 74-32,134. (a) An applicant for a scholarship under the advanced
22 *practice* registered nurse ~~practitioner~~ service scholarship program shall
23 provide to the executive officer, on forms supplied by the executive
24 officer, the following information:

- 25 (1) The name and address of the applicant;
26 (2) the name and address of the educational and training program
27 for advanced *practice* registered ~~nurses nurse~~ ~~practitioners~~ in which the
28 applicant is enrolled or to which the applicant has been admitted; and
29 (3) any additional information which may be required by the
30 executive officer.

31 (b) As a condition to awarding a scholarship under this act, the
32 executive officer and the applicant for a scholarship shall enter into an
33 agreement which shall require that the scholarship recipient:

- 34 (1) Engage as a full-time student in and complete the required
35 course of instruction leading to the ~~license certificate of qualification~~
36 as an advanced *practice* registered nurse ~~practitioner~~;
37 (2) within six months after graduation from the educational and
38 training program for advanced *practice* registered ~~nurses nurse~~
39 ~~practitioners~~, commence full-time practice as an advanced *practice*

1 registered nurse ~~practitioner~~, or commence the equivalent to full-time
2 practice, or commence part-time practice as an advanced *practice*
3 registered nurse ~~practitioner~~, in a rural area or a medically underserved
4 area, continue such practice for the total amount of time required under
5 the agreement, and comply with such other terms and conditions as
6 may be specified by the agreement;

7 (3) commence full-time practice, or the equivalent to full-time
8 practice, as an advanced *practice* registered nurse ~~practitioner~~ in a rural
9 area or medically underserved area and continue such full-time
10 practice, or the equivalent to full-time practice, in a rural area or
11 medically underserved area for the total amount of time required under
12 the agreement, which shall be for a period of not less than the length of
13 the course of instruction for which the scholarship assistance was
14 provided, or commence part-time practice in a rural area or medically
15 underserved area and continue such part-time practice in a rural area or
16 medically underserved area for the total amount of time required under
17 the agreement, which shall be for a period of time that is equivalent to
18 full time, as determined by the state board of regents, multiplied by the
19 length of the course of instruction for which the scholarship assistance
20 was provided;

21 (4) maintain records and make reports to the executive officer as
22 may be required by the executive officer to document the satisfaction of
23 the obligation under this act; and

24 (5) upon failure to satisfy an agreement to engage in full-time
25 practice as an advanced *practice* registered nurse ~~practitioner~~, or the
26 equivalent to full-time practice, or in part-time practice, in a rural area
27 or medically underserved area for the required period of time under any
28 such agreement, repay to the state amounts as provided in K.S.A. 74-
29 32,135, and amendments thereto.

30 Sec. 37. K.S.A. 74-32,135 is hereby amended to read as follows:
31 74-32,135. (a) Except as provided in K.S.A. 74-32,136, and
32 amendments thereto, upon the failure of any person to satisfy the
33 obligation under any agreement entered into pursuant to this act, such
34 person shall pay to the executive officer an amount equal to the total
35 amount of money received by such person pursuant to such agreement
36 which is financed by the state of Kansas plus accrued interest at a rate
37 which is equivalent to the interest rate applicable to loans made under
38 the federal PLUS program at the time such person first entered into an
39 agreement plus five percentage points. Installment payments of such

1 amounts may be made in accordance with rules and regulations of the
2 state board of regents, except that such installment payments shall
3 commence six months after the date of the action or circumstances that
4 cause the failure of the person to satisfy the obligations of such
5 agreements, as determined by the executive officer based upon the
6 circumstances of each individual case. Amounts paid under this section
7 to the executive officer shall be deposited in the advanced *practice*
8 registered nurse ~~practitioner~~ service scholarship program fund in
9 accordance with K.S.A. 74-32,138, and amendments thereto.

10 (b) The state board of regents is authorized to turn any repayment
11 account arising under the advanced *practice* registered nurse
12 ~~practitioner~~ service scholarship program over to a designated loan
13 servicer or collection agency, the state not being involved other than to
14 receive payments from the loan servicer or collection agency at the
15 interest rate prescribed under this section.

16 Sec. 38. K.S.A. 74-32,136 is hereby amended to read as follows:
17 74-32,136. (a) An obligation under any agreement entered into under
18 the advanced *practice* registered nurse ~~practitioner~~ service scholarship
19 program shall be postponed: (1) During any required period of active
20 military service; (2) during any period of service in the peace corps; (3)
21 during any period of service as a part of volunteers in service to
22 America (VISTA); (4) during any period of service commitment to the
23 United States public health service; (5) during any period of religious
24 missionary work conducted by an organization exempt from tax under
25 section 501(c)(3) of the federal internal revenue code as in effect on
26 December 31, 2000; (6) during any period of time the person obligated
27 is unable because of temporary medical disability to practice as an
28 advanced *practice* registered nurse ~~practitioner~~; (7) during any period
29 of time the person obligated is enrolled and actively engaged on a full-
30 time basis in a course of study leading to a graduate degree in a field
31 for which such person was awarded a scholarship under this act which
32 degree is higher than that formerly attained; (8) during any period of
33 time the person obligated is on job-protected leave under the federal
34 family and medical leave act of 1993; or (9) during any period of time
35 the state board of regents determines that the person obligated is unable
36 because of special circumstances to practice as an advanced *practice*
37 registered nurse ~~practitioner~~. Except for clauses (6), (8) and (9), an
38 obligation under any agreement entered into as provided in the
39 advanced *practice* registered nurse ~~practitioner~~ service scholarship

1 program shall not be postponed more than five years from the time the
2 obligation was to have been commenced under any such agreement. An
3 obligation under any agreement as provided in the advanced *practice*
4 registered nurse ~~practitioner~~ service scholarship program shall be
5 postponed under clause (6) during the period of time the medical
6 disability exists. An obligation to engage in practice as an advanced
7 *practice* registered nurse ~~practitioner~~ in accordance with an agreement
8 under the advanced *practice* registered nurse ~~practitioner~~ service
9 scholarship program shall be postponed under clause (8) during the
10 period of time the person obligated remains on FMLA leave. An
11 obligation to engage in practice as an advanced *practice* registered
12 nurse ~~practitioner~~ in accordance with an agreement under the advanced
13 *practice* registered nurse ~~practitioner~~ service scholarship program shall
14 be postponed under clause (9) during the period of time the state board
15 of regents determines that the special circumstances exist. The state
16 board of regents shall adopt rules and regulations prescribing criteria or
17 guidelines for determination of the existence of special circumstances
18 causing an inability to practice as an advanced *practice* registered nurse
19 ~~practitioner~~, and shall determine the documentation required to prove
20 the existence of such circumstances.

21 (b) An obligation under any agreement entered into in accordance
22 with the advanced *practice* registered nurse ~~practitioner~~ service
23 scholarship program shall be satisfied: (1) If the obligation has been
24 completed in accordance with the agreement; (2) if the person obligated
25 dies; (3) if, because of permanent physical disability, the person
26 obligated is unable to satisfy the obligation; (4) if the person obligated
27 fails to satisfy the requirements for completion of the educational and
28 training program after making the best effort possible to do so; or (5) if
29 the person obligated is unable to obtain employment as an advanced
30 *practice* registered nurse ~~practitioner~~ and continue in such employment
31 after making the best effort possible to do so.

32 Sec. 39. K.S.A. 74-32,137 is hereby amended to read as follows:
33 74-32,137. The state board of regents, after consultation with the
34 committee, may adopt rules and regulations establishing minimum
35 terms, conditions and obligations which shall be incorporated into the
36 provisions of any agreement under the advanced *practice* registered
37 nurse ~~practitioner~~ service scholarship program. The terms, conditions
38 and obligations shall be consistent with the provisions of law relating to
39 the advanced *practice* registered nurse ~~practitioner~~ service scholarship

1 program. The terms, conditions and obligations so established shall
2 include, but not be limited to, the terms of eligibility for financial
3 assistance under the advanced *practice* registered nurse ~~practitioner~~
4 service scholarship program, the amount of financial assistance to be
5 offered, the length of practice in a rural area or medically underserved
6 area required as a condition to the receipt of such financial assistance to
7 be offered, the amount of money required to be repaid because of
8 failure to satisfy the obligations under an agreement and the method of
9 repayment and such other additional provisions as may be necessary to
10 carry out the provisions of the advanced *practice* registered nurse
11 ~~practitioner~~ service scholarship program. The state board of regents,
12 after consultation with the committee, shall adopt rules and regulations
13 establishing criteria for evaluating the financial need of applicants for
14 scholarships and may adopt such other rules and regulations as may be
15 necessary to administer the advanced *practice* registered nurse
16 ~~practitioner~~ service scholarship program.

17 Sec. 40. K.S.A. 74-32,138 is hereby amended to read as follows:
18 74-32,138. There is hereby created in the state treasury the advanced
19 *practice* registered nurse ~~practitioner~~ service scholarship program fund.
20 The executive officer shall remit all moneys received under this act to
21 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
22 and amendments thereto. Upon receipt of each such remittance the state
23 treasurer shall deposit the entire amount in the state treasury to the
24 credit of the advanced *practice* registered nurse ~~practitioner~~ service
25 scholarship program fund. All expenditures from the advanced *practice*
26 registered nurse ~~practitioner~~ service scholarship program fund shall be
27 for scholarships awarded under this act and shall be made in
28 accordance with appropriation acts upon warrants of the director of
29 accounts and reports issued pursuant to vouchers approved by the
30 executive officer or by a person designated by the executive officer.

31 Sec. 41. K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, 65-
32 1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-
33 32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and
34 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468,
35 65-1132, 65-1626, 65-1626d, 65-2921, 65-4101, 65-5402, 65-6112, 65-
36 6119, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-
37 6144, 72-5213, 72-8252 and 74-1106 are hereby repealed.

38 Sec. 42. This act shall take effect and be in force from and after its
39 publication in the statute book.